



<p style="text-align: center;"><b>TOOWOOMBA DIOCESE</b>  <b>SAFEGUARDING COMPLAINTS MANAGEMENT POLICY</b>  <b>14 April 2023</b></p>
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## Purpose

This document is intended to articulate principles and processes for the appropriate management of complaints related to the safeguarding of children, young people and adults at risk and directed to the Diocese or one of its Councils, Commissions, Ministries, or Parishes.

## Scope

1. This Diocese takes a zero tolerance approach to all forms of abuse and treats related complaints with appropriate seriousness and discretion.
2. This document applies to all complaints relating to Diocesan personnel, including clergy, members of religious institutes, employees, contractors, and volunteers working for the Diocese or for a Diocesan Council, Commission, Ministry, or Parish.
3. Nothing in this document is intended to change or supersede rights or obligations established by canon law or civil law.
4. The principles and processes described apply to all Diocesan Councils, Commissions, Ministries, and Parishes. They overlay, and should be read in conjunction with, any other relevant complaint management policies and procedures.
5. This document is not applicable to disputes or claims referred for resolution to bodies external to the Diocese or for employment related disputes for which there are established disciplinary and grievance processes.

## Principles

The following principles will guide the management of complaints:

### People focus

- Diocesan Councils, Commissions, Ministries, and Parishes will seek and welcome feedback, including complaints;
- Diocesan Councils, Commissions, Ministries, and Parishes will accept complaints directly from people wishing to make a complaint or from representatives acting on their behalf;
- People making complaints will be treated with respect and their privacy will be protected;
- All reasonable steps will be taken to ensure that complainants will not be adversely affected because of a complaint made by them or on their behalf;
- Complainants may remain anonymous if they wish but should recognise that anonymity may limit some aspects of investigation and response.

### Transparency and access

- Information about how and where to lodge a complaint will be readily available from a variety of sources, including websites maintained by the Diocese or its Councils, Commissions, Ministries, or Parishes, on noticeboards in relevant facilities, in print from relevant offices, or verbally by direct inquiry;

- A complaint may be made to any Diocesan employee in person, or by telephone, SMS, email, post, or by using an online concern or feedback enquiry form on the website of the Diocese or a Diocesan Council, Commission, Ministry, or Parish;
- A Diocesan Council, Commission, Ministry, or Parish will provide all reasonable assistance to complainants by recognising specific needs such as disability, age, location, or cultural and linguistic differences and providing appropriate support.

### **Responsiveness**

- Complaints will be acknowledged promptly and prioritised for action in accordance with levels of risk, seriousness, and urgency;
- Complaints alleging criminal behaviour will be reported promptly to relevant authorities;
- Complaints will be recorded accurately in a register maintained for that purpose and tracked, with monitoring of timeframes for resolution;
- Complaints will be responded to fairly, reasonably, and in a timely manner;
- Complainants will be provided with a brief explanation of the process, expected timeframes, and possible outcomes;
- Complainants will be provided with periodic progress updates and advised as soon as practicable where part of their complaint is unable to be dealt with or there are delays.

### **Objectivity and fairness**

- Complaints will be taken seriously and handled objectively, without bias, and with procedural fairness and natural justice afforded to all parties;
- Personal information will be managed ethically and in accordance with relevant privacy legislation;
- A Diocesan Council, Commission, Ministry, or Parish may refuse to investigate a complaint if it is considered to be abusive, vexatious, trivial, or unreasonable but such complaints and the decision not to investigate will be recorded in the register;
- Responses provided to complainants will include information about available review mechanisms;
- Complaints will be handled by a person whose conduct or service is not the subject of the complaint;
- Conflicts of interest, whether actual or perceived, will be managed responsibly and, where reviews of decisions related to complaint management are required, they will be undertaken by people other than the original decision maker;
- All review outcomes will be documented and explanatory feedback will be provided to the complainant.

### **Remedies**

- Informal resolution and compromise will be attempted wherever possible;
- Appropriate remedies that are fair to the complainant and to the Diocesan Council, Commission, Ministry, or Parish will be offered.

### **Accountability, learning, and prevention**

- Mechanisms will be established to collect and record information to monitor complaint outcomes and identify potential areas for improvement;
- Potential areas for improvement revealed by complaints will be reported to the person(s) responsible for the relevant activity;

- Diocesan personnel will be provided with training and information relevant to this policy during induction and periodic updates;
- Personnel responsible for management of complaints will be accountable for fulfilling their responsibilities.

### **Privacy and disclosure**

- Information about complaints and parties involved in a complaint will be used or disclosed only in compliance with all relevant privacy and ethical obligations;
- All documents and records collected or created in the course of receiving, investigating, and responding to complaints must be treated as confidential and stored securely in a locked cabinet or password secured computer as appropriate;
- The safety of other people who may be at risk of harm should always be the first priority.

### **Organisational commitment**

- The Diocese expects staff at all levels to be committed to fair, effective, and efficient handling of complaints.

## **Definitions**

See Appendix A

## **Related documents**

This document is intended for implementation in conjunction with the *Diocesan Safeguarding Policy for Children, Young People and Adults at Risk (April 2023)*, which is available under the resources section of the Diocesan website (<https://www.twb.catholic.org.au>) and with any disciplinary and grievance policies and processes applicable to the Diocesan Council, Commission, Ministry, or Parish.

## **Implementation**

The Diocesan Safeguarding and Standards Ministry Office, in consultation with relevant internal and external stakeholders, will be responsible for implementation, review, and amendment of this policy. The operation of the policy will be reviewed every three years or in response to issues experienced with its implementation.

The policy will be communicated to each Diocesan Council, Commission, Ministry, or Parish and included in induction processes and periodic updates for relevant personnel.

Each Diocesan Council, Commission, Ministry, or Parish will be responsible for implementation of the policy within its own operations, including by ensuring the availability of relevant information in formats and locations accessible to all participants in activities managed by the Diocesan Council, Commission, Ministry, or Parish. Depending on the profile of participants, it may be appropriate to engage assistance of members of a local community to offer materials in languages other than English and/or in formats appropriate to children. Appendix D includes links to resources that may assist in preparing appropriate materials.

A person receiving a complaint on behalf of a Diocesan Council, Commission, Ministry, or Parish should immediately ascertain the nature of the complaint. If the complaint is about something that threatens immediate harm, it is appropriate to immediately call the police and advise a key contact person in the Diocesan Council, Commission, Ministry, or Parish. Appendix B provides a concise flowchart to guide the initial handling of complaints, distinguishing among emergencies,

current or historical abuse, and dissatisfaction with services or decisions. The action taken should be appropriate to the nature of the complaint.

A Diocesan Council, Commission, Ministry, or Parish may refuse to investigate a complaint if it is seen to be abusive, vexatious, trivial, or unreasonable, or where a complainant refuses to cooperate with efforts to investigate. The complaint and the decision to not investigate must be recorded on the complaints register for transparency and accountability.

A Diocesan Council, Commission, Ministry, or Parish will ensure that any complaint is investigated by an appropriate person who is not the subject of the complaint and cannot otherwise be considered to have an actual or perceived conflict of interest. If a review of a decision about a complaint is required then the Diocesan Council, Commission, Ministry, or Parish should ensure that the review is conducted by someone other than the original investigator or any person who might be perceived to have a conflict of interest.

Appropriate to the nature and circumstances of a complaint, personnel subject to a complaint may be directed to have limited or no contact with the complainant pending resolution of the complaint. In cases where there is a plausible allegation of sexual abuse and there is a risk that the subject of the complaint may encounter children, young people or adults at risk, that person should be stood down from their role or ministry while the complaint is investigated. Respondents facing a complaint or allegation will be provided with appropriate pastoral support and the Diocesan Council, Commission, Ministry, or Parish should ensure that actions taken under this policy are consistent with relevant disciplinary and grievance policies and processes.

### **Recording complaints**

Complaints received in writing and/or notes of conversations with a complainant must be retained in either paper or electronic form and filed so that they are easily retrievable.

All complaints (formal, informal, or anonymous) must be recorded on a *Complaints Register* maintained by the Diocese or by the relevant Diocesan Council, Commission, Ministry, or Parish.

The register must capture the following information as accurately as possible:

- Date the complaint was lodged
- How the complaint was lodged (in person, by email, etc.)
- Name of the complainant and their relationship to the Diocese
- Contact details of the complainant
- Detailed description of the complaint and location of relevant files
- Actions taken by the Diocese or the Diocesan Council, Commission, Ministry, or Parish, including reporting to authorities (e.g., Police), dates of review, all contact made with the complainant and what was discussed
- Resolution of the complaint including the date the outcome was notified to the complainant

### **Management of breaches of policies and procedures**

Appendix C provides a guide to just and fair decision making about breaches of policies or procedures.

Minor instances of non-compliance with policies and procedures should, in the first instance, be drawn to the attention of the appropriate person in the Diocesan Council, Commission, Ministry or Parish for discussion and remedial action.

Continued non-compliance should be reported to the person in charge of the relevant Diocesan Council, Commission, Ministry, or Parish who will determine if the matter should be reported to the Bishop.

In all instances relating to harm to a child, young person, or adult at risk, the Diocesan Safeguarding and Standards Ministry Office must be immediately advised by telephone with a confirmation in writing (or by email) within 24 hours. If the complaint relates to conduct that may amount to a criminal offence it should be immediately reported to the Queensland Police Service.

In all instances of serious non-compliance, the Bishop must be informed in writing within 24 hours.

All actions directed to managing breaches will be recorded on the Complaints Register.

## Acknowledgements

Preparation of this document was greatly assisted by access to equivalent documentation previously prepared by the Diocese of Townsville and the Archdiocese of Brisbane.

## Policy Review History:

Date	Version	Reviewing body	Amend/update	Next Review date
09 October 2021	Edition 1	Diocesan Safeguarding and Standards Committee	New Diocesan Policy	March 2023
07 December 2021	Edition 2	Diocesan Safeguarding and Standards Committee	Updates original Diocesan Policy Edition 1	March 2023
14 April 2023	Edition 3	Diocesan Safeguarding and Standards Committee	Replaces Diocesan Policy Edition 2	March 2025

## Appendix A: Definitions

### Abuse

Abuse is the improper treatment of a person that results in actual or potential physical or emotional harm. Abuse can come in many forms such as physical or verbal maltreatment, neglect, injury, assault, violation, rape, unjust practices, crimes, exploitation or other types of aggression.

### Adult at risk

Any person aged 18 years and over who is at increased risk of experiencing abuse or harm on account of factors such as age, disability, mental illness, diminished capacity, cognitive impairment, previous abuse, or experiencing transient risks. This includes persons (18 years and older) subject to a power imbalance in receiving a ministry or service, who identify as Aboriginal and/or Torres Strait Islander, who are from culturally and linguistically diverse backgrounds, who are of diverse sexuality, who have any other impairment or adversity that makes it difficult for them to protect themselves from abuse. (*National Catholic Safeguarding Standards Ed 2*)

### Complaint

A complaint is a statement made by an individual about something they find to be unsatisfactory or unacceptable. Complaints generally relate to a service delivered, decisions made or behaviours exhibited by personnel, or organisational policies, procedures, and practices.

### Complainant

A complainant is a person or organisation, or their representative, making a *complaint* about services or personnel of the Diocese or a Diocesan Council, Commission, Ministry, or Parish.

### Canon law

The Code of Canon Law is the codified body of general laws governing the Catholic Church.

### Dispute

An unresolved *complaint* escalated either within or outside the Diocese or both.

### Feedback

Opinions, comments, and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about the Diocese, about its services or complaint handling system where a response is not explicitly or implicitly expected or legally required.

### Gender variance

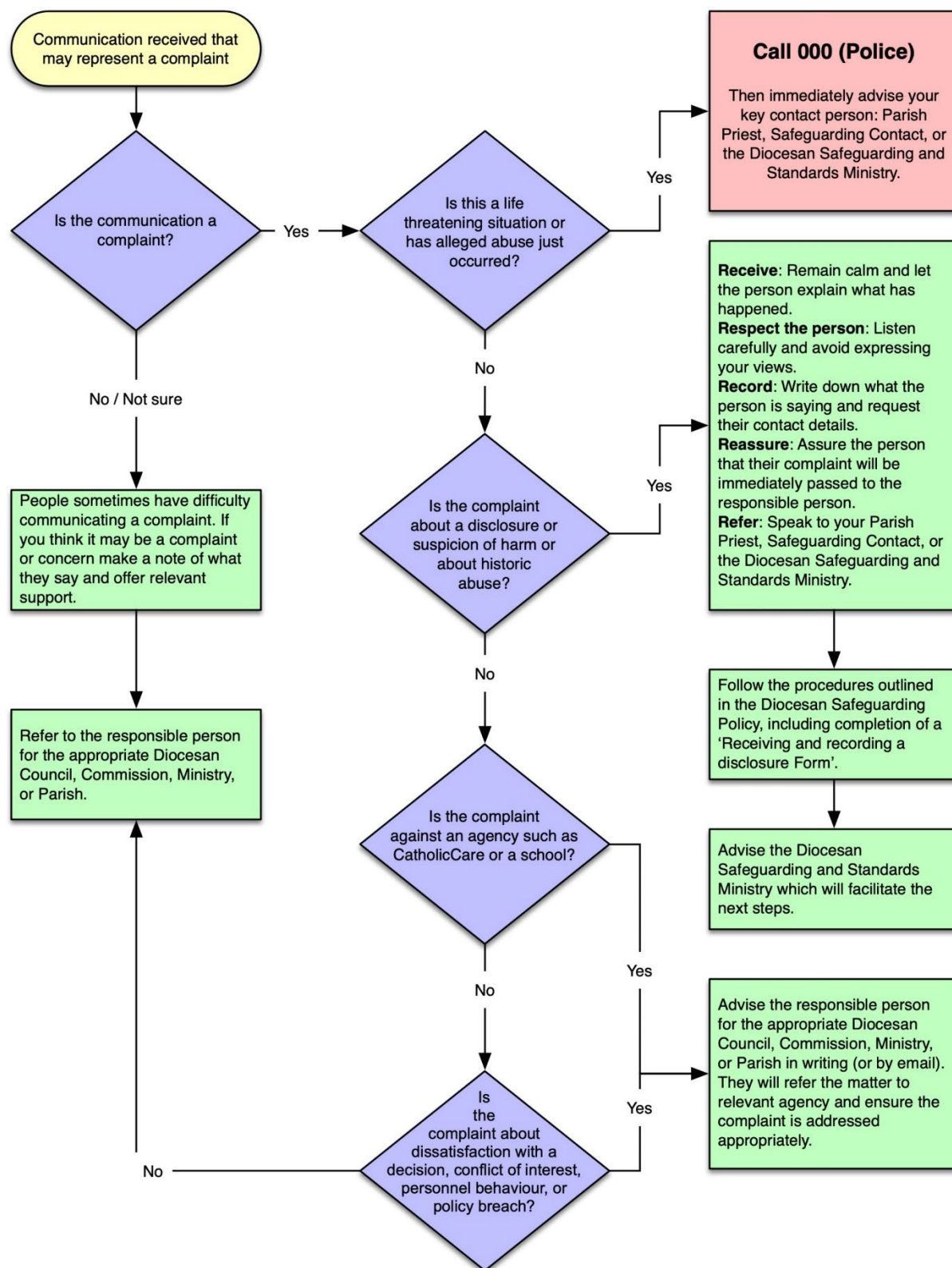
A discord, often confusing and distressful, between biological sex and belief about gender. The National Catholic Safeguarding Standards Ed2 (Std 4) remind us of the personal needs and vulnerability of young people and adults who live with a sense and reality of diverse sexuality.

### Harm

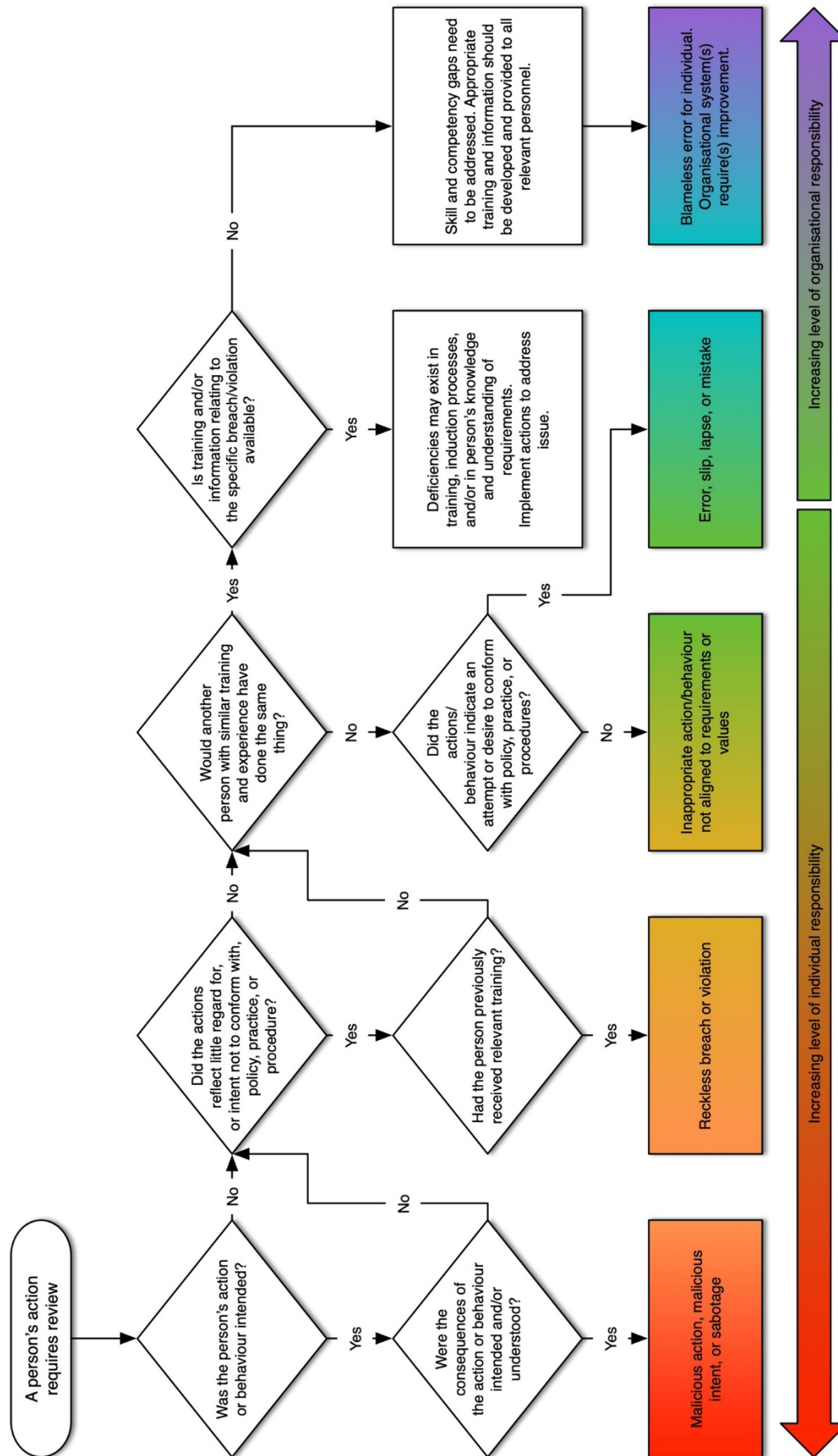
Harm may be caused by sexual, physical, emotional or psychological abuse, or neglect. Harm refers to the detrimental effect or impact of abuse or neglect on a child, young person or adult at risk. A child, young person or adult at risk is considered to be at unacceptable risk of suffering harm if there are grounds to suspect that, unless someone intervenes to prevent it, the actions of another person will result in, or is likely to result in, a detrimental effect of a significant nature on the physical, emotional and/or psychological wellbeing of the child, young person or adult at risk.



## Appendix B: Complaints management flowchart



## **Appendix C: Just and fair decision making**



## Appendix D: Resources

Resources prepared by other dioceses can provide helpful models for use by a Diocesan Council, Commission, Ministry, or Parish in preparing child-friendly materials. Examples include:

**Brisbane Archdiocese:** <https://brisbanecatholic.org.au/safeguarding/resources/#resources-for-children>

**Cairns Diocese:** <https://cairns.catholic.org.au/services-and-ministries/safeguarding>

**Sydney Archdiocese:** <https://www.sydneycatholic.org/safeguarding-and-child-protection/information-for-children/>