

## AUGUSTINIANS



### PROVINCE OF OUR MOTHER OF GOOD COUNSEL AUSTRALASIA

#### COMPLAINTS MANAGEMENT POLICY

The 'Order of St Augustine in Australasia' accepts complaints, comments and suggestions about any of the activities it undertakes and deals with them in a positive manner.

The Order is committed to providing services in line with Gospel values and the teachings of St Augustine. 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, however the Order is mostly guided by the ten 'safeguarding' measures outlined by National Catholic Professional Standards (2018). These incorporate direction and expectations of personal and professional conduct of all those involved in Order ministry and employment. The Prior Provincial is responsible for all complaint matters.

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 about behaviours towards a child or vulnerable adult.

#### FRAMEWORK FOR COMPLAINT MANAGEMENT AND RESOLUTION

The resolution of any complaint received involves some of the following steps:

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

For more serious complaints that cannot be resolved at a personal level, a written complaint and supporting documentation must be forwarded to the Order's 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.

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

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. A risk assessment is to be conducted by the Provincial or his delegate, including consideration to be given to standing down those facing allegations of 'reportable conduct'.

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 by email or mail to the complainant.
- Investigation of the complaint – an initial assessment will be made to determine whether the issue:
  - Requires 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. The respondent is advised of his obligation to cooperate with law enforcement directives).
  - Is multifaceted and needs to be addressed as separate issues
  - Is a health and safety issue, or a breach of the Code of Conduct, and/or involves children or vulnerable adults
  - Is dependent on other organisations (eg Police, National Redress, Catholic Redress, State Education departments) for information and to help in achieving a resolution
  - Requires additional information and advice from individuals and other organisations
  - Requires a risk assessment and consideration as to whether a respondent needs to be stood down from their role while the matter is investigated.
  - Should be reported to insurers.

- 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, including face-to-face meeting/s to discuss issues, remedial action and an apology to the complainant if required.
  
- Achieving systemic improvements - following a substantiated complaint the Order will review processes and procedures to determine whether changes in the Orders operations (including staffing) are required.

### **COMPLAINTS INVOLVING EXTERNAL ORGANISATIONS**

Steps in the process where complaints are forwarded to external bodies (eg Police, CPSL, National Redress) are as follows.

#### **NOTIFICATION OF COMPLAINT TO POLICE**

- Engagement of legal representation by both parties;
- Police and DPP decide whether to lay charges;
- 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.

### **POSSIBLE OUTCOMES**

- Provincial and Provincial Council decides on whether the accused/respondent continues in ministry. Options include: withdrawal from ministry and transfer to alternative work, return to ministry, psycho-medical assessment, counselling, study leave, renewal program, professional supervision. In some instances the person may not be permitted to return to ministry.

### **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.

### **RECORD KEEPING**

All complaints are to be detailed in the Complaint File Register and filed with other complaint records in locked storage facilities, maintained and kept for fifty years.

**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**

<b>Date</b>	<b>Major / Minor Revision</b>	<b>Description of Revision(s)</b>
February '20	Major	Approved at the Provincial Council meeting – May '20

**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](mailto:dave.austin@osa.org.au) Phone 02 9938 0200, Address: PO Box 7278 Warringah Mall, Brookvale NSW 2100.