



## Responding to an Allegation of Abuse

# Presentation Sisters Wagga Wagga

### Introduction

Religious and representatives of the Presentation Sisters Wagga Wagga are in a special position of trust and authority in relation to those who they are ministering to, those in their care, people seeking advice, students at a school or other adults-at-risk.

Any attempt to sexualise a relationship is a breach of trust, an abuse of authority and professional misconduct.

Physical and emotional cruelty also constitutes an abuse of power.

Where a religious, representatives of the Presentation Sisters Wagga Wagga or another person appointed to a position of care by an agency of the Congregation has acted towards a child or adult-at-risk in a way which causes serious physical pain or mental anguish without any legitimate disciplinary purpose, as judged by the standards of the time when the incidents occurred, then this constitutes abuse.

The Congregation takes these matters very seriously and will not tolerate these behaviours by their religious, employees or volunteers.

### Investigation Process

The Leader of a Congregation is responsible for dealing with any complaint brought against a religious, employee or a volunteer if there is an alleged boundary violation, as noted in the Congregation's *Policy for Safeguarding Children and Adults-at-Risk – Presentation Sisters Wagga Wagga*. That is, "Any report or suspicion of harm or abuse is handled promptly, with compassion and integrity."

Under NSW Legislation, whenever potentially "*reportable conduct*" is identified, an independent investigation is required, and a religious, employee or volunteer will be asked to withdraw from their ministry or employment while this takes place. An employee would continue to be paid during the course of the investigation.

The Congregation Leader will take steps to ensure that all parties are advised to maintain confidentiality throughout the investigation. The process of the investigation will be outlined and communicated to those involved, especially if it is a current situation. There will be a different pathway if this is an historic situation, especially if it involves a person who was a minor at the time of the allegation. Any matters involving alleged sexual abuse will be notified to the police immediately. Depending on the nature of the matter, the Congregation Leader can contact the *Office of the Children's Guardian*.

If any historic or current abuse issues are raised with another Sister, employee or volunteer, the process of reporting to the Congregation Leader is stated in Appendix 3 of the Presentation Sisters Wagga Wagga Safeguarding document and should be adhered to. If it is not a criminal matter, the Congregation Leader will offer to meet with the complainant, provide support and work on a plan to address the issue.

*The Royal Commission* Recommendation 16.51 states that the Congregation Leader will undertake a risk assessment. This will focus on *identifying* and *avoiding* and *minimising* further risks to a child or adult who are the subject of the allegation regardless of whether the alleged offender is a religious, employee or volunteer. This will enable a proper investigation of the allegation.

If a serious allegation is made against a Sister, employee or volunteer, the Congregation Leader will work with him/her on a management plan to enable a person to receive both professional and pastoral support during the investigation. This plan will be outlined in a letter from the Leader.

The Congregation acknowledges that this is a difficult time for any party involved in addressing boundary violations and further, that an individual has the right to know the details of the allegation. At all meetings, the alleged abuser has the right to have a support person present with them. A record of the meeting and its outcomes will be kept on file.

Included in this appendix is a checklist for responding to serious complaints to assist the Congregation Leader with her responsibilities in managing a current allegation. The checklist covers: Assessment and notification, investigation and action taken, reporting and ongoing support. (*National Office for Child Safety, Complaint Handling Guide*).

### **Dealing with the Investigation Findings**

If an allegation has been unsubstantiated as a result of the investigation, the Sister, employee and volunteer would return to their work. A plan would be formulated with the Congregation Leader to ensure that the findings of the investigation are communicated with those concerned as well as attending to professional and pastoral care needs of the person who carried the accusation.

This policy is in keeping with the Congregation's commitments to the safeguarding of children and adults-at-risk and the healing process needed by those who are vulnerable in our society.

If an allegation is found to be substantiated as a result of the investigation, the Sister, employee and volunteer would be permanently removed from the ministry. Criminal proceedings would be involved as appropriate.