



FACT SHEET: What to expect if you are the Subject of a Safeguarding Complaint

Having been informed that you are the subject of a Safeguarding Complaint, you are likely to experience a variety of emotions and have a range of questions about who has made a complaint and what the investigation process will look like. Outlined below is an overview of the process the Safeguarding Office takes upon receipt of a Safeguarding Complaint.

Support

Firstly, it is important for you to know that you will be offered support throughout this process. This support may take the form of counselling, pastoral support and spiritual support.

Procedural Fairness

The Diocese is committed to uphold the principles of procedural fairness during investigations. This includes ensuring you have a reasonable opportunity to put forward your case and being informed about your rights of reply.

Assessment of the Safeguarding Complaint

Upon receiving the Safeguarding Complaint, the Safeguarding Office determines if it is a Level 1, Level 2 or Level 3 Safeguarding Complaint.¹

- A *Level 1 Safeguarding Complaint* relates to complaints of a Reportable Allegation, a conviction considered to be Reportable Conduct (Reportable Allegations and Reportable Conduct Complaints are only applicable if you have a Working With Children Check), a Reportable Crime or where a Child is at Risk of Significant Harm.
- A *Level 2 Safeguarding Complaint* relates to allegations of serious misconduct regarding a Child/ren or Adult at Risk or a serious breach of the Policy or *Integrity in Ministry* that is not a Level 1 Safeguarding Complaint.
- A *Level 3 Safeguarding Complaint* relates to a less serious breach of the Policy or *Integrity in Ministry*. These matters are dealt with at a local level.

See **Protocol: Managing Safeguarding Complaints**, section 6.

Initial Risk Assessment

An immediate Initial Risk Assessment is conducted in response to the Safeguarding Complaint to identify and mitigate any immediate risk.

Notification to Statutory Authorities

If the Safeguarding Complaint is considered to be a Level 1 Safeguarding Complaint, reports will need to be made to the relevant authorities based on the alleged conduct. These include:

- **Police:** Reportable Crimes
- **NSW Office of the Children's Guardian – Reportable Conduct Scheme (Scheme):** Reportable Allegation and/or a conviction considered to be Reportable Conduct
- **Department of Communities and Justice-Mandatory Reporting:** Risk of Significant Harm

Notification to other relevant parties

Other parties, such as your Senior Manager, Parish Priest, and Agency Head, will need to be notified of the nature of the Safeguarding Complaint, proposed investigation and other relevant details.

Being informed you are the subject of a Safeguarding Complaint – The Respondent

Dependent upon the involvement of statutory bodies, the Safeguarding Office will contact you to notify you that you are the Respondent. You will be asked to attend a meeting and encouraged to bring a Support Person. A Support Person is someone who will assist you emotionally during this time and will attend meetings with you. They are not authorised to

¹ Refer to *Protocol: Managing Safeguarding Complaints*, s 2.2, for the full definition of a Level 1, Level 2 or Level 3 Safeguarding Complaint

speak on your behalf. For further information on Support Persons see **Fact Sheet: The Role of the Support Person**.

At this first meeting, details of the Safeguarding Complaint will be provided to you. A Safety and Support Plan may be agreed upon, and a Contact Person identified for you to keep you informed of the progress of the investigation.

In some, but not all, cases it will be necessary for the person who is subject to a complaint to stand aside from their normal role and responsibilities. Standing aside is not an admission of guilt and does not pre-empt the outcome of the investigation. This is a precautionary measure which can be appropriate for a variety of reasons – including, the seriousness of the allegations, the risk assessment, the welfare of the respondent, the independence of the investigation, the risk of scandal should the allegations become known, the public or official position of the respondent, etc. When this precautionary measure be taken with, other steps must also be taken to preserve the good reputation of the respondent while the process is being carried out.

Updated Risk Assessment

After this meeting, the initial Risk Assessment will be updated to reflect any new risks and mitigation strategies.

Investigator

An investigator will be appointed to investigate a Level 1 or Level 2 Safeguarding Complaint. You will be informed of their appointment and that they will contact you and others as part of the investigation process.

Making a Finding

The investigator will make a finding based on the balance of probabilities and will provide a report to the Vicar General.

Right of Reply

Once the investigation report has been reviewed, the Safeguarding Office will contact you to provide you with the opportunity to make a further submission in response to the proposed finding and reasons.

Actioning the Outcome

Depending on the findings of the investigation and your position within the Diocese, the outcome of the investigation will be considered

along with the most appropriate disciplinary action. This could include returning to your position or some other position, further reporting to statutory authorities, dismissal or being stood aside.

Review

The option to a review is available to you. See **Protocol: Managing Safeguarding Complaints**, section 4.8.

Further questions you may have regarding Reportable Conduct

You may have further questions regarding the Reportable Conduct Scheme (Scheme). Below are listed some common questions and answers. For more information visit the Office of the Children's Guardian's website or view our **Fact Sheet: Reportable Conduct Scheme**.

What if I was not an employee at the Diocese at the time of the alleged conduct?

If the alleged conduct occurred whilst you were not employed by the Diocese, the Scheme will nevertheless apply to your current employment situation with the Diocese, as it addresses any current risks that may be posed to Children that are being cared for by the Diocese.

What if someone makes a report about me that is a 'Reportable Allegation'?

Upon receiving a reportable allegation, the Diocese is required to report it to the Police or Department of Communities and Justice (DCJ) if it is considered mandatory.

In addition to this, within 7 days of becoming aware of the allegation, the Diocese needs to inform the Office of the Children's Guardian of the Reportable Allegation.

How can I avoid having allegations made about me?

The Scheme involves responding to matters where a Child may have been or, in fact, has been harmed by someone who currently works with Children or who has worked with them. It is important to note that most people who work with both Children and Adults at Risk will never harm a Child or Adult. The Diocese Policy and Protocols assist Workers in ensuring their actions when working with Children and Adults at Risk keep Children/Adults safe and themselves safe from allegations of abuse.

Tips for Employees

Being familiar with the Diocese's **Code of Conduct for Working with Children and Adults at Risk** will help you to know what is expected of you when you interact with Children and Adults at Risk.

Ensure that your interactions with Children and Adults at Risk are appropriate at all times.

Make sure you receive an adequate induction into your role by your supervisor. If you don't receive an induction, make sure you raise this with your supervisor.

Ensure adequate handovers take place if you are undertaking shift-work or casual work.

Ensure that there is another adult with you when in the company of Children/Adult at Risk or at least in a clear line of sight between you and a Child/Adult at Risk.

Do not use social media to engage with Children. The Diocese's Code of Conduct outlines further information regarding this.

Personal health or other issues may impact on your work performance, if you are experiencing something that is impacting your overall well-being, be sure to access support services that may be available to you.

Related documents

Visit the Diocese's Safeguarding website to access the Diocese's Policy and Protocols including:

1. **Code of Conduct for Working with Children and Adults at Risk**
2. **Fact Sheet:** Use of Technology and Social Media to Communicate with Children and Adults at Risk
3. **Fact Sheet:** Behaviours to Encourage and Avoid
4. **Protocol:** Reporting a Child who is at Risk of Significant Harm to the
5. Department of Communities and Justice
6. **Protocol:** Reporting Inappropriate Employee Conduct to the Office of the Children's Guardian