



**Submission to the Royal Commission into
Institution Response to Child Sexual Abuse
Case Study 50
Panel 9.2 – Child Safety, Complaint Handling &
Risk Management**

ESTABLISHMENT & REPORTING

The Professional Standards Office (PSO), Queensland is established and jointly funded by the Catholic Bishops Conference Queensland and Catholic Religious Australia (Queensland Chapter). The Director of Professional Standards is appointed by and reports to a Professional Standards Liaison Committee, comprising of two Bishops and two Religious Sisters, which represents the Bishops and Leaders of Religious Institutes in Queensland. The Liaison Committee has overview of the administration/governance of the Professional Standards PSO. The Director reports to the Committee on a quarterly basis.

ROLE AND FUNCTIONS

In the Church context, professional standards are understood as the qualities essential for the ethical and safe practice of pastoral ministry and work activities (see the definition section of Towards Healing). Therefore, the ultimate goal for the PSO is to enable Church Authorities to embed safe and ethical practices as professional and cultural norms within Church activities in Queensland.

The PSO is a service delivery unit and its primary role is to assist Church Authorities to manage misconduct and abuse complaints against Church personnel including clergy, religious and lay people who carry out a formal ministry or who provide pastoral care to others on behalf of the Catholic Church. The PSO manages the Towards Healing process in respect to abuse complaints and assists Church Authorities to manage other misconduct complaints via the Integrity in Ministry code of conduct and Integrity in the Service of the Church guidelines. Although the PSO is a state level entity it has a national remit in respect to Towards Healing abuse complaints. The PSO manages those abuse complaints where the survivor currently resides in Queensland, although the incident may have occurred outside of Queensland. This is a survivor-centred approach. The PSO, therefore, engages with Church Authorities from across Australia in managing abuse complaints.

The PSO also seeks to assist Church Authorities to reduce the opportunity for pastoral misconduct and abuse, and manage complaints in a fair and effective manner. To this end, the PSO objectives for 2016-2017 are:

1. To assist Church Authorities in Queensland improve safeguarding practices.
2. To assist Church Authorities in Queensland improve decision-making and complaints management practices.
3. To assist Church Authorities in Queensland improve opportunities for individuals to raise and resolve complaints.
4. The fair and effective management of pastoral misconduct complaints.

CHILD PROTECTION/SAFEGUARDING/RISK MANAGEMENT

As a state level entity, the PSO does not have a direct role in discharging child protection/safeguarding functions at the Diocesan or Religious Institution level. Similarly, whilst section 45 of the Towards Healing protocol addresses strategies to prevent abuse, the responsibility for those strategies rests with those Church Authorities involved in working with, and providing care for children. Notwithstanding, the PSO undertakes the following activities to support Church Authorities in discharging child protection/safeguarding functions:

- On receipt of information or a complaint which indicates that a member of the Church may be a potential risk to children or other vulnerable people the PSO issues a risk notification to the relevant Church Authority advising the Authority to undertake a risk assessment and any action deemed necessary to protect vulnerable others. The PSO will assist and advise the Church Authority where necessary.
- The PSO has prepared and distributed a short/basic guide to risk management for Church Authorities. The guide emphasises the extended duty to take reasonable precautions for the safety of others by

appropriately assessing and managing risks when allegations of improper conduct are raised against Church personnel.

- The PSO provides advice and assistance to Church Authorities and Safeguarding personnel when suspected abuse or misconduct arises. For example, this may include liaising with the police; assisting with preliminary enquiries; providing advice in regards to a response; and making referrals to support services.
- The PSO conducts searches of the National Complaints Database for Church Authorities completing Professional Standards Clearances for clergy and religious (see Towards Healing sections 45.6 & 45.7).
- The PSO has delivered a training workshop on situational prevention techniques in partnership with Professor Stephen Smallbone, Griffith University for Church personnel engaged in professional standards, safeguarding and student protection work in Queensland.
- The PSO regularly delivers professional standards workshops which address standards of conduct and safeguarding. The training is scenario-based and emphasises expected standards of behaviour and safeguards when engaging with children and vulnerable adults, and the policies and procedures to follow when improper conduct by Church personnel is raised.
- The PSO has delivered training to Catholic Education staff on interviewing and receiving disclosures from children. The training was delivered by a Case Officer who is a former child protection detective and specialist in interviewing children and recording evidence.
- The PSO has established the Queensland Professional Standards Network. Members of the network are church personnel involved in professional standards and safeguarding across Qld. The primary purpose of the network is to share information on current practices, initiatives and developments in the field and to receive feedback on local professional standards and safeguarding issues. The network may make recommendations to the PSO and Professional Standards Liaison Committee.
- The Director of the PSO is a member of the Archdiocese of Brisbane, Safeguarding Advisory Committee.
- The PSO is a member of Safe Churches Australia.

COMPLAINT MANAGEMENT

Since 2014, the PSO has adopted a more reliably independent complaints management model. To avoid conflict of interests, the PSO takes an impartial/neutral position when managing complaints. The PSO also ensures that the proper processes and procedures are followed to afford natural justice/procedural fairness to all parties. Thus, in the management of abuse and misconduct complaints, the PSO is independent from all Church Authorities, including the Archdiocese of Brisbane and other Dioceses, religious orders and church institutions in Queensland.

The complaint management process is now informed by Australian standard AS NZS 10002-2014 Guidelines for complaint management in organizations. In an attempt to improve consistency, the PSO has also implemented a complaint categorisation criteria, process check list, nominal process timeframes, initial contact procedure, correspondence templates, report templates and standard operating procedures/policies addressing initial appraisal of complaints, privacy, release of information, and survivor support.

The principle of empowerment now underpins the management of all complaints. From initial contact, survivors are advised of all options for resolving complaints or seeking redress, beyond the Church's internal processes, including reporting the matter to police and civil legal claims for personal injuries/damages. Survivors are provided, upfront, with information on the Towards Healing process and support services in a format which is easily comprehended. Should a survivor invoke the Towards Healing process, the PSO is explicit about, and operates transparently through, each step of the process to enable the survivor, and Church Authorities alike, to make informed decisions. The parties are formally advised, in writing, at each milestone of the process and at key decision points.

In acknowledging that the Towards Healing process may, at times, be challenging and confronting for some survivors, the PSO has implemented trauma informed practices and safeguards. The trauma informed approach seeks to minimise the potential for re-traumatisation, emphasise safety, and support recovery for survivors. It also creates opportunities for survivors to rebuild a sense of control and empowerment. All PSO staff have attended trauma informed practice training delivered by the BlueKnot Foundation. The PSO is a member of the BlueKnot Foundation.

The PSO has implemented safeguards to protect survivors' interests during the complaint management process. For example, if initially, or at any time during the process, it becomes apparent that a survivor's competence is significantly compromised, or that the person is particularly emotionally/psychologically vulnerable, then the PSO will make a recommendation to the relevant Church Authority to fund all ordinary and reasonable expenses to provide the survivor with professional assistance for the duration of the process. This may include psychological, legal or advocacy assistance. At a minimum, on initial contact, the PSO will seek to ascertain if a survivor is in need of counselling or psychological assistance and, if so, seek the agreement of the relevant Church Authority to fund such assistance.

To give effect to this safeguard, the PSO has put in place a panel of independent legal advisers prepared to assist survivors within the scope of the Towards Healing process. All have experience in litigating personal injuries claims. All legal advisers are required to attend a Towards Healing induction workshop prior to being listed on the panel and they are engaged on a fee for service basis. The PSO has also put in place a panel of counsellors and psychologists who are trained and experienced in assisting survivors of abuse. They too are engaged on a fee for service basis.

The PSO has also put in place a panel of independent professional consultants who are prepared to be appointed for Disclosure Report Writer, Assessor (Investigator) and Facilitator (Mediator) roles within the Towards Healing process. Most Report Writers are former police investigators or lawyers. The majority of Assessors are Barristers and one is a Queen's Counsel. All Facilitators must hold a current national mediation certification/qualification. All consultants are required to attend a Towards Healing induction workshop prior to being listed on the panel and they are engaged on a fee for service basis.

OTHER REFORMS

Improved Capacity

Since 2014, the PSO has sought to build additional capacity to improve and broaden services. The PSO is now staffed by a full-time Director, two part-time Case Officers, one a former family law solicitor and the other a former child protection detective, an Associate Case Officer position, and an administration officer.

Expanded Services

In addition to a professional complaint management service, the PSO now provides assistance and advice to Church Authorities when abuse or misconduct incidents arise; delivers professional standards training to Church personnel; supports safeguarding personnel and activities; links survivors to appropriate support services; assists Church Authorities to manage personnel potentially at risk of misconduct; and issues police notifications on behalf of Church Authorities.

Survivor Support

Since 2014, the PSO has sought to improve support for survivors who engage with the PSO and in the Towards Healing process. The PSO has implemented the following support initiatives:

- Information on support services available in Queensland;
- Information on all redress options;
- Information on the Queensland Police Alternative Reporting Options scheme;
- Information on the Royal Commission;
- Information on Knowmore Legal for advice and assistance on engaging with the Royal Commission;
- Access to a template document for completing a Royal Commission submission;
- A panel of counsellors and psychologists experienced in assisting sexual abuse survivors;
- A panel of independent legal advisers and advocates;
- A process for making warm referrals to counsellors, psychologists, independent legal advisers, advocates and Knowmore Legal; and

- Recommendations to Church Authorities with respect to funding counselling, psychological care and legal assistance for survivors.

Police Reporting

The PSO has established direct reporting protocols with the Queensland Police Service, Child Safety and Sexual Crime Group; the New South Wales Police Force, Sex Crimes Squad; and Victoria Police, Sano Task Force.

Whilst the PSO is not subject to legislated mandatory reporting requirements, it has implemented an internal policy which seeks to raise the benchmark for police reporting beyond that set in Towards Healing (see sections 36.2 and 37). The policy provides that, in circumstances where information or a complaint (including from an anonymous source), is received which alleges behaviour which may amount to a criminal offence, the PSO will strongly encourage the informant/complainant/survivor to report the matter to the police and offer them assistance to do so.

However, in circumstances where the informant/complainant/survivor is not inclined to report the matter, and has not expressly authorised their identity to be disclosed to the police, the PSO will report the matter to the police, without disclosing the identity of the informant/complainant/survivor (i.e. a de-identified report is made). The report will be made as soon as possible, and particularly in circumstances where the accused may be in a position where they pose a potential risk to children or other vulnerable people.

To encourage more sharing of information with the police or other civil authorities, the PSO has implemented the option for informants/complainants/survivors to authorise the PSO to make a report to the police on their behalf, including their identifying particulars, but specify, in writing, that they not be contacted by or have the matter investigated by the police. This option is consistent with the Queensland Police Service policy on the investigation and prosecution of sexual offences. In Towards Healing cases managed by the PSO there has been an increasing uptake of this option. Should the police indicate that there is an interest in a matter the PSO will facilitate, as an intermediary, communication between the police and informant/complainant/survivor.

The PSO also makes available to informants/complainants/survivors information on the Queensland Police Service, Alternative Reporting Options (ARO) scheme. Acknowledging that many survivors have reasons for not reporting sexual assault crimes, ARO gives the survivor the opportunity to provide police with the full circumstances of their sexual assault, but remaining anonymous if they wish. ARO does not involve any judicial process. ARO can be an extremely useful healing strategy for the survivor and an effective investigative strategy for law enforcement agencies. Survivors may also feel empowered knowing that the information they provide could be used to solve other offences.

Communications

Since 2014, the PSO has made a dedicated effort to improve and increase communication on professional standards and the services provided by the PSO. In addition to regular stakeholder engagement activities, the PSO has implemented the following communications initiatives:

- A national 1800 freecall number;
- A general PSO email address;
- A website containing a full suite of information for survivors and Church Authorities;
- Increased the visibility of the PSO on Diocesan and other Institution websites in Queensland;
- Regular messaging on issues, developments and news items relevant to professional standards and safeguarding;
- Developed and distributed a Towards Healing brochure in a more survivor focused format;
- Developed and distributed a Professional Standards brochure;
- Developed and distributed a guide to receiving abuse or misconduct disclosure for frontline staff;
- Regular liaison with various support service providers such as the Queensland Police, Knowmore Legal, Micah Projects, BlueKnot Foundation and Living Well; and
- The Director presented at a Safeguarding Conference held by the Catholic Diocese of Cairns.