

**COMPLAINTS OF PAST CHILD ABUSE OR NEGLECT****PGOV003**

<b>Policy Level</b>	Operational
<b>Application</b>	UCQ
<b>Contact Officer</b>	Director, Office of the CEO

**1 Policy Statement**

This Policy sets out how UnitingCare Queensland will assist people who were abused or neglected while children, due to their contact with UnitingCare Queensland.

**2 Purpose**

This policy 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.

**3 Scope**

This policy 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 policy 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.

**4 Principles**

4.1 UnitingCare Queensland is committed to being a Child Safe, Child Friendly organisation and will:

- a) provide welcoming, safe and nurturing services for all children
- b) implement measures to prevent child abuse and neglect within its services
- c) appropriately and immediately address child abuse and neglect if it does occur.

The interests of any child being harmed, or at risk of harm, are to be placed above the interests of any other individual or the organisation.

4.2 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 deserved<sup>1</sup>.

<sup>1</sup> 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.

## POLICY

- 4.3 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.
- 4.4 UnitingCare Queensland is committed to a just, compassionate, respectful, swift response to survivors of abuse or neglect (survivors).
- 4.5 UnitingCare Queensland will afford procedural fairness to survivors .
- 4.6 UnitingCare Queensland will not tolerate any retribution against survivors.
- 4.7 UnitingCare Queensland staff will maintain confidentiality about 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:
- Where required to disclose the information under the law, for example, mandatory reporting to police or the relevant authority;
  - 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
  - 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
  - Where the allegation involves a Uniting Church ministry agent, the matter will be reported to the Uniting Church in Australia, Queensland Synod.
- 4.8 Complaints dealt with under this policy will be undertaken on a “without prejudice” basis.
- 4.9 UnitingCare Queensland will, as far as practicable, provide a single point of contact for survivors throughout the process.
- 4.10 UnitingCare Queensland acknowledges that some people may wish to have legal representation throughout the process and this will be supported.
- 4.11 UnitingCare Queensland will assist people who were in the care of the Uniting Church or its predecessors to access their personal records where available.
- 4.12 UnitingCare Queensland recognises the sensitive nature of processes under this policy and the difficulty experienced by many survivors in having to retell their story.

## 5 Responsibilities and Requirements

- 5.1 The UnitingCare Queensland Child Safe Contact Officer will, as far as practicable, be the single point of contact for the survivor throughout the process.
- 5.2 The Child Safe Contact Officer is not involved in making decisions about how the complaint will be dealt with or resolved. The Child Safe Contact Officer is a point of contact and source of information about the process for the survivor and will support the Chief Executive Officer in collating information to assist with processes under this policy and procedure.

## POLICY

- 5.3 UnitingCare Queensland 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.
- 5.4 All matters are to be notified to the Uniting Church in Australia, Queensland Synod in accordance with direction from the Queensland Synod team responsible for risk and insurance.

## 6 Definitions

- 6.1 **Chief Executive Officer:** means the Chief Executive Officer of UnitingCare Queensland.
- 6.2 **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:
- Ensuring the survivor is informed of the processes and procedures relating to this policy
  - Being a contact person for the survivor or the survivor's advocate
  - Gathering information about the circumstances of the complaint, including records where available, and providing information to the Chief Executive Officer
  - Making arrangements to facilitate meetings and other activity under these processes
  - Ensuring that the complaint process is appropriately documented
  - Securely maintaining documentation relating to matters dealt with under this process
  - As far as possible, keeping the stages of the process within reasonable timeframes.
- 6.3 **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.
- 6.4 **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:
- Sexual assault or any conduct of a sexual nature, including sexual harassment
  - Behaviour which caused serious pain, physical abuse or ill treatment, or emotional or psychological harm.
- 6.5 **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.

# POLICY

6.6 **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.

6.7 **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.

## 7 Context and References

7.1 Not applicable

## 8 Related Documents

8.1 Child Safe Child Friendly Risk Management Framework

## 9 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 Complaints of Past Child Abuse or Neglect 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	_____	___/___/___