



FACT SHEET: What to expect if you are the Subject of a Safeguarding Complaint

Having been informed that you are the subject of a Safeguarding Complaint, you are likely to experience a variety of emotions and have a range of questions about who has made a complaint and what the investigation process will look like. Outlined below is an overview of the process the Safeguarding Office takes upon receipt of a Safeguarding Complaint.

Support

Firstly, it is important for you to know that you will be offered support throughout this process. This support may take the form of counselling, pastoral support or where requested, spiritual support.

Procedural Fairness

The Archdiocese is committed to uphold the principles of procedural fairness during investigations. This includes ensuring you have a reasonable opportunity to put forward your case and being informed about your rights of reply.

Assessment of the Safeguarding Complaint

Upon receiving the Safeguarding Complaint, the Safeguarding Office determines if it is a Level 1, Level 2 or Level 3 Safeguarding Complaint.¹

- A *Level 1 Safeguarding Complaint* relates to complaints of a Reportable Allegation, a conviction considered to be Reportable Conduct or where a Child is at Risk of Significant Harm.
- A *Level 2 Safeguarding Complaint* relates to allegations of serious misconduct regarding a Child/ren or a serious breach of the Policy or *Integrity in Ministry* that is not a Level 1 Safeguarding Complaint.
- A *Level 3 Safeguarding Complaint* relates to a less serious breach of the Policy or *Integrity in Ministry*. These matters are dealt with at a local level. See *Protocol: Managing Safeguarding Complaints*, section 6.

Initial Risk Assessment

An immediate Initial Risk Assessment is conducted in response to the Safeguarding

Complaint to identify and mitigate any immediate risk.

Notification to Statutory Authorities

If the Safeguarding Complaint is considered to be a Level 1 Safeguarding Complaint, reports will need to be made to the relevant authorities based on the alleged conduct. These include:

- **Police:** Reportable Crimes
- **NSW Office of the Children's Guardian:** Reportable Allegation
- **Department of Communities and Justice:** Risk of Significant Harm

Notification to other relevant parties

Other parties, such as your Senior Manager, Parish Priest, and Agency Head, will need to be notified of the nature of the Safeguarding Complaint, proposed investigation and other relevant details.

Being informed you are the subject of a Safeguarding Complaint – The Respondent

Dependent upon the involvement of statutory bodies, the Safeguarding Office will contact you to notify you that you are the Respondent. You will be asked to attend a meeting and encouraged to bring a Support Person. A Support Person is someone who will assist you emotionally during this time and will attend meetings with you. They are not authorised to speak on your behalf. For further information on Support Persons see *Fact Sheet: Support Person*.

At this first meeting, details of the Safeguarding Complaint will be provided to you. A Safety and Support Plan may be agreed upon, and a Contact Person identified

¹ Refer to *Protocol: Managing Safeguarding Complaints*, s 2.2, for the full definition of a Level 1, Level 2 or Level 3 Safeguarding Complaint

for you to keep you informed of the progress of the investigation

Updated Risk Assessment

After this meeting, the initial Risk Assessment will be updated to reflect any new risks and mitigation strategies.

External Investigator

An external investigator will be appointed to investigate a Level 1 or Level 2 Safeguarding Complaint. You will be informed of their appointment and that they will contact you and others as part of the investigation process.

Making a Finding

The investigator will make a finding based on the balance of probabilities and will provide a report to the Vicar General.

Right of Reply

Once the investigation report has been reviewed, the Safeguarding Office will contact you to provide you with the opportunity to make a further submission in response to the proposed finding and reasons.

Actioning the Outcome

Depending on the findings of the investigation and your position within the Archdiocese, the outcome of the investigation will be considered along with the most appropriate disciplinary action. This could include returning to your position or some other position, further reporting to statutory authorities, dismissal or being stood aside.

Review

The option to a review is available to you through the Independent Safeguarding Advisory Panel. See *Protocol: Managing Safeguarding Complaints*, section 4.8.

Further questions you may have regarding Reportable Conduct

You may have further questions regarding the Reportable Conduct Scheme. Below are listed some common questions and answers. For more information visit the Office of the Children's Guardian's website or view our [Fact Sheet: Reportable Conduct Scheme](#).

What if I was not an employee at the Archdiocese at the time of the alleged conduct?

If the alleged conduct occurred whilst you were not employed by the Archdiocese, the Scheme will nevertheless apply to your current employment situation with the Archdiocese, as it addresses any current risks that may be posed to Children or Young People that are being cared for by the Archdiocese.

What if someone makes a report about me that is a 'Reportable Allegation'?

Upon receiving a reportable allegation, the Archdiocese is required to report it to the Police or Department of Communities and Justice (DCJ) if it is considered mandatory.

In addition to this, within 7 days of becoming aware of the allegation, the Archdiocese needs to inform the OCG of the Reportable Allegation.

How can I avoid having allegations made about me?

The Scheme involves responding to matters where a Child may have been or, in fact, has been harmed by someone who currently works with Children or who has worked with them. It is important to note that most people who work with Children will never harm a Child. The Archdiocese Policy and Protocols assist workers in ensuring their actions when working with children keep children and young people safe and themselves safe from allegations of abuse.

Tips for employees

Being familiar with the Archdiocese's [Code of Conduct for Working with Children](#) will help you to know what is expected of you when you interact with Children and Young People.

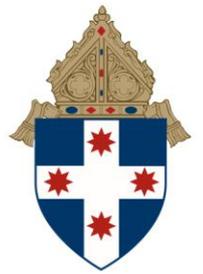
Ensure that your interactions with Children and Young people are appropriate at all times.

Make sure you receive an adequate induction into your role by your supervisor. If you don't receive an induction, make sure you raise this with your supervisor.

Ensure adequate handovers take place if you are undertaking shift-work or casual work.

Ensure that there is another adult with you when in the company of Children or at least in a clear line of sight between you and a Child.

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Do not use social media to engage with Children. The Archdiocese's Code of Conduct outlines further information regarding this.

Personal health or other issues may impact on your work performance, if you are experiencing something that is impacting your overall well-being, be sure to access support services that may be available to you.

Further Information

Located on the Archdiocese's Safeguarding website are the following documents:

[*Code of Conduct for Working with Children*](#)

[*Fact Sheet: Use of Technology and Social Media to Communicate with Children*](#)

[*Fact Sheet: Behaviours to Encourage and Avoid*](#)

[*Protocol: Reporting a Child who is at Risk of Significant Harm to the Department of Communities and Justice*](#)

[*Protocol: Reporting Inappropriate Employee Conduct to the Office of the Children's Guardian*](#)