

Steps in an investigation — provision of information, rights of reply, findings and outcomes

The respondent must be given adequate information to make a fully informed response to the allegation/s against them.

The respondent can choose not to respond to the allegation/s however findings will be made irrespective of a respondent's decision not to reply to the allegation/s.

If there is one or more 'sustained' finding, the appropriate diocesan leadership will, in consultation with Human Resources and the OoSG, determine the appropriate outcomes from the investigation.

Outcomes can relate to the respondent as well as to operational or systemic issues. Outcomes related to the respondent (also known as 'personal outcomes') will:

- ▶ reflect the moral and cultural ethos of the Catholic Church and Diocese of Maitland-Newcastle
- ▶ be commensurate with the seriousness of the sustained allegation/s
- ▶ reflect the 'industry standards' and community expectations for reasonableness and proportionality
- ▶ be in accordance with employment and industrial law if the respondent is an employee.



Where can I go for help?

Office of Safeguarding: 4979 1390
www.officeofsafeguarding.org.au

Detailed information for Diocesan workers who are the 'respondent', i.e. subject to investigation, is available at:
www.officeofsafeguarding.org.au/investigations/information-for-diocesan-workers-subject-to-investigation/

Chancery/Parishes: 4979 1200
www.mn.catholic.org.au

Catholic Schools Office: 4979 1200
www.mn.catholic.edu.au

CatholicCare Mayfield: 4979 1120
CatholicCare Cardiff: 4944 0700
CatholicCare Maitland: 4015 2800
www.catholiccare.org.au

St Nicholas Early Education: 4979 1110
www.stnicholasmn.org.au

Independent Education Union NSW/ACT: 4926 9400
www.ieu.org.au

Australian Services Union NSW/ACT: 4929 1280
www.asu.asn.au



Office of Safeguarding
Diocese of Maitland-Newcastle

50 Crebert Street, Mayfield NSW 2304
PO Box 29 Carrington NSW 2294
P 02 4979 1390

E childprotection@mn.catholic.org.au
www.officeofsafeguarding.org.au



**I am subject
to a complaint**
Information for
diocesan workers

www.officeofsafeguarding.org.au



The Diocese of Maitland-Newcastle promotes an abiding commitment to the safety, welfare and wellbeing of all children and vulnerable adults.

A complaint that a diocesan worker has acted inappropriately or abusively towards a child or vulnerable adult is called an 'allegation'. Allegations are taken seriously and, where appropriate an investigation into the allegation may be conducted.

If you are the subject of an allegation, you are the 'respondent'. The Diocese does not presume that the respondent has done anything inappropriate or abusive. The process of inquiry 'tests' the validity of the allegation.

The Office of Safeguarding (OoSG) is empowered by the Bishop of Maitland-Newcastle to conduct investigations into allegations against diocesan workers. The OoSG may also support and oversee local parish or school leaders undertaking inquiries into less serious allegations.

What constitutes a complaint?

Complaints can be alleged breaches of a Diocesan Code of Conduct, applicable to religious, laity, paid and unpaid workers, authorised foster carers, contractors and students on work placements. If you aren't sure which Code applies to you, speak with your supervisor or the OoSG or explore your service's website – all Codes are freely accessible.

In some instances, alleged breaches of the Code of Conduct may also amount to a reportable conduct allegation which requires the OoSG to report to the NSW Office of the Children's Guardian (OCG).

Being advised of the investigation

In most circumstances, the respondent will not be informed they are the subject of investigation until all other relevant inquiries are complete, after which the respondent is invited to participate. This approach is taken as it means the respondent's experience of the investigation is relatively brief. Not being informed until later in the investigation reduces the level of stress the respondent may experience while waiting for preliminary inquiries to be completed.

Also, being unaware of the investigation protects the respondent from allegations of intentionally interfering with an investigation, such as attempting to compromise investigative integrity.

However, there are circumstances that may require the respondent to be advised earlier, including where the confidentiality of the investigation has been compromised, if there is a need to implement temporary safety measures or where an external authority notifies the respondent as part of a criminal or statutory investigation.

Risk management and temporary safety measures

When a complaint is received, the investigator must balance the perceived and actual risks inherent in a diocesan worker remaining in their work/role whilst the inquiry is undertaken.

The investigator undertakes an initial assessment of risk in consultation with the respondent's supervisor and the relevant leadership. In making this assessment there is a bias towards the safety of children and vulnerable adults balanced against the diocese's determination to cause the least possible disruption to the respondent's duties.

If there is a 'real and appreciable' risk, the local diocesan leadership may implement temporary safety measures with advice from the investigator. The assessed level of risk has no relationship to the eventual findings of the investigation. Any temporary safety measure does not support the validation of any allegation, just as the lack of temporary safety measures does not indicate the allegation will not be sustained.

Support for the respondent

Being the respondent can be stressful. Most diocesan workers have access to funded counselling through the Employee Assistance Program (EAP). Where the EAP is not applicable, OoSG will fund reasonable counselling costs for the respondent if they identify a need for psychological support.

It is in the respondent's best interests to have a support person to assist them through the investigation. The support person can act as the respondent's go-between with the investigator, be a witness to interviews, and help the respondent prepare written responses. The respondent can have a union or association representative support them during the process.

If the allegation involves potential criminal conduct the respondent should consider engaging a solicitor.

If the respondent has any special needs, the investigator will use all reasonable endeavors to ensure these needs are met. The respondent may consider engaging Disability Advocacy NSW as a support.

