



Complaints of past child abuse or neglect *Policy*

1. Objective

- 1.1 The objective of this Policy is to set out how UnitingCare Queensland will assist people who were abused or neglected while children, due to their contact with UnitingCare Queensland.

2. Purpose

- 2.1 This policy is for addressing complaints regarding allegations of abuse or neglect of people who, as children, were in the care of, or receiving services from, or in contact with, service groups which are part of the UnitingCare Queensland network, or organisations which no longer exist but which were community service organisations of the Uniting Church or its predecessors.
- 2.2 This policy applies when the person who is or was the child who alleges they have suffered 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 a UnitingCare Queensland Service Group at the time the allegation is received.
- 2.3 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 service group policies and procedures will apply.
- 2.4 Definitions of terms and/or titles are detailed at the back of this document.

3. Principles

- 3.1 UnitingCare Queensland is committed to the safety of children in contact with its services.
- 3.2 UnitingCare Queensland recognises that some children, while in the care of the Uniting Church and/or former Methodist, Presbyterian and Congregational Churches, did not receive the “love, nurturing and care” that they rightly deserved¹.

¹ Joint Apology to Those Harmed in Queensland Institutions during their Childhood, undated.
Statement by the Moderator of the Queensland Synod of the Uniting Church, dated 13 December 2001
Statement by the Uniting Church in Australia National Assembly, dated 27 September 2004.

- 3.3 Any person who has experienced abuse or neglect through contact with a UnitingCare Queensland service or its predecessors can make a complaint about their experience.
- 3.4 UnitingCare Queensland is committed to a just, compassionate, respectful, swift response to people who bring complaints of abuse or neglect.
- 3.5 UnitingCare Queensland will afford procedural fairness to people who bring complaints of abuse or neglect.
- 3.6 UnitingCare Queensland will not tolerate any retribution against any person for bringing a complaint.
- 3.7 UnitingCare Queensland staff will maintain confidentiality around the complaint and will only disclose information to those who are required to know it in order to deal with the complaint, with the following exceptions:
 - a. Where required to disclose the information under the law, for example, mandatory reporting to police or the relevant authority;
 - b. Where there is an allegation of activity that could be criminal, and the alleged perpetrator is, or is likely to be, alive, UnitingCare Queensland will report the allegation to police
 - c. Where there may be children or others currently at risk of harm, UnitingCare Queensland will report the allegation to police or other relevant authority and the Queensland Synod, as appropriate
 - d. Where the allegation involves a Uniting Church ministry agent, the matter will be reported to the Uniting Church in Australia, Queensland Synod
- 3.8 In most instances, UnitingCare Queensland will need to involve the Risk and Insurance Area of the Uniting Church in Australia, Queensland Synod in dealing with a complaint.
- 3.9 Complaints dealt with under this policy will be undertaken on a “without prejudice” basis.
- 3.10 UnitingCare Queensland will, as far as practicable, provide a single point of contact for complainants to be provided with information throughout the process.
- 3.11 UnitingCare Queensland acknowledges that some people may wish to have legal representation throughout the process and this shall be supported.
- 3.12 UnitingCare Queensland will keep any agreement confidential to protect the privacy of the complainant, except to the extent set out in clause 3.7.
- 3.13 People who were in the care of the Uniting Church or its predecessors will be able to reasonably access their own personal information and memorabilia where available, and UnitingCare Queensland will reasonably support people who are seeking such information. UnitingCare Queensland encourages all staff to recognise the historical and personal importance and value of retaining client case files, memorabilia and other material of significance and retain and store it accordingly.

4. Contact with UnitingCare Queensland

- 4.1 UnitingCare Queensland recognises the sensitive nature of processes under this policy and the difficulty experienced by some complainants in having to retell their story.
- 4.2 The Child Safe UCQ Contact Officer within UnitingCare Queensland will, as far as practicable, be the single point of contact for the complainant throughout the process.
- 4.3 The Contact Officer is not involved in the decisions regarding how the complaint will be dealt with or resolved. The Contact Officer is a point of contact and source of information about the process for the complainant and will support the Chief Executive Officer in collating information to assist with processes under this policy and procedure.

5. Dealing with complaints

- 5.1 UnitingCare Queensland will work with complainants to identify options for dealing with the complaint and the outcomes sought by the complainant. Decisions about how to proceed will be made by the Chief Executive Officer in collaboration with the complainant.
- 5.2 Options for dealing with the complaint include:
 - a. An investigation into the allegations;
 - b. For recent matters, referring a matter to a Service Group Executive Director for a report into the matter;
 - c. A “without prejudice” meeting with the Chief Executive Officer and other relevant persons from UnitingCare Queensland or the Uniting Church;
 - d. An offer of immediate counselling; and/or
 - e. Other options as agreed to between the complainant and the Chief Executive Officer
- 5.3 Possible outcomes include:
 - a. A formal apology from the Chief Executive Officer and/or Uniting Church representative;
 - b. An offer of ongoing pastoral care and support, including counselling or provision of a payment by way of contribution towards counselling expenses;
 - c. Meeting costs of attending meetings with representatives of UnitingCare Queensland;
 - d. An ex-gratia payment; and/or
 - e. Other support as may be agreed between the complainant and the Chief Executive Officer.
- 5.4 Where a formal expression of apology is offered, this will take place in a way that is meaningful to the complainant.
- 5.5 The amount of any ex-gratia payment will be determined by the Panel, as set out in the accompanying procedures.

6. Civil action

- 6.1 UnitingCare Queensland acknowledges people's right to bring civil actions for harm caused to them by others.
- 6.2 UnitingCare Queensland considers that it may be possible for some aspects of this policy and procedure to progress even if civil action is underway and will work with the complainant towards achieving satisfactory outcomes.
- 6.3 When legal action has ceased, processes under this policy may resume in full.

7. Criminal action

- 7.1 Where the complaint involves allegations of a criminal offence, UnitingCare Queensland will encourage the complainant to report the matter to police.
- 7.2 Where the complainant 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.
- 7.3 Where police investigate a matter related to a complaint made under this policy and procedure, 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 policy and its related procedures. Advice will be sought from police and discussed with the complainant, about whether any aspects of the process can be progressed under this policy, whilst the police investigation is underway, or when an appropriate time to resume the process under this policy may be.

8. UnitingCare Queensland reflection and action

- 8.1 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.
- 8.2 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 its Child Safe Church policies and procedures.
- 8.3 UnitingCare Queensland will 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.

9. Review of policy and procedures

- 9.1 UnitingCare Queensland will review these policies and procedures at least annually to consider appropriateness, effectiveness, consistency of application and any areas for improvement. Feedback from participants is welcomed.

Version control

Version	Date	Approved/reviewed	Replaces	Review cycle
Version 1	November 2014	Approved by Board	<i>Past abuse and mistreatment complaints policy and procedures</i>	12 months



Complaints of past abuse or neglect Procedures

1. Making a complaint under the Complaints of past abuse or neglect policy

- 1.1 People wishing to make a complaint of past abuse or neglect from their contact with UnitingCare Queensland should contact the Child Safe UCQ Contact Officer – on email childsaf@ucareqld.com.au or 3025 2142 or at GPO Box 45, Brisbane, QLD 4001.
- 1.2 The 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 these policies and procedures and any other material which may be deemed helpful.
- 1.3 The Contact Officer will assist the complainant to identify and access appropriately qualified support people, if appropriate.
- 1.4 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 complainant, and include as much information as the complainant wishes to provide about:
 - a. Current contact details for the complainant
 - b. Dates of contact with the service
 - c. Names of service or facility where abuse or neglect occurred
 - d. Name/s of perpetrator/s
 - e. Details of the abuse or neglect
 - f. Impact of the abuse
- 1.5 Complainants will be encouraged to engage a support person to assist them during the process and to be present, with the complainant's permission, during any meetings. (This is in addition to any legal support the complainant may wish to have.)
- 1.6 The Contact Officer will acknowledge in writing, receipt of a complaint.
- 1.7 As soon as possible after receiving the complaint, the Contact Officer will discuss with the complainant the options for proceeding and their desired outcomes.
- 1.8 The Contact Officer will provide an information brief to the Chief Executive Officer who will, in line with the principles set out in the Policy, decide the appropriate course of action.

2. Investigation

- 2.1 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 complainant and other relevant persons, including Uniting Church in Australia, Queensland Synod, in making a decision about whether to undertake an investigation.
- 2.2 In making the decision, the Chief Executive Officer will take into consideration:
 - a. the desired process and outcomes sought by the complainant
 - b. the likely availability of documentation relevant to the complaint
 - c. the passage of time since the incident and whether alleged perpetrator is still alive and whether there is likely to be any contemporaneous evidence relevant to the complaint
 - d. whether there is, or 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
- 2.3 In many cases, particularly those where a significant period of time has passed since the incident/s giving rise to the complaint, an investigation will not be fruitful, the Chief Executive Officer may decide not to direct that an investigation be undertaken. In such cases, the matter will proceed on the papers – that is, based on the complainant’s version of events and, where available, any evidence which demonstrates that the person was in contact with UnitingCare Queensland services at the relevant time.
- 2.4 Where an investigation is to be undertaken, in collaboration with the complainant, and in the spirit of openness and accountability, the Chief Executive Officer will determine the terms of the investigation.
- 2.5 An investigation may be undertaken by a person who is independent of UnitingCare Queensland or the Uniting Church or by someone who is from a different service group of UnitingCare Queensland.
- 2.6 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 complainant.
- 2.7 The Chief Executive Officer and the investigator shall, in consultation with the complainant, develop an investigation plan, which shall include:
 - a. clear objectives for the investigation;
 - b. a summary of the issues to be addressed;
 - c. people who should be interviewed;
 - d. other evidence that should be obtained;
 - e. a strategy for dealing with confidential information and material; and
 - f. a strategy for keeping all parties adequately informed of the process.

- 2.8 The costs of any investigation process will be covered by the Uniting Church in Australia, Queensland Synod and/or UnitingCare Queensland.
- 2.9 Wherever feasible, any ex-employee shall be contacted as part of the investigation. If the investigator decides not to contact an ex-employee, the investigator must put their reasons in writing to the Chief Executive Officer.
- 2.10 Where an ex-employee has been contacted, the Contact Officer will be the contact person for the duration of any actions taken under this Policy. The Contact Officer will assist the ex-employee to understand the process and procedures of this policy. The Contact Officer must not in any way represent the ex-employee, either formally (eg as a legal representative) or informally.
- 2.11 The ex-employee may engage an independent support person to assist with the process, and at the ex-employee's request, be present at any meetings.
- 2.12 Contact with ex-employees will be only by the Contact Officer, the investigator or the ex-employee's support person.
- 2.13 UnitingCare Queensland, and its staff, will give the investigator all reasonable assistance, including the provision of information, during the conduct of the investigation.
- 2.14 The independent 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 as to an appropriate response.
- 2.15 The Chief Executive Officer will communicate the outcomes of the investigation and UnitingCare Queensland's response to the recommendations to the complainant and the ex-employee.
- 2.16 If the complainant or any ex-employee is not satisfied with UnitingCare Queensland's response to the investigation, they may pursue other avenues of redress.

3. Meeting with Panel

- 3.1 Following an investigation, or if no investigation is undertaken, the Chief Executive Officer will invite the complainant to a meeting with the Chief Executive Officer, a representative of the Uniting Church in Australia, Queensland Synod, and any other relevant person.
- 3.2 The purpose of the meeting shall be to provide the opportunity for the complainant to discuss the complaint and tell their story and set out their desired outcomes under this process.
- 3.3 Meetings will be undertaken in the spirit of compassion, understanding and restoration.
- 3.4 This meeting will provide the opportunity to discuss the experiences and its impact on the victim and discussion about the outcomes sought by the complainant.

- 3.5 Either at, or within a week following this meeting, the Panel will make a determination about what it is appropriate to offer the complainant by way of costs, an ex-gratia payment, support for ongoing counselling, or other outcome. The offer shall be documented in writing. The offer shall remain current until accepted or rejected by the complainant. The complainant will be encouraged to seek independent legal and financial advice before accepting the offer.

4. Ex-gratia payment

- 4.1 Where appropriate, an ex-gratia payment may be offered to the complainant.
- 4.2 When determining an appropriate quantum of 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
- 4.3 The complainant will be provided with a copy of the terms of any deed of agreement prior to agreeing to the ex-gratia payment and be able to seek independent advice. UnitingCare Queensland will meet the costs of seeking such advice.

5. Civil litigation

- 5.1 Where a complainant commences civil action 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 suspend the process.
- 5.2 Where it is possible and practicable to continue some aspects of the process, the Chief Executive Officer may determine that it continue.
- 5.3 Where part or all of a process under this procedure is suspended, the Chief Executive Officer will advise the complainant in writing.
- 5.4 The Contact Officer will maintain regular contact with the complainant for the duration of the suspension.

6. Criminal actions

- 6.1 Where a matter is referred to police or UnitingCare Queensland becomes aware that police are undertaking an investigation into a matter that is relevant to the complaint, UnitingCare Queensland shall take advice from the Queensland Police Service as to whether and when any aspects of a process under this procedure can continue.
- 6.2 When the process can be recommenced, the Contact Officer will discuss the complainant's preferred course of action at that time and provide advice to the Chief Executive Officer.

7. Record keeping

- 7.1 On completion of the process, the Contact Officer is responsible for ensuring that all information pertaining to the complaint is securely maintained.

8. Review of these procedures

- 8.1 This procedure will be reviewed annually. Feedback from complainants and/or their advocates is welcomed.

Definitions for policy and procedure

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

- a) Incidences of 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.

“Chief Executive Officer” means the Chief Executive Officer of UnitingCare Queensland.

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

- a) Ensuring the complainant is informed of the processes and procedures relating to this policy and procedure;
- b) Being a contact person for the complainant or their advocate;
- c) Gathering information about the circumstances of the complaint, including records where available, and providing an information brief to the Chief Executive Officer;
- d) Making arrangements to facilitate meetings and other activity under these processes
- e) Ensuring that the complaints process is appropriately documented;
- f) Securely maintaining documentation relating to matters dealt with under this process; and
- g) As far as possible, for keeping the stages of the process within reasonable timeframes.

“Ex-employee” means a person who previously worked either as an employee, carer, or volunteer for a Service Group which is part of the UnitingCare Queensland network, 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.

“Complainant” refers to a person who received care from a Service Group which is part of the UnitingCare Queensland network, 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; or another person who, as a child, was abuse 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.

“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; and
- b) The investigation must be free from bias, as well as the appearance of bias.

“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.