



EFFECTIVE DATE	1 July 2020
REVIEW DATE	1 July 2023
POLICY OWNER	Chancery
APPLIES TO	This Policy applies to clergy, employees, board members, contractors (as defined and in relation to WHS legislation and a one member corporation), volunteers, work experience students and trainees (Workers) of the Diocese.
EXCLUSIONS	Where an agency or entity of the Diocese has its own policy, the relevant agency or entity policy will apply to Workers engaged by those agencies or entities. In the event of conflict between the policies of agencies or entities and the Diocesan policy, the Diocesan policy prevails.
RELATED POLICIES, GUIDELINES & PROCEDURES	Code of Conduct Policy Child Protection Policy Work Health & Safety Policy Inappropriate Workplace Behaviour Policy
REFERENCE	<i>Privacy Act 1998 (Clth)</i> <i>Child Protection (Working with Children) Act 2012</i> <i>Children and Young Persons (Care and Protection) Act 1998</i> <i>Children's Guardian Act 2019</i> <i>Crimes Act 1900 (NSW)</i> <i>Work, Health and Safety Act 2011(NSW)</i> Integrity in Ministry (2004) Towards Healing Managing Alleged Breaches of Integrity in Ministry Managing Unreasonable Complaint Conduct – Practice Manual - NSW Ombudsman (2012)
RELATED FORMS	Formal Complaints Form
HEADINGS	Objective Definitions Policy <ul style="list-style-type: none"> 1. How does the Diocese Handle Complaints? 2. Complaint Categories 3. Managing Complaints <ul style="list-style-type: none"> 3.1 Complaint Management Principles 3.2 Procedural Fairness 3.3 Essential Requirements

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OBJECTIVE

This policy is to ensure that Diocesan Workers understand why they need to manage complaints, the process for doing so and how complaints can be used to improve the quality of service delivery. The objectives of this document are to promote and maintain positive working relationships and harmonious working environments and to prevent, where possible, minor workplace complaints escalating to become more serious matters.

DEFINITIONS

Administrative responsibility – any task or duty related to managing a complaint.

Code of Conduct – refers to the Diocesan Code of Conduct.

Complaint means an expression of dissatisfaction by a person expressing the dissatisfaction (Complainant) that may have one or more issues associated with it. A reported complaint occurs if the issues cannot be resolved immediately at the point of notification.

Complainant means anyone making a complaint either on their own behalf or on behalf of another including a Worker or member of the public.

Concern means a matter of interest or importance that worries, troubles or bothers someone. It is not a complaint but can escalate to a complaint depending on whether the basis for the concern becomes an issue that the person voicing the concern wishes the Diocese to consider and take some action including responding to or addressing the concern.

Contractor means a company when one main person through the personal skills or efforts as an individual of that person is contracted to the Diocese, or a one shareholder/member company.

Criminal Conduct means conduct that is reasonably suspected of being a crime within the meaning of the *Crimes Act 1914 (NSW)* and *Criminal Code Act 1995 (Clth)*.

Diocese means the Roman Catholic Diocese of Lismore and includes without limitation any Diocesan agencies, corporations, entities, parishes, parish corporations and parish entities where the Worker is employed or otherwise engaged by the Diocese.

Formal complaint handling – is followed when the complaint is considered serious (Level 1, 2 and possibly 3 complaints) and may require disciplinary action being taken against the alleged offender. The formal complaint handling process requires a complaint to be put in writing and formally investigated. This process is necessary for reportable conduct, and is appropriate where informal attempts at resolution have failed, where the complaint involves discrimination, harassment, bullying or victimisation, or where the complaint is against a more senior person.

Informal complaint handling – emphasises resolution without the formality of documenting the complaint or disciplining the alleged offender. The informal procedure is appropriate where the complaint is of a less serious nature (i.e. Level 4 and possibly Level 3 complaints). Informal ways of resolving complaints and workplace grievances include self-resolution, management assistance and/or mediation/facilitated discussion/counselling.

Integrity in Ministry means the document titled *Integrity in Ministry* published by the Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes which contains the principles and standards for Catholic Clergy and Religious in Australia, as amended;

Mediation means a structured intervention process where a neutral third party assists the parties to a dispute to resolve their differences by agreement and where the parties to the mediation control the outcome of the Mediation process.

Reportable Conduct has the same meaning as the definition in *S20 Children's Guardian Act 2019 (NSW)*. Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded-

- (a) a sexual offence
- (b) sexual misconduct
- (c) ill-treatment of a child
- (d) neglect of a child
- (e) an assault of a child
- (f) an offence under S43B or 316A of the Crimes Act 1900
- (g) behaviour that causes significant emotional or psychological harm to a child.

Reportable Incident has the same meaning as the definition in S25P Ombudsman Act 1974 (NSW) and includes an incident involving a person with a disability living in Diocesan supported group accommodation including:

- a sexual offence or sexual misconduct, including grooming, committed against or in the presence of a person with a disability living in Diocesan supported group accommodation;
- an assault, ill treatment or neglect of a person with a disability living in Diocesan supported group accommodation.

Respondent means a person who is the subject of a Complaint.

Worker means clergy, religious, employees, board members, contractors, volunteers, work experience students and trainees of the Diocese.

Workplace Grievance means a concern raised by a Worker about another Worker in respect of a genuine work-related concern and not being a Level 1 or Level 2 complaint or where the administrative responsibility for managing the Complaint rests with the Diocesan Manager for Safeguarding.

Workplace Investigation means a management instigated and controlled process designed to ascertain the facts and make findings about a Workplace Grievance, which management may rely on to make decisions that resolve the matter or deliver an outcome.

POLICY

1. How does the Diocese handle complaints?

The Diocese handles complaints in accordance with this Policy.

2. Complaint Categories

The Diocese uses the following categories for complaints:

- Level 1 Complaints that involve alleged criminal conduct, Reportable Conduct or Reportable Incident;
- Level 2 Complaints that involve possible breaches of Integrity in Ministry by a cleric or breaches of the Code of Conduct by either cleric or Worker, not being a level 1 complaint;
- Level 3 Complaints that involve possible breaches of Diocesan Policy other than the Code of Conduct and not being a level 1 complaint or a level 2 complaint;
- Level 4 All other complaints where the respondent is not a cleric and is not a level 1 complaint, a level 2 complaint or a level 3 complaint.

3. Managing Complaints

3.1. Complaint Management Principles

The Diocese aims to ensure that complaints are addressed in a timely and confidential manner, and at a level appropriate to the seriousness of the matters that form the basis of the Complaint. This is to prevent minor problems or concerns from escalating.

3.2. Procedural Fairness

Where possible and reasonably practicable, the principles of procedural fairness should be applied to complaint handling processes. Procedural fairness, when managing a complaint made against an individual, requires that the decision makers inform the individual of the allegation made against them (this may include relevant particulars and who made the complaint) and afford them the right to respond to the allegations. Fundamental to procedural fairness is that the decision maker does not have a personal interest in the outcome of the decision or a bias. Procedural fairness also requires that in considering allegations and responses, that only logically probative evidence be taken into account. The Diocese may at its discretion, elect not to apply these rules including in cases that without limitation are overtly serious misconduct or where the cost of applying procedural fairness is disproportionate to the seriousness of the complaint, likely outcome or finding.

3.3. Essential Requirements

Complaints, at any level, should be managed so that there is:

- engagement of the complainant;
- clarification of the complainants concerns and issues;
- clarification of the desired outcome of the complainant;
- if necessary, adequate inquiry or in the case of serious complaints, an investigation;
- a decision resulting from the inquiry or in the case of an investigation;
- a response to the complainant about the complaint; and
- documentation of the stages of the complaint handling process.

3.4. Confidentiality

In so far as it allows adequate inquiries or an investigation to take place, confidentiality will be maintained during and after the complaint management process. The person against whom the complaint is made (**the Respondent**) has the right to know the identity of the person who has made the complaint.

4. Where should a complaint be lodged in the first instance?

Complaint Category	Respondent	Administrative Responsibility
Level 1	Clergy	Professional Standards Committee/Safeguarding Council
Level 1	Worker (other than Clergy)	Diocesan Business Manager
Level 2	Clergy	Professional Standards Committee/Safeguarding Council
Level 2	Worker (other than Clergy)	Diocesan Human Resources Manager
Level 3	Workers (except Clergy)	Worker's Manager/Human Resources Manager
Level 3	Clergy	Professional Standards Committee/Safeguarding Council
Level 4	Workers	Worker's Manager/Human Resources Manager

5. What if the Respondent is the person with Administrative Responsibility for Handling that Category of Complaint?

If the Respondent is the person with administrative responsibility for handling the Complaint, the Complaint must be lodged with the Respondent's immediate supervisor.

6. Assessing Complaints

When a complaint is received, the information that has been provided is assessed in line with the following criteria:

- source of information;
- involvement of the complainant;
- seriousness of the complaint;
- category of the complaint;
- any individual who is the subject of the complaint; and
- risk.

7. When is a Complaint Resolved?

A complaint is resolved when interaction between the service and the complainant has ceased, all reasonable action has been undertaken and/ or it is anticipated that no further action will occur. A complaint is also considered to be resolved if the Diocese withdraws access to the complaint handling process to an individual because of unreasonable complainant conduct (UCC).

8. Managing Unreasonable Complainant Conduct (UCC)

Complainants can be justifiably disappointed and angry because they feel aggrieved about something that has happened to them during their involvement with the Diocese. Despite these setbacks, most complainants are able to manage their frustration and anger. They are also able to productively engage with the systems, processes and people they are interacting with in order to attempt to resolve their complaint. Other complainants may not act so responsibly. Their anger about their complaint can be translated into aggressive

and abusive behaviour towards the Diocese and Workers handling their complaint. These complainants may threaten harm, be dishonest, provide intentionally misleading information or deliberately withhold information that is relevant to their complaint. Some might bombard the Diocese or Workers that are managing their complaint with unnecessary telephone calls, emails and large amounts of irrelevant information or insist on things they are not entitled to and outcomes that are clearly not possible or appropriate in the circumstances. At the end of the process, some complainants are unwilling to accept decisions and continue to demand further action on their complaints even though they have exhausted all available internal review options.

It is also very common for this category of complainants to lose perspective and change the focus of their complaints from the substantive issues and the people or the Diocese, to allegations of incompetence, collusion, conspiracy and corruption against the person managing the complaint or the person they have approached to resolve the issue. It is not uncommon to find that their complaints have grown over time and have been unnecessarily escalated to multiple organisations at the same time, where they re-enter the complaints cycle all over again.

8.1. What is unreasonable complainant conduct?

Unreasonable complainant conduct is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint. The parties to a complaint that might be detrimentally impacted by UCC include, the Diocese, Agencies, a Parish, Workers, parishioners, the person tasked with dealing with a complaint, the Respondent, a Complainant (potentially including members of their families and friends) and other Complainants and service users.

8.2. Negative impacts of unreasonable complainant conduct

UCC has wide ranging impacts on various parties to the complaint process including:

Party	Impact
Diocese, Agencies and Parishes	<ul style="list-style-type: none"> • Loss of focus among affected and demotivated Workers; • Unable to effectively and fairly allocate resources; • Unnecessary time and resources allocated responding to complaints made externally; • Loss of reputation and a poor public image; • Increased staff turnover and absenteeism; • Increased stress leave applications and compensation claims; • WHS issues; • Increased financial spending on counselling, EAP services, support and legal advice.
Workers	<ul style="list-style-type: none"> • Stress, anxiety and frustration; • Fear of attending work; • Withdrawal, loss of motivation and or indifference towards the job; • Loss of confidence, feelings of powerlessness and vulnerability; • Psychological and/ or physical trauma; • Reduced productivity; • Personal blame or guilt;

	<ul style="list-style-type: none"> • Loss of personal and/or professional reputation; • Emotional exhaustion, burnout and/ or depression
Complainant/s	<ul style="list-style-type: none"> • Unable to achieve the outcome they are looking for; • Obsession or loss of perspective leading to losses that are greater than the original harm they suffered; • Increased likelihood of distrust for other organisations and their Workers; • Stress; • Damage to reputation and credibility; • Damage to career, relationships and friendships; • Depression.
Respondent/s	<ul style="list-style-type: none"> • Stress due to interacting with the UCC and/or responding to escalated complaints made against them; • Damage to reputation; • Fear or apprehension for self or family; • Feelings of being under attack, victimised and/ or powerless; • Emotional exhaustion.
Other Complainants and Diocesan Service Users	<ul style="list-style-type: none"> • Inequitable allocation of organisational resources including Workers' time; • Reduction in service levels; • Discomfort when observing incidents involving UCC; • Feeling threatened and/ or inadvertently being drawn into incidents; • Negative feelings toward the Diocese and its Workers resulting in more complaints.

8.3. Early warning signs of unreasonable complainant conduct

The following early warning signs should be considered when assessing if a complainant's behaviour may be UCC:

Warning Sign	Characteristics
Complainant's history	<ul style="list-style-type: none"> • Numerous complaints and review requests about their issue or related issues; • Complaints about a case officer's integrity or competence largely or solely because they were dissatisfied with the outcome or level of attention they were given; • Suffered disproportional losses in their personal and or professional lives as a result of pursuing their issue.
Style of Writing	<ul style="list-style-type: none"> • Text that is UPPERCASE, lowercase – <u>underlined</u>, bolded, <u>highlighted in different colours, fonts or sizes</u>; • A formatting or reporting style that appears to imitate an official style e.g. police operational format;

	<ul style="list-style-type: none"> • Excessively dramatic language and / or idiosyncratic emphasis; • Multiple cc's addressed to various people within or outside the organisation; • Reference to themselves in the third person by name or as 'the victim' or 'the defendant'; • Repeated restatement of their issue, often done in different ways; • An excessive number of pages and or supporting information, most of which are irrelevant e.g. photocopies, press clippings, diary entries or testimonials when they are not warranted.
Interactions with the Organisation	<ul style="list-style-type: none"> • Is rude, confronting, angry, aggressive or usually frustrated; • Is overly complimentary or manipulative or makes veiled threats; • Makes excessive phone calls, sends excessive amounts of information and correspondence or regularly makes appointments to discuss their complaint when this is not needed; • Gives forceful instructions about how their complaint should be dealt with and /or by whom; • Has an unreasonable or unusual sense of entitlement; • Displays an inability to accept responsibility and blames others; • Is resistant to explanation if this runs counter to their own views; • Intentionally harasses, intimidates, embarrasses or annoys the people they are interacting with to get their own way; • Appears to have a low anger threshold and very little self – control; • Provides false information; • Makes excessive demands on resources.
Outcomes Sought	<ul style="list-style-type: none"> • A manifestly unreasonable amount of organisational time and resource be spent dealing with their complaint – e.g. wants it dealt with by specific senior officers; • Financial compensation that is manifestly inappropriate or unreasonable in the circumstances; • An outcome that is altogether illogical or irrational; • Their issue pursued based on a matter of 'principal' or 'the public interest', when their interests are clearly personal.
Reaction to the news that their complaint will not be taken up, will not be pursued further or an outcome/ decision they disagree with	<ul style="list-style-type: none"> • Refuses to accept the decision made/ outcome reached in their matter; • Reframes their complaint in an attempt to have it taken up again; • Provides previously withheld information in an attempt to have their case opened again;

	<ul style="list-style-type: none"> • Raises a range of minor or technical issues and argues that they somehow invalidate the decision/outcome; • Expects a review of the decision/outcome simply because they are dissatisfied with it and without making a clear and justified argument for one; • Demands a second review of the decision/outcome simply because they are dissatisfied with it and without making a clear argument for one; • Takes their complaint to other forums, including media, alleging bias or corruption, simply because the decision went against them.
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8.4. Preventing unreasonable complainant conduct

It is important that the complaint handling process begins in a positive and helpful manner, using the types of communication strategies that:

- establish the ground rules – identify the issues clearly and explain the process; and
- manage complainant expectations – identify the role the complaint handler will have, how long it is likely to take to deal with their complaint and what outcomes are available.

8.5. Withdrawing access to services for the unreasonable complainant conduct

The Diocese may withdraw access to services, including the Diocesan complaint management processes in circumstances where the complainant:

- is consistently abusive, harasses, stalks or intimidates a Worker of the Diocese and/or their family members;
- is physically violent and/or causes and/or threatens to cause property damage while on Diocesan premises;
- engages in conduct that is unlawful, attempts to or threatens to damage the reputation of Workers who are not parties to the complaint or have a peripheral involvement in their complaint;
- enters into an agreed outcome and acts contrary to the agreed outcome without reasonable cause to do so.

The decision to withdraw access to some or all Diocesan services, including but not limited to the Diocesan complaint handling processes, requires the express approval of the relevant Diocesan Business Manager, Agency Head or Parish Priest.

9. Workplace Grievances

9.1. Options to Resolve Workplace Grievances

The following options are available for resolving a Workplace Grievance:

a) Self-Resolution

Where possible, Workers are encouraged to resolve their Workplace Grievance by opening a respectful dialogue. The dialogue should clearly articulate the behaviour and the effect of that behaviour on the Worker raising the concerns.

b) Management Assistance

The self-resolution is unsuccessful or a Worker does not wish to attempt to resolve the matter with the other Worker, they seek assistance from their supervisor or if the concerns relate to their

supervisor, the Worker may wish to approach their supervisor’s manager or the Human Resources Manager for assistance in resolving the Workplace Grievance.

c) Mediation

Where self-resolution or attempts to resolve a Workplace Grievance with management assistance has failed, at the absolute discretion of the agency head and/or Human Resources Manager, a mediation process may be used.

d) Workplace Investigation

Where the Workplace Grievance is unable to be resolved, a Workplace Investigation may be used to resolve the matter. The decision to instigate a Workplace Investigation is at the absolute discretion of the agency head/ Human Resources Manager taking into account the seriousness of the Workplace Grievance and whether a Workplace Investigation is a proportionate response in the circumstances.

9.2. Review Mechanism

If a staff member is not satisfied with the outcome of a Workplace Grievance, they may request an internal review by the Diocesan Business Manager, relevant Parish Priest or relevant Agency Head. Where the usual internal reviewer is a party to the Workplace Grievance or a first instance decision maker, the internal review should be conducted by their supervisor or a person nominated by the Human Resources Manager.

10. Whistleblowers

10.1. Who is a Whistleblower

A whistleblower is an insider within an organisation who reports misconduct, dishonesty or illegal conduct that has occurred within the same organisation. Whistleblowers are asked to raise their concerns directly with the Diocesan Business Manager or the Bishop.

To be a whistleblower you must meet the following criteria:

Your role:	You must be a current employee, or contractor of the Diocese.
Who the disclosure is made to?	You must make your disclosure in writing to the Diocesan Business Manager or the Bishop.
Providing your name:	You must give your name to the person you are making the disclosure to.
Reasonable grounds to suspect misconduct, dishonesty or illegal conduct:	You must have reasonable grounds to suspect that the information you are disclosing indicates that misconduct, dishonesty or illegal conduct has occurred.
Made in good faith:	You must make the disclosure in ‘good faith’. This means your disclosure must be honest and genuine, and motivated by wanting to disclose misconduct. Your disclosure will not be ‘in good faith’ if you have any other secret or unrelated reason for making the disclosure.

10.2. What about protection for Whistleblowers

Whistleblowers can be reluctant to raise their concerns because they fear that there may be adverse actions taken against them by those involved in the circumstances of their disclosure. The Diocese is

committed to listening to the concerns of Whistleblowers and ensuring that they are treated in a respectful and dignified manner. Whistleblowers have the same protected rights as other employees and contractors. If a whistleblower makes a disclosure and an adverse action is taken against the whistleblower by their employer, they are able to seek general protections under relevant workplace legislation. If you believe that an adverse action has been taken against you (or may be taken against you) because you are a whistleblower and have made a disclosure, you can seek advice and information about general protections available to you by visiting the Fair Work Ombudsman’s website at <https://www.fairwork.gov.au> or by contacting the *Fair Work Ombudsman* on 13 13 94 8am – 5.30pm Monday to Friday (except for public holidays).

BREACHES OF THIS POLICY

Breaching this Policy may result in disciplinary action, which may include the termination of employment or engagement and, notification to external agencies including without limitation professional standards associations, regulatory agencies and police.

REVISION/ MODIFICATION HISTORY

Date	Version	Current Title	Summary of Changes	Approval Date	Commencement Date
1 May 2020	1	Complaint Handling Policy	Initial policy	15 June 2020	1 July 2020

APPROVAL DATE/ REVISION HISTORY

Approved by: Bishop Gregory Homeming

Date: 15 June 2020

To be revised: 1 July 2023