



Uniting Church in Australia Queensland Synod

SCHOOLS COMMISSION

PAST ABUSE AND MISTREATMENT COMPLAINTS POLICY AND PROCEDURES

For Uniting Church in Australia,
Queensland Synod Schools & Colleges



Calvary Christian College
A Ministry of Logos Uniting Church

Moreton Bay Boys' College



Moreton Bay College



The SCOTS PGC College



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1. DEFINITIONS

“Child” / “Children” means any person aged under 18 years at the time of the alleged incident(s) occurring upon which the Complaint has been based.

“Complaint” means an allegation(s) against an ex-employee(s) regarding their behaviour or decisions, or systemic practices that are regarded by the former student 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 psychological harm.

“Confidentiality”

Generally, written and spoken information provided to the *UCAQ* Schools Commission under this policy is protected from being shared, other than for a purpose for which it was collected, or for quality improvement purposes.

However, so that any information received may be properly considered, the *UCAQ* Schools Commission may make such information available to people the *UCAQ* Schools Commission considers appropriate, including:

- The current Head of College, Campus Principal or equivalent of the *UCAQ* School or College against which the allegations have been made;
- Personnel of *UCAQ*; and if appropriate
- Their advisers.

Complainants should also be aware that if the *UCAQ* Schools Commission receives information indicating that:

- a) A child is currently at risk of abuse this information will be reported to relevant authorities; or
- b) There is a serious risk to a person’s safety (*e.g. if the complainant is actively suicidal or is likely to seriously harm another person*), the *UCAQ* Schools Commission may use the information in such a way as to protect the person at risk.

Unless otherwise agreed between the former student and the *UCAQ* Schools Commission, all materials provided to the *UCAQ* Schools Commission under this policy will become the property of the *UCAQ* Schools Commission.

“Designated Person” is the Executive Officer, or a person appointed by the Executive Officer. The Designated Person is the person responsible for managing the processes and procedures relating to this policy within the *UCAQ* Schools Commission. The Designated Person is responsible for:

- a) Ensuring the former student is informed of the processes and procedures relating to this policy;
- b) Being a contact person for the former student or their advocate;
- c) Facilitating the complaint process;
- d) Ensuring that the complaint process is appropriately documented; and
- e) As far as possible, for keeping the stages of the process within reasonable timeframes.

“Executive Officer” means the Executive Officer of the *UCAQ* Schools Commission.

“Ex-employee” means a person who previously worked either as an employee or volunteer, for a *UCAQ* School or College, against whom a Complaint is made.



“**Former Student**” refers to a person who, as a Child, received education, accommodation or care at a *UCAQ* School or College either as a day student or boarding student.

“**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.

“**UCAQ**” means the Uniting Church in Australia, Queensland Synod.

“**UCAQ School or College**” means Schools or Colleges formed by Constitution under the Regulations and By-Laws of *UCAQ*, including Schools or Colleges which were previously part of other school networks (such as the *Presbyterian Church* or *EDUCANG*). At the time of this Policy and Procedures document being reviewed, these Schools and Colleges include: Calvary Christian College; Moreton Bay Boys’ College; Moreton Bay College; The Lakes College; and The SCOTS PGC College. This Definition and Policy and Procedures document does not include or apply in respect of current *EDUCANG* or *PMSA* Schools or Colleges, for which separate policies and procedures apply.

“**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.

2. OBJECTIVE

The objective of this Policy is to inform former students, ex-employees and current staff of *UCAQ* Schools and Colleges, Ministers of the Word, Chaplains, and other interested people, of the *UCAQ* Schools Commission processes for dealing with Complaints of past abuse or mistreatment.

3. PURPOSE

This policy is for addressing Complaints regarding allegations of mistreatment of people who, as children, received education, accommodation or care within *UCAQ* Schools or Colleges.

This policy does not address allegations involving employees or volunteers working for a *UCAQ* School or College at the time an allegation is received. Allegations relating to current employees or volunteers need to be addressed under the *UCAQ* School or College’s own policies and procedures that are applicable in respect of such matters.

4. PRINCIPLES

- 4.1. The *UCAQ* Schools Commission recognises that some Children, while receiving education, accommodation or care within *UCAQ* Schools or Colleges, may not have received the love, nurturing and care that they rightly deserved.
- 4.2. Any Former Student of a *UCAQ* School or College has the right to complain. All Complaints will be accepted “Without Prejudice”.
- 4.3. The *UCAQ* Schools Commission acknowledges that Complaints and/or allegations of mistreatment are serious. Each Former Student who approaches the *UCAQ* Schools Commission in relation to their previous experiences while receiving education, accommodation or care within *UCAQ* Schools or Colleges must and will be welcomed, supported and treated with respect and consideration, in alignment with *UCAQ*’s core values. A compassionate response to the Former Student will be the first priority in respect of all Complaints received.



- 4.4. Former Students who were in the care of *UCAQ* Schools or Colleges should be able to reasonably access personal information and memorabilia, and the *UCAQ* Schools Commission will reasonably support Former Students who are seeking such information. The *UCAQ* Schools Commission expects all staff to recognise the historical and personal importance and value of retaining Former Student's client case files and other material of significance. Any *UCAQ* School or College that has such material will ensure that it is securely collected and stored.
- 4.5. The *UCAQ* Schools Commission adheres to an ongoing commitment to procedural fairness for all Former Students of *UCAQ* Schools or Colleges.
- 4.6. The *UCAQ* Schools Commission will not tolerate any retribution against any person for bringing a complaint against *UCAQ* Schools or Colleges, *UCAQ* and/or Ex-employees.
- 4.7. All complaints will be addressed in the shortest time practicable.
- 4.8. *UCAQ* staff will maintain confidentiality around the Complaint and will only disclose information on a strictly 'need to know' basis.
- 4.9. Should any formal investigation into allegations under this Policy be required, these will be undertaken by a person or persons independent of the *UCAQ* Schools Commission and *UCAQ*.

5. PROCEDURES

- 5.1. Complaints may be received verbally or in writing, in any language, and may be prepared with assistance.
- 5.2. The Designated Person will, as soon as possible, ensure that contact is made with the person to hear their concerns and explain the *UCAQ* Schools Commission Policy and Procedures for dealing with their Complaint.
- 5.3. The Designated Person will also provide a copy of this Policy and Procedures document, and any other specific material which may be deemed helpful.
- 5.4. The Designated Person will assist, when requested, the Former Student to identify and access appropriately qualified support people.
- 5.5. Former Students will be encouraged to engage a support person to assist them during the process and to be present, with the Former Student's permission, during any meetings.
- 5.6. The Former Student may be requested to outline the Complaint and its impact on them in writing, if they haven't already done so. A support person may assist with this on the condition that the Former Student clearly understands what has been written, and the Complaint is signed by the Former Student.
- 5.7. The Designated Person will acknowledge in writing, receipt of a Complaint.
- 5.8. As soon as possible, the Designated Person will discuss with the Former Student the options for proceeding and their desired outcomes. During such considerations, in rare circumstances, the Executive Officer may determine that an investigation of the substance of the Complaint is necessary.
- 5.9. If the Former Student does not request an investigation be conducted, the *UCAQ* Schools' Commission may nevertheless, on the recommendation of the Executive Officer, determine to proceed with an investigation.
- 5.10. If the Former Student agrees to meet the Executive Officer or a representative of the *UCAQ* Schools Commission or *UCAQ*, and such other people as considered necessary to discuss the Complaint, the Designated Person will arrange a "Without Prejudice" meeting at the earliest possible time.
- 5.11. The Designated Person will maintain appropriate records of discussions with Former Students, including each allegation.



6. INVESTIGATION

- 6.1. If the *UCAQ* Schools Commission determines it is appropriate to proceed with an investigation, the investigation will be commenced and completed within the shortest possible time. An investigation must be completed within a three-month period, unless an extension is approved by the Executive Officer. A decision to extend an investigation will be communicated to the Former Student.
- 6.2. An investigator shall be contracted by the *UCAQ* Schools Commission to investigate the substance of the Complaint. The investigator will be independent of:
 - 6.2.1. The *UCAQ* Schools Commission and *UCAQ*;
 - 6.2.2. The Former Student; and
 - 6.2.3. Any relevant Ex-employee.
- 6.3. The Executive Officer, and/or the Designated Person, and the investigator shall develop an investigation plan, which shall include:
 - 6.3.1. Clear objectives for the investigation;
 - 6.3.2. A summary of the issues to be addressed;
 - 6.3.3. People who should be interviewed;
 - 6.3.4. Other evidence that should be obtained;
 - 6.3.5. A strategy for dealing with confidential information and material; and
 - 6.3.6. A strategy for keeping all parties adequately informed of the process.
- 6.4. The costs of any investigation process will be covered by *UCAQ*.
- 6.5. 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 Executive Officer.
- 6.6. Where an Ex-employee has been contacted, the Designated Person will be the contact person for the duration of any actions taken under this Policy. The Designated Person will assist the Ex-employee to understand the process and procedures of this policy. The Designated Person must not in any way represent the Ex-employee, either formally (*e.g. as a legal representative*) or informally.
- 6.7. 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. The support person must not in any way represent the ex-employee either formally (*e.g. as a legal representative*) or informally unless that support person has the authority in law (*e.g. as an authorised guardian*).
- 6.8. Contact with Ex-employees will be only by the Designated Person, the investigator or the Ex-employee's support person.
- 6.9. The *UCAQ* Schools Commission, *UCAQ*, and their staff, will give the investigator all reasonable assistance, including the provision of information, during the conduct of the investigation.
- 6.10. The independent investigator must make a full report in writing to the Executive Officer at the end of the investigation, outlining the process and outcomes and making recommendations as to an appropriate response.
- 6.11. The Executive Officer will communicate the outcomes of the investigation to the Former Student and the Ex-employee.
- 6.12. If the Former Student or any Ex-employee is not satisfied with the *UCAQ* Schools Commission's response to the investigation, the *UCAQ* Schools Commission affirms their right to pursue other avenues of redress.



7. CRIMINAL OR CIVIL LEGAL ACTION

- 7.1. If the Complaint involves allegations of a criminal offence, the *UCAQ* Schools Commission will encourage the Former Student to refer the matter to the police.
- 7.2. If the Former Student does not refer the matter to the police, the *UCAQ* Schools Commission may seek advice as to whether it should do so, including advice from the Queensland Police Service.
- 7.3. If the matter is referred to the police, or the Former Student decides to engage in civil litigation, any internal processes taken under this policy will cease at that point. However, the complainant's support person may continue to offer support if appropriate.
- 7.4. When the *UCAQ* Schools Commission becomes aware of a criminal or civil action arising out of the Complaint, or the threat of such legal action, the Executive Officer will inform the *UCAQ* Finance Investment and Property Board, and the *UCAQ* Department of Financial and Property Services, in writing.
- 7.5. The Executive Officer will make a decision as to how the matter will be managed.
- 7.6. Any *UCAQ* Schools Commission internal processes under this policy may be re-activated, at the Former Student's request, once legal action has concluded or ceased.

8. COMPLAINT OUTCOMES & RESOLUTION

- 8.1. Where a formal expression of apology is offered, this will take place in a way that is suitable and acceptable to the Former Student. This is likely to include a meeting between the Former Student and the Executive Officer, other staff members or agents of the *UCAQ* Schools Commission and/or *UCAQ*, and other relevant stakeholders such as partner Churches in joint venture operations if appropriate. In arranging such a meeting, the *UCAQ* Schools Commission will take into account the specific Complaint(s), any recommendations made in an investigation is undertaken, and the Former Student's circumstances at the time.
- 8.2. Where a settlement and/or some form of reparation is sought by a Former Student, the Executive Officer, after taking advice from other staff members or agents of the *UCAQ* Schools Commission and/or *UCAQ*, will determine an appropriate ex gratia payment and the terms of settlement. *UCAQ* will not offer a financial settlement as compensation for past wrongs but may make an offer of contribution or settlement payment to assist a Former Student in their current circumstances.
- 8.3. Notwithstanding any clause in this policy relating to confidentiality, no Former Student shall be required to give an undertaking which imposes upon them an obligation of silence concerning the circumstances which led them to make a Complaint, or the amount that has been paid, as a condition of an agreement with the *UCAQ* Schools Commission or *UCAQ*.
- 8.4. On completion of the process, the Designated Person is responsible for ensuring that all information pertaining to the Complaint is securely maintained for a recommended period and then securely destroyed.

9. QUALITY IMPROVEMENT

The Designated Person shall, from time to time, consider how these Policy and Procedures are achieving the desired outcomes of the Complaint process and/or could inform and improve current practice, and make recommendations to the Executive Officer accordingly.