

Child Protection

Responding to Complaints and Allegations Policy



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CEDWW Child Protection Policy: Responding to Complaints and Allegations

1. Introduction and Purpose

This document establishes the requirements for reporting and the process for responding to child protection complaints or allegations made against employees, contractors and volunteers employed by or engaged at any Catholic systemic school in the Catholic Education Diocese of Wagga Wagga (CEDWW). The CEDWW is guided by a fundamental mission to provide a safe, secure and stimulating environment conducive to learning. The CEDWW's child protection policies and procedures reflect best practice in accordance with guidance available from the Office of the Children's Guardian, legislation and recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. This policy embraces the Catholic National Child Safeguarding Standards.

2. Scope

This document applies to all persons employed or engaged by the CEDWW whether or not they are employed or engaged in connection with work or activities that relate to children or young persons in a paid or volunteer capacity. This document also applies to all religious and clergy, whether employer, on a stipend, or in a volunteer capacity who are engaged by the CEDWW or a school within the CEDWW, in child-related work.

3. Policy

3.1. Responsibility of CEDWW

- 3.1.1.** The Director of Schools must ensure that an appropriate team within the CEDWW manages and responds to complaints and/or allegations relating to conduct of a person employed or engaged by the CEDWW towards a child or a young person. This includes complaints that do not fall within the scope of Part 4 of the *Children's Guardian Act 2019* (NSW).
- 3.1.2.** Ensure that all employees and persons engaged by the CEDWW are aware of their obligations to report inappropriate conduct involving a child.
- 3.1.3.** Ensure that all employees and persons engaged by the CEDWW are aware of the required standards of behaviour, this document and its associated procedures.
- 3.1.4.** Ensure that all employees and persons engaged by the CEDWW are provided with support in maintaining professional standards related to relationships with students.
- 3.1.5.** Ensure that all allegations and complaints of a child protection nature are appropriately responded to and/or investigated in accordance with the principles of procedural fairness.
- 3.1.6.** Ensure that the person subject of an allegation is advised about the nature of support available to them.
- 3.1.7.** Ensure that a report is made to appropriate statutory bodies in accordance with the *CEDWW Child Protection Procedures*.
- 3.1.8.** Ensure that all relevant child protection allegations and concerns are reported to the Office of Children's Guardian in accordance with Part 4 of the *Children's Guardian Act 2019* (NSW).
- 3.1.9.** Report to the Head of a Relevant Entity or their delegate, monthly, of all matters falling within the jurisdiction of the NSW Office of the Children's Guardian, including post-investigative compliance.
- 3.1.10.** The Director of Schools or their delegate is responsible for authorising any interim arrangements on the work status of an employee or a person engaged by the CEDWW following a risk assessment.

- 3.1.11.** The Director of Schools is responsible for authorising any action taken by the CEDWW in instances of an adverse finding of an employee or a person engaged by the CEDWW.
- 3.1.12.** Ensure that all records of child protection related incidents and allegations are securely retained for a minimum period of 100 years.

3.2. Responsibility of School Leaders

- 3.2.1.** A school leader or their delegate must ensure that all complaints or concerns relating to the conduct of a person employed or engaged by the CEDWW towards a child or young person is reported as soon as possible to an appropriate member of the CEDWW Child Protection Team for response, inquiry and/or investigation.
- 3.2.2.** A school leader or their delegate must comply with all reasonable directions given by the CEDWW Child Protection Team in response to concerns, allegations or complaints relating to a person employed or engaged at the school.

3.3. Responsibility of the Child Protection Team

- 3.3.1.** Establish and maintain appropriate procedures for dealing with allegations of reportable conduct, including conducting jurisdiction determinations for all matters reported to the Child Protection Team.
- 3.3.2.** All complaints and/or allegations of a child protection nature must be appropriately documented and registered in accordance with established intake procedures.
- 3.3.3.** Ensure any complaints and/or allegations that require reporting to external authorities which may include, the NSW Police, the Department of Communities and Justice, the Office of Children's Guardian, National Educational Standards Authority (NESAs) or other agencies such as the Provincial Leader of a Religious Order, where appropriate, are reported in a timely manner.
- 3.3.4.** Ensure that a risk assessment is undertaken at the commencement of a matter, to inform the CEDWW of actual or perceived risks which are present or likely to arise in a particular matter, and assist with the strategies or interim measures necessary to mitigate risk and protect the integrity of the investigation.
- 3.3.5.** Ensure that the complaint and/or allegation is investigated in line with the stipulated procedures.
- 3.3.6.** Ensure that appropriate records of investigations and findings are stored securely, confidentially and separately from employee personnel files.

3.4. Responsibility of all persons employed or engaged by the CEDWW

- 3.4.1.** All persons must maintain the care and protection of children and young persons as paramount.
- 3.4.2.** All persons must be familiar and comply with the standards set out in the Code of Conduct in their relationships with students, and promote the safety, wellbeing and protection of children in the CEDWW.
- 3.4.3.** All persons must support the right of students, parents, employees and persons engaged by the CEDWW, to bring forward complaints or allegations and to be heard without fear of reprisal.
- 3.4.4.** All persons must report information they may have in relation to inappropriate conduct involving a child or young person.

3.5. Procedural Fairness

- 3.5.1.** All parties to a complaint have a right to confidentiality insofar as permitted by the law.
- 3.5.2.** All investigations of a complaint against an employee or a person engaged by the CEDWW must be handled carefully and sensitively with consideration given to the care and support for all parties to a complaint.
- 3.5.3.** Persons who are subject of a complaint have the right to know what has been alleged in sufficient detail for them to respond, and the right to respond to any complaint or adverse comments made against them.
- 3.5.4.** Independence, objectivity and impartiality during the investigation process must be

ensured. All investigations of a complaint against an employee or a person engaged by the CEDWW must be in accordance with the stipulated procedures.

- 3.5.5.** Any conflicts of interest, be they actual, potential or perceived, must be identified and managed appropriately to reduce any adverse impacts on an investigation, or on the parties subject to the investigation of a complaint.
- 3.5.6.** Internal workplace investigations must incorporate ongoing risk assessment.
- 3.5.7.** Contact with and reports to the NSW Police or other external authorities does not remove the requirement for an internal investigation at the appropriate time following receipt of clearance to commence an internal investigation from the statutory body.

4.Explanatory Notes and Definitions

Child means a person under the age of 18 years. With respect to matters notifiable to the Department of Communities and Justice, a child is defined as a person under 16 years.

Complaint/ allegation means any issue raised regarding the conduct of an employee of CEDWW or a person engaged by the CEDWW in relation to children or young people, including but not limited to conduct identified as reportable conduct or an allegation of reportable conduct within Part 4 of the *Children's Guardian Act 2019* (NSW).

Employee means a person employed by the Relevant Entity; or a person engaged by the Relevant Entity to provide services to children whether directly or by a third party, or in a paid or unpaid capacity.

Head of a Relevant Entity refers to the Bishop of the Diocese of Wagga Wagga, as per Part 4 of the *Children's Guardian Act 2019* (NSW), for all agencies within the Diocese of Wagga Wagga. The Bishop of the Diocese of Wagga Wagga may delegate certain responsibilities for oversight to the Director of Schools in accordance with legislation.

Relevant Entity means a public authority or Schedule 1 entity or a religious body as per sections 12 (c) and 15A as identified in the *Children's Guardian Act 2019* (NSW).

Young person, for the purposes of reporting risk of significant harm, means a person who is aged 16 or 17 years.