



Catholic Archdiocese of  
Canberra and Goulburn

## COMPLAINT POLICY

### Related Policies and Procedures

#### Child and Vulnerable People Protection Policy

#### Guidelines for Professional Conduct in the Protection of Children and Young People

### 1.0 Purpose

The Catholic Archdiocese of Canberra and Goulburn (Archdiocese) recognises that its Church Workers, defined below, and community members of both the Archdiocese and the general community may have grievances about various matters.

The Archdiocese is committed to ensuring that workplace behaviours are consistent with its values and principles and support the overall mission of the Archdiocese.

The purpose of this Policy is to:

- Outline the principles the Archdiocese will follow when dealing with workplace complaints
- Promote harmonious, productive and cooperative workplace relationships and environments
- Promote responding to minor workplace complaints in a manner designed to resolve them before they escalate into serious matters.

The Catholic Social Teaching Principle of Subsidiarity is recognised as an important element of resolving complaints in accordance with this Policy. Wherever possible, decisions should be made at the level closest to the affected persons with minimal escalation where practicable. To assist in implementing this principle, a flowchart is attached to this Policy to assist Complaint Manager with the preliminary assessment and process required for dealing with a complaint.

### 2.0 Definitions:

#### Church workers

This policy applies to all **Church workers** working in the Archdiocese including:

- Archdiocesan Clergy and members of religious congregations
- Employees in catholic parishes, schools, agencies, organisations, groups, boards, councils and committees, individuals or groups authorised to act in the diocese
- Volunteers working in catholic parishes, schools, agencies, organisations, groups, boards, councils and committees
- Students (eg, work experience, professional placements)
- Contractors and sub-contractors working for the Archdiocese
- Apprentices and trainee



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### **Designated Agency**

Marymead, Catholic Care and Catholic Education are designated agencies of the Archdiocese of Canberra and Goulburn.

### **Sector Heads**

Are the senior leaders or directors of the designated agencies.

### **Workplace Complaint**

A workplace complaint is a statement, written or oral, raised about a Church Worker regarding a genuine work-related concern. Some examples include:

- Interpersonal conflict
- Perceived breach of privacy
- Inappropriate behaviour towards a child, young person or vulnerable person
- Perceived unfairness
- Alleged bullying
- Discrimination or harassment in the workplace.

### **Workplace Complaints and Performance Management**

Managing workplace complaints should not be confused with performance management. Workplace complaints are grievances and complaints raised by individuals against Church Workers. Performance management relates to the management of a Church Worker's performance by the Archdiocese or a designated agency.

A workplace complaint may result in performance management being undertaken by the supervisor where poor performance is identified as a RESULT OF A COMPLAINT.

Conversely, a workplace complaint may also be raised by a Church Worker during a performance management process. The relevant supervisor may choose to deal with a complaint, under this Policy, even while the performance management process is continuing independently of the complaint process.

## **3.0 Policy**

This Policy applies to all Church Workers.

All complaints should be treated seriously, dealt with as soon as practicable and be conducted in a fair, impartial and professional manner, affording procedural fairness to the parties concerned. The parties should be informed of the process and timeframes. Parties should be informed of outcomes and any action taken as appropriate.



Anonymous complaints often pose a risk of depriving the alleged offender of natural justice and harming their reputation. Such allegations will only be acted on after assessing the seriousness of the allegations. Factors considered are:

- Clarity in the detail of what was alleged
- The extent to which the allegations are based on reliable information
- The reason for anonymity
- Other factors as appropriate

Acknowledgement of anonymous complaints cannot occur if there is no way to identify or contact the person who made the allegations.

This Policy is not intended to create a set of rigid procedures that must be strictly followed when a workplace complaint is raised. The process for dealing with a particular complaint will vary depending on its nature, seriousness and the relevant circumstances. Consequently, this Policy outlines a number of methods that may be used in attempting to address and resolve workplace complaints. These methods may be adapted to accommodate the need for natural justice and expeditiousness.

#### 4.0 How to make a complaint

If a person has a complaint and would like assistance resolving it, the person should:

- In the first instance, bring the complaint to the attention of their direct Supervisor, or
- If this is not appropriate for the circumstances, raise the complaint with another person in a leadership role in your organisation or with (who is the contact point for HR in the Archdiocese that may receive complaints). The complaint will then be directed as appropriate.
- Complaints against a designated agency should be directed to that agency
- Complaints against a member of clergy or religious should be directed to the Institute for Professional Standards and Safeguarding
- Complaints involving child protection reportable conduct or safeguarding issues should also be directed to the Institute for Professional Standards and Safeguarding.

Supervisors and Church Workers in a leadership role are responsible for responding to complaints and taking prompt action when alerted to potential breaches of law, Archdiocesan policy or procedures. Therefore, once a concern or complaint is raised, the person in a leadership position receiving the complaint may be required to follow the appropriate complaint management process irrespective of the wishes of the complainant. There is no such things as an 'off the record' complaint or conversation.

Complaints may be received in written or verbal forms, with serious complaints required in writing to ensure the complaint is recorded accurately. A complaint intake process should be established by the Archbishop's Office of Evangelisation, the Institute for Professional Standards and Safeguarding and by each designated agency.



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## 5.0 Responses once a complaint is made

This Policy establishes the Archdiocese's approach to resolving workplace complaints, including complaints about how a complaint was managed.

It is the Archdiocese's intention that all complaints will be treated seriously and, as far as practicable, in accordance with this Policy.

As each complaint will differ, the person receiving the complaint will determine the most appropriate person to respond to the complaint. This may vary depending on the nature of the specific complaint and a number of other factors.

Following receipt of a complaint the person receiving it may:

- (a) determine the best method of handling the complain (which may include, for example, informal or facilitated discussions, mediation, an internal investigation conducted at agency level or escalated to the Institute for Professional Standards and Safeguarding or Human Resources, or an external investigation
- (b) inform the Complainant(s) of the likely steps that will be taken in relation to the complaint, including the name(s) and position title of the investigator(s) and the anticipated time frames
- (c) inform the person(s) about whom the complaint was made (the Respondent) about the existence of the complaint and give them an opportunity to respond to allegations
- (d) inform the Complainant(s) and the Respondent(s), and if the matter is to be investigated, all witnesses about the confidentiality obligations in relation to the complaint
- (e) collect any additional information required to properly assess the complaint
- (f) Inform the Complainant(s) and the Respondent(s) of the outcome and, if appropriate, any proposed action which to be taken.

In appropriate cases, an external party may be appointed to make inquiries in relation to or to investigate a complaint.

As far as reasonable practicable, investigations of complaints will be conducted confidentially. The person dealing with the complaint may discuss the complaint with third parties where this is appropriate.

If allegations raised in the complaint are sustained, the Head of Sector or the Archbishop may take any action that is considered appropriate in the circumstances, which may include disciplining or dismissing the Church Worker.

The Archdiocese takes all complaints seriously and a complaint should not be made in bad faith or vexatiously. Making a bad faith or vexatious complaint is a serious matter and the Archdiocese will



take appropriate action against a Church Worker engaging in such behaviour. This may result in disciplinary action which may include dismissal of the Church Worker.

## 6.0 Victimization

No Church Worker should victimise a person because they made or proposed to make a complaint against either themselves or another person or because they witnessed an incident or provided information in relation to a complaint. Victimization means subjecting a person to a detriment, for example ostracising an individual.

If a Church worker feels that they are being victimised, they should raise this concern as soon as possible with their direct supervisor. If their direct supervisor is involved in the complaint of victimisation, the issue should be raised with their supervisor's manager as appropriate.

## 7.0 External Notification Requirements

In some instances, it may be appropriate or mandatory for the Archdiocese to notify external bodies about a complaint such as: the appropriate State and Territory teacher's registration and standards body; work health and safety, care and protection and/or regulatory services agencies; NSW Ombudsman or the ACT equivalent; NSW or ACT Police or the Australian Federal Police.

Notification to an external body will not prevent the Archdiocese from engaging in its own investigation.

## 8.0 Appeals Process

In some cases, a formal process of appeal may be available to a person who is not satisfied with the outcome of a decision that affects them and they may request a review of that decision. For example, a Church Worker may be entitled to appeal a decision under their relevant enterprise agreement. All inquiries regarding the appeals process should be directed to the Sector Head or their delegate. The appellate process is not available to a Church Worker whose employment has been terminated.

## 9.0 Maintaining Documentation and Confidentiality

All Church Workers dealing with a complaint should maintain confidential records of conversation (formal and informal) relating to a complaint.

The accompanying Complaints Procedure contains useful templates to assist those responsible for receiving and managing workplace complaints to prepare and retain notes and information about the complaints, steps taken to address them and the outcomes.



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A person making a complaint must maintain the confidentiality of the complaint and must not discuss any information about initiation of the process, the process itself or action taken with anyone else, unless expressly authorised by the Archdiocese, Sector Head or their delegate. Any breach of confidentiality by a Church Worker will be regarded as serious and may result in disciplinary action.

## 10.0 General

This Policy is not a term of contract, including any contract of employment and does not impose any contractual duties, implied or otherwise, on the Archdiocese or its agencies. The Policy will be reviewed and may be varied by the Archdiocese from time to time.

<b>Approved by:</b>	Mr Victor Dunn
<b>Issuing Group</b>	Institute for Professional Standards and Safeguarding
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