



Augustinian Sisters, Servants of Jesus and Mary (ASJM)  
Australia

## Complaints Handling Policy

October 2021

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## **1. Glossary of Terms**

**ASJM Delegate, Australia.** The elected leader of the Augustinian Sisters, Servants of Jesus and Mary in Australia.

**ASJM Leadership Team, Australia.** The elected leaders of the Congregation's leadership team in Australia, comprising three members.

**Complaint.** A broadly interpreted term that can include expressions of dissatisfaction related to services or dealings with individuals, the handling of a prior concern, or allegations about the conduct of personnel. For the purposes of this policy, a complaint encompasses any concern, report, allegation or disclosure about an Augustinian Sister, or about current or former personnel engaged in any activity of, or under the authority of, the Augustinian Sisters, Servants of Jesus and Mary in Australia.

**Complainant.** Means the person who has expressed the concern or made the report or disclosure on his/her behalf or that of another affected person.

**Personnel.** Encompasses all contractors, co-workers and volunteers – current or former – who work with or for the Congregation, either onsite or in outreach activities.

**Safeguarding Coordinator.** The person appointed to manage the safeguarding policies and practices of the Augustinian Sisters, Servants of Jesus and Mary, and to ensure compliance with all relevant Church, statutory and legislative requirements.

**Sisters.** All members of the Augustinian Sisters, Servants of Jesus and Mary, Australia as listed in the Congregational Status for the current year. In addition, any Augustinian Sister residing temporarily in Australia is bound by the policy requirements outlined herein.

## **2. Policy Scope**

This Complaint Handling Policy establishes the overall framework by which the Augustinian Sisters, Servants of Jesus and Mary in Australia will welcome and respond to complaints. It outlines the key principles and processes that inform our handling of complaints and provides a process for personnel and members of the wider community to raise a complaint related to any practice or policy of the Congregation.

The 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. It does not provide detailed procedural guidance about the investigation of complaints, though this is outlined in broad terms in the policy.

This policy has been approved by the ASJM Delegate and ASJM Leadership Team Australia and applies to all Sisters and personnel engaged in any activity of, or under the authority of, the Augustinian Sisters, Servants of Jesus and Mary, Australia.

### **3. Policy Statement**

The Congregation of the Augustinian Sisters, Servants of Jesus and Mary, Australia, is committed to effective complaints handling. We value the feedback that complaints can provide to improve our services and supports to the community.

We aim to empower people to communicate their concerns and complaints without fear of retribution or discrimination and to 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.

We will try to resolve concerns and complaints as efficiently and effectively as possible, having regard to the seriousness of the complaint and any statutory obligations we may have to fulfil with other organisations, including police, child protection authorities and other regulatory bodies.

The **key principles** that inform this policy and our practices include that we will:

- act with integrity and without bias;
- have clear lines of accountability for handling complaints;
- uphold the right of individuals to complain and ensure that our complaint handling process is well promoted and accessible;
- apply the principles of procedural fairness to facilitate a just and impartial complaint handling process;
- promptly acknowledge complaints and address them according to urgency, keeping complainants and other involved parties informed throughout the process;
- offer and provide a just and compassionate response to complainants which safeguards the safety and wellbeing of involved parties throughout the process, recognising that some complainants may be highly vulnerable and need additional pastoral and other support;
- maintain privacy and confidentiality, subject to relevant statutory requirements;
- provide fair and proportionate remedies to complainants that are consistently applied;
- comply with any relevant statutory and policy requirements, including meeting any criminal and/or civil reporting and other obligations (e.g. mandatory reporting and reportable conduct), and the requirement to cooperate fully with all relevant external authorities;
- be observant of relevant canonical processes that may apply;
- use the data, insights and learnings from complaints to improve our professional conduct and the ongoing delivery of supports and services.

## 4. Policy Implementation

### 4.1 Making a Complaint

A person wishing to report a concern or make a complaint pertaining to the Congregation may do so by contacting the ASJM Delegate Australia, in the first instance by email: ([spinelli@bigpond.net.au](mailto:spinelli@bigpond.net.au)). If the complaint is about the ASJM Delegate, contact can be made with a member of the ASJM Leadership Team, at the same email address.

Complaints may be made anonymously, however, the Congregation recognises the difficulty with anonymous complaints in verifying relevant facts and being satisfied as to the legitimacy of the complaint. In addition, there are challenges that may arise in affording fairness to the person who is the subject of complaint in circumstances where the identity of the complainant is a central issue.

The ASJM Delegate will acknowledge the complaint as soon as possible and within five days of receipt. The acknowledgement will include:

- a contact point for the complainant;
- timeframe in which action 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);
- advice about support options.

The ASJM Delegate will consider, on a case-by-case basis, the most appropriate method for acknowledging a complaint. The date and method of acknowledgement will be 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 acknowledgement to confirm the completeness and accuracy of the information recorded.

The ASJM Delegate is responsible for ensuring complaints are appropriately acknowledged.

### 4.2 Responsibility for Managing a Complaint

#### 4.2.1 THE COMPLAINT-HANDLER

The ASJM Delegate will ensure that a suitable person is appointed to manage the complaint. In most instances, one individual will be responsible for managing the complaint (the complaint-handler), however, the role may be performed by different people depending on the nature of the complaint, and certain individuals may perform particular aspects of a complaint process.

The complaint-handler is required to:

- be a point of contact for the complainant, the person who is the subject of a complaint and other involved parties, including police or external agencies (if relevant);
- carefully listen to the complainant's concerns and their desired outcomes;

- consider and request (if necessary) further information from the complainant and/or from third parties in order to make a preliminary assessment, including risk to the involved parties;
- seek advice from relevant external authorities (e.g., police, child protection authorities) when required and share relevant information;
- provide the complainant with a copy of this policy and the complaint process flowchart ([Appendix 1](#)) explaining the complaint procedures and the support available;
- keep appropriate, confidential records of the matter;
- prior to meeting with the complainant/person the subject of complaint, or other involved parties, note the issues and questions that should be covered and be responsive to what unfolds during the discussion;
- meet with the complainant and any others involved in the complaint, fully informing them of their rights and support options;
- review, respond to and resolve the complaint or, if it is not appropriate for the complaint-handler to resolve it, arrange for an appropriate person of authority to review, respond to and resolve the complaint;
- keep those involved appropriately and regularly informed about the progress of the matter;
- monitor the situation during and for the time soon after the resolution process, or longer as is deemed necessary.

#### **4.2.2 THE COMPLAINT DECISION-MAKER**

The ASJM Delegate will ensure that a suitable person is appointed to act as complaint decision-maker. For complaints that do not involve alleged conduct of a serious nature (e.g. allegations of abuse of children or adults at risk), the complaint-handler and the decision-maker may be the same person, particularly when informal resolution is adopted and disciplinary action regarding a Congregation member or personnel is an unlikely outcome of the complaint-handling process.

For complaints that are more serious (for example, complaints which have been the subject of an external investigation process), an external complaint decision-maker will be appointed. In these more serious matters, the decision-maker will not be directly involved in the investigation or resolution process but may receive updates about progress and give guidance and direction to the investigator. The decision-maker's role is primarily to review the relevant issues, evidence and recommendations arising from the investigation process, and then make a final determination about the appropriate outcomes.

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

## **4.3 Complaint Resolution Approaches**

After assessing a complaint, the complaint-handler will plan the actions required to manage and resolve it. In most instances, one of two approaches will be adopted – informal or formal – with both approaches also utilised in some circumstances.

### **4.3.1 INFORMAL RESOLUTION**

Sometimes, the complainant 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. Arranging a facilitated discussion between the relevant parties – a conciliation or mediation – is another option.

The complaint-handler will determine the best way of informally resolving the complaint. Relevant considerations will include the nature of the person's concerns, how the person raised their concerns, and/or the person's preferences and what outcomes they are seeking.

### **4.3.2 FORMAL INVESTIGATION AND RESOLUTION**

If a complaint is unable to be resolved informally (or it is not appropriate to do so), the complaint-handler may decide to commence a formal investigation.

The complaint-handler will determine the best way of resolving the complaint via an investigative process, inclusive of the selection of an investigator. 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), and whether other authorities or agencies need to know about the complaint or be involved in responding to it.

The investigator and complaint-handler will be jointly responsible for ensuring that all involved parties are provided with information about the steps involved in the formal investigation process and its guiding principles, namely:

- **Confidentiality.** All parties involved in an investigation will maintain strict confidentiality.
- **Procedural fairness.** Investigations will be fair and principled.
- **Consistency.** The application of investigative procedures and approaches will be consistent.
- **Timeliness.** Investigations will be conducted as swiftly as practicable without compromising quality.
- **Support.** Participants will be provided with support when requested or required.

#### **NOTE:**

- The ASJM Delegate is responsible for approving a complaint investigation before it commences.
- Appendices 1 and 2 provide summary information and flowcharts of the management/resolution processes described above. They serve as useful guides for a complainant (Appendix 1) and the person who is subject to the complaint (Appendix 2).

#### **4.4 Conclusion of a Complaint**

At the conclusion of the complaint resolution/investigation process, the complainant will be informed of the outcome, reasons for the decision, remedies available and options for review. The person who is the subject of the complaint will also be advised of the outcome, reasons for decision, and review options.

The Complaint-handler and/or Complaint decision-maker will determine what action should be taken in respect of the complaint and seek the ASJM Delegate's endorsement of the action. Action resulting from a complaint may include:

- an acknowledgement;
- an explanation;
- an agreement between the parties;
- a verbal or written apology;
- criminal action or child protection action;
- disciplinary action;
- management action (e.g. providing/referring the person who is the subject of the complaint with counselling, professional training);
- offering ongoing support to the complainant (e.g. counselling);
- offering financial redress to the complainant;
- improved policies or processes.

The ASJM Delegate is responsible for ensuring that complaints are satisfactorily finalised.

#### **4.5 Complaint Resolution Review Options**

If an individual is not satisfied with the process or outcome of a complaint, they may request that a review of the process or findings be conducted. The request for review must be made within 14 working 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 ASJM Delegate has responsibility for making the final decision on whether to conduct the review.

If an individual remains dissatisfied with how their complaint was handled or the findings, they may choose to take their complaint to an external agency such as Australian Catholic Safeguarding Limited (ACSL), the Victorian Civil and Administrative Tribunal (VCAT), the Fair Work Commission (if employment related) or the Australian Human Rights Commission.

#### **4.6 Support for Complainants and Persons Subject to a Complaint**

The Congregation is committed to the wellbeing of all parties during the complaint handling process.

Some complainants may be highly vulnerable, in which case every effort will be made to provide a compassionate response that is tailored to their needs. Similarly, appropriate

steps will be taken to support and safeguard the welfare of any person who is the subject of a complaint, recognising that this can be a stressful experience.

It is the responsibility of the Complaint-handler to communicate with the parties involved in relation to their welfare and support needs and put measures in place to make the support available. This support may also be necessary and therefore considered when a complaint is finalised.

#### **4.7 Confidentiality, Privacy and Information Sharing**

During any complaint resolution/investigation process, it should be impressed upon all parties, including 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.

Information and records relating to incidents, complaints, responses and decisions are treated as confidential, except where the sharing or distribution of information and/or records is mandated by statutory requirements or principles of natural justice. In this regard, if the complaint involves conduct that is serious and/or potentially criminal, any legal obligations to report relevant information to external authorities will over-ride confidentiality.

Information may also 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. In addition, in certain circumstances, the obligation to be fair to the person who is subject of a complaint may completely or partially override confidentiality. The Congregation seeks to balance fairness and confidentiality requirements and, as far as possible, safeguard the interests of all parties.

The ASJM Delegate is responsible for ensuring that confidentiality, privacy and information sharing protocols are properly enacted.

#### **4.8 Record Keeping**

Complaints records will include sufficient information about the complaint, any steps taken to manage the complaint and any approach taken to resolve it. 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.

The Congregation is committed to appropriate and lawful record keeping, storage and sharing of information related to complaints. At a later stage in an investigation, all records, including rough notes, will be passed, on request, to the relevant investigations officer and/or reporting authority.

In keeping with the *National Catholic Safeguarding Standards* (Edition 2, 2021), the Congregation's complaints records in any given year will be stored, protected and retained for a period of 50 years (Standard 6, Indicator 6.1.7).

The ASJM Delegate is responsible for ensuring that appropriate and lawful record keeping systems are in place and properly administered.

#### **4.9 Continuous Improvement**

The ASJM Leadership Team will regularly review complaints to identify particular patterns or trends and opportunities for continuous 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/issue giving rise to the complaint.

The ASJM Leadership Team is responsible for taking appropriate action in response to these reviews.

### **5. Related Internal Policies**

- Safeguarding Code of Conduct
- Safeguarding Children and Adults Policy
- Safeguarding Risk Management Framework

### **6. Policy History and Review**

This Complaints Handling Policy will be updated as required and reviewed at least every three years. The Congregation will consult stakeholders as part of the reviewing process. The ASJM Delegate is responsible for ensuring the review is completed.

Approval Authority	ASJM Leadership Team Australia
Policy Owner	ASJM Delegate Australia
Inaugural Policy Approval Date	October 2021
Next Policy Review	October 2023

## Appendix 1: Complaint Process Flowchart for Complainant

### Registration and Assessment

Complaints can be made via email to the ASJM Delegate ([spinelli@bigpond.net.au](mailto:spinelli@bigpond.net.au)). You will also be asked to give your contact details.

Your complaint will be acknowledged in writing within 5 days.

You will be given a copy of the complaint handling policy and an explanation of the complaint process.

An appropriate person (Complaint-handler) will undertake a preliminary assessment of your complaint. This process can take between 10-20 days, depending on the amount of information and complexity.

You may be asked to provide further information. For example details about your issues of complaint; relevant evidence; and the outcomes sought.

Your complaint will be allocated to an internal or external complaint handler/investigator as appropriate. A decision will be made about whether an investigation or informal resolution is the best approach.

You will be advised about the next steps in the complaint process, including who will be undertaking the investigation and/or resolution of your complaint within 7 days after the assessment has been completed.

### Investigation

Investigation process starts – the overall timeframe is usually 90 days but can be longer if more complex.

Your direct involvement will be determined e.g. participating in a meeting/interview.

Evidence gathering takes place (including interviewing subject of complaint, witnesses and identifying and analysing documents/records).

A final determination will be made after all evidence is reviewed. You will be advised of the outcome, reasons, any remedial or other action to be taken, and internal/external review options.

### Assisted Resolution/Mediation

Informal resolution process starts – the overall timeframe is usually 30 days but can be longer if more complex.

Your direct involvement will be determined e.g. participating in a meeting/conciliation.

Resolution meeting/conciliation held and agreed outcomes reached.

Final written advice about the outcomes and any other undertakings made will be provided.

Regular Progress Updates

Regular Progress Updates

### Complaint Closure

If necessary, remedial action will be taken regarding the subject of complaint; ongoing monitoring and support to the complainant will be provided; and complaint outcomes will be recorded.

## Appendix 2: Complaint Process Flowchart for Subject of Complaint

### Notification and assessment

You will be advised within 10 days of receiving a complaint that you are the subject of the complaint.

You will be given details about: the broad nature of the complaint; an explanation of the complaints process; a contact officer; and referral details to receive support. We will identify and make available to you any policies, procedures, codes of conduct, that are relevant to the complaint.

After an assessment is made, you will be advised whether the complaint is to be formally investigated or if an informal resolution has been recommended. You will be informed about how the complaint will be dealt with, including who it will be handled by and the likely timeframe.

At an appropriate stage in the process (and before your interview), you will be provided with further detail about the allegations made if necessary. You are welcome to provide any documentary or other evidence during the process.

### Investigation

Investigation process starts – the overall timeframe is usually 90 days but can be longer if matter is more complex.

Evidence gathering takes place. This usually involves interviewing the complainant first and other witnesses; and identifying and analysing documents/records.

You will be invited to participate in an interview and given an opportunity to comment on the issues of complaint and related evidence.

After all available evidence is assessed, you will be notified of the investigation outcome, and any potential action that is proposed. If an adverse outcome is proposed, you will usually be given 14 days to make further submissions.

A final decision will be made and provided to you in writing.

### Assisted Resolution/Mediation

Informal resolution process starts – the overall timeframe is usually 30 days but can be longer if more complex.

Your advice will be sought about the form the resolution process will take and your direct involvement will be determined. An initial meeting with you is a common starting point.

Facilitated meeting/conciliation; or separate meetings between parties and the complaint-handler take place where agreed outcomes are reached and undertakings made.

Final written advice about the outcomes and any other undertakings made will be provided.

Regular Progress Updates

Regular Progress Updates

### Complaint Closure

If necessary, remedial action will be taken regarding the nature of the complaint and/or to systems and processes; ongoing monitoring and support will be provided to complainant; and complaint outcomes will be recorded.