

MGL Safeguarding Children Complaints Procedure

CONTEXT

This policy provides guidance to all members of MGL and personnel on how to receive, record, manage, resolve and report on complaints of abuse or misconduct towards children in relation to MGL members, staff or volunteers.

This complaint handling procedure is available on the MGL Website.

This procedure is to be read in the context of the MGL Safeguarding Policy and the section on: Proper and Prompt disclosure to the relevant authorities and timely disclosure to the MGL. The principles and policies around disclosure and suspicions of abuse to children are contained in that section.

The MGL seeks to build a culture in which barriers to disclosure by children, and barriers for adults recognising and responding to disclosures are identified and overcome (see Appendix F).

There are particular barriers to cultural safety of Aboriginal and Torres Strait Islander children and other children of diverse linguistic and cultural backgrounds and children with disabilities, which need to be overcome (see Appendix F).

The Vatican requirements for reporting set out in the Apostolic letter *Vos Estis Lux Mundi* are given in Appendix I.

Complaint

A 'complaint' includes disclosures made to MGLs that may be about, or relate to, child abuse by MGL members, staff or volunteers. It also includes any allegation, suspicion, concern or report of a breach of the MGL Code of Conduct.

A complaint can be made by anyone – including a child, adult survivor, parent, trusted adult, independent support person, staff member, volunteer or community member. A complaint may be made about an adult allegedly perpetrating child abuse or about a child exhibiting harmful sexual behaviours. A complaint may

relate to an incident that has occurred recently or about an event that may have taken place many years or decades before. Complaints may come directly or indirectly.

If a disclosure is made to an MGL member in regard to abusive behaviour or misconduct in relation to someone other than MGL members, staff or volunteers within a particular ministry under the jurisdiction of partner entity (e.g. Light to the Nations, Summer School, YMT) the MGL member should follow the protocols of the particular ministry within which the disclosure was made

If a disclosure is made to an MGL member in regard to abusive behaviour or misconduct in relation to someone other than MGL members, staff or volunteers within the context of a parish for which the MGL is responsible, the MGL member should follow the protocols of the relevant Diocese.

Obligation to Report

Regardless of any statutory requirement (that is, the legal obligation imposed on persons who are "mandated to report"), all MGL members and personnel are obliged to report any belief or perception of inappropriate or abusive behaviour, to the Moderator or Safeguarding Coordinator. If in doubt they should seek advice from the local MGL Mission Head, and Safeguarding Coordinator.

When there is evidence that a child is in immediate danger, police and the relevant child protection agency must be contacted without delay. The safety of children is paramount.

An allegation of criminal behaviour against a child will be reported to Police for investigation.

Any MGL member, staff or volunteer who on reasonable grounds believes a child is in need of protection should report their concerns to

- a) The police in matters appearing to be of a criminal nature
- b) the relevant State or Territory Child Protection Agency for matters requiring mandatory reporting

- c) Reportable conduct authority in the relevant States and Territories (see Appendix D for details on Child Protection Agencies). This concerns any reasonable belief of abuse, wherever it may have occurred and whoever the suspected perpetrator may be (see how to handle a disclosure Appendix G).

If a report is made to police in relation to allegation against a member/volunteer or staff of MGL then the Moderator and Safeguarding Coordinator should be immediately notified.

If it is an allegation against Moderator, then the Safeguarding Coordinator should be notified. If the allegation is against the Safeguarding Co-ordinator, then the Moderator should be notified.

Steps to take when receiving a complaint

- When a complaint of abuse or misconduct towards a child is made to an MGL member or staff/volunteer the person receiving the complaint must report the matter to the Moderator, who will confer with the Safeguarding Coordinator and the Professional Standards Unit (PSU) (see page 51) to ascertain the seriousness of the matter
- If the matter is criminal then it must be immediately reported to the police and to the relevant Child Protection agency. Where the jurisdiction has a reportable conduct scheme the incident, situation or complaint should be reported within the necessary time limits.
- The Professional Standards Unit will offer to connect the complainant and their families with services that can provide them with support to manage difficult or traumatic experiences. The Professional Standards Unit will ensure that children, families and personnel are connected to counsellors, support groups and agencies if they are worried or feeling unsafe.
- After receiving this information, the Safeguarding Coordinator with the Professional Standards Unit will triage issues in consultation with the Moderator.
- A mutual decision will be made in regard to who does the initial interview of the complainant and accused MGL member and identify any conflict of interest.
- The pastoral care and wellbeing of the complainant/victim of alleged abuse must be paramount (see

Appendix D for support services).

- Pastoral care should be brought to other affected parties, such as other children, and other personnel who may require support. The alleged offender should also receive adequate support and pastoral care. The Professional Standards Unit will assist the Safeguarding Coordinator in bringing this pastoral care to all who are affected. This may involve working with the Mission leader in the location from where the alleged incident occurred.
- In the case where a criminal or serious allegation against an MGL member, staff or volunteer is made, the Moderator and Safeguarding Officer assisted by the PSU must risk assess the respondent's current involvement with children or young people and take the appropriate initial risk management action.
- In the case of an allegation of child sexual abuse, if the complaint is plausible, and there is a risk that the respondent may come into contact with children, the respondent is to be stood down from their role and/or ministry while the complaint is investigated. Where Police or the Child Protection Department are involved, the Moderator or Safeguarding Coordinator must discuss their intention to suspend the respondent from ministry with the relevant statutory agency prior to taking this action in order to prevent any contamination of their investigation.
- The investigation must not presume guilt on the part of the alleged offender until this is admitted and/or proven.
- The Safeguarding officer or his delegate on the PSU will give feedback as soon as possible to children, families, carers and personnel who raise concerns or complaints as to the progress of their complaints and any investigations and outcomes.
- As pastoral care of the complainant is paramount, adult complainants should be offered an opportunity to meet with the Moderator in person (in a location of their choice and together with a support person). The Moderator, in consultation with the complainant, and working with the PSU, must ensure the unique pastoral needs of the complainant are met. He will facilitate access to trained personnel who are able to listen to and represent the pastoral needs of the complainant.

Investigating the complaint

An allegation of criminal behaviour against a child will be reported to Police for investigation. The Moderator will request advice of police and/or child protection agencies in relation to the next steps to be taken.

However, the Moderator maintains responsibility for risk assessment and management of potential risk of children who may be in contact with the respondent.

Where the complaint is not of a criminal or mandatory reporting nature the Safeguarding Coordinator / Moderator will gather statements around a complaint- where possible in writing.

The Moderator will consult with the Safeguarding Coordinator and Professional Standards Unit to consider the allegations and advise on the best way to investigate and process the matter.

If the particular jurisdiction where the incident occurred has a Reportable Conduct Scheme in place the Moderator and Safeguarding Coordinator will abide by the requirements of the scheme.

The complaints will be investigated to determine:

- whether a person has breached the MGL Code of Conduct or another policy or procedure;
- whether they pose a risk to safety of children; and
- what action, if any, is required to prevent harm to children.

The investigation will be carried out by an impartial, objective and trained investigator who will advise on the investigation plan.

The investigation should be undertaken in a way that is proportionate to the seriousness of the allegation, frequency of occurrence of alleged incidents and severity of the complaint.

Procedural fairness

It is important that during all stages of a complaints process, the respondent is treated fairly and afforded procedural fairness and presumed innocent (unless the complaint is substantiated). This includes:

- assistance being offered by way of counselling, union referrals (where appropriate), and a support person;
- all allegations/complaints that are put to the respondent give sufficient detail and are accurate to enable an adequate response (these must be in writing);
- clear information is provided about the investigative process and potential findings;
- regular contact providing information as to the

progress of the investigation;

- outcomes/findings provided in writing; and
- the right to a review.

Objectivity and fairness

All complaints must be addressed objectively, fairly and impartially. All conflicts of interest must be declared and resolved. Any actual or perceived conflicts of interest should be referred to and handled by the PSU. Procedural fairness must be observed in relation to all parties. Complainants must be protected from victimisation or harassment.

Ensure appropriate confidentiality

Care should be taken to observe privacy legislation and confidentiality and only to inform involved parties in accordance with relevant "information sharing" legislation. Information should not be shared otherwise. This includes social media and other media.

In the case of criminal investigations, advice should be sought from the police before sharing any information so as not to compromise an investigation.

Adult Complainant and historical abuse

In the event of an adult bringing forward a complaint suffered as a child by a member, staff or volunteer of the MGL, the wellbeing of the complainant is paramount. While the confidentiality of the complainant and the way they want to proceed with the complaint is a high priority, they ought to be assisted and supported to make their complaint to the police if their complaint appears to involve a criminal offence.

If it is a mandatory or reportable conduct matter, the steps for processing any complaint outlined herein will be followed.

Where the matter is not of a mandatory or reportable conduct nature, it would be assessed initially by the PSU to advise on the best process for the complainant. The PSU will listen to the complainant's wishes about the process and consider what is in the best interests of the adult complainant and advise the Moderator. The PSU will facilitate a suitable process for adult complainants.

Conduct risk assessments

A Risk assessment will be conducted:

- 1) once an allegation has been made, (see above: Steps to be taken when receiving a complaint)
- 2) during the investigation and;
- 3) at the end of the investigation.

A final decision can then be made regarding what action, if any, needs to be taken regarding the respondent to address any risk to:

- the child(ren);
- other children with whom the respondent may have contact;
- the respondent; and
- the proper investigation of the complaint.

Disciplinary action while investigation is in process

Action will depend on:

- the nature and seriousness of the complaint;
- Any special and diverse needs and or disabilities of the children the respondent would be working with or providing services to;
- the nature of the position held by the respondent (e.g. the position is one of authority; the position requires one-to-one interaction);
- the level of oversight and/ or professional supervision available to the respondent;
- the availability of support for the respondent on a day-to-day basis if their duties are unchanged
- the respondent's disciplinary history; and
- possible risks to the investigation

These factors will determine the appropriate action toward the respondent while the investigation is in process. At completion of the initial risk assessment where a complaint of child sexual abuse is plausible, and there is a risk that the person may come into contact with children, the person must be stood down from their role and/or ministry while the complaint is being investigated. If after the initial risk assessment a breach of the Code of Conduct in relation to inappropriate behavior towards a child is being investigated and managed, the appropriate action may include the person being redeployed, stood down and/ or dismissed.

Dismissal of seminarian, priest or religious, staff and volunteers

Where a complaint related to child sexual abuse made against a seminarian, priest or religious is substantiated on the balance of probabilities the individual must be removed from ministry.

A seminarian, priest or brother convicted of an offence relating to child sexual abuse will be permanently removed from ministry and will not hold himself out as a religious.

The Moderator will follow the canonical process for

dismissal of the cleric and dispensation from religious vows as stipulated under Canon Law.

If a staff member or volunteer is convicted of an offence relating to child sexual abuse, the person should be dismissed from work or duty.

Communication

Before and during the investigation it will be necessary to communicate regularly with all parties affected by the complaint.

Implementing outcomes

After the investigation has been completed, the Moderator should:

- decide the outcome of the complaint;
- advise the victim and/or complainant of the outcome;
- advise the respondent of the outcome;
- provide ongoing support, including, access to advocacy, support and therapeutic treatment services, and a safety plan for the complainant and family;
- inform relevant agencies as required (e.g. the Ombudsman or working with children check authorities); and
- advise those in the community affected by the conduct.

Right of review

Where there is dissatisfaction with the outcome the Moderator and PSU will determine the appropriate process of review and make known these avenues of review to every complainant and every respondent.

Record-keeping practices

All child safety complaints will be documented regardless of whether the complaint meets statutory reporting thresholds. Documenting includes notes regarding actions taken, including all internal investigations and reports made to statutory authorities or professional bodies.

The record-keeping practices are in accordance with the law. Hard copies of incidents and complaints will be filed and stored securely at MGL Central Office in 6 Boake Place Garran ACT

(see *MGL Record Keeping Policy*, pg 36).

Review of Complaints Procedure

This document will be subject to an annual review by the Safeguarding committee.