



# Catholic Diocese of Darwin

## Complaints Regarding Children and Youth Procedure

### Purpose

The purpose of this Complaints Regarding Children Procedure is to provide a process for investigating complaints and grievances that:

- is fair and unbiased;
- respects diversity and cultural differences;
- evaluates the evidence; and
- formulates a report that addresses the facts as they are determined.

In this document, complaints and grievances are referred to as complaints.

If a concern, incident, complaint or grievance is brought forward about safeguarding children, the Non-Mandatory Reporting Form is to record the information.

**If the complaint is a disclosure of abuse, or where a belief of harm or abuse is formed, a report must be made to the Child Protection Hotline and the *Mandatory Reporting: Harm to a Child or Young Person* form must be filled in.**

### Guidelines for responding to a child or young person when they bring forward a concern or disclose harm or abuse

**Disclosure of Harm** – A disclosure of harm occurs when someone, including a child, tells you about harm that has happened, is happening, or is likely to happen.

Disclosures of harm may start with:

- 'I think I saw...'
- 'Somebody told me that...'
- 'Just think you should know...'
- 'I'm not sure what I want you to do, but...'

It is important to act quickly and in the best interest of the vulnerable person after a disclosure of harm is received, irrespective of the alleged source of harm and especially if the vulnerable person is a child. It is important as this may be the only time this information is shared.

- move to a suitable environment where the child or young person feels comfortable and have the ability to talk. This will include having a space where a child can play, or draw as they talk
- listen carefully to what they say
- give the child or young person your full attention and let the child or young person talk without interruptions
- maintain a calm appearance, be compassionate and reassuring:
  - support – 'Thank you for telling me, you are very brave.';
  - safety – 'I'm sorry this happened to you. I'll do everything I can to keep you safe. I will have to speak to other people in order to help';
- do not investigate;

- document – after speaking with the person and making sure they are safe, make your own notes of the conversation;
- It is important not to discuss the incident/concern with anyone other than those detailed in these procedures.

## Conflict of Interest

Conflict of interest may present when complaints are brought forward. Actual, perceived or potential conflict of interest will be managed through:

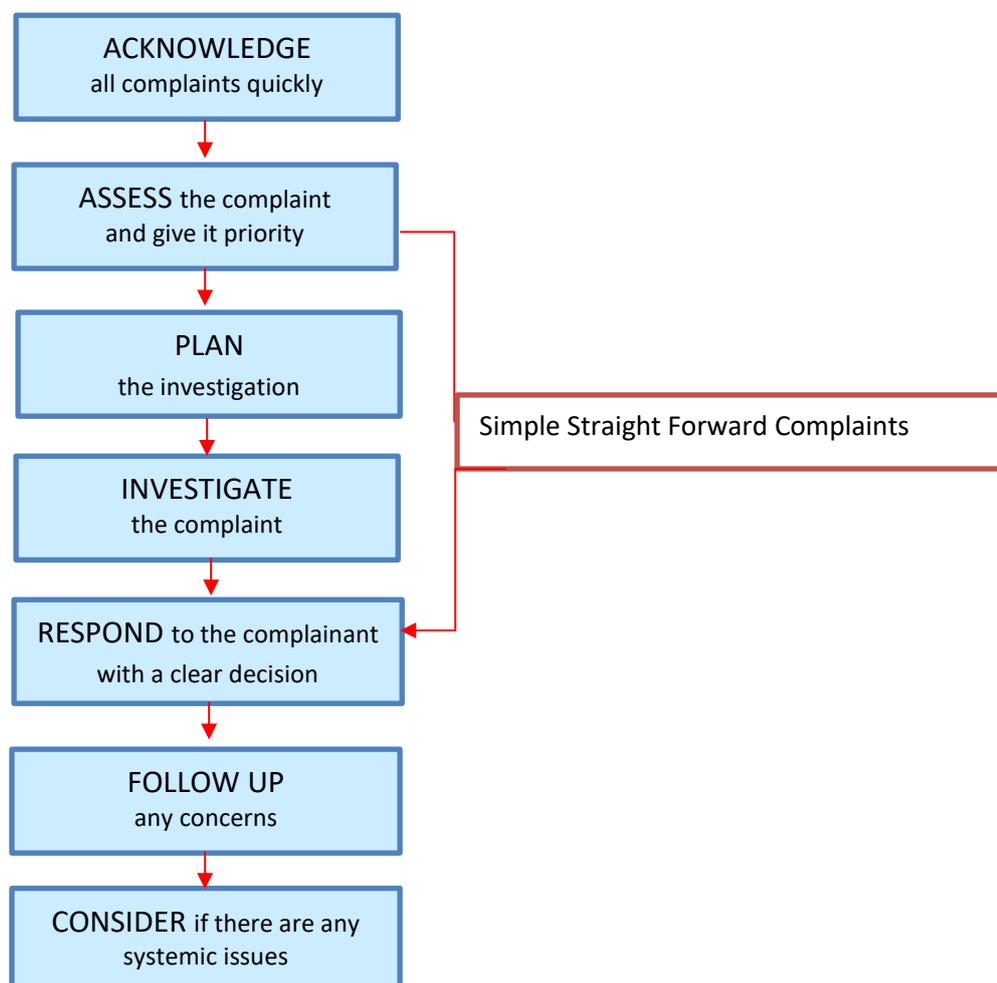
- Notifying relevant persons of personal conflict of interest;
- Re-assigning the handling of the complaint to another person, e.g. if the complaint is about the Parish Priest or the Safeguarding Coordinator, another person such as the Integrity Officer/Child Safety Coordinator is to make the initial enquiries;
- Recording this information in the as part of the report.

## Risk Assessment

When a complaint is received or when Church personnel are notified that a report of abuse has been made to statutory authorities, a Risk Assessment is to be undertaken and regularly reviewed. Any risks to children and young people will be identified and mitigated at the beginning and throughout the investigation. This may require that personnel are stood down from the role or ministry during the investigation.

## Complaint Management Process

(Complaint Handling, Better Practice Guide, Commonwealth Ombudsman- <https://www.ombudsman.gov.au>)



## Simple, Straightforward Complaints

### Step 1

#### Acknowledge

- the complaint
- provide contact details and name of contact person, if the complaint cannot be immediately resolved
- how long it is likely to take to resolve the complaint, within 1 or 2 days
- the complainant will be next contacted within 2 days

### Step 2

#### Assessment and Assigning Priority

- early assessment within the day is essential
- ask how the complainant would like to see their complaint resolved, what outcome they are seeking, e.g. an apology, raise an awareness of the problem
- decide whether priority should be given to dealing with one or more aspects of the complaint

### Step 3

#### Response within the 1 to 2 days

- tell of particulars of the investigation, including findings and decisions reached
- present in a way that is mutually agreed at the beginning, orally or in writing
- present in way that the complainant can understand
- potential remedies may be an apology, making changes to procedures
- describe any action to be taken to redress a fault or a wrong suffered by the complainant

## Grievances

### Step 1

#### Acknowledge

- outline the process,
- provide contact details and name of contact person,
- how long it is likely to take to resolve the complaint
- when the complainant will be next contacted

### Step 2

#### Assessment and Assigning Priority

- early assessment is essential
- ask how the complainant would like to see their complaint resolved, what outcome they are seeking, e.g. an apology, raise an awareness of the problem
- decide whether priority should be given to dealing with one or more aspects of the grievance
- escalate matters that require closer attention to appropriate persons, as directed by the Bishop

### Step 3

#### Planning

- prepare a short written plan
  - define what is to be investigated
  - review background documentation – policies, procedures, evidence taken in response to the complaint

- list the steps involved in investigating the complaint and state whether further information is required, either from the complainant or from another person
- provide an estimate of the time it will take to resolve the complaint
- identify the remedy the complainant is seeking, whether it is realistic or needs to be managed, and other possible remedies
- note any special considerations that apply to the complaint – e.g. if the complainant has asked for their identity to be withheld from others or whether there is sensitive or confidential information that needs to be handled
- compile questions for interviewing other parties
- share plan with respective Church Leader or delegate

#### Step 4

##### Investigation

- Impartial – approach with open mind, and objectively weigh facts and contentions in support of a complaint
- Confidential – investigate complaint in private and care is to be taken when disclosing to others any identifying details of the complaint
- Transparency – tell complainant about the steps in the complaint process and give an opportunity to comment on adverse information or before a complaint is dismissed
- Findings must be based on evidence
- Prepare and present draft investigation report to respective Church Leader or delegate
- A written report is to be kept of evidence that is provided orally
- Submit final report to Bishop for authorisation and distribution and record keeping
- A complainant is not obliged to substantiate each fact or element in their complaint, although it is reasonable to ask them to provide documents they have or explain things they know to assist the investigation
- Any reliable information can be used
- To accord natural justice, a complainant is to be given an opportunity to comment on contrary information or claims from another source before a decision is made to dismiss the complaint
- Explain to the complainant if evidence is scant, inconclusive or evenly balanced

#### Step 5

##### Response

- tell of particulars of the investigation, including findings and decisions reached
- present in a way that is mutually agreed at the beginning, orally or in writing
- present in way that the complainant can understand
- potential remedies may be an apology, making changes to procedures
- describe any action to be taken to redress a fault or a wrong suffered by the complainant

#### Step 6

##### Follow-Up

- offer the complainant the opportunity to review how their complaint was handled or resolved, by providing contact details of a different person to the person who initially investigated the complaint
- explain to ensure understanding. A sound internal review process will reduce the likelihood of complaint to an external body and will assist any external review that may need to be undertaken
- External review may be required if the complainant is dissatisfied with the findings. Information can be obtained from the Ombudsman NT.

## Step 7

### Systemic Issues

- Address any issue that has become evident, e.g. recordkeeping, better training, review of procedures and policies

Outcomes can include but are not limited to any or a combination of the following:

- Counselling;
- Disciplinary action, e.g. demotion, transfer, formal warning, suspension, probation or dismissal;
- Formal apology;
- Mediation;
- An agreed undertaking;
- Education and training;
- Developing new or changing existing policies and procedures.

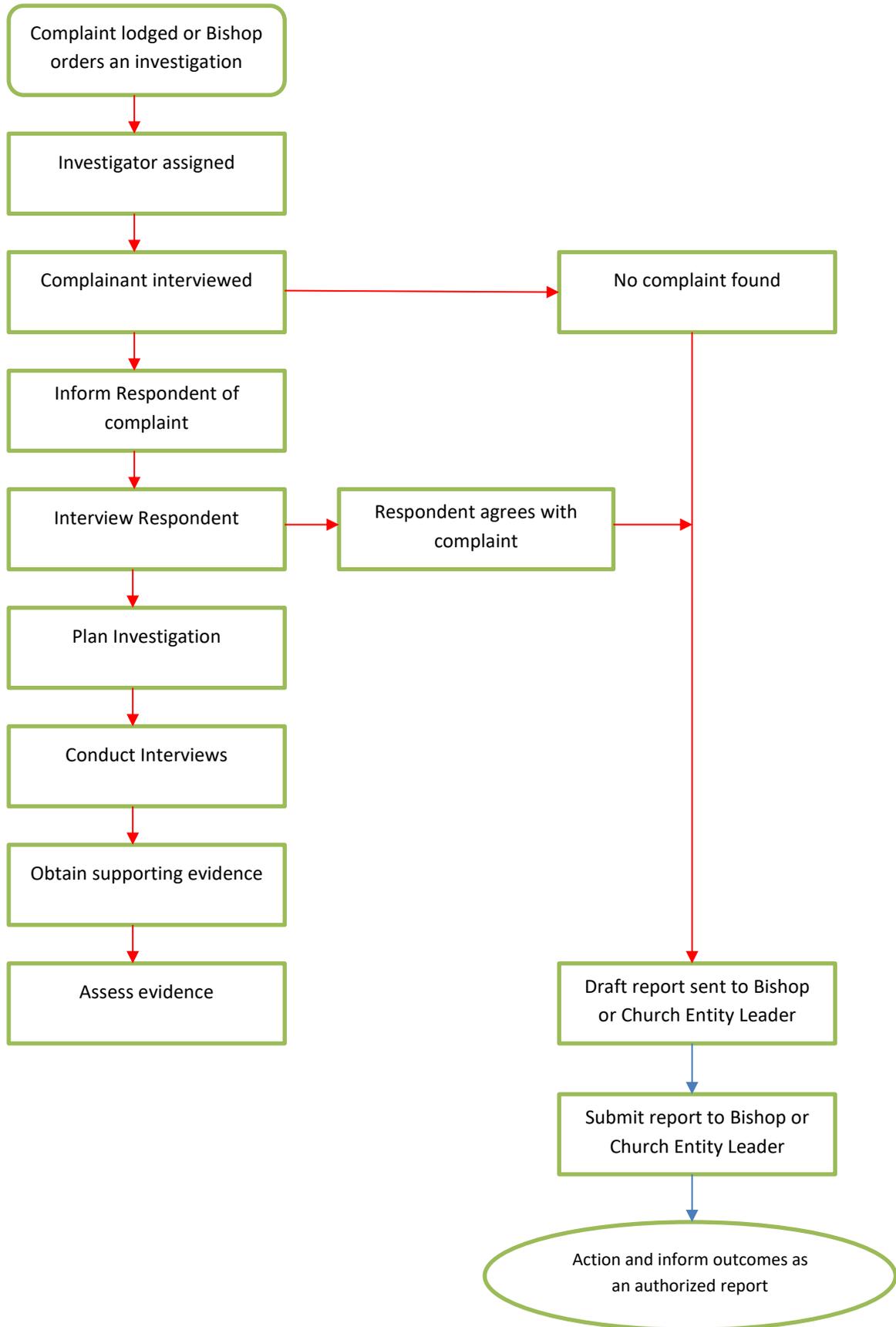
Outcomes will depend on factors such as:

- The severity and frequency of the complaint;
- The weight of evidence;
- A request by the complainant and respondent;
- Whether the respondent could have been expected to know that such behaviour was a breach of policy;
- Any prior incidents or warnings.

Appendices associated with the interview process are:

- Appendix A – Investigation of Complaints Flowchart
- Appendix B – Interview Checklist;
- Appendix C – Interview Statement;
- Appendix D – Investigation Report.

**INVESTIGATION PROCESS CHART FOR SHARING WITH COMPLAINANT AND RESPONDENT**



## INTERVIEW CHECKLIST

The Interview Checklist is to be used as a guide when preparing and conducting interviews. In order to respect diversity and cultural differences, make adjustments as required to meet the needs of any person.

### 1. Interview Preparation

- Prepare interview questions based on the written or verbal complaint. Questions should query every statement in the allegations.
- Advise interviewees of their right to be accompanied/represented at the interview.
- Make sure that there is a private room available where you will not be disturbed.

### 2. Conducting the Interviews

- Introduce yourself and explain the purpose of the investigation. Emphasize that the Diocese of Darwin takes these complaints seriously and that this investigation is in compliance with Diocese of Darwin Policy.
- Ask simple questions to open up the interview, e.g. spelling of name.
- Explain the interview and investigation process:
- Notes will be taken during the interview and you will forward a completed statement to them to check and sign off that it is a true and correct statement;
- The interviewee is to explain what happened in his or her own words. This could be in addition to a written complaint;
- Explain that upon completion of the investigation Catholic Education will attempt to determine what has occurred, and will take appropriate action based on its determination;
- Advise the complainant and the respondent that each will be informed of the results of the investigation and any action to be taken.
- Explain to all interviewees that retaliation will not be tolerated.
- Remind each interviewee of the need for confidentiality.
- Record every aspect of the investigation – why witnesses were selected, what caused delays, who refused to give evidence.

### 3. Interview Techniques

- Avoid leading questions.
- Ask open ended, nonjudgmental questions.
- Avoid the appearance of favouritism in conducting interviews.
- Do not record conclusions regarding credibility.
- Avoid judgmental statements or furthering of myths or stereotypes.
- Be aware of the effects of the allegations on the complainant and any others affected. Offer counselling.
- Challenge each emotive word or exaggeration – e.g. "When you say 'she does that nastily', in what way does she do that?"

**INTERVIEW STATEMENT**

Name of Interviewer:	Position (If relevant):
Name of Interviewee:	Position (If relevant):
Name of Complainant: Contact Phone No.:	Position (If relevant):
Name of Respondent: Contact Phone No.:	Position (If relevant):
Church Entity:	Date of Interview:

I .....agree that this statement is a true and correct record and that the details of the investigation will be kept confidential according to the Australian Privacy Principles and the Information Privacy Principles (NT).

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**INVESTIGATION REPORT**

**Title:**

**Church Entity:**

**Date Investigation Started:**

**Date Investigation Concluded:**

**Date Final Report Issued:**

**Name of Investigator:**

**Name of Complainant:**

**Name of Respondent:**

**Names of Witnesses:**

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1. **Executive Summary (used for more detailed reports)**
2. **Complaint (a summary that describes the allegations)**
3. **Introduction**
4. **Investigation**
5. **Discussion of evidence**
6. **Conclusions**
7. **Recommendations (include responsibilities and due date for personnel who need to take action)**
8. **Approval (names and signatures of those approving the report)**
9. **Distribution of report (names for report distribution)**