

Archdiocese of Canberra and Goulburn Complaints Procedure

23 December 2015



"We are not living an era of change but a change of era." Pope Francis



Archdiocese of Canberra and Goulburn

Complaint Procedure

Table of Contents:

- Statutory basis for complaint handling	Page 2
- Complaints Procedure	Page 2
- Attachment 1: Complaint Intake Form	Page 6
- Attachment 2: Risk Assessment	Page 10
- Attachment 3: Letter to Complainant Initiating Complaints Procedure	Page 11
- Attachment 4: Initial Complaint Form	Page 13
- Attachment 5: Witness Statements	Page 14
- Attachment 6: Letter to Church Worker Initiating Complaints Procedure	Page 15
- Attachment 7: Closing the File Template	Page 17
- Attachment 8 Letter of Warning	Page 20
- Attachment 9: Letter to Complainant closing the complaint	Page 22
- Code of Practice	Page 27



Archdiocese of Canberra and Goulburn

Complaint Procedure

Basis of complaint handling

These guidelines provide a model approach to complaint handling and set out the essential features of a complaint system. They also provide an outline of how Complainant and Persons who are the Subject of the Complaint (PSOCs) should be treated.

A complaint handling system is an organised way to responding to, recording, reporting and using complaints to improve services to customers, clients or parents and to highlight areas that need corrective action or strategic planning, need improvement or provide opportunities to strengthen the safeguarding environment for children and vulnerable people. Complaints also assist in the planning and allocation of resources.

The Complaint System should aim to resolve the majority of complaints at the Resolution Process and should provide:

- i. an easily understood procedure
- ii. clear delegation as to responsibility for dealing with complaints and limits on the remedies that are authorised
- iii. skilled, motivated and empowered Resolution and Complaint Managers
- iv. procedures for investigating complaints
- v. *performance standards for complaint handling*
- vi. *quality control systems*
- vii. *a database for capturing complaints and to analyse feedback.*

Part 3A of the *Ombudsman Act (1974)* ("the Act") and *Ombudsman Regulation (2011)*, relates to the Ombudsman's child protection jurisdiction. This structure is adopted in those Archdiocesan agencies operating in the ACT as well in regard to responding to reportable conduct. The duty to report for ACT agencies does not change.

Under the Act, certain child-related workplaces are "*designated agencies*". A *designated agency* is required to have child protection systems, which are designed to ensure that those leading the designated agency on behalf of the Archbishop in conjunction with the Institute for Professional Standards and Safeguarding are responsible for creating and maintaining safe environments for children, for investigating complaint of reportable conduct and non-reportable conduct and for making decisions concerning Church Workers employed in that agency.

In the case of *designated agencies* the Act prescribes the key role of responsibility, which is called "*head of agency*". Clause 6, *Ombudsman Regulation 2005*, makes the Archbishop of Canberra and Goulburn the head of agency for the Archdiocese of Canberra and Goulburn (the Archdiocese). The Archbishop has delegated the day-to-day functions of the head of agency to the Institute for Professional Standards and Safeguarding (IPSS). The IPSS has a mandate to promote child protection, the protection of vulnerable people, as well as safeguarding to ensure that the Archdiocese meets its obligations under NSW and ACT legislation and the Catholic Church's expectations under *Towards Healing (2010)*, *Integrity in Ministry (2004)* and *Integrity in the Service of the Church (2011)*. The Vicar General serves as the Child Protection Delegate to the Archbishop. These delegations do not, however, reduce the ultimate responsibility held by the Archbishop for child protection matters.

Reportable allegations of a child protection nature involving Church Workers must be reported to the Institute of Professional Standards (IPSS) and will be investigated appropriately. The IPSS will notify the NSW



Archdiocese of Canberra and Goulburn

Complaint Procedure

Ombudsman of allegations of "reportable conduct". It is the role of the Ombudsman to oversee that such allegations are handled in a fair and just manner.

The Archdiocese of Canberra and Goulburn has put in place procedures to fulfil the legal obligation to respond to complaints that do not amount to reportable conduct. These are not easy matters to deal with as they are highly sensitive and raise complex issues and emotions. However, the welfare of children and young people and our legal responsibilities are not negotiable. All efforts are made to maintain the integrity of the people involved and to ensure care and support. The procedures to handle these allegations are to ensure justice and fairness for all involved.

All complaints managed by the Archdiocese will be conducted as an administrative proceeding. Any person who is the subject of a complaint initiated by the Archdiocese will be afforded procedural fairness.

Archdiocese of Canberra and Goulburn Complaints Procedure

1. A complaint is an expression of dissatisfaction with the agency's policies, procedures, charges, Church Workers, quality of service or goods provided.
2. The first step in receiving a complaint is to complete an intake form. (Attachment 1). The document acts as a guide for questions and concerns. Whether received in writing or verbally, it is important to ensure that the individual making the complaint signs a document outlining their complaint to confirm that what is documented is a true and accurate account of the complaint. This will either be a record of the conversation (made by the individual receiving the complaint), a document from the Complainant that outlines their complaint or a statement taken by the complaint receiver (Complainant statement). The date, time and place where the complaint is taken and persons present (including who takes the complaint) should also be documented. This information will be used to best determine how the complaint should be managed.

Complaints may come into the Archdiocese in several ways. Usually, a manager or senior manager at an agency will take the complaint which may be registered by:

- telephone
 - e-mail
 - in person
 - by fax, where available
 - in writing
 - all complaints are given the same priority and there is no tendency to give priority to written complaints.
3. **Start a timeline.** Initiating a time line provides a Complaints Manager or Decision Maker scope to consider the issue and to make decisions as to when to inform affected workers. It is rarely appropriate to inform an affected worker, who is the subject of the complaint, on the same day a complaint is raised. Take time to consider the issue and seek advice and then make a considered determination as to the timeline of events.
 4. **Risk Analysis.** On receipt of the complaint, a risk analysis is initiated. Conducting a Risk Analysis is a sound exercise when considering a complaint. (Attachment 3). This analysis provides a Complaint Manager with a chance to address any concerns in the agency regarding the Church Worker and children, vulnerable people or other workers. It is also the beginning of determining what issues should be further pursued and when and how this might be accomplished. The first step in a risk analysis is to determine if the SOC has any prior complaints or history of concerns.



Archdiocese of Canberra and Goulburn

Complaint Procedure

- a. **Risk analysis will continue throughout the complaint process**
 - b. Once the analysis is completed, consideration as to whether reportable conduct is involved. If there is reportable conduct, the IPSS should be contacted
 - c. The next step is to ensure the child or vulnerable person is safe during the Complaint Process. To ensure this step, additional scaffolds may need to be placed around the child/vulnerable person and the SOC. For example, it may be necessary to have additional adult supervision in place during the complaint process. Other options to consider are:
 - i. change of duties
 - ii. additional supervision
 - iii. rostering with more experienced staff
 - iv. rectifying systemic or procedural practices
 - v. suspension from duty and any other management actions that appropriately alters relevant risks. Note: Only senior managers, such as the Head of Human Resources has the authority to suspend a Church Worker from duty.
 - d. Reporting to Family and Community Services in NSW or Child Protection in the ACT should occur
 - i. Reportable conduct must be reported to the NSW Ombudsman through the IPSS using Part A as prescribed by legislation.
 - ii. Reportable conduct must be advised to the head of agency—the Archbishop of Canberra and Goulburn
 - iii. IPSS will assist to identify any ACT reporting requirements
 - e. Complaints that do not involve reportable allegations may still need to be investigated and may constitute a class or kind determination if the allegation occurred in NSW. If you are unsure of your responsibilities for a class or kind investigation, contact IPSS.
 - f. A confidential file is opened and the initial details are gathered to determine the above.
- 5. Identifying and avoiding any conflicts of interest**
 All complaints must be managed impartially. The Decision Maker, Complaints Manager and anyone assisting with the complaint should declare any conflict of interest they may have or be reasonably perceived to have in relation to the complaint or people who are involved with the complaint. If guidance is necessary regarding a perceived conflict of interest, contact IPSS. It is important to understand that it is the perception of a conflict which is just as damaging to the complaint management process as an actual conflict of interest.
- 6.** Normally, a PSOC would be made aware of a complaint within ten working days of receipt. This time may be extended for complex complaints or complaints necessitating the support of an outside agency. Likewise, notification to the PSOC may be delayed if investigation into the matter is required prior to informing them of the complaint. Generally, a PSOC should receive at least five working days in which to supply a response to a complaint. This time frame will be longer in more complex cases and timeframes may be discussed with the PSOC to ensure adequate time is allowed. The Complaint Manager should inform the PSOC, Complainant and relevant witnesses as to the expected time frame for completion of the process.
- 7. Assess the Complaint.** Determine the most appropriate way to respond to the issues raised in the complaint. It is important to remember that some complaints may not necessitate a formal complaint process. There are many informal ways to resolve complaints and the appropriateness of those options should be explored prior to initiating a complaint management process. NB: Any complaint that alleges

Archdiocese of Canberra and Goulburn

Complaint Procedure



reportable conduct must be addressed through the Institute for Professional Standards and Safeguarding.

Resolution Process

The resolution process is an alternative investigative process developed to address complaint in a manner that allows swift, fair, impartial, equitable and discrete resolutions of complaints. Matters should be considered for resolution that do not typically warrant the formality, complexity and authoritative decision making associated with the Complaint Management Process. Additionally, the resolution process does not require the resources of a Complaint Management Process or the application of record of interviews or a formal inquiry process.

A person leading a resolution process should:

- i. access information available and establish what the issue is and what type of response is required
 - a. ensure that, where possible, the complaint has been discussed with the PSOC informally and a resolution sought. For example, a parent should speak with a classroom teacher first by making an appointment with them and scheduling an appropriate time to meet.
- ii. understand the background of the matter. Check with IPSS to learn if the parties involved have been the subject of earlier complaints as held in the IPSS Complaints Register
- iii. identify any conflicts of interest
- iv. notify the PSOC that a complaint has been made
- v. speak with the Complainant and the PSOC
 - a. give each person an opportunity to tell their story
 - b. provide appropriate support
 - c. give directions to all parties not to discuss the matter with any person, except to address related welfare or other concerns in consultation with you as the resolution manager
 - d. understand what outcome the Complainant is seeking
 - e. defuse anger
 - f. give clear advice about how the process works
 - g. identify and manage the complainant's expectations
 - h. handle the complaint quickly and provide an estimate of timelines for responding. Inform parties if there is a need to elongate that timeline
- vi. establish the facts about the complaint and make recommendation on the appropriate course to adopt in regard to the complaint. Sometimes a recommendation requires
 - a. giving more information
 - b. providing an explanation
 - c. suggesting a solution
 - d. expressing empathy and understanding if there is no solution
 - e. providing an apology
- vii. record information
 - a. as a general rule, notes will suffice for the Resolution Process
 - b. In the notes the following should be included
 - i. time
 - ii. date
 - iii. who is being spoken to
 - iv. Why they are being spoken to



Archdiocese of Canberra and Goulburn

Complaint Procedure

- v. a summary of the conversation which should be provided to the person with whom you are speaking. It is best practice to have the individual parties sign the document as to the content and accuracy.
- viii. identify a strategy to manage the complaint. In some cases it may be appropriate not to pursue the Complaint if, for example, it is found that the action complained of is in compliance with relevant policies or codes of conduct.
- ix. provide the Complainant and PSOC with regular updates as to the progress of the Resolution Process
- x. upgrade the issue to the Complaint Management Process if the facts warrant a more serious consideration. A complaint should be upgraded if:
 - a. the problem is outside the Resolution Manager delegation or area of expertise
 - b. there are established internal or external referral procedures. For example, reportable conduct under the NSW Ombudsman standard is directed to IPSS.
 - c. a Church Worker is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct, and/or
 - d. significant disciplinary action is a possible outcome (such as termination or reduction to a lower position).
- xi. complete a document which outlines the resolution: The Resolution Outcome Report. The report should include the complaint document, copies of any notes, records, e-mails or other relevant documents
- xii. The Resolution Outcome Report should be submitted for quality management to a senior manager or the IPSS to review the following:
 - a. All complaint issues have been addressed
 - b. Information should be factual and not include personal opinion or speculation
 - c. Ensure conclusions reached are sound and appropriate
 - d. Ensure the complaint was handled at an appropriate level
- xiii. seek advice as to whether the Complainant is satisfied with the action taken to address the complaint
- xiv. Provide either the Complainant or the PSOC with the opportunity to have the Resolution Process reviewed by a more senior manager in the event either party is dissatisfied.
- xv. Provide the documentation of the complaint to the IPSS so it can be held in the Complaint Register.

If a Resolution Process is not appropriate, the Decision Maker, usually a senior manager close to a complaint, for example a School Principal, should appoint a Complaint Manager. In part, the Complaint Manager needs to decide whether action should be taken in response to the complaint and if so, what sort of action is required. This can be a quick on the spot decision with minor complaints but often can be a very difficult task. The first task will be to determine the nature of the complaint and whether the complaint constitutes underperformance (performance) or misconduct (behaviour).

Essentially, where a complaint of misconduct or underperformance is made, the Complaint Manager will undertake a preliminary assessment to determine how the complaint should be managed which is similar to the one outlined above for the Resolution Process..

Following this process, the Complaint Manager may determine that:

Archdiocese of Canberra and Goulburn

Complaint Procedure



- a) No disciplinary or underperformance action is required
- b) The matter can be resolved through counselling, other remedial action or assistance to the Church Worker (non-disciplinary action)
- c) The matter is best resolved through undertaking an internal review of the decision
- d) The matter warrants action in relation to underperformance processes
- e) The matter warrants a Complaint Management Process and the following steps are taken

Matters involving more serious consequences should be addressed by the IPSS.

8. **Send the Complainant a Letter Initiating the Complaint Process.** During the initial stages of the complaint management process, opportunity exists to assess and manage the expectation of the Complainant. If a Complainant develops unrealistically high expectations, dissatisfactions invariably results. An explanation about how the complaint process works and discussion with the Complainant about their expectations concerning the outcome of the complaint may assist in a more timely resolution of the matter. If these expectations seem unrealistic, discussion about the likely outcome may assist in a more satisfactory outcome for the Complainant.
The Decision Maker and/or the Complaint Manager should first speak to the Complainant and discuss these issues. A follow up letter should then be sent to the Complainant. The Decision Maker in consultation with the Complaint Manager should consider appropriate wording and context for the letter. A suggested format for this letter is provided. (Attachment 4). Note: this is only a suggested letter. If there are any concerns regarding content, contact IPSS to discuss the issues. If the complaint is about reportable child protection issues under the NSW standards, including class or kind determinations, the IPSS **must be contacted** prior to sending the letter. Different levels of complaints will require more or less formal approaches to this letter.
9. **Complaint Management Plan (Update regularly).** Complaints Managers should complete a Complaint Management Plan (Attachment 5). This plan helps identify important witnesses and documents relevant to the complaint. The Plan is useful as a guide to approach the complaint but it is not a checklist. A Complaints Manager must analyse and update the Plan on a periodic basis to decide if new information received necessitates changes to the Plan. It is good practise to denote changes in the plan by stamp dating when changes are added or made.
10. **Gather Information and Statements.** Discussions with Church Workers and witnesses other than the PSOC may need to be conducted prior to informing the PSOC of the complaint. Witness statements should be recorded and a support person offered to workers or student making a statement. If you are working with a child witnesses, you may wish to contact the IPSS for interview advice/assistance. Anyone making a statement should have the opportunity to review the statement for accuracy and sign the document. (Attachment 6 is a formal witness statement for consideration). Also, all people interviewed should be reminded of the need for confidentiality and that breaches of confidentiality may have consequences.
11. **Decide when to inform the PSOC:** This decision can often have many factors to consider. A balance must be struck between a need to know and a need to understand the concerns of those involved prior to speaking with the Respondent. Complaint Managers should seek guidance from the IPSS if they are unsure as to when to inform a SOC. . A sample letter for informing the Respondent is provided (Attachment 7). Again this is a sample letter and will need to change given the seriousness of the complaint and the consequences being considered. Matters that may lead to termination or a

Archdiocese of Canberra and Goulburn

Complaint Procedure



reduction in responsibility for a Church Worker should be addressed by Senior Managers, for example the Head of Human Resources.

It is important to adequately state the complaint and then write the context for the concern. Additionally, the PSOC should be provided with the most relevant authority under which the concern is to be addressed, for example, the *Archdiocese Code of Conduct and the Guidelines for Professional Conduct in the Protection of Children and Young People*. It is recommended that a Complaint Manager consult with IPSS when writing the complaint and the context and choosing relevant authority for the breach.

When the PSOC is informed that a complaint has arisen, the Complaint Manager will ensure support for the PSOC, informing that s/he may have a support person present whilst s/he is being informed of the complaint process. The Complaint Manager provides the *employee* with the written notice of the Complaint Process, as well as this document about the procedure.

The Complaint Manager discusses the procedure and supports for the PSOC, in particular:

- a. advises a complaint has been made and the nature of the complaint. The complaint should be provided to the PSOC in writing.
- b. advises of the outcome of the initial risk assessment if it adversely affects the PSOC
- c. offers support and arranges for supports (e.g., counselling, a 'contact person' regarding the Complaint Process)
- d. advises of arrangements for the initial meeting of the PSOC with the Complaint Manager or other interviewer. The Complaint Manager liaises with the PSOC as to arrangements for the initial meeting/interview. The meeting is arranged at an agreed place and time, usually shortly after the PSOC has been informed of the complaint.
- e. advises the Church Worker may have a 'support person' present at the interview
- f. advises of the Church Worker's right to contact their Union (usually IEU)
- g. advises s/he may provide a written submission in support of their case and assures the PSOC they will be provided with an opportunity to comment on the complaint and any proposed adverse actions
- h. advises that confidentiality is imperative, in the interest of all parties and due process and that they may be consequences for breaches of confidentiality.

12. It is acknowledged that being involved in any Complaint Process may cause stress, feelings of uncertainty, confusion and fear. This is equally true for:
 - the alleged victim(s) and their family particularly when the alleged victims are children;
 - the PSOC, their friends and family; and
 - other witnesses to the alleged behaviours, particularly child witnesses.

Where appropriate, the Complaint Manager may advocate for additional supports to members of the Archdiocese or other persons involved in a complaint, e.g. if the parents of a child witness advise the investigator that their child is showing signs of ongoing anxiety.

For most members of the Archdiocese, the Employment Assistance Programme (EAP) is available. The Complaint Manager can assist the person access support through the relevant Archdiocesan service.



Archdiocese of Canberra and Goulburn

Complaint Procedure

If asked, members of the IPSS will make themselves available to undertake debriefing or educational sessions with Archdiocesan workplaces or teams after the completion of a complaint that involved one or more of its members. Arrangements may be made with the IPSS Manager.

Where colleagues are aware that a complaint process is occurring, they have an obligation to be supportive of the PSOC or any other person involved in a Complaint Process and suspend judgement; i.e. being understanding but not 'taking sides'!

Supervisors of the PSOC, or any other person involved in a Complaint Process, have an obligation to ensure that these people continue to receive appropriate supervision and support. The PSOC is afforded special consideration and additional support.

Where the PSOC remains in the workplace, special consideration should be afforded to them, including provision of time away from normal business during the work day to meet with their nominated representative to prepare material for the Complaint Process or attend counselling services if appropriate. Any special consideration for the PSOC must also allow for the needs of the workplace.

13. Invite a response from the PSOC:

- a. The PSOC considers the complaint and may provide a verbal response in the interview and subsequently a written response
- b. A PSOC must cooperate with the process and should be directed by a supervisor to cooperate if necessary. Failure to cooperate may have independent consequences such as failure to comply with a reasonable directive from a supervisor
- c. The PSOC may nominate lines of inquiry for the Complaint Manager to follow
- d. A written response to the complaints may be sought, within a reasonable time after the interview.

14. Complete the Closing the File Document.

The Closing the File document (Attachment 8) will be used when a complaint is reviewed as a record to show what the Complaint Manager considered when making decisions. It is important that this document be completed carefully by the Complaint Manager. After each witness is listed, a synthesis of the key elements of what the Complaints Manager thought was important from each witness statement should be stated. The witness statement should not be included in its entirety in this document.

When the Complaints Manager has completed the Closing the File document, they should meet with the Decision Maker and take them through the Complaint Management process and make recommendations as to whether a complaint is or is not sustained and why. The Decision Maker will decide the appropriate conclusion based on the balance of probabilities standard and will also make recommendations as to appropriate consequences. The Decision Maker then signs the Closing the File document.

The Decision Maker is chosen based on the nature of the complaint and the ability to respond appropriately and have the necessary delegation to appropriately respond to the complaint. For complaints that do not involve a reportable allegation, then a manager, for example a Principal, may act as Decision Maker.

15. Decision Maker Considers Consequences.

After a Decision Maker decides if a complaint is or is not sustained, appropriate consequences may be considered. A letter of warning is one consequence that



Archdiocese of Canberra and Goulburn

Complaint Procedure

may be considered. This may or may not be done in conjunction with a performance improvement plan. It should be noted that there is a range of appropriate consequences from a documented conversation through to termination. Each complaint is unique and the appropriate consequence for a sustained complaint will also be unique. If a Decision Maker is unsure as to appropriate consequences, they should seek guidance from IPSS and Human Resources.

An example of a letter of warning is provided. (Attachment 9). It is only an example and a Decision Maker should alter the letter according to the situation presented by the complaint. Less serious offences should be reflected in the wording of the letter. For example, words such as allegations, investigation or termination should not be used in a letter about a minor offense.

It is best practise to allow the PSOC to respond to this letter.

16. **Notification of the Outcome of the Complaint Process:** The Complainant is notified that the investigation has concluded. This should be by way of a personal, direct contact if possible face to face with the complainant. The Decision Maker should inform the Complainant if the complaint was or was not sustained. The Complainant should be told that appropriate steps have been taken to address the issue, however, the Complainant should not be told about any specific remedial or disciplinary action taken against any individual. This information should be supported by a , a more formal, written notification provided to the Complainant either at the conclusion of the face to face discussion with the Complainant or subsequent to it. An example of this letter is provided. (Attachment 10).
17. **Conclusion of Complaint Process.** Once the PSOC has responded and the letters have been signed, a copy of all the documentation relating to the complaint should be sent to Archdiocese IPSS so that the complaint process can be electronically filed in the Complaint Register. The documentation will be held in a confidential manner and will not be placed in the worker's personal file.

The PSOC may choose to undertake an internal right of appeal prior to seeking an external review, e.g. the Administrative Decisions Tribunal (ADT). Undertaking an internal review process has no effect on the PSOC's rights to pursue an external review. However, if an external review has already occurred, the internal right of appeal is no longer appropriate.

The PSOC or Complainant may lodge an appeal with the supervisor of the Decision Maker. If no supervisor of the Decision Maker is readily apparent, a Complainant or PSOC may lodge an appeal to the leader of the relevant Archdiocesan agency to whom the Respondent relates:

For CE or Catholic systemic schools: the Director of Catholic Education

For CatholicCare: the Director of CatholicCare

For members of the Archbishop's Office of Evangelisation and parish employees: the Vicar General or his delegate the Director of IPSS

For clerics, religious and deacons: the Vicar General or his delegate the Director of IPSS.

The PSOC will need to demonstrate a reasonable basis for the appeal, which should identify:

- a failure to ensure procedural fairness or address conflicts of interest;
- errors in investigative procedures, including errors in the application of the rules of evidence; or
- previously unavailable exculpatory evidence.



Archdiocese of Canberra and Goulburn

Complaint Procedure

The supervisor or the leader of the relevant Archdiocesan agency may reject an appeal that is without merit, i.e. the PSOC or Complainant fails to offer any reasonable basis for the appeal.

Appeals will not be accepted more than 30 days after the complaint process was completed, except in exceptional circumstances, which includes the Complainant or the PSOC having been indisposed during the requisite period due to illness or other serious circumstances.

For any internal appeal processes (i.e. those undertaken within the Archdiocese), there will be no costs incurred by the PSOC for access to Archdiocesan personnel or records. Further, Archdiocesan facilities may be made available to the PSOC gratis, to assist in preparing an appeal.

To commence the appeal process, the manager of the Decision Maker or the leader for the relevant Diocesan service will appoint an appropriately qualified person to conduct an impartial review of the Complaint Process. The complaint process record will be made available to the reviewer. The Complaint Manager and Decision Maker will make themselves available for interview, as required.

The review cannot be completed without giving the Complaints Manager an opportunity to address the basis of the appeal.

When an appeal relates to outcomes affecting the PSOC's working conditions, the reviewer will consult with the IPSS or the Human Resources team for the relevant Archdiocesan agency. The reviewer will complete a report and submit it to the relevant manager of the Decision Maker or Archdiocesan leader with appropriate recommendations as to the PSOC's or Complainant's appeal. The relevant manager or Archdiocesan leader will make a determination and formally advise both the PSOC and the Complainant as well as the Complaints Manager. If the matter is reportable to the NSW Ombudsman, all review documentation will be submitted to the Ombudsman on completion.

Guiding principles for the way in which a complaint process is conducted:

Respect and support for the dignity of all persons.

- Investigate complaints following the Complaints Flow Chart and ensure all appropriate action is taken in relation to the finding
- Ensure that a fair and transparent process for managing all complaints is in place, operating with procedural fairness in situations where a decision made could have a detrimental impact.

Confidentiality

- To preserve the dignity and wellbeing of the Complainant, the respondent and any witnesses involved in the complaint and to ensure the Complaint Process is not compromised
- All persons involved in a complaint process are requested to respect confidentiality of the process and other people involved. This is important for the dignity of all involved and the integrity of the Complaint Process
- Staff are expected to adhere to requests for confidentiality and breaches of confidentiality will be taken seriously and could result in disciplinary outcomes
- Confidentiality does not restrict any person from obtaining any necessary professional advice or support at any time during the process, including but not limited to—union advice, legal advice or professional counselling
- Confidentiality does not restrict the Archdiocese from making reports to police, child protection agencies or relevant agencies under established protocols



Archdiocese of Canberra and Goulburn

Complaint Procedure

- The Archdiocese may be subject to strict confidentiality requirements from external authorities such as the NSW Ombudsman, Care and Protection, Community Services or the police

Natural justice

- Church Workers who are the subject of a complaint against them have the right to know what has been alleged in sufficient detail for them to respond, and the right to respond to any complaint or adverse comments made against them
- Reasonable enquiries or investigations made before deciding on the matter
- Complaint Process is to be conducted without undue delay

Unbiased and fair

- Complaint Process is conducted by independent, objective and impartial persons
- Any conflicts of interest, whether actual, potential or perceived must be identified and managed appropriately to reduce any adverse impacts on an investigation
- Careful decision making that is fair, just and based on evidence

Appropriate action as a consequence

- To minimise risk for the future
- To ensure the safety and wellbeing of children and young people
- To ensure protection from intimidation or retribution for bringing forth a concern in good faith
- To ensure ongoing support, where appropriate, for the child/ren, the Church Worker and other persons

Archdiocese of Canberra and Goulburn

Complaint Procedure



Attachment 1:

COMPLAINT INTAKE FORM

CONFIDENTIAL

Date: _____

phone call

email (attach)

fax (attach)

letter (attach)

interview

other _____

Clarification: Completed by the person clarifying with the Complainant	
1.	What (allegedly) happened? (Use the words of the person making the complaint)
2.	When did this happen? (Date and time)
3.	Where did this happen?
4.	How did the person making the complaint come to know about this incident / conduct?
5.	What was happening immediately before this incident / conduct?
6.	What happened immediately after this incident / conduct?



Archdiocese of Canberra and Goulburn

Complaint Procedure

7.	What was the Complainant's initial reaction to this incident / conduct? If an adult is complaining on behalf of a child, what was the child's reaction?
8.	Describe any other reaction by other children to this incident / conduct?
9.	How did a Church Worker react to this incident / conduct?
10.	Describe any other reaction by the Church Worker to this incident / conduct?
11.	Were there other people present when this conduct / incident occurred? If yes, who?
12.	Is there any other information that is relevant to the incident / conduct?
The Work / School Environment (Senior Leaders to complete)	
1.	Is there anything happening in the work environment/school which will influence the resolution of this complaint?
2.	Do other children or their parents know about this complaint? If so what has been their reaction?
3.	Do other Church Workers know about this complaint? If so what has been their reaction?
4.	Do other parents / community members know about this complaint? If so what has been their reaction?
The Resolution of this Complaint	



Archdiocese of Canberra and Goulburn

Complaint Procedure

1.	If this complaint is to be resolved at work/school level who will be gathering the information about the conduct which generated the complaint?
2.	If this complaint is to be resolved at work/school level who will be the Resolution Manger or the Complaint Manager or the Decision Maker?
3.	Are there any issues regarding conflict of interest between these people and the person the complaint is about? If so describe those issues.
4.	If the Person who is the Subject of the Complaint (PSOC) has not been told about the complaint when will he or she be told?
5.	Within what time frame will the complaint be resolved?
6.	Who will be interviewed?
7.	When and where will interviews be conducted?

Archdiocese of Canberra and Goulburn

Complaint Procedure



This page intentionally left blank

DRAFT

Archdiocese of Canberra and Goulburn

Complaint Procedure



Attachment 2:

Risk Assessment

Risk to the Student(s)/Child(ren) Involved/Support for the Student(s)/Child(ren)	
Risk to other Children or Vulnerable People in the Workplace/School	
Risk to the Person who is the Subject of the Complaint (PSOC)	
Risk to Other Church Workers	
Risk to Confidentiality	
Risk to the Community/School	
Risk to the Complaint Process	
Other Risks	



Archdiocese of Canberra and Goulburn

Complaint Procedure

Attachment 3:

Letter to Complainant initiating the Complaints Process

Date
Name
Address

Initiation of Complaints Process (This letter must be altered if the complaint is made by a parent/guardian)

Dear (name of Complainant)

Workplace Complaint Process

Thank you for bringing this matter to my attention. We encourage a culture of complaint so that we can review concerns and address issues through an identified process.

I refer to your complaint of (insert date complaint made). You have raised concerns about (insert generally what the complaint was about and the dates of the behaviour). (Insert name of Agency/School) takes these issues very seriously, and accordingly, I am appointing a Complaint Manager to consider this matter. This letter provides an overview of how the complaints process will proceed.

Complaints Process

I have appointed (insert name and position at I) to manage the complaint. (Insert name of Complaint Manager) will meet with (insert name, this may be a child's name or an adult) to interview him/her regarding the complaint. The purpose of this interview is to provide further details about the issue and to answer any specific questions that (insert name of Complaint Manager) may have relating to the complaint.

(Depending on the age of the person who was allegedly harmed and the nature of the complaint you may also wish to add the following:) You (Your child) may elect to have a support person accompany him/her to the scheduled interview. The support person may be a friend, teacher, or family member. The role of a support person is to respond pastorally to your child/the person being interviewed. They may take notes. A support person does not offer comment on the issues discussed to the complaints manager. If (insert person to be interviewed name) wishes to have a support person present at the interview, the obligations in respect of confidentiality explained below are similarly required of that person.

(Insert name of the Complaint Manager) will then work to collect relevant information relating to the complaint. Once the relevant information has been collected, factual findings will be made on disputed issues, and overall findings with respect to your complaint. I will serve as the Decision Maker in this process.

When the complaints process is concluded, I will inform you of that fact. We will discuss the outcome of the process and whether the complaint was sustained or not sustained. I will not, because of privacy concerns, be able to inform you of any specific actions taken as a result of the complaint. I assure you, there will be an open and transparent consideration of your complaint and appropriate actions will be taken after conclusion of the complaint process.

Interview Details



Archdiocese of Canberra and Goulburn

Complaint Procedure

You will be contacted soon by (insert the Complaint Manager's name) to make arrangements for her to speak (name of person to be interviewed inserted). (Alternatively, you might list the date and time for which you have scheduled the interview).

Confidentiality (for employees/modify for general public)

The complaints process is strictly confidential. In order to protect all parties, you and your (son/daughter) are required to maintain confidentiality about the fact that a complaint process is being conducted, what the complaint is about and what is said in interviews. Please do not discuss the fact a complaint process has been implemented with anyone other than me or the complaints manager. Breaches of confidentiality by any party will be taken seriously. (Insert Complaint Manager's name) will work with (name of person to be interviewed inserted) to ensure they understand the need for confidentiality and with whom they are able to discuss this matter.

Victimisation

If any person seeks to, or does victimise or retaliate against you or (name of person to be interviewed inserted), as a result of the issues you have raised or because of your involvement in the complaints process, you should immediately contact (insert the Complaint Manager's name) or me.

Similarly, you should not victimise or retaliate against anyone as a result of their involvement in the complaint process. It is inappropriate to ask students whether they or their parents have made a complaint. Any person who engages in such conduct, including you, may be subject to disciplinary action.

If (name of person to be interviewed inserted) would like to access confidential professional counselling offered through CatholicCare, please contact (insert the Complaint Manager's name) to organise this for you.

Yours sincerely

Decision Maker's signature block

Archdiocese of Canberra and Goulburn

Complaint Procedure



Attachment 4:

Complaint Management Plan

<p>Does the complaint involve conduct that needs to be considered using a complaint management process or are there other ways to resolve this issue?</p>	
<p>Issues for the complaint process/who will conduct the process (Complaint Manager)? Who will provide counselling? Are there any identified conflicts of interest?</p>	
<p>Benchmarks/criteria Does the Person who is the Subject of the Complaint have a history to consider? (Contact IPSS and check the Complaint Register)</p>	
<p>Proof/Facts in issue</p>	
<p>Tasks (Consider who you will interview, what documents you want to review and a time-frame for completion)</p>	

SPEAR: Scope, Particulars in detail, Evidence, Analysis, Record of Interview



Archdiocese of Canberra and Goulburn

Complaint Procedure

Attachment 5:

Witness Statement

Name of Witness:

Residential Address:

Date of Birth:

Contact Numbers:

E-mail address:

Date of Interview:

Place of Interview:

Name and position of Interviewer:

Was counselling offered to the witness?

Any other person present and their role at the interview:

The purpose of the interview was explained to the witness (Initial)

The need for confidentiality was discussed (Initial)

Do you have any questions you wish to ask prior to the interview commencing? (Initial)
(Full name of witness) states:

- 1.
- 2.
- 3.

I have read this statement and have been asked to make any changes, note deletions or make additions. The statement is true and correct to the best of my knowledge and belief.

For witnesses who are children the above may be altered to read: I have read this statement with _____. I was asked to make changes. I have told the truth.

The need for confidentiality was discussed with me. The interviewer asked me for feedback about this interview.

Signed: _____ Date: _____

Page _____ of _____



Archdiocese of Canberra and Goulburn

Complaint Procedure

Attachment 6:

Letter to Person who is the Subject of the Complaint (PSOC) regarding Initiation of Complaints Process

Date
PSOC's Name
Address

Workplace Complaints Process

Dear (insert PSOC's name)

I am writing to inform you that I have initiated a complaints process regarding concerns of inappropriate behaviour by you and to advise you of interview arrangements. (Insert name of person handling the complaint process) will be making the inquiries.

An interview has been scheduled (insert time and date) to provide you an opportunity to put forward your views and respond to the complaints. You are required to attend the scheduled interview. During this initial interview you may choose to respond to some or all questions and may be asked to provide a written response to some questions after the interview.

You may elect to have a support person accompany you to the scheduled interview and reasonable opportunity to arrange this will be allowed for. The support person may be a friend, family member, union or other Church Worker representative. The role of a support person is to respond pastorally to you. They may take notes. A support person does not offer comment on the issues discussed with the complaints manager. If you wish to have a support person present at the interview, the obligations in respect of confidentiality explained below are similarly required of that person.

The complaints to which you are required to respond are:

1. State the complaint generally
 - a. Follow up with context.
2. For example: State the complaint: You had inappropriate physical contact with a student.
 - a. **Context:** On 28 May 2014, you pushed a student through a doorway while the student was entering Period 5, Advanced Maths.
 - b. This behaviour, if sustained could be in breach of: (choose the options below as appropriate)
 - i. the *The Archdiocese of Canberra and Goulburn, Guidelines for Professional Conduct in the Protection of Children and Young People*
 - ii. and/or the *The Archdiocese of Canberra and Goulburn, Policy for Child Protection*
 - iii. and/or relevant legislation, policy or procedures.



Archdiocese of Canberra and Goulburn

Complaint Procedure

More specific context will be provided to you at the interview. If necessary, a more formal statement of the concerns will also be provided to you after the interview.

Should the concern/s be substantiated, your actions may constitute misconduct in accordance with the *Guidelines for Professional Conduct in the Protection of Children and Young People* or in accordance with the additional listed below. Appropriate disciplinary actions may be taken when a concern is substantiated. The appropriate action that may be taken if a concern is substantiated may include any action listed in paragraph 6 of the *Guidelines*.

Procedure from this point:

As stated, (insert name of person handling the complaint process) will be making the enquiries into this complaint. The subsequent process will be governed by the following documents, which can be found on the Archdiocesan intranet site:

- *The Archdiocese of Canberra and Goulburn, Guidelines for Professional Conduct in the Protection of Children and Young People.*
- *The Archdiocese of Canberra and Goulburn, Child Protection Policy*
- *The Archdiocese of Canberra and Goulburn Complaint Policy*
- *The Teachers and Principals Collective Agreement 2011-2014, Part D, Duties and Responsibilities of Teachers in Archdiocesan Schools.*

Confidentiality:

I wish to advise you that the documentation associated with this matter will be held in as confidential a manner as possible and assurances of confidentiality have and will be sought from all concerned. Any breach of confidentiality by any person will be regarded extremely seriously as it may compromise a fair Complaint Process.

I also ask that you keep these matters confidential. Please do not contact colleagues about these complaints or discuss these complaints with staff members at (insert name of workplace). You may speak to a nominated support person about these allegations, (insert name of person handling the complaint process) or to me. If you feel there is another person in whom you wish to confide, please discuss the matter with me prior to disclosing.

Victimisation

If any person seeks to, or does victimise or retaliate against you, as a result of the issues you have raised or because of your involvement in the Complaint Process, you should immediately contact (insert name of Complaint Manager or delegate) or me.

Similarly, you should not victimise or retaliate against anyone as a result of their involvement in the complaint process. It is inappropriate to ask students whether they or their parents have made a complaint or to take steps to identify the Complainant with students. Any person who engages in such conduct, including you, may be subject to disciplinary action, which may include termination of their employment.

If you would like access to confidential professional counselling offered through CatholicCare, please contact me to organise this for you.

Yours sincerely
Signature block of Decision Maker



Archdiocese of Canberra and Goulburn

Complaint Procedure

Attachment 7:

Closing the File Archdiocese of Canberra and Goulburn Complaint Management Final Report

Name of PSOC
Name of alleged victim
Dates of issues:
Allegation
Sustained/not sustained
Recommendations:

Background: Include contextual information to assist the Decision Maker to fully consider the matter and recommendations.

Information should include:

- How the complaint/allegation was made, the date and anyone consulted in Human Resources;
- Any relevant information about the Person who is the Subject of the Complaint(PSOC);
- Relevant information about the alleged victim;

Key Process Information: Please include the following:

- Date risk analysis completed;
- Any notifications to Care and Protection or the Department of Community Services;
- Date the PSOC was notified of the complaint and any support person present?

Allegations:

Cut and paste detailed complaints from letter to the PSOC where possible:

How was the PSOC informed of and asked to respond to the allegation:			
In writing <input type="checkbox"/>	Verbally <input type="checkbox"/>	Not informed <input type="checkbox"/>	Reason:
By what method did the PSOC respond to the allegation/s?			
In writing <input type="checkbox"/>	Interview <input type="checkbox"/>	Did not provide response <input type="checkbox"/>	
If the PSOC was interviewed, was the Church Worker invited to have a support person?			
Yes <input type="checkbox"/>	No, why?		
Did the PSOC opt for a support person?			

Archdiocese of Canberra and Goulburn

Complaint Procedure



Yes <input type="checkbox"/>	No <input type="checkbox"/>
------------------------------	-----------------------------

Closing the File (continued)

Allegation 1: Insert Complaint:

Evidence from the alleged victim	
Name	<p>Insert summary of relevant information/relevant extracts from transcripts.</p> <p>Set out each piece of evidence separately under a clear heading.</p> <p>E.g.: Incident Report from John Smith dated 6 March 2013</p> <p>Summary of interview conducted with John Smith 14 March 2013</p>
Evidence from the PSOC	
Name	<p>Insert summary of relevant information/relevant extracts from transcripts.</p> <p>Set out each piece of evidence separately under a clear heading.</p> <p>E.g.: Incident Report from Julie Smith dated 8 March 2013</p> <p>Summary of interview conducted with Julie Smith 14 March 2013</p>
Evidence from witnesses	
Name	<p>Insert summary of relevant information/relevant extracts from transcripts.</p> <p>Set out each piece of evidence separately under a clear heading.</p> <p>E.g.: Record of Interview from Michael Jones dated 8 March 2013</p> <p>Drawing supplied by Michael Jones dated 8 March 2013</p>
Analysis: Did the behaviour occur as alleged?	
<p>Weigh up the evidence, draw a conclusion on the balance of probabilities as to whether the conduct occurred as alleged.</p> <p>Make a determination: sustained, not sustained (insufficient evidence), not sustained (false)</p> <p>Provide reasons for findings.</p>	

Continued on next page



Archdiocese of Canberra and Goulburn

Complaint Procedure

Closing the File (continued)

Action Taken by the Agency			
Arbiter of Fact	<p>Actions:</p> <p>Actions may include:</p> <ul style="list-style-type: none"> • No action after the Complaint Process; • Caution or warning; • Training; • Performance monitoring or managing; 		
Risk Assessment			
Risk Area	Assessment		
Alleged victim	<table border="1"> <tr> <td>Analysis:</td> <td>Action:</td> </tr> </table>	Analysis:	Action:
Analysis:	Action:		
PSOC	<table border="1"> <tr> <td>Analysis:</td> <td>Action:</td> </tr> </table>	Analysis:	Action:
Analysis:	Action:		
Other students	<table border="1"> <tr> <td>Analysis:</td> <td>Action:</td> </tr> </table>	Analysis:	Action:
Analysis:	Action:		
Workplace (including schools)	<table border="1"> <tr> <td>Analysis:</td> <td>Action:</td> </tr> </table>	Analysis:	Action:
Analysis:	Action:		
(Other)	<table border="1"> <tr> <td>Analysis:</td> <td>Action:</td> </tr> </table>	Analysis:	Action:
Analysis:	Action:		

Complaint Report prepared by:

Complaint Report reviewed by Institute of Professional Standards and Safeguarding:



Archdiocese of Canberra and Goulburn

Complaint Procedure

Attachment 8:

Letter of Warning Performa (please remove the heading before giving to PSOC)

Date

Name

Address

Dear (Insert name)

Conclusion of Complaint Management Process

I am writing to inform you of my final finding in relation to complaints raised recently by (students/parents or name the source generally):

State complaint

State context (as was done in the initial letter notifying the PSOC of the complaint or as the concern was changed during the course of the Complaint Process).

Findings

I have read your letter of response (or interview) to the above allegation dated _____. Thank you for cooperating in this Complaint Process. Based on the information provided to me, including your own statement, I have sustained the above complaint. This action (or comment) is contrary to (insert the policy that has been breached, for example) *the Guidelines for Professional Conduct in the Protection of Children and Young People (state section)* in that (state reason for breach, for example, in that you have crossed professional boundaries with students by making an overly personal or intimate comment.)

Process from this point

As I discussed in my letter to you of (insert the date of the letter sent to the Church Worker informing them of the complaint), the above sustained allegation is your (first or second breach of professional conduct. (If it is not the first breach, then document the others here). To assist your understanding of professional boundaries, I assigned (insert name) as your mentor to review the (insert policy ie *Guidelines*) and answer any concerns or questions you may have. (You do not have to assign a mentor, but often it is a good idea).

At this juncture, I am advising you of the need to read and understand the (insert policy, for example, the *Guidelines for Professional Conduct in the Protection of Children and Young People*. This includes your duty to (insert the crux of the breach, for example, avoid crossing professional boundaries and to report violations of those *Guidelines*.)

I am warning you that if there are any future breaches of the *Guidelines* or misconduct involving students, these above sustained complaint may be taken into considerations when assessing appropriate consequences. You must make every effort to work within the boundaries set by the



Archdiocese of Canberra and Goulburn

Complaint Procedure

Guidelines, specifically monitoring your interactions with students so that you maintain the professional boundaries required when communicating with students and colleagues. If you are unsure about these boundaries please seek clarification from your mentor, (insert the name of the Complaint Manager) or me.

Confidentiality:

I wish to advise you that the documentation associated with this matter will be held by the (insert agency name, ie Catholic Education Office or CatholicCare) and the Institute for Professional Standards and Safeguarding (insert the IPSS if the matter is reportable under NSW legislation) in as confidential a manner as possible and assurances of confidentiality have and will be sought from all concerned including students, families and any witnesses to the incidents which comprise the allegations. Any breach of confidentiality by any person will be regarded extremely seriously.

Again, if you would like to access confidential counselling through CatholicCare, please let me know and I will arrange that service for you.

Yours sincerely

Decision Maker's signature block



Archdiocese of Canberra and Goulburn

Complaint Procedure

Attachment 9:

Letter to Complainant concluding the Complaints Process. This should be distributed after a face to face discussion with the Complainant

Date
Name
Address

Dear (insert Complainant's name)

Workplace Complaint Process

I refer to your complaint of (insert date) where you raised concerns about (state generally the complaint and against whom the alleged behaviour was to have occurred), by (insert name of Church Worker against whom the complaint was made).

The complaints process has now concluded. The complaint process is now concluded and I have (sustained or not sustained) your complaint. (If the matter is not sustained, please expand on this as per the face to face conversation.) Please contact me if you have questions or concerns about the process.

Confidentiality (for employees/modify for general public)

As discussed, the complaints process is strictly confidential. In order to protect all parties, you and (insert child's name if applicable) are required to maintain confidentiality about the fact that a complaint process was conducted, the nature and substance of the complaint. If you have questions about this requirement, please do not hesitate to contact me. If you (insert child's name) would like to discuss any matter relating to the complaint, they may talk to his/her support person, you, or me.

If you (insert child's name if applicable) would like to access confidential counselling at no expense to you, please let me know and I will make the arrangements.

Yours sincerely

Decision Maker's signature block



Archdiocese of Canberra and Goulburn

Complaint Procedure

Definitions

Allegation

An assertion, with or without proof, or a declaration

Reportable allegation

An allegation of 'reportable conduct' or an allegation of misconduct that may involve 'reportable conduct' under NSW legislation or applicable codes of conduct

Child

A person aged 18 years or younger.

Church workers

- 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 trainees

Reportable conduct includes:

- **Sexual offences** ~ all criminal offences involving a sexual element that are committed against, with or in the presence of a child
- **Sexual misconduct involving a child** ~ includes the categories (i) crossing professional boundaries, (ii) sexually explicit comments and other overtly sexual behaviour, and (iii) grooming behaviour
- **Physical assault** ~ includes any act that intentionally (or recklessly) inflicts unjustified use of physical force against a child, or causes a child to reasonably fear that unjustified force will be used against them. It is important to consider the context of the act and any associated aggravating circumstances
- **Ill treatment** ~ covers where treating (including disciplining or correcting) a child in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner. This also includes, making excessive and/or degrading demands of a child; hostile use of force towards a child; and/or a pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child
- **Neglect** ~ includes either an action or inaction by a person who has care responsibilities towards a child, leading to actual or potential significant harm to a child. It may involve: supervisory neglect; carer neglect; failure to protect from abuse; or reckless acts (or failure to act)
- **Behaviour that causes psychological harm** is conduct that is obviously or very clearly unreasonable and results in significant emotional harm or trauma to a child

Reporting EXEMPTIONS - Reportable conduct does NOT extend to:

- **conduct that is reasonable** for the discipline, management or care of children, having regard to the characteristics of the children and to relevant codes of conduct or professional standards
- **physical force that, in all the circumstances, is trivial or negligible** but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures
- **conduct of a class or kind** exempted by the Ombudsman

Complaint Process Findings- At the conclusion, the investigation may FIND that a reportable allegation is:

- Sustained
- Not sustained - insufficient evidence (ie there is some evidence of weight however there is insufficient evidence available to reasonably establish that the alleged conduct did occur) or
- Not sustained - lack of evidence of weight or



Archdiocese of Canberra and Goulburn

Complaint Procedure

- False (and that may include a vexatious matter) or
- Not reportable conduct (eg, what occurred was
 - trivial or negligible use of force in the circumstances, reasonable conduct in the circumstances, or accidental, and may be a matter that was 'misconceived')
- Refer: NSW Ombudsman website and see - Employment-related child protection
- NSW Ombudsman publications - <http://www.ombo.nsw.gov.au/news-and-publications/publications/factsheets/child-protection>

'Vulnerable People':

Code of Practice

The code of practice is to ensure the guiding principles are reflected in the operation of the IPSS and in an Archdiocesan wide approach to child protection. The code is aimed at best practice, capacity building and effective leadership in child protection. Child protection is a shared responsibility.

1. Responsibilities

All sectors of the Archdiocese are active in building an aware culture, understanding the nature of child abuse and reportable conduct, and putting child protection systems into practice. These responsibilities require:

- child protection policies and procedures that ensure all reasonable steps are taken to protect children
- practises and interventions that continually build a culture of safety, characterised by respect, fairness and the development of mutual trust and reconciliation
- current training in child protection and ongoing professional development
- promotion of open communication, tolerance and positive relationships
- processes for monitoring the culture
- mechanisms for participation in the development of policies and processes
- integration of policies into strategic frameworks so that practices are seen as integral to how all sectors of the Archdiocese operate

2. Both individual and collective responsibility

- Each sector is active in developing and maintaining the child protection systems and operations within the sector and
 - All sectors work collaboratively to ensure the effective implementation of child protection management in the Archdiocese

These responsibilities require each sector:

- to develop expertise in its own area
- to cooperate with IPSS toward the development of best practice and to ensure compliance with the Act

Collective responsibility also requires all sectors:

- to work in partnership to build child protection capacity in the Archdiocese and to be able to consider the bigger picture
- to work together to develop common systems, policies and processes so as to ensure that best practice is shared and to avoid duplication of efforts
- to coordinate to ensure common standards are applied and to enable comprehensive risk assessment and risk management in child protection matters in the Archdiocese
- to assist IPSS with responsibility for auditing and monitoring the culture and the effectiveness of the systems that are in place, and

Archdiocese of Canberra and Goulburn

Complaint Procedure



- to assist to analyse the implications for the Archdiocese

3. Processes and systems

The child protection processes and systems that are implemented must be responsive, fair, restorative and transparent. This required that:

- processes and systems always conform to relevant law
- policies are applied consistently and issues are identified early so that matters can be resolved before they escalate to the point where relationships are damaged
- behaviours destructive to positive relationships (such as bullying or intimidation) are identified as being unacceptable and are appropriately managed
- disputes are dealt with fairly with a view to building mutual trust and safety
- patterns of unacceptable conduct are identified and prevention strategies developed and implemented

Professional conduct

Child protection operations are to be conducted professionally and with integrity. This requires particular care to be completely objective in the judgements and recommendations made, so that matters are determined through objective consideration of the issues. The critical nature of child protection, the implication for professional integrity and reputation, and the high levels of risk and accountability requires high standards of competence, expertise and interpersonal skills, particularly when dealing with child protection concerns. Child protection operations in the Archdiocese are required:

- to always conform to relevant law
- to be conducted honestly – taking proper account of ethical considerations, together with the protection and enhancement of the moral position of the parties involved in child protection matters
- to be alert to potential conflict of interest - always declaring where a conflict of interest exists and, where necessary, referring a matter to another for carriage of the matter, or to an external independent party
- to be handled competently at the appropriate level – ensuring that the people making decisions, providing advice and recommendations are professionally credible and competent and that actions are based on in-depth knowledge, experience and practice
- to maintain currency in skills, knowledge and understanding - cultivating professional networks, avenues for consultation and ongoing professional development. In particular, the key people involved in managing child protection in the Archdiocese are required –
 - to maintain a sound understanding of the interrelationships between the child protection arena and other workplace and societal issues
 - to understand the implications of patterns and trends for the provision of a safe and supportive environment
 - to provide guidance as to the interrelationship of strategically important factors
 - to maintain the quality of what is done through constant ongoing review

5. Confidentiality

In child protection operations appropriate confidentiality is crucial to proper regard for the dignity of the people involved. This requires commitment to maintaining the highest degree of integrity in all child protection operations, and to the protection of all personal information received in the course of dealing with child protection matters. This is not to limit the necessary sharing of information for the appropriate management of a matter or for the purpose of professional consultation.



Archdiocese of Canberra and Goulburn

Complaint Procedure

Where information is shared it is critical that there is a shared high standard of professional regard for the privacy and sensitivity of such information.

6. Risk assessment and risk management

In child protection matters the assessment and management of risk is critical. Risk assessment is an iterative process to assist and support ongoing decision-making. It involves analysing potential risks, the potential consequences and likelihood of harm and the steps that can be taken to mitigate risk, so as to decide appropriate courses of action. The process is dependent upon accessing relevant information. The assessment and management of risk in child protection matters requires a genuine understanding of child development and the nature of abuse and reportable conduct, as well as preparedness to act.

7. Review of the code of practice

The code of practice will continue to be developed and reviewed on an ongoing basis and, where necessary, it will be revised to accurately reflect contemporary principles. It will be necessary to ensure the code remains accurate and relevant, particularly given the context of an evolving environment.

References

Child Protection (Working with Children) Act 2012 (NSW) and Regulation 2013
Ombudsman Act 1974 and Ombudsman Regulation 2011 (NSW)
Child Protection (Offenders Registration) Act 2000 (NSW)
Children and Young Persons (Care and Protection) Act 1998 (NSW)
Crimes Act 1900 (NSW)
Working with Vulnerable People (Background Checking) Act 2011
NSW Child Protection (Working with Children) Act (2012) and Regulation (2013)
NSW Child Protection (Offenders Registration) Act (2000)
NSW Children and Young Persons (Care and Protection) Act (1998)
NSW Crimes Act (1900)
Integrity in Ministry (reprinted April 2010)
Integrity in the Service of the Church (September 2011)
Towards Healing (revised January 2010)
Policies and guidelines of the Archdiocese and its various agencies and institutions

Forms

Nil

Approved by:	Mr Victor Dunn
Issuing Group	Institute for Professional Standards and Safeguarding
Implementation Date:	
Policy last updated:	January 2016
Contact Officer:	Manager, Institute for Professional Standards and Safeguarding

Archdiocese of Canberra and Goulburn

Complaint Procedure



DRAFT