

PROCEDURE

COMPLAINTS OF PAST CHILD ABUSE OR NEGLECT		PGOV003_001
Related Policy	Complaints of Past Child Abuse or Neglect Policy	
Related Documents	Child Safe Child Friendly Risk Management Framework	
Application	UCQ wide	
Contact Officer	Director, Office of the CEO	

1. Purpose and Scope

This procedure is for addressing complaints regarding allegations of abuse or neglect of people who, as children, were in the care of, receiving services from, or in contact with, services of UnitingCare Queensland, or organisations which no longer exist but which were community service organisations of the Uniting Church or its predecessors.

This procedure applies when the person who is or was the child who alleges they have experienced abuse or neglect is no longer in our care or receiving services from UnitingCare Queensland, unless the person against whom an allegation is made is still engaged by UnitingCare Queensland at the time the complaint is received.

This procedure applies where the alleged abuse was perpetrated by an employee, volunteer, client or other person associated with UnitingCare Queensland or organisations which no longer exist but which were community service organisations of the Uniting Church or its predecessors.

Where a child is still in receipt of services from UnitingCare Queensland, or the person against whom allegations are made is still engaged by UnitingCare Queensland the Child Safe, Child Friendly Risk Management Framework will apply.

2. Definitions

2.1 Chief Executive Officer: means the Chief Executive Officer of UnitingCare Queensland.

2.2 Child Safe Contact Officer: is the person appointed by the Chief Executive Officer as the Child Safe Contact Officer for UnitingCare Queensland. The Child Safe Contact Officer is the person responsible for managing the processes and procedures relating to this policy within UnitingCare Queensland. The Child Safe Contact Officer is responsible for:

- a) Ensuring the survivor is informed of the processes and procedures relating to this policy and procedure
- b) Being a contact person for the survivor or the survivor's advocate
- c) Gathering information about the circumstances of the complaint, including records where available, and providing information to the Chief Executive Officer
- d) Making arrangements to facilitate meetings and other activity under these processes

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- e) Ensuring that the complaint process is appropriately documented
- f) Securely maintaining documentation relating to matters dealt with under this process
- g) As far as possible, keeping the stages of the process within reasonable timeframes.

2.3 **Client:** is any person receiving services, or who received services, from UnitingCare Queensland or who received services from organisations which no longer exist but which were community service organisations of the Uniting Church or its predecessors.

2.4 **Complaint:** means an allegation(s) against an ex-employee(s) regarding their behaviour or decisions, or systemic practices that are regarded by the survivor as having been abusive or neglectful, including but not restricted to:

- a. A Sexual assault or any conduct of a sexual nature, including sexual harassment
- b. Behaviour which caused serious pain, physical abuse or ill treatment, or emotional or psychological harm.

2.5 **Ex-employee:** means a person who previously worked as an employee, carer, or volunteer for UnitingCare Queensland, or for an organisation which no longer exists but which was a community service organisation of the Uniting Church or its predecessors, against whom a complaint is made.

2.6 **Survivor:** refers to a person who received care from UnitingCare Queensland, its predecessors or a community service organisation of the Uniting Church, either as a long term resident or during temporary guardianship or in receipt of another service and was abused or neglected through their contact with a UnitingCare service; or another person who, as a child, was abused or neglected through their contact with a UnitingCare service, for example, while the resident of a home in which someone else was receiving UnitingCare services and was abused by the UnitingCare employee.

2.7 **Procedural Fairness:** in general refers to two broad principles:

- a. An adequate opportunity must be given to a person to present their case before a decision is reached that might adversely affect them. This includes providing reasonable notice and time to prepare sufficient information (about the matter to be decided) to enable the person to present their case
- b. The investigation must be free from bias, as well as the appearance of bias.

2.8 **Without Prejudice:** refers to the limiting circumstances in which the content of documents, discussions and negotiations may be used in a court of law are very restricted. Enabling "Without Prejudice" discussions and negotiations allows the parties to speak with less reserve, and work constructively towards resolution of any matter in dispute.

3. Procedure

3.1 Making a complaint under the Complaints of Past Child Abuse or Neglect Policy

3.1.1 People wishing to make a complaint of past abuse or neglect due to their contact with UnitingCare Queensland should contact the Child Safe Contact Officer – on email childsaf@ucareqld.com.au or 1800 297 745.

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- 3.1.2 The Child Safe Contact Officer will take the person's contact details, explain UnitingCare Queensland policy and procedures for dealing with their complaint and provide them with a copy of the Complaints of Past Child Abuse or Neglect Policy (Policy) and this procedure and any other relevant material.
- 3.1.3 Complaints may be made verbally or in writing, in any language, and may be prepared with assistance. The complaint should outline as many details below as are known to the survivor, and include as much information as the survivor wishes to provide including:
- Information about the survivor (name, date of birth, contact details)
 - Dates of contact with the service
 - Names of service or facility where abuse or neglect occurred
 - Name/s of perpetrator/s, if known
 - Details of the abuse or neglect
 - Impact of the abuse
- 3.1.4 The Child Safe Contact Officer will acknowledge in writing, receipt of a complaint.
- 3.1.5 Survivors will be encouraged to have a support person to assist them during the process and to be present, with the survivor's permission, during any meetings. (This is in addition to any legal support the survivor may wish to have.) The Child Safe Contact Officer will assist the survivor to identify and access appropriately qualified support people, if appropriate.
- 3.1.6 The Child Safe Contact Officer will provide information about the complaint to the Chief Executive Officer who will, in line with the principles set out in the Policy, decide the appropriate course of action.

3.2 Dealing with complaints

- 3.2.1 The Child Safe Contact Officer will work with the survivor to identify options for dealing with the complaint and the outcomes sought by the survivor. Decisions about how to proceed will be made by the Chief Executive Officer in collaboration with the survivor.
- 3.2.2 Options for dealing with the complaint include:
- An investigation into the allegations
 - For recent matters, referring the complaint to the relevant Group Executive for a report into the matter
 - A "without prejudice" meeting with the Chief Executive Officer and other relevant persons from UnitingCare Queensland or the Uniting Church
 - An offer of immediate counselling
 - Other options as agreed between the survivor and the Chief Executive Officer.
- 3.2.3 Possible outcomes include:
- A formal apology from the Chief Executive Officer and/or Uniting Church representative
 - An offer of ongoing pastoral care and support, including counselling or provision of a

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- payment to contribute towards counselling expenses
- c) Meeting costs of attending meetings with representatives of UnitingCare Queensland
- d) An ex-gratia payment
- e) Other support as agreed between the survivor and the Chief Executive Officer.

3.2.4 Where a formal apology is offered, it will take place in a way that is meaningful to the survivor.

3.2.5 The amount of any ex-gratia payment will be determined by the Panel, as set out in the accompanying procedures.

3.3 Investigation

3.3.1 In some cases it may be appropriate for UnitingCare Queensland to arrange for an investigation into the matter. The Chief Executive Officer will consult with the survivor and other relevant persons, including the Uniting Church in Australia, Queensland Synod, in making a decision about whether to undertake an investigation.

3.3.2 In making the decision, the Chief Executive Officer will take into consideration:

- a) the desired process and outcomes sought by the survivor
- b) the likely availability of documentation relevant to the complaint
- c) the passage of time since the incident and whether the alleged perpetrator is still alive and whether there is likely to be any current evidence relevant to the complaint
- d) whether there is, has been, or is likely to be, a police investigation into the matter
- e) whether an investigation would be likely to reveal systemic problems with current practice that could be addressed to enhance the safety of children in future
- f) any other relevant matter.

3.3.3 Where an investigation is to be undertaken, the Chief Executive Officer will determine the terms of the investigation in collaboration with the survivor.

3.3.4 An investigation will be commenced and completed within the shortest possible time and must be completed within a three-month period, unless an extension is approved by the Chief Executive Officer. A decision to extend an investigation will be communicated to the survivor.

3.3.5 UnitingCare Queensland, and its staff, will give the investigator all reasonable assistance, including the provision of information, during the conduct of the investigation.

3.3.6 The investigator must make a full report in writing to the Chief Executive Officer at the end of the investigation, outlining the process and outcomes and making recommendations about an appropriate response.

3.3.7 The Chief Executive Officer will communicate the outcomes of the investigation and UnitingCare Queensland's response to the recommendations to the survivor.

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3.4 Meeting with Panel

- 3.4.1 Following an investigation, or if no investigation is undertaken, the Chief Executive Officer will invite the survivor to a meeting with the Chief Executive Officer, a representative of the Uniting Church in Australia, Queensland Synod, and any other relevant person.
- 3.4.2 The purpose of the meeting shall be to provide the opportunity for the survivor to discuss the complaint and tell their story and set out their desired outcomes under this process.
- 3.4.3 The meeting will be undertaken in the spirit of compassion, understanding and restoration.
- 3.4.4 This meeting will provide the opportunity to discuss the experiences and its impact on the victim and discussion about the outcomes sought by the survivor.
- 3.4.5 Either at, or within a week following this meeting, the Panel will make a determination about what it is appropriate to offer the survivor by way of costs, an ex-gratia payment, support for ongoing counselling, or other outcome. The offer will be documented in writing. The offer will remain current until accepted or rejected by the survivor. The survivor will be supported to seek independent legal and financial advice before accepting the offer.

3.5 Ex-gratia payment

- 3.5.1 Where appropriate, an ex-gratia payment may be offered to the survivor.
- 3.5.2 When determining the ex-gratia payment, the Panel will have regard to:
 - a) the length of time that the person was in contact with UnitingCare Queensland services and the duration of the abuse or neglect
 - b) the severity of abuse or neglect suffered by the person
 - c) expenses directly related to the abuse or neglect
 - d) the person's current circumstances and needs.
- 3.5.3 The survivor will be provided with a copy of the terms of any deed of agreement prior to agreeing to the ex-gratia payment and be supported to seek independent advice. UnitingCare Queensland will meet the costs of seeking independent advice.

3.6 Civil litigation

- 3.6.1 UnitingCare Queensland acknowledges people's right to commence civil litigation proceedings for harm caused to them by others.
- 3.6.2 Where a survivor commences/reactivates civil litigation against UnitingCare Queensland while a process is underway under these procedures, the Chief Executive Officer will determine the appropriate way to proceed and may take legal and other advice in doing so. The Chief Executive Officer may decide to cease/suspend the process.
- 3.6.3 Where part or all of a process under this procedure is ceased/suspended, the Chief Executive Officer will advise the survivor in writing.

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3.7 Criminal action

- 3.7.1 Where the complaint involves allegations of a criminal offence, UnitingCare Queensland will encourage the survivor to report the matter to police.
- 3.7.2 Where the survivor does not refer the matter to police, UnitingCare Queensland will report the complaint to police, de-identifying information where possible. This is to ensure that any current risk of harm to children or others can be addressed by the police. In some cases, UnitingCare Queensland may also have mandatory reporting obligations to report to the relevant authority.
- 3.7.3 Where police investigate a matter related to a complaint made under the Policy, UnitingCare Queensland will act to ensure that the integrity of the police investigation is not compromised and will cooperate with police in any way required. This may include the need to suspend processes under this procedure. Advice will be sought from police and discussed with the survivor, about whether any aspects of the process under this procedure can be progressed, while the police investigation is underway, or when an appropriate time to resume the process may be.
- 3.7.4 When the process can be recommenced, the Child Safe Contact Officer will discuss the survivor's preferred course of action at that time and provide advice to the Chief Executive Officer.

3.8 Record keeping

- 3.8.1 On completion of the process, the Child Safe Contact Officer is responsible for ensuring that all information relating to the complaint is securely maintained.

3.9 UnitingCare Queensland reflection and action

- 3.9.1 UnitingCare Queensland will assess each complaint to understand how the abuse or neglect occurred for the purposes of improving the safety of children in contact with its services.
- 3.9.2 UnitingCare Queensland will take whatever steps are available to ensure that perpetrators of grooming, abuse or neglect do not remain in positions to provide services to children. Further, UnitingCare Queensland will provide information to the General Secretary about allegations against persons who hold positions in the Uniting Church to ensure the Church is able to activate appropriate safety procedures.
- 3.9.3 UnitingCare Queensland may proactively identify other possible victims and where contact is able to be made, approach others in a discrete and compassionate way to let them know that UnitingCare Queensland is receptive to hearing from those who have experienced abuse or neglect while in contact with its services.

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4. Context and References

4.1 Not applicable

5. Related Documents

5.1 Child Safe Child Friendly Risk Management Framework

6. Review and Version Control

Version	Authorising Officer	Approval Date	Effective Date	Change History	Review Date
1.0	UCQ Board	11/14	11/14	Replaced Past abuse and mistreatment complaints policy and procedures	11/15
1.1	CEO	04/17	04/17	Replaced v1.0 Past Abuse and Mistreatment Complaints Policy and Procedures	04/18
2.0	UCQ Board	06/03/18	06/03/18	Replaces v1.1 Complaints of Past Child Abuse or Neglect Policy and Procedures	31/3/19

Authorised by	Name, Position	Signature	Date
Approved by:	Craig Barke, CEO	_____	___/___/___