

AUGUSTINIANS



PROVINCE OF OUR MOTHER OF GOOD COUNSEL AUSTRALASIA

COMPLAINTS MANAGEMENT POLICY

INTRODUCTION

As an institution that commits itself to a 'zero tolerance' child abuse approach, the Order has procedures in place to listen to and deal with concerns or complaints and particularly about behaviours towards a child or vulnerable adult.

This Complaints Management policy provides guidance to all members, employees and volunteers of the Order of St Augustine (the Order) on how to receive, record, manage and resolve complaints of abuse or misconduct particularly relating to children and vulnerable adults.

The Catholic Church's Professional Standards protocols adopted by the Australian Catholic Bishops Conference and outlined in the documents Integrity in Ministry (2010), Towards Healing (2010), Integrity of the Service of The Church (2011), and National Principles for Child Safe Organisations (2009-2020) provide direction. The Order is also guided by the 'safeguarding' measures outlined by National Catholic Professional Standards (2018). The above incorporate direction and expectations of personal and professional conduct of all those involved in Order ministry and employment, and provide direction in the event of a complaint.

The Order seeks to build a culture in which barriers to disclosure by children, and particularly indigenous children and children from diverse backgrounds, and barriers for adults recognising and responding to disclosures are identified and overcome (refer Appendix B and the 'Child Safety Complaint Handling Flowchart').

The Complaints Management Policy is available on the Order website (www.osa.org.au).

COMPLAINT

The Order accepts complaints (particularly relating to child abuse), allegations, suspicions, concerns, comments and suggestions about any of the ministries and activities it undertakes and deals with them in a positive manner. A complaint may relate to a recent incident/event or an incident/event that occurred years or decades prior.

A complaint may be made by anyone – a child, adult survivor, parent, adult, support person, religious member, staff member, volunteer or any member of the community.

Lodging a Complaint - The Prior Provincial is responsible for all complaint matters. The Provincial delegates this responsibility to Co-ordinator, Professional Standards and complainants wishing to discuss an issue can contact Fr David Austin 0419 265,317 or dave.austin@augustinians.org.au.

Whistleblower - The Order also has a whistleblower facility with STOPLINE and complaints to STOPLINE can be made via the Order's website (www.osa.org.au). A report to the STOPLINE facility allows complainants protection of identity and a confidential means of disclosure.

FRAMEWORK FOR COMPLAINT MANAGEMENT AND RESOLUTION

The resolution of any complaint received involves the following steps:

- Submission of a complaint– most complaints are preferably resolved informally at a personal level between the Co-ordinator Professional Standards and individuals who may be involved in the complaint.

If the complaint is not a legal civil/criminal matter, the Co-ordinator Professional Standards will, following an investigation and discussion with all parties, offer to meet with the complainant, and work on a plan to provide professional support and address the issue.

For more serious complaints that cannot be resolved at a personal level, a written complaint and supporting documentation must be forwarded to the Co-ordinator, Professional Standards and include:

- The date the complaint is made
- Contact information of the complainant
- The issue/s being raised
- The outcome the person seeks
- Any support the complainant needs.

Obligation to Report - Where child abuse is alleged (either current or historic), or 'reportable conduct' is identified that is a legal civil/criminal matter, the

Provincial will direct the complaint to the Office of Professional Standards for professional advice. In this instance the police may be advised.

If the complainant wishes, redress and reparation can include a legal action in either a criminal or civil court, the National Redress Scheme and/or the Church's 'Towards Healing' program.

- Responding to a complaint – an acknowledgement of the complaint, details of the planned investigative program and timeframes for resolution will be forwarded promptly by email or mail to the complainant. (Refer Appendix C for steps in handling child disclosures).
- Investigation of the complaint – an initial assessment will be made to determine whether the issue requires any of the following. The investigation must be conducted objectively and fairly and should be proportionate to the seriousness of the allegation and complaint.
 - Reporting – Does the complaint require police and legal involvement. (If so mandatory reporting requirements are to be adhered to, and legal rights in relation to privacy and employment law understood and acknowledged).
 - Conflict of interest – are there actual or perceived conflicts of interest which need to be declared and resolved.
 - Health and Safety/ Code of Conduct – is there a breach of WHS and/or the Code of Conduct and involves children (and/or child complainants) or vulnerable adults. Is there ongoing threat to children.
 - Does the complaint require other individual or organisational input (eg Order employees and members, Police, National Redress, Catholic Redress, State Education departments) for information to help in achieving a resolution.

Confidentiality – care should be undertaken in 'information sharing' and observing privacy legislation and confidentiality.

Risk assessment – a risk assessment should be conducted by the Provincial or his delegate once an allegation has been made and updated regularly throughout the investigation.

Disciplinary action - consideration as to whether a respondent needs to be stood down from their role while the matter is investigated, particularly where a complaint of child abuse is plausible.

Procedural Fairness – It is important that throughout all stages of the complaints process, that all parties including both the complainant and respondent are afforded procedural fairness and that the presumption of innocence applies until a complaint can be substantiated.

- Providing support and assistance – the complainant and respondent will be supported by:
 - Keeping them advised of the investigation
 - Communicating the outcome and any action to be taken. This may be undertaken in conjunction with other organisations (eg National Redress)
 - Providing reasons for the outcome
 - Discuss and agree with the complainant possible remedies and resolutions that are planned (including mediation, apology, counselling and compensation)
 - Advising of any appeal options
 - Provide any pastoral care required, taking into account whether the complainant is a child or adult, including face-to-face meeting/s to discuss issues, specialist care and consultant involvement, remedial action and an apology to the complainant if required.(refer Appendix A for details of specialist and counselling services).

- Outcomes – In the event that a serious complaint against an employee, volunteer or member is substantiated, the Provincial Council decides on whether the respondent continues to work, volunteer or engage in ministry. Options for employees or volunteers include reprimand or dismissal. For members, withdrawal from ministry and transfer to alternative work, psycho-medical assessment, counselling, study leave, renewal program, professional supervision. In some instances a member may not be permitted to return to ministry.

- Achieving systemic improvements- following a substantiated complaint the Order will review processes and procedures to determine whether changes in the Orders policies and operations (including staffing) are required.

- Record Keeping - All complaints (including child abuse complaints) are to be detailed in the ‘Complaint File Register’. Documents are to be retained in sequence and filed with other complaint records in locked storage facilities and kept for fifty years.

COMPLAINTS INVOLVING EXTERNAL ORGANISATIONS

Steps in the process where complaints are forwarded to external bodies (eg Police, CPSL, National Redress, NSW Office of the Children’s Guardian) are as follows.

NOTIFICATION OF COMPLAINT TO POLICE

- Engagement of legal representation by both parties;
- Police and DPP decide whether to lay charges;
- ‘Reportable Conduct’ to be notified to NSW Office of Children’s Guardian;
- Court proceedings before a magistrate/judge/jury;
- Decision by Court on outcome, penalties, etc;
- Possible public media reports naming complainant, and other parties involved.

NOTIFICATION OF COMPLAINT TO CATHOLIC OFFICE OF PROFESSIONAL STANDARDS (OPS)

- Report complaint to OPS;
- OPS makes a 'blind report' to Police to the effect that a complaint has been received but with no personal details;
- OPS conducts an initial contact interview with the complainant and provides the contact report to the Provincial;
- With the agreement of the Provincial, OPS conducts a full investigation, including interviews with witnesses;
- Proceedings are conducted privately and names of those involved are kept confidential;
- OPS makes a decision on whether the complaint is considered substantiated or not;
- Advises Provincial of the decision;
- Mediation conference, counselling etc. may follow.

NOTIFICATION OF COMPLAINT TO NATIONAL REDRESS SCHEME (NR)

- An Application for Redress' is received by NR
- NR's 'Independent Decision Makers' discuss the application with complainant and Catholic Redress, then obtain any other necessary information and documentation and forward to respondent.
- The 'Application for Redress' is reviewed by the respondent and a 'Request for Information' is completed by the respondent
- 'Independent Decision Makers' determine veracity of complaint based on the test of 'reasonable likelihood'
- 'Independent Decision Makers' determine whether 'Direct Personal Response (DPR)' or counselling should be considered
- 'Independent Decision Makers' determine whether a payment should be made and the amount.

AUGUSTINIAN COLLEGES - COLLEGE BOARDS

- The College Boards have no role in dealing with claims of child abuse against Augustinians or lay staff prior to incorporation. Responsibility for such matters rests with the Provincial. The Board may become involved only when:
 - The reputation of College is in issue.
 - A complaint/claim is made against an Augustinian currently residing in Villanova Priory or St Augustine's Augustinian Community Brookvale.
 - A complaint/claim is made against a current lay staff member (or employee).
- In matters relating to the period post-incorporation, the Principal liaises with the Provincial. The Principal reports on post-incorporation matters to the Board/Council and follows processes outlined in the Colleges' 'Child Protection Policy' when reporting.

Updates to this Procedure

In line with OSA Policy Development, this policy will be reviewed every three years or more frequently if appropriate.

Revisions made to this document

Date	Major / Minor Revision	Description of Revision(s)
February '20	Major	Approved at the Provincial Council meeting – May '20
June '20	Minor	Complaint contact details – p1
Oct '20	Updates following Audit review	Updates to more fully reflect CPSL Standards

Contact Details

Contact for all matters related to this form should be directed to Co-ordinator, Professional Standards, Fr David Austin OSA, Email: dave.austin@osa.org.au Phone 02 9938 0200, Address: PO Box 7278 Warringah Mall, Brookvale NSW 2100.

APPENDIX A

If a child is in danger or in need of medical assistance, call Police or Ambulance services on 000.

If a child is distressed, or worried or requires someone to talk to, any of the following can be contacted:

- Kids Helpline on 1800 55 1800 or www.kidshelp.com.au
- Headspace on 1800 650 890 or www.headspace.org.au
- Lifeline Australia on 13 11 14 or www.lifeline.org.au
- Bravehearts counselling and support for survivors of child sexual abuse on 1800 272 831 or www.bravehearts.org.au
- Care Leavers Australasia Network (CLAN) on 1800 008 774 or www.clan.org.au
- PartnerSPEAK (peer support for non-offending partners and families of perpetrators of child sexual abuse) on 03 9018 7872 or www.partnerspeak.org.au
- 1800 RESPECT national sexual assault, domestic and family violence counselling service on 1800 737 732 or www.1800respect.org.au
- MensLine Australia on 1300 78 99 78 or www.mensline.org.au
- Men's Referral Service on 1300 766 491 or www.ntv.org.au
- Relationships Australia on 1300 364 277 or www.relationships.org.au

For information about relevant support services and other resources, contact:

- Healing Foundation on 02 6272 7500 or www.healingfoundation.org.au
- People With Disability Australia on 1800 422 015 or www.pwd.org.au
- Children and Young People with Disability Australia on 1800 222 660 or www.cyda.org.au

For additional helplines and counselling services for children, young people and parents, Australia-wide and by state and territory, see the online resource sheet developed by the Australian Institute of Family Studies. For additional counselling and support services for parents, see the online Parentline counselling services in each state and territory.

APPENDIX B

OVERCOMING BARRIERS TO DISCLOSURE

BARRIERS TO CHILDREN MAKING DISCLOSURES

- Fear of not being believed; anticipate being dismissed
- Afraid of getting into trouble
- Lack of opportunity which never seemed to present itself
- Relationship with the perpetrator – considered a friend
- Revere of perpetrator as important or powerful, an elder and/or trusted person
- Fear of getting perpetrator into trouble
- Promise to offender that they will not tell
- Self-blame and shame about what has happened
- Wanting to protect a family member
- Not wanting to upset equilibrium of the family
- Mistrust of adults and professionals

SOME BARRIERS FOR ADULTS RECOGNISING AND RESPONDING TO DISCLOSURES

- Misguided loyalty amongst adults in an institution
- A high degree of trust (including religious affiliation) amongst adults leading to disbelief of disclosure
- An unwillingness to take a child's word seriously; refusal to listen
- A culture that prioritises institutional reputation over care and safety of children
- The status afforded religious leaders who are considered not capable of such an offence
- A lack of formal avenues for children to disclose; no one the child can approach
- A bias that children make up stories and can be overly dramatic about things
- Children dismissed, blamed and not believed, and sometimes punished for attempting to disclose; made to feel responsible themselves
- Indigenous children not feeling culturally safe; distrust of non-Aboriginal authority

HOW TO REDUCE THESE BARRIERS

For children

- Develop a culture in which children participate in decision-making
- A culture where children have the right to give their views and opinions and be listened to
- A culture where children feel their views are valued and listened to
- Children will be more likely to make disclosures if they feel safe and empowered

- Indigenous children connected to other Indigenous people they trust, their culture and language

For Adults

- Not to talk down to children and young people, but to treat them with respect
- Not to make assumptions about what children and young people are capable of
- Give children and young people time and space to express themselves
- Engage children and young people in dialogue about the ten standards
- Not to dismiss any disclosure even when it may seem to threaten adult relationships, or the fabric of a community, or family loyalty
- Be aware of cultural safety in a linguistically or culturally diverse situation. Try to engage a trusted person from the same culture of the child or has experience of the child's culture e.g. elder, family member, interpreter or support person
- Willingness to learn, understand and respond to the diversity of Aboriginal cultures and openness to children indicating what they find comfortable and safe

APPENDIX C

HANDLING DISCLOSURE

The following are helpful steps when handling disclosure.

A disclosure happens when you have reasonable grounds to suspect harm:

- If a child tells you directly that they have been harmed
- If a child tells you indirectly (for example, writing about abuse in journal, drawing pictures of inappropriate touching or playacting abuse scenarios)
- If someone else tells you (for example, another child, parent or colleague) that harm has occurred or is likely to occur
- If a child tells you they know someone who has been harmed
- If you are concerned at significant changes in behaviours of a child, or the presence of new, unexplained and suspicious injuries
- If you see harm happening

If a child discloses or complains to you about abuse by someone else:

- Ask another adult to be with you
- Listen to the child and let the child speak freely
- Do not ask questions other than to clarify your understanding. If you must ask a question, make sure it is open-ended (for example, what, when, who, where)
- Explain that you cannot keep it a secret
- Let the child know what you are going to do next, including who you will need to share the information with
- Reassure the child that they have done the right thing by telling you

Some helpful responses:

- Thank you for telling me.
- You were brave to tell.
- Do you want to tell me anything else?
- I will talk to [name] who will know what to do next.

(Appendix C adapted from Tarrawarra Abbey Child Safety Policy (November 2019) and MGL Policy for Safeguarding Children & Vulnerable Adults (December 2019)).

Augustinians – Child Safety Complaint Handling Flowchart

When a disclosure is received of either past or present abuse or you witness behaviours of serious concern with a child

REMEMBER – always call 000 if a child is in immediate danger

