



SISTERS OF  
MERCY  
PARRAMATTA

<b>Safeguarding Complaints Handling Policy</b>	<b>Version: 1.0</b>
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<b>Approved by</b>	<b>Sr Mary-Louise Petro</b>
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<b>Date of Next Review</b>	<b>March 2024</b>

## **Safeguarding Complaints Handling Policy**

### **1.0. INTRODUCTION.**

Inspired by its founder, Venerable Catherine McAuley, Sisters of Mercy Parramatta commits to live and work in accordance with the gospel ideals and the values and principles articulated in the *Constitutions of the Congregation of the Sisters of Mercy Parramatta* and relevant church protocols. In particular, Sisters of Mercy Parramatta recognizes the inherent dignity and rights of all people and the gospel imperative to protect and nurture those who are most at risk. The purpose of this policy is to ensure that all disclosures, complaints, allegations or suspicions of abuse are handled in a just and compassionate manner, in accordance with the policies and procedures of Sisters of Mercy Parramatta and its lawful obligations.

### **2.0. SCOPE**

This policy applies to all Congregation members and staff.

### **3.0. POLICY**

- 3.1** Sisters of Mercy Parramatta has a zero-tolerance approach to the abuse of children and adults. Consequently, Sisters of Mercy Parramatta takes all concerns and reports of abuse seriously and will act on them immediately.
- 3.2** Sisters of Mercy Parramatta is committed to responding to such concerns and reports compassionately, respectfully and in a timely manner in accordance with its legal responsibilities and its policies and procedures. This includes contacting police immediately where there may be risk of imminent harm to a child or adult at risk and reporting concerns and complaints of child abuse to the appropriate statutory authorities. Concerns and complaints of a criminal nature against adults will be reported to statutory authorities.
- 3.3** All Sisters of Mercy Parramatta personnel will cooperate with law enforcement procedure and directives and all relevant reporting, privacy and employment obligations will be met.
- 3.4** Sisters of Mercy Parramatta will maintain the confidentiality of any complaints made according to legal requirements. Safeguarding records will be stored securely and access to these records will be provided by Sisters of Mercy Parramatta according to its legal obligations and its Privacy Policy and Safeguarding Information and Record Keeping Policy.
- 3.5** Congregation members and staff who have contact with children and/or adults at risk, will be trained to recognize and respond to barriers that prevent disclosure of abuse and to barriers in recognising and responding to such disclosures.

### **4.0. CONFLICT OF INTEREST**

- 4.1** To ensure that safeguarding matters are managed with impartiality and objectivity and that Sisters of Mercy Parramatta's processes are free from any actual or perceived conflict of interest:
  - (i) Any person who is involved in receiving, investigating or advising on a safeguarding complaint must not be involved in the matter if that person is the subject of the complaint.
  - (ii) Where the designated handler of the complaint was the Congregation Leader or other office holder in the Congregation at the time of the complaint, or has a close personal or working relationship with the subject of the complaint such that their judgement would or could be affected by the relationship, the handler must declare an actual or potential conflict of interest to the current Congregation Leader. Any potential or actual conflict of interest involving the current Congregation Leader must be declared to the Metropolitan Archbishop (Archbishop of Sydney).

## **5.0. GUIDING PRINCIPLES FOR HANDLING COMPLAINTS/ALLEGATIONS OF ABUSE**

- 5.1** All incidents of abuse are to be viewed as damaging to children and adults at risk. The most common forms of abuse include physical abuse, psychological/emotional abuse, neglect, spiritual abuse, sexual abuse, grooming and exposure to family violence.
- 5.2** Where a disclosure, allegation or suspicion of abuse or harm to a child and/or adult at risk is made, the priority in responding is always the safety and wellbeing of children and adults at risk.

To ensure this, on receipt of such a complaint, the designated member of the Leadership Team conducts an immediate assessment to identify and minimize any risk to children or adults at risk.

Where a complaint is plausible and there is a risk that the alleged perpetrator might come into contact with children and/or adults at risk, that person is stood down from their role or ministry until the complaint is investigated.

- 5.3** Everyone engaged with Sisters of Mercy Parramatta has a moral obligation to report any disclosure, complaint, allegation or suspicion of abuse of a child or adult at risk to the Safeguarding Co-ordinator, or to the Congregation Leader if the complaint is against the Safeguarding Co-ordinator, within 24 hours of becoming aware of it. Complaints against the Congregation Leader are to be reported to the Metropolitan Archbishop (Archbishop of Sydney). Where there is a risk of imminent danger to a child or adult at risk, a report must be made to police immediately.
- 5.4** Complaints are to be acknowledged promptly and complainants are to be kept informed of the process and progress of their complaint. The respondent is presumed innocent until an investigation finds otherwise, and must be given sufficient details of the allegation to be able to offer a response. Respondents must be advised of their right to obtain independent legal advice.
- 5.5** Pastoral support and counselling by appropriately trained personnel will be offered to all people affected by safeguarding matters, including an offer from Sisters of Mercy Parramatta to meet in person with the complainant.
- 5.6** The Congregation Leader will ensure that mechanisms are in place to monitor and support members of the Congregation facing allegations until the Congregation no longer has responsibility for monitoring the respondent.

## **6.0. DISCIPLINARY ACTION**

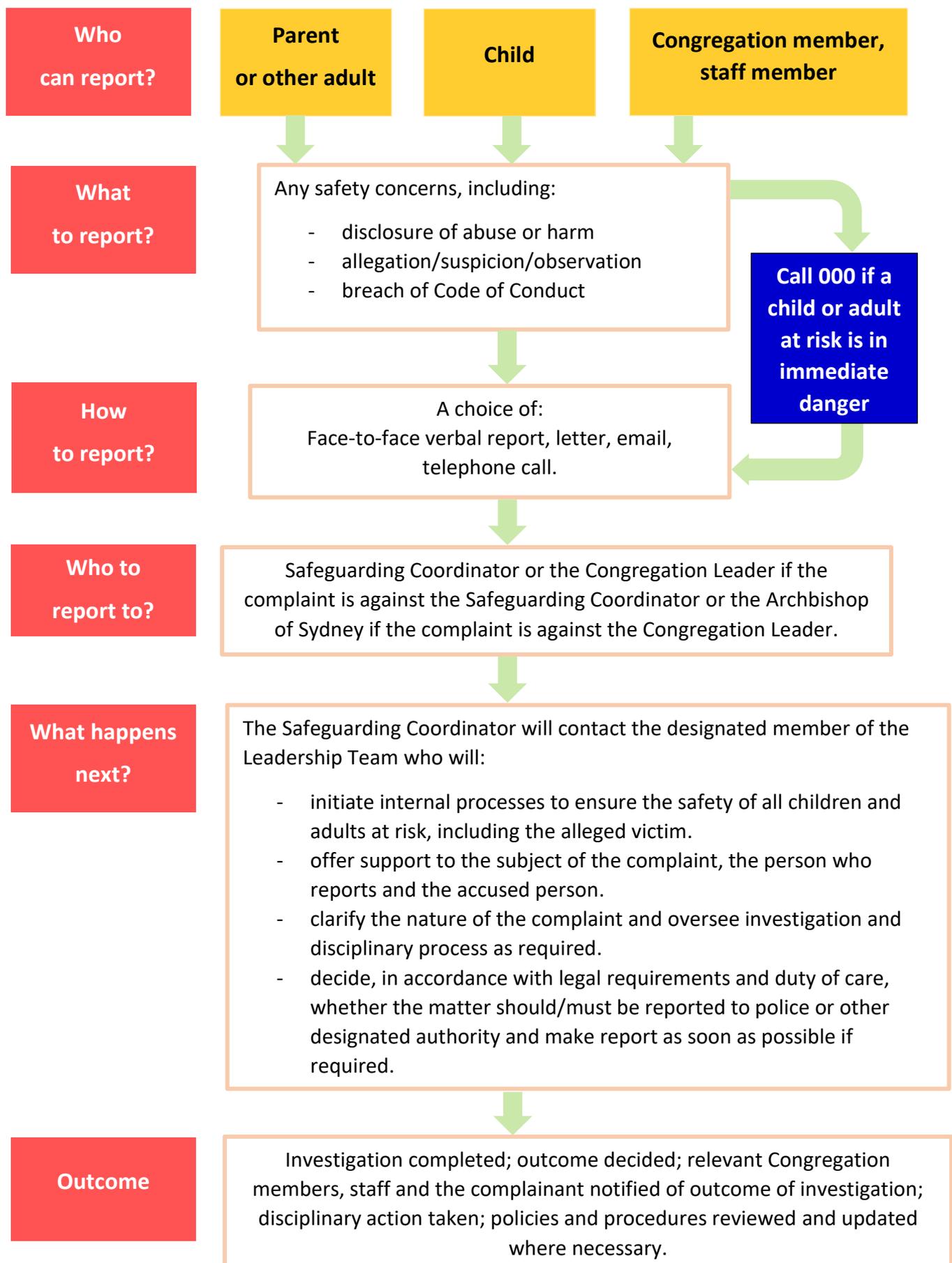
- 6.1** Where a complaint related to sexual abuse is substantiated, disciplinary action may include training, counselling, suspension, restrictions, disciplinary action including termination of employment and /or official reports to police and other statutory authorities.

- 6.2** Where a complaint related to the sexual abuse of a child or adult at risk against a Congregation member is substantiated on the balance of probabilities, with due respect to the rights of the member, the Congregation Leader will remove her from ministry and demonstrate compliance with church protocols.
- 6.3** Where a Congregation member is convicted of an offense relating to sexual abuse of a child or adult at risk, with due respect to the rights of the member, that member will be permanently removed from ministry. The Congregation Leader will take steps to prohibit her from holding herself out as being a person with religious authority and may present a case to the relevant dicastery for dispensation from vows.
- 6.4** Where a Congregation member is found guilty of performing sexual acts with an adult at risk or recruiting or inducing an adult with diminished capacity to participate in the production of pornography, with due respect for the rights of the member, she will be removed from ministry and the Congregation Leader will take steps to prohibit her from holding herself out as being a person of religious authority and may present a case to the relevant dicastery for dispensation from vows.

## **7.0. RESPONSIBILITIES AND OBLIGATIONS**

(Refer to next page for *Safeguarding Complaints Handling Flowchart*)

Safeguarding Complaints Handling Flowchart.



## 8.0. REVIEW

This policy will be reviewed every three years or as required by legislative change.

## 9.0. DEFINITIONS

**“Abuse”** means any intentional harm or mistreatment of a child under 18 years of age or an adult at risk. The most common categories include physical abuse, psychological/emotional abuse, neglect, spiritual abuse, sexual abuse, grooming and exposure to family violence.

**“Adult at risk”** means any person aged 18 years and over who is at increased risk of abuse, such as those who:

- are elderly
- have a disability
- suffer from mental illness
- have diminished capacity
- have cognitive impairment
- are subject to significant power imbalance
- are experiencing transient risks, such as bereavement or relationship breakdown (or other such adversity) or have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation

**“Child”** means any person under the age of 18 years

**“Congregation member”** means a professed member of the Congregation of the Sisters of Mercy Parramatta.

**“Staff member”** means all those engaged with the work and ministries of Sisters of Mercy Parramatta (employees, volunteers, religious, long-term contractors and students on work placement), other than Congregation members.

## **10.0. SUPPORTING DOCUMENTS**

Code of Conduct

Conflict of Interest/Loyalty Policy

Privacy Policy

Protected Disclosure Policy

Safeguarding Information and Record Keeping Policy

Safeguarding Policy

Responding to Safeguarding Disclosure Procedures

Safeguarding Complaints Handling Procedures

Safeguarding Governance: Roles and Responsibilities.

[www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/how-to](http://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/how-to)