CONGREGATION OF THE SISTERS OF NAZARETH

AUSTRALASIAN COMPLAINT-HANDLING POLICY

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1. Introduction

The Congregation of the Sisters of Nazareth (CSN) is committed to effective complaint handling, by making every effort to reduce risk of abuse, through education and the adherence to the CSN Code of Conduct. We value the feedback that complaints can provide to improve CSN's work and ministry. The Congregation of the Sisters of Nazareth (CSN) in partnership with Nazareth Care (NC) which is the operating entity for the charitable ministry of the CSN, expects personnel to maintain the highest standards in providing culturally safe care and services for children and adults at risk.
NC will acknowledge and link polices where applicable to the CSN Complaint-Handling policy.

We aim to empower people to communicate their concerns and complaints without fear of retribution or discrimination by providing a transparent and responsive complaint-handling process. All complaints will be dealt with in a way that observes the principles of honesty, transparency, fairness, and compassion. Complaints that involve disclosures of abuse or harm will be dealt with in a compassionate, trauma-informed, and victim-centred manner that prioritises the safety and wellbeing of children and adults at risk.

Our aim is to resolve concerns and complaints as efficiently as possible, having regard to the seriousness of the complaint and any statutory obligations we may have to cooperate with other organisations, including police, child protection authorities and oversight and regulatory bodies.

This Complaint-Handling Policy establishes the overall framework by which CSN will welcome and respond to complaints. It outlines the key principles and processes that inform our handling of complaints but does not provide detailed, procedural guidance about the investigation of complaints. Further sources of this guidance are signposted throughout the policy and in **Further Guidance** pg. 15.

2. Scope

This Complaint-Handling Policy has been approved by the Regional Superior of the CSN and applies to all personnel employed or engaged by CSN. It provides a process for personnel and members of the wider community to raise a complaint related to any practice or policy of CSN. It 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.

NC personnel follow the process of Nazareth Care

Note: Refer to the Safeguarding Policy for detailed information about complaints that involve disclosures, allegations, or concerns about current or historical abuse of a child or adult. Also, regarding power-imbalances under spiritual abuse.

3. Definitions

"Personnel" CSN personnel includes religious sisters, novices, candidates, aspirants and those engaged by CSN e.g. on a contract, voluntary or unpaid basis.

"Complaint" is a term that can be interpreted broadly. It can include expressions of dissatisfaction about an organisation related to its services or dealings with individuals or organisations; allegations about the conduct of its staff, volunteers or other individuals engaged by the organisation; or the handling of a prior concern. For the purposes of this policy, a complaint encompasses any concern, report, allegation or disclosure about CSN, including any behaviour by current or former CSN personnel, that is brought to the attention of CSN.

"Complainant" means the person who has expressed the concern or made the report or disclosure on behalf of another affected person.

"Adults at risk" See the CSN Safeguarding Policy for definition of 'adults at risk'.

4. Key Principles

CSN acknowledges the potential for power imbalances between complainants and institutions and to address this 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 to complainants remedies that are fair and proportionate
- 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 professional behaviour and practice within CSN and ongoing delivery of supports and services.

5. Making a Complaint

A person wishing to report a concern or make a complaint may do so by contacting:

Australia Process:

- **Regional Superior of the CSN** Telephone (03) 9835 3165 Mobile +61 409 842 330
  Email: regional.aus@nazarethcare.com
  Nazareth Care (NC) Facility Manager or use the "Feedback & Complaints" Form
  Australian Parish Safeguarding Contact
  Australian Catholic Safeguarding Limited (ACSL): Church Related
  complaints.response@acsltd.org.au or 1300 603 411 for General contact information

New Zealand process:

- **Contact Regional Superior as above or –**
  Nazareth Care (NC) Christchurch Facility Manager or use the "Feedback & Complaints" Form
  New Zealand Diocesan Safeguarding Officer Telephone +64 353 0757/022 012 4142
  cward@cdoc.nz
  The National Office for Professional Standards NZ NOPs for **Sexual issues:**
  Telephone **0800 114 622**
  https://safeguarding.catholic.org.nz/wp-content/uploads/2021/09/NOPS-Complaint-Process-summary-1.pdf
  New Zealand Professional Standards Committee direct for **non-sexual issues**:
  nzpsc@sistersofnazareth.com +64 02 254 21757

Anonymous complaints

- Complaints may be made anonymously. However, CSN recognises 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 the complaint in circumstances where the identity of the complainant is a central issue.
- **Call Police if any person is in immediate danger 000 Australia 111 New Zealand**

For further information check Appendix 2 of this Policy

6. Managing Complaints

6.1 The Complaint-handler

A person in governance is appointed to manage the complaint. The role of complaint-handler can be performed by different people within the Church Authority depending on the nature of the complaint. Certain individuals may perform aspects of a complaint process; however, it is preferable that one individual be responsible for managing the complaint (complaint-handler). The complaint-handler is required to:

- 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)
- Carefully listen to the complainant's concerns and the 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
- Seek advice from relevant external authorities (e.g., **police, child protection and authorities**) when required and share relevant information
- Keep appropriate, confidential records of the matter
- Prior to meeting with the complainant/person the subject of the 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/or others involved in the complaint, fully informing them of their rights and support options (see section 7.6 Supporting complainants and persons the subject of complaint)
- Meet with and listen to the person the subject of the complaint, fully informing them of the allegations made against them, making them aware of their right to a support person at any meeting and providing them with an opportunity to respond (7.6 Supporting complainants and persons the subject of complaint)
- Arrange for an appropriate person of authority to review, respond to and resolve the complaint
- Keep those involved regularly and appropriately 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

Complaints made about individuals occupying the positions listed below should be reported to and handled by the 'responsible person' indicated along with their contact details.

Position	**Responsible Person who receives report and manages complaint**
Complaint-handler	**Regional Superior** **Telephone (03) 9835 3165** **Email;** regional.aus@nazarethcare.com ***The Regional Superior may delegate the responsibility if necessary*** **Designated Lawyer, advocate**

7 Responding to Complaints

Complainants will be treated with respect and compassion and protected from victimization. The complainant will be informed about the complaint management

process and be kept up to date on the status of the complaint and any recommendations that may result from it. Complainants will be advised that they have the option of a support person present at any meeting. Ideally, complainants should actively participate in the resolution process.

Individuals who are the subject of a complaint will be treated with respect and compassion. They will be provided with sufficient information about the complaint to be able to adequately respond to it. They should be given a reasonable opportunity to respond to the complaint. Subjects of complaint will be advised that they have the option to have a support person with them in any meetings. They will be given the opportunity to participate in relevant aspects of the resolution or investigation process and will be kept informed of the status of the complaint and any recommendations that may result from it. They should be made aware that they must not contact the person who raised the complaint, about the complaint, or victimize the person. Disciplinary action may be taken against personnel who victimize complainants.

See complaint process flowcharts for complainants (Appendices – pages 15 onwards)

7.1 Complaints about child protection concerns or safety concerns for adults at risk

For detailed information about responding to child protection concerns and disclosures (including reportable conduct matters and historical allegations of child abuse) see:

- CSN Safeguarding Policy
- CSN Code of Conduct
- Complaint-Handling Guide: Upholding the rights of children and young people,

From the Australian Government – National Office for Child Safety.

For guidance about responding to safety concerns for adults at risk, see:

- CSN Safeguarding Policy
- NDIS Quality & Safeguards website fact sheets

7.2 Recording the complaint

CSN Complaint-handler/designated person will make a record of the complaint, including:

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

The Regional Superior has overall responsibility for ensuring complaints are appropriately handled.

Appendix G: Comment and Complaints (Feedback for Continuous Improvement) in the *CSN Risk Management Strategy* can be used for recording complaints. Guidance for initially responding to disclosures of *abuse or harm is also contained in section 10 of the Safeguarding Policy.*

7.3 Acknowledging the complaint
CSN Complaint-handler will acknowledge the complaint as soon as possible.

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, Vos Estis Lux Mundi, regulatory/oversight bodies)**
- advice and support options

CSN will consider, on a case-by-case basis, the most appropriate method (e.g. email or letter) for acknowledging a complaint. The date and method of acknowledgement will be recorded.

For the complainant to start the process of making a complaint they are advised to send an email. Once the email is received the process commences.

The Regional Superior is responsible for ensuring complaints are appropriately acknowledged.

7.4 Initial assessment and response

Appendix H: Initial Risk Management Checklist in CSN Risk Management Strategy **may** be used to guide the initial assessment.

The following factors will be considered as part of the assessment:

- Did the issues raised occur within the person's role with CSN or NC?
- Is there any immediate or ongoing risk to any person's safety or wellbeing?
- Does the complaint need to be reported to another agency (e.g., police or child protection authorities)?
- Are the issue/s raised within CSN's control to address?
- Are the outcomes sought by the complainant viable?
- If more than one issue is raised, whether these will need to be separately addressed

- The seriousness of the complaint and whether it should be resolved urgently
- How the complainant is being affected by the issue/s raised and any additional support needs
- If there are any risks if resolution of the complaint is delayed
- If further information is needed to properly assess and resolve the complaint

If the complaint needs to be reported to another agency, the Regional Superior is responsible for ensuring that this occurs. *Reporting obligations to other agencies are detailed in section 10 of the CSN Safeguarding Policy*.

The Regional Superior is responsible for ensuring complaints are appropriately assessed.

7.5 Options for resolving a complaint

After assessing the complaint, the complaint-handler delegates in Australia (Lawyer) and New Zealand (refer to No 5 on page 5) who will plan the actions required to manage and resolve the complaint as soon as possible.

The nature and scope of any action taken will depend on several factors including:

- The circumstances of each case, including the risks involved
- Any statutory requirements and whether other organisations (e.g. police/child protection authorities) are involved
- The issue(s) complained about
- The parties involved
- The likely outcome

7.5.1 Informal resolution

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
- The person's preferences and what outcomes they are seeking

The Regional Superior is responsible for approving the proposed resolution method before it commences.

- Whether other authorities or agencies need to know about the complaint or be involved in responding to it.

The Regional Superior is responsible for approving a complaint investigation before it commences.

Complaints:

- Redress
- via Civil lawyer
- Direct Contact

Key Investigation Principles

All investigation handling will be guided by the following principles:

- 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: Will be provided to all investigation participants when requested or required.
- Independent

The overarching aim for any investigation is to resolve the relevant issue or concern in a fair, transparent, and timely manner, using the least intrusive approach possible. Importantly, the manner and extent of an investigation must be proportionate to the seriousness of the issue under examination, and the approach should be continually reviewed depending on how the evidence unfolds

7.6 Supporting complainants and persons the subject of complaint

CSN is committed to the wellbeing of all parties during the complaint-handling process.

7.6.1 Support for the complainant

Appropriate steps will be taken to support and safeguard the welfare and dignity of complainants especially the highly vulnerable. We strive to provide a compassionate response that is tailored to all their needs.

It is the responsibility of the Regional Superior to communicate with the complainant (or other involved parties) in relation to offers of support and, where necessary, put measures in place to make the support available.

7.6.2 Support for the person who is the subject of a complaint

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

It is the responsibility of the Regional Superior to communicate with the person who is the subject of a complaint in relation to their welfare and support needs.

7.7 Conclusion of the Complaint

At the conclusion of the complaint resolution/investigation process, the complainant (and their parent/carer if the complainant is under 18, and it is safe and appropriate to do so) 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.

Action resulting from a complaint may include:

- An acknowledgement
- 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 the subject of the complaint with counselling, professional training)
- Offering financial redress to the complainant
- Improved policies or processes

Note: Where a complaint about the sexual abuse of a child or adult is substantiated, the appropriate action will be determined following the required protocols and, where the subject of the complaint is a cleric or religious, in alignment with Church protocols.

The Regional Superior is responsible for ensuring that complaints are satisfactorily finalized.

8 Other factors to address during the complaint-handling process

8.1 Confidentiality and Privacy

All parties involved in handling a complaint must maintain strict confidentiality throughout the process in accordance with the requirements set out in section 13 of the Safeguarding Policy. This does not prevent CSN 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 Australian/New Zealand Privacy Principles.

Confidentiality applies to all stages of a complaint process including after an outcome is provided and actions taken.

Specific Considerations

- Information 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, for example, child protection information sharing legislation in jurisdiction will override confidentiality.
- CSN will seek to balance fairness and confidentiality requirements and, as far as possible, seek to 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 the complaint is investigated and the findings indicate that another organisation/s may have a legitimate need to know about the complaint or concern, information may be disclosed to them, but only to the minimum extent necessary to address the legitimate need to know.

8.2 Complaint Review Options

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, tribunal or commission.

8.3 Maintaining Documentation

Documentation relating to complaints should be maintained, securely stored and kept confidential. Documentation 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 and any approach taken to resolve it.

Complaints that relate to incidents, allegations, disclosures, or concerns about the abuse of children or adults will be retained for a minimum of 50 years.

9 Continuous Improvement

The Regional Superior/Safeguarding Committee is responsible for ensuring complaints are regularly reviewed, feedback received, and best practice implemented, 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 other CSN personnel

10 Review of Complaint-Handling Policy and Related Documents

The Complaint Handling Policy and related documents will be updated as required and reviewed at least every three years. CSN and the Safeguarding Committee will welcome any letters/comments from stakeholders as part of reviewing the Complaint Handling Policy and related documents.

Further Guidance

- National Catholic Safeguarding Standards (Second Edition)
- CSN Safeguarding Policy Version 1.1
- CSN Risk Management Strategy
- CSN Code of Conduct Version 1.2
- Nazareth Care (NC) Feedback and complaints improvement systems
- NC Open disclosure
- NC Governance-feedback and complaints
- Work together for a Safe Church https://safeguarding.catholic.org.nz

Complaint Handling Guide: Upholding the rights of children and young people,

National Office for Child Safety and NSW Ombudsman

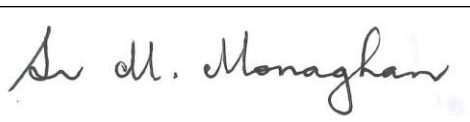
NDIS Quality & Safeguards Commission website fact sheets

Australian Privacy Principles | OAIC

The Privacy Act | OAIC

Office of the Privacy Commissioner | Privacy Act 2020 and the Privacy Principles

Privacy Act 1993 No 28 (as at 01 December 2020), Public Act Contents – New Zealand Legislation

Complaint-Handling Policy approved		6th September 2024
Complaint-Handling Policy Reviewed annually	Regional Superior	

11 Appendices

Appendix 1

Refers to reporting a Canonical Crime regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life.

https://catholic.org.au/vosestisluxmundi

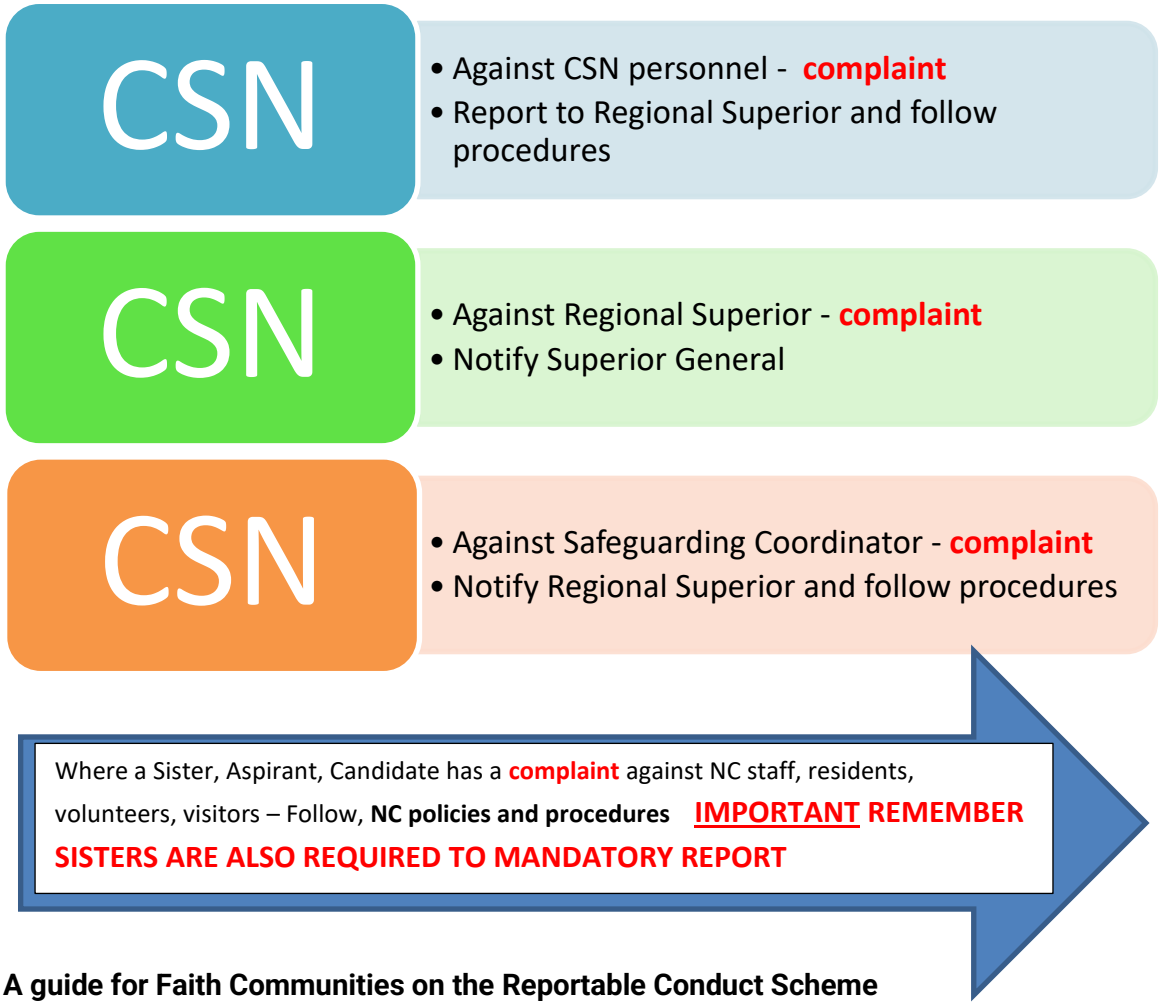
https://www.wn.catholic.org.nz/adw_welcom/new-zealand-bishops-support..

A-Path-to-Healing.Edition-Feb-2020.pdf (catholic.org.nz)

2020-November-Privacy-Policy-NOPS.pdf (catholic.org.nz)

Appendix 2
Refers to the reporting process for CSN, NC and Historical Complaints

COMPLAINT'S REPORTING PROCESS
CONGREGATION OF THE SISTERS OF NAZARETH (CSN)



A guide for Faith Communities on the Reportable Conduct Scheme

religious-orgs-guidance-web-lower-resolution.pdf (ccyp.vic.gov.au)

Requirements of religious organisations. Religious organisations are now obliged to: • identify or nominate the head of the organisation – the person who is primarily responsible for the organisation's management of any allegations of abuse of children, and • establish, with the head of the organisation, systems to deter and prevent abuse, and procedures for responding to any allegations that may occur.

Allegations which are reportable conduct

- Sexual offences
- Sexual misconduct
- Physical violence
- Behaviour that causes significant emotional or psychological harm
- Significant neglect

NC	• **COMPLAINT** against CSN volunteer • Notify CCC or Facility Manager and follow procedures. If relevant through **Vos Estis**
NC	• **COMPLAINT** against a CSN but is on CONTRACT for NC and is on duty at the time • Notify Facility Manager and follow the policies and procedures related to NC Complaints Handling Policy. (**located on the Intranet)** if relevant through **Vos Estis**
NC	• Resident **COMPLAINT** in NC against NC personnel, other residents, CSN personnel, Chaplain, Unit/Village clients or outsiders • Follow NC policies and procedures and if relevant **Vos Estis** process

Vos Estis Lux Mundi (catholic.au)

Historical Complaints re CSN personnel:

CSN	• Calls received by **PHONE, DOOR, EMAIL OR POST** by LOCAL SUPERIOR related to historical complaints or incident • Refer contact to **REGIONAL SUPERIOR**
DOCUMENTATION	• REGIONAL SUPERIOR - follows the documented procedures • ALL DOCUMENTATION TO BE KEPT FOR **50 YEARS** IN THE ARCHIVES

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16 Cornell Street, Camberwell Victoria, 3124A
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ARCHIVES
archives.aus@nazarethcare.com

Congregation of the Sisters of Nazareth Australasia	**CONGREGATION OF THE SISTERS OF NAZARETH (CSN)** **HISTORICAL COMPLAINTS** **Alleged Abuse of Former Children**

Our Aim:

To seek to bring healing to those who are victims of abuse in accordance with the principles set out in Pathways (previously called "Towards Healing").

We Will:

- Address all allegations with openness, compassion and justice
- Listen sympathetically to both the facts of the situation and the resulting psychological, physical and spiritual effects
- Act with integrity
- Address sensitively the person's request
- Acknowledge the pain they are experiencing, and their courage in speaking out
- Offer counselling and support
- Provide a process in which the person's confidentiality is protected and ensure that the person understands that this will occur

Counselling and Support

- Counselling and support will be made available to people who seek and need it.
- If counselling is approved, it will initially be for up to 6 sessions.
- Any ongoing therapy is subject to further approval.
- Counselling is provided on the basis that it does not constitute an admission of legal liability or a compromise of the person's legal right.

Pastoral Care

- Pastoral Care will be offered to those affected by abuse

Commitment

The Congregation commits itself to acting at all times with integrity and in a manner consistent with our religious calling and mission

Congregation of the Sisters of Nazareth Australasia	**CONGREGATION OF THE SISTERS OF NAZARETH (CSN)** **HISTORICAL** **Former Child Resident Enquiry Procedure**

Enquiries concerning former child residents in the care of the Sisters of Nazareth

All records of former children cared for in Nazareth Houses of the Australasian Region from 1888 onwards are held at the Regional Archives at Nazareth House, Camberwell, Melbourne. Records are kept secure, ensuring confidentiality.

Nazareth Houses where children were cared for:

- Nazareth House, Ballarat Victoria
- St Joseph's Sebastopol, Victoria
- Nazareth House, Camberwell, Victoria
- Nazareth House, Christchurch, New Zealand
- St Joseph's Middleton, Christchurch, New Zealand
- St Joseph's Halswell, Christchurch, New Zealand
- Nazareth House, Geraldton, Western Australia
- Nazareth House, Wynnum, Queensland

Enquiries normally come through the following avenues:

Personal
- Letter
- Telephone
- Email

Agency
- Pathways
- National Office of Professional Standards (New Zealand – A Path to Healing – the Catholic Church response in New Zealand)
- Mackillop Family Services

Others:
- Open Place
- Find & Connect
- Lotus Place
- Knowmore (Free independent Legal Services)

Legal Entity
- Legal correspondence (lawyer representing the former child resident)
- Police

Congregation of the Sisters of Nazareth Australasia	**CONGREGATION OF THE SISTERS OF NAZARETH (CSN)** **HISTORICAL** **Former Child Resident Enquiry Procedure**

Procedure:

The request for information is accepted if made by letter, email and/or a recognized organisation such as Mackillop Family Services but must include proof or identity and a signed request from the former child resident seeking release of information.

Due to privacy laws, we request identification of the former child resident making the request enquiry

Enquirers may initiate their request by telephone, if they wish**, but a letter or email would still be required.** In such cases, we can start the research pending the arrival of the letter or email.

Records are checked and information from the register is typed on the information Request Form. Any other information is photocopied or scanned and attached to the request form.

Once complete, the information is forwarded to the former child resident or their nominated person.

All requests for information and all documentation provided are recorded in a register both in hard and soft copy.

SISTERS OF NAZARETH