



Brigidine Southern Cross Community Australia

Complaint Handling Policy & Procedures for Safeguarding Matters

1. INTRODUCTION

The Congregation of St Brigid (Brigidine Sisters) are committed to effective complaint handling.

We aim to empower people to communicate their safeguarding concerns and complaints without fear of retribution or discrimination and provide a transparent process for this to occur. All complaints will be dealt with in a way that observes the principles of honesty, transparency, and fairness. Complaints that involve disclosures of abuse or harm will be dealt with in a compassionate, trauma-informed manner that prioritises the safety and wellbeing of children and adults at risk.¹

We will try to resolve safeguarding concerns and complaints as efficiently and effectively as possible, having regard to the seriousness of the complaint and any statutory obligations to cooperate with other organisations, including police, child protection authorities and other oversight and regulatory bodies for adults at risk.

2. SCOPE

This Safeguarding Complaint Handling Policy (the Policy) establishes the overall framework by which the Brigidine Southern Cross Community will welcome and respond to complaints. It also provides a process for personnel and members of the wider community to raise a complaint related to safeguarding responsibilities of the Brigidine Sisters in Australia.

This Policy has been approved by the Brigidine Congregational Leadership Team (CLT) and applies to all personnel engaged by the Brigidine Sisters in Australia. It includes sisters, employees, volunteers, contractors, and others engaged by the Brigidine Sisters.

¹ See the Glossary for the definition of child and adults at risk.

This policy is not intended to be a set of rigid procedures that must be followed whenever a complaint is raised, as the process for dealing with a particular concern will vary depending on the nature, circumstances, and seriousness of the complaint.

The policy complies with the National Catholic Safeguarding Standards (the Standards),² and adheres to the relevant legislation in the various Australian states and territories as applicable.

Complaints other than safeguarding should be referred to the Brigidine Southern Cross Community Leader.

3 DEFINITIONS (See glossary)

4 APPROACH TO COMPLAINT HANDLING

When responding to complaints, the Brigidine Sisters of the Southern Cross Community uphold the following principles and approach:

- A response with integrity and free of bias
- Acting justly and compassionately to those affected by abuse or those who require additional pastoral or other support
- Having clear lines of accountability for handling complaints
- Ensuring that information about the process for complaint handling is accessible to children, adults at risk and the wider community
- Assessing the nature of any complaint to enable a suitable and responsive process
- Applying the principles of procedural fairness to facilitate a just and impartial complaint handling process for persons subject of complaint
- Responding and communicating clearly with complainants and other involved parties about the complaint process and outcomes as relevant to each individual, in a timely manner
- Respecting the requirements of privacy and confidentiality, subject to relevant statutory requirements
- Ensuring lawful and reasonable exchange of information if required with other organisations to ensure the protection of a child or adult at risk
- Complying with any relevant statutory and policy requirements, including meeting any criminal, child protection, civil or other external reporting obligations, and remaining observant of relevant canonical processes
- Using the data, insights, and learnings from complaints to improve professional behaviour and practice within the Brigidine Sisters and their ongoing delivery of supports and services

² The National Catholic Safeguarding Standards are based on the child safe standards recommended by the Royal Commission into the institutional Responses to Child Sexual Abuse but include additional 'core components' for Catholic organisations

5 MAKING A COMPLAINT

- Any person wishing to report a concern or make a complaint about the Brigidine Sisters may do so via email or phone: safeguarding@brigidine.org.au or (03) 9509 2132.
- A complaint being made by internal personnel, such as a member of the Congregation, staff member or volunteer, may be made directly to the complainant's relevant Manager or member of the Brigidine Southern Cross Community Leadership Team (BSCCLT).
- Any complaint about abuse will be referred to the BSCCLT.
- Complaints made about individuals occupying positions of responsibility in Brigidine Sisters Leadership, members of the Brigidine Safeguarding Reference Group Australia and Staff in managerial positions will be progressed as below:

Position	Responsible Person who Receives and Manages Complaint
A member of the Brigidine Southern Cross Leadership Team (BSCCLT)	Will inform the Brigidine Congregational Leader and/or Australian Catholic Safeguarding Ltd (ACSL)
Chair or another member of the Brigidine Safeguarding Reference Group Australia	Will inform the Brigidine Congregational Leader
Staff in managerial positions	Will inform the nominated member of Brigidine Southern Cross Leadership Team (BSCCLT)

- Complaints may be made anonymously. However, the Brigidine Sisters recognise the difficulty with anonymous complaints in verifying relevant facts and being satisfied as to the legitimacy of the complaint, as well as the challenges that may arise in affording fairness to the person the subject of complaint in circumstances where the identity of the complainant is a central issue.

6 RESPONSIBILITY FOR MANAGING COMPLAINTS

Depending on the nature of the complaint, people in various roles will be nominated to be involved in the process of responding to the complaint. The roles that may be involved include:

6.1 The Complaint-handler

The Brigidine Sisters will nominate a suitable person to manage the complaint. The role of complaint-handler can be performed by different people within the Brigidine Sisters depending on the nature of the complaint, and certain individuals may perform particular aspects of a complaint process, however, it is preferable that one individual should be responsible for managing the complaint (complaint-handler).

The complaint-handler may:

- be a point of contact for the complainant and the person the subject of complaint (and other involved parties) including police or external agencies (if relevant)
- provide the complainant, or a person who is the subject of a complaint, with a copy of this document and other information that explains complaint procedures and the support available
- keep appropriate, confidential records of the matter as appropriate

6.2 The Assessor

The Brigidine Sisters will nominate a suitable person to assess the complaint to determine the appropriate process to apply in responding to the complaint, as detailed in section 7 of this policy.

The assessor will:

- Recommend the appropriate process to respond to the complaint
- undertake an initial risk assessment
- recommend any external reports required
- assist with external reporting if required

6.3 The Investigator

If required, a suitable investigator will be nominated to carry out reasonable inquiries to determine if the alleged incident or conduct has occurred or not. A person nominated to investigate a complaint will have the necessary expertise and qualification to undertake the inquiries and must not have a conflict of interest. The investigator may be a suitable internal person or an external investigator.

6.4 Alternative Dispute Resolution Provider

If a complaint is best to be resolved through alternative dispute strategies such as mediation, a suitably qualified person may be appointed internally or externally to facilitate such a process, for example, a mediator or a conciliator.

Alternative dispute procedures are not suitable responses in the first instance for matters that are reported to police or child protection authorities. They may

however later be used as part of an accepted outcome to abuse matters such as within a redress, pastoral or civil claim process.

6.5 The Complaint Decision-Maker

The complaint decision-maker is the person with the authority to make the final decision about a complaint. This authority lies with the relevant Brigidine Southern Cross Community Leader.

The complaint decision-maker is identified at the commencement of any response to a complaint. This person has the overarching responsibility for the management of the complaint and outcomes in liaison with members of the BSCCLT, who will be alerted to the nature of the complaint and where it was received or where the incident occurred. The decision-maker's role is primarily to review the relevant issues, evidence and recommendations arising from the complaint-handling/investigation process, and then make a final determination about the appropriate outcomes. In more serious matters the decision-maker should not be directly involved in the investigation.

The complaint decision-maker is responsible for approving a complaint investigation before it commences.

If the decision-maker decides to make a different finding or substitute a different outcome from what has been recommended by an assessor, complaint-handler or investigator, the rationale for this should be documented.

A decision-maker should not be involved in a decision where a conflict of interest exists, even if the decision-maker has the proper delegation or authority and, in such situations, a member of the Brigidine Southern Cross Community of higher authority will undertake the role.

6.6 Dual Roles

Depending on the nature of the complaint, the roles in 6.1 – 6.4 may be carried out by one or more persons. This is more likely to be suitable for complaints of a grievance or other less serious nature and do not involve allegations of abuse of children or adults at risk.

6.7 Avoiding Conflicts of Interest

All complaint procedures including investigations must be conducted without bias, in an impartial and objective manner. No-one with an actual or perceived conflict of interest should be appointed or remain a facilitator, investigator or decision maker. The more serious the complaint/issue, the more important it is that the persons nominated for a role in the process are suitably independent of events or are external to the organisation. Any conflicts of interests should be addressed at an early stage in the complaint process.

7. COMPLAINTS PROCESS

7.1 Receipt and Acknowledgement of a Complaint

The Brigidine Southern Cross Community leader through the nominated person will acknowledge the complaint as soon as possible and within 72 hours of receipt, unless otherwise required by law. The acknowledgement will include:

- A contact point for the complainant
- Timeframe in which an initial assessment of the complaint will be taken
- The likely next steps
- If applicable (and known at the time), whether the matter must be reported to any external authorities (e.g. police, child protection authorities, regulatory/oversight bodies)
- Information about support options available

The Brigidine Sisters will consider, on a case- by-case basis, the most appropriate method (e.g. phone, email, letter) for acknowledging a complaint, and ensure that the date and method of acknowledgement are recorded.

When complaints or reports are made verbally, a contemporaneous and detailed record of what was said will be documented. In most cases, it will be appropriate for this record to be sent to the complainant as part of an acknowledgment to confirm the completeness and accuracy of the information recorded.

The BSCCLT is responsible for ensuring complaints are appropriately acknowledged.

7.2 Initial Assessment and Response

Complaints will be initially assessed by the appointed assessor. The nominated person may obtain assistance from the Brigidine Safeguarding Reference Group Australia (BSRGA) or another suitable person.

The initial assessment includes:

- Whether any external reports are required, for example, to police or child protection authorities
- Undertaking an initial risk assessment – refer to Risk Management Strategy Tool Appendix C and Intake Form Appendix E
- Nomination of relevant roles for the nature of the complaint, including the role of a complaint handler, assessor, investigator, and alternative dispute provider, as appropriate, and provision of relevant information to those persons so they may undertake their roles
- Confirmation of the decision-maker for the matter
- Arrangement for the complainant to be informed of the process being implemented in response to the complaint and/or risk assessment and relevant roles of any personnel, including if relevant that he or she has a right

to independent legal advice and an explanation of the range of options available to the complainant to pursue the matter or obtain redress, e.g. criminal charges, civil claims for damages, application to the National Redress Scheme or request for ex gratia compensation

- Arrangement for a person subject of the complaint to be informed of the complaint and process, within the applicable timeframe, and if relevant that he or she has a right to independent legal advice

The complaint handler is responsible for ensuring this initial assessment and response stages occur.

7.3 Options for Resolving a Complaint Include:

After assessing the complaint, the complaint-handler will plan the actions required.

Informal resolution through a grievance process

Relevant considerations will include:

- The seriousness of the complaint
- The nature of the person's concerns
- The complainant's preferences and what outcomes they are seeking

Sometimes, the person making the complaint may be satisfied with the opportunity to express themselves and be heard. Other possible options include providing an explanation, apology and/or making a practical change that addresses the person's concerns. It may be appropriate to arrange a facilitated discussion between the relevant parties, for example a conciliation or mediation. This could be handled by internal suitable personnel, or it may be more appropriate to bring in an external independent qualified person.

The complaint decision-maker is responsible for approving the proposed resolution method before it commences.

Investigating a Complaint

If a complaint is unable to be resolved informally (or it is not appropriate to do so), the BSCCLT may decide to commence an investigation. The appropriate investigative approach will depend on a range of factors including:

- The seriousness and/or complexity of the complaint
- The people affected by the complaint
- The possible outcomes including those sought by the complainant
- Whether other authorities or agencies need to know about the complaint or be involved in responding to it

An investigation process may not be able to commence if police or other external authorities are undertaking inquiries, and if such a situation arises, clearance is obtained from those authorities prior to the Brigidine Sisters commencing any investigations. A factsheet detailing how an investigation is progressed is attached as Appendix 1.

Complaints within Criminal or Civil Proceedings or the Australian National Redress Scheme

When the BSCCLT is notified of a complaint that is the subject of a criminal or civil process, or the National Redress Scheme, BSCCLT will engage in the relevant processes in accordance with their legal obligations and their legal advice. Such processes usually restrict the BSCCLT from engaging directly with the complainant and therefore the process followed is that required by the applicable legal process. In these situations, the Brigidine Sisters remain open to engaging with the complainant directly if this would assist the complainant to find resolution to their complaint, and it is enabled by the relevant law.

7.4 Recording the Complaint

The BSCCLT will make a record of the complaint, including:

- The name and details of the complainant
- The issues raised in the complaint
- The name of any person who is subject of the complaint
- The outcome sought by the complainant
- Any other relevant information, including the names and contact details of potential witnesses, existing or potential sources of evidence

7.5 Supporting the Complainant and Persons the Subject of Complaint

Support for the complainant may include, but is not necessarily limited to:

- The offer of an independent support person to assist the complainant through the process
- If appropriate, medical treatment and/or psychological support and counselling or other certain expenses (such as ameliorate financial hardship)
- Ongoing communication about the progress of the complaint process as appropriate

Support for the person who is the subject of a complaint may include, but is not necessarily limited to:

- The offer of an independent support person to assist them through the process
- If appropriate medical treatment and/or psychological support and counselling
- Ongoing communication about the progress of the complaint process as appropriate

It is the responsibility of the Brigidine Southern Cross Leader and Team to communicate with the complainant and the person who is the subject of a complaint in relation to their welfare and support needs.

7.6 Conclusion of the Complaint

When the relevant complaint process is completed, the BSCCLT will determine what action is appropriate and reasonable in regard to the outcome of the complaint process. This may include, as appropriate:

- An acknowledgement
- An explanation of what occurred
- An agreement between the parties
- A verbal or written apology
- Suitable internal management action (e.g. providing/referring the person the subject of the complaint with counselling, training of staff, or revision of policies or processes)
- Disciplinary action for a current employee
- Change to a role, or cessation of the work of a volunteer or Brigidine sister
- Offering ongoing support to the complainant (e.g. counselling)
- Offering a pastoral or financial redress to the complainant, when appropriate
- Appropriate supports to the person subject of the complaint, if a complaint is found to be not substantiated

At the conclusion of the complaint process, the parties to a complaint will be informed of:

- The outcome of the process, as relevant to the individual, if the matter was progressed as an informal process or dispute resolution process
- The finding, as relevant to the individual, if the matter was investigated
- Any final risk assessment determinations, as relevant to the individual

When communicating outcomes of a complaint process to a complainant or to a person who is the subject of a complaint, certain legal obligations apply to the Brigidine sisters

- Consistent with principles of transparency, any information that directly impacts on an individual and is lawful and reasonable to disclose, will be communicated as part of the outcomes and closure to the complaint process
- Privacy and other laws may apply, and it is important that both parties understand that, unless required by law, details of the outcome for the other party may not be disclosed, such as disciplinary action for employees or legal action involving the other party

8. ADDITIONAL CONSIDERATIONS

8.1 Confidentiality and Privacy

All parties involved in a handling a complaint must maintain strict confidentiality throughout the process in accordance with the requirements set out in section 11 of the Safeguarding Policy. This does not prevent the Brigidine Sisters from requesting relevant information from external agencies, subject to legislative provisions to facilitate information sharing (for example to promote the safety and wellbeing of children) and the Commonwealth Privacy Principles.

During any complaint resolution or investigation process, it should be impressed upon all witnesses that they have an obligation to keep details of the investigation confidential. Confidentiality applies to all stages of a complaint process, including after an outcome is provided and actions taken.

Specific Considerations

- Information and records relating to complaints will be treated as strictly confidential. Where the complainant is under the age of 18, information will be shared with the complainant's parents or guardian where it is safe and appropriate to do so
- Information may be shared if it is necessary to address an immediate risk to the safety or wellbeing of any person, but only to the minimum extent necessary to address the risk
- If the complaint involves conduct that is serious and/or potentially criminal, any legal obligations to report relevant information to bodies such as the police or child protection services, or to other prescribed bodies, e.g. Reportable Conduct Schemes, will override confidentiality
- In certain circumstances, the obligation to be fair to the subject of a complaint may completely or partially override confidentiality. The Brigidine Sisters will seek to balance fairness and confidentiality requirements and, as far as possible, safeguard the interests of all parties
- On a strictly limited basis, information may be disclosed to a person who has a legitimate need to know the outcome of the matter, e.g. for ongoing risk management or for the purposes of managing or providing support to the person who is the subject of the complaint
- If a complaint is investigated and the findings of the investigation indicate that another organisation/s may have a legitimate need to know about the complaint or concern, information may be disclosed to those other organisations, but only to the minimum extent necessary to address the legitimate need to know.

8.2 Complaint Review Options

If an individual is not satisfied with the outcome of a complaint, they may request an internal review be conducted by the Brigidine Sisters. The request for review must be made within 14 business days from the date the finding is made known to the individual. Reasons outlining why the review is being requested are to be included in the request.

The BSCC LT appoint an appropriate reviewer who was not involved in the original process. The BSCCLT remain the final decision-makers of a review.

If an individual remains dissatisfied with how their complaint was handled, they may be able to take their complaint to an external agency, such as a Court or Tribunal, the NSW Anti-Discrimination Board, or the Australian Human Rights Commission.

8.3 Maintaining Documentation

Documentation relating to complaints should be maintained and kept confidential. The level of detail required will depend on the type of complaint that is raised. At a minimum, those who are responsible for managing a complaint should retain file notes on any discussions about the complaint. Where the complaint is more complex, it may be necessary to maintain more comprehensive notes and/or create a specific file. Documentation should include sufficient information about the complaint, any steps taken to manage the complaint and any approach taken to resolve it.

9. CONTINUOUS IMPROVEMENT

The Brigidine Sisters will regularly review complaints to identify particular patterns or trends and opportunities for improvement, having regard to:

- Any underlying factors that may have contributed to the issue/s giving rise to the complaint
- What could have been done to prevent or reduce the issue/s giving rise to the complaint
- What safeguards, policies or procedures could be put in place to prevent or reduce the risk of a recurrence of the behaviour in the future by the same person or by other Brigidine Sisters personnel.

The Chair of BSRGA is responsible for ensuring that there is a regular review of complaints through the BSRGA function. The Brigidine Sisters will take appropriate action in response to these reviews.

10. REVIEW OF COMPLAINT HANDLING POLICY AND RELATED DOCUMENTS

The Complaint Handling Policy will be updated as required and reviewed at least every three years. The BSCCLT will consult the following stakeholders as part of reviewing the Complaint Handling Policy and related documents:

- Brigidine Congregational Leadership Team (CLT)
- Brigidine Safeguarding Reference Group Australia (BSRGA)
- Sisters, employees, volunteers

11. FURTHER GUIDANCE

- National Catholic Safeguarding Standards (Second Edition)
- Safeguarding Policy
- Risk Management Strategy
- Code of Conduct
- Complaint Handling Guide: Upholding the rights of children and young people, National Office for Child Safety and NSW Ombudsman
- Commission for Children and Young People
- National Disability Insurance Scheme
- NDIS Quality & Safeguards website fact sheets
- NSW Office of the Children's Guardian
- Aged Care Quality and Safety Commission