



**Catholic Diocese of Sale
Professional Standards**

**POLICY ON THE CARE, PROTECTION
AND SAFETY OF CHILDREN AND
VULNERABLE ADULTS**

November 2016

1. Introduction

At all Parishes in the Diocese of Sale we hold the care, safety and wellbeing of children, young people and vulnerable adults as a central and fundamental responsibility. Our commitment is drawn from the heart of the Gospel, where inherent in the teaching and mission of Jesus Christ, is love, justice and the sanctity of each human person (*Diocese of Sale Commitment Statement*).

The Church's social doctrine constantly points out the need to respect the dignity of children. 'In the family, which is a community of persons, special attention must be devoted to the children by developing a profound esteem for their personal dignity, and a great respect and generous concern for their rights' (Apostolic Exhortation, *Familiaris Consortio*, 26). Indeed, it was Jesus who, when the disciples were arguing among themselves about who was the greatest, directed attention to a little child and said to the disciples, '*Whoever welcomes one such child in my name welcomes me, and whoever welcomes me welcomes not me but the one who sent me*' (Mark 9.37).

2. Purpose of the policy

The purpose of this policy is to demonstrate the strong commitment of Parishes in the Diocese of Sale to the care, safety and wellbeing of all children and vulnerable persons. It provides an outline of the policies, procedures and strategies developed to keep children and vulnerable adults safe from harm, including all forms of abuse in our Parish environments, on site, online and in other locations used by the Parishes.

This policy applies to all Parish personnel, including Parish employees, volunteers, contractors and clergy.

3. Principles

The Catholic Church has a moral, legal and mission-driven responsibility to create nurturing environments where children, young people and vulnerable persons are respected, their voices are heard and they are safe and feel safe (*Diocese of Sale Commitment Statement*).

The following principles underpin the commitment to child and vulnerable person safety at Parishes in the Diocese of Sale:

- Parishes have zero tolerance of all forms of abuse.
- All people are entitled to, as a fundamental right, safety and protection from all forms of abuse and neglect.
- Parishes work in partnership with families and the community to ensure that they are engaged in decision-making processes, particularly those that have an impact on child safety and protection.
- All adults, including staff, clergy, volunteers, parishioners, contractors, have a responsibility to care for children, young people and vulnerable persons to positively promote their wellbeing and to protect them from any kind of harm or abuse.

- The policies, guidelines and codes of conduct for the care, wellbeing and protection of all people are based on honest, respectful and trusting relationships.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, clergy, volunteers, parents, parishioners including children and contractors should be free to raise concerns about safety, knowing these will be taken seriously by the Parish leadership team.
- Appropriate confidentiality will be maintained, with information only being provided to those who have a right or a need to be informed, either legally or pastorally.

4. Definitions

Child: A person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Child abuse includes:

- (a) any act committed against a child involving:
 - (i) a sexual offence
 - (ii) an offence under section 49B (2) of the **Crimes Act 1958** (Grooming)
- (b) the infliction on a child of:
 - (i) physical violence
 - (ii) serious emotional or psychological harm
- (c) serious neglect of a child.

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

Child neglect: The failure by a parent or caregiver to knowingly provide a child (where they are in a position to do otherwise) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.

Child physical abuse: Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Examples of physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also included in this definition of “Child physical abuse”.

Child protection: Statutory services designed to protect children who are at risk of serious harm.

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person two or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them; the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (e.g. a 14-year old and an 11-year old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not intended to be included in this definition of “Child sexual abuse”.

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners.

Reasonable Belief: When an adult is concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a ‘reasonable belief’. A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof but is more than mere rumour or speculation. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

Vulnerable adult: a vulnerable adult is a person who, by reason of life circumstances, disability, age or illness, is or may be unable to take care of him or herself, or is or may be unable to protect him or herself against significant harm or exploitation. This definition of an adult covers all people of 18 years of age or older.

Policy Commitments

Everyone at a Parish in the Diocese of Sale has the right to feel safe and be safe. The wellbeing of children in our care will always be our first priority and we do not and will not tolerate abuse. We aim to create a child-safe and child-friendly environment where everybody is free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable, including adults who feel emotionally challenged, Aboriginal and Torres Strait Islander people, people from culturally and/or linguistically diverse backgrounds, and people with a disability.

Our commitment to our children

- (a) We commit to the safety and wellbeing of all children and young people in our Parishes.
- (b) We commit to the safety and wellbeing of vulnerable adults in our Parishes.
- (c) We commit to providing children and young people with positive and nurturing experiences.
- (d) We commit to listening to all people and empowering children and vulnerable adults by taking their views seriously, and addressing any concerns that they raise with us.
- (e) We commit to taking action to ensure that all people are protected from abuse or harm.
- (f) We commit to teaching children, young people and vulnerable adults the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.
- (g) We commit to seeking input and feedback from children and vulnerable adults regarding the creation of a safe Parish environment.

Our commitment to parents and carers

- (a) We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of those in their care.
- (b) We commit to engaging with, and listening to, the views of parents and carers about our safe practices, policies and procedures.
- (c) We commit to transparency in our decision-making with parents and carers where it will not compromise safety.
- (d) We commit to acknowledging the cultural diversity of our parishioners and being sensitive to how this may impact on child safety issues.
- (e) We commit to continuously reviewing and improving our systems to protect from abuse.

Our commitment to our Parish employees, volunteers, contractors and clergy (called “staff” for the purposes of this policy):

- (a) We commit to providing all staff with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities.

- (b) We commit to providing regular opportunities to clarify and confirm policy and procedures in relation to the protection and wellbeing of every person. This will include annual training in the principles and intent of the *Child Safety Policy* and *Child Safety Code of Conduct*, awareness of the safety of vulnerable adults and staff responsibilities to report concerns.
- (c) We commit to listening to all concerns voiced by parishioners and staff about keeping children, young people and vulnerable adults safe from harm.
- (d) We commit to providing opportunities for staff to receive formal debriefing and counselling arising from incidents of the abuse.
- (e) We commit to exercise the principle of unbiased representation of women and men.

5. Responsibilities and Organisation Arrangements

Everyone employed or volunteering at a Parish within the Diocese of Sale has a responsibility to understand the important and significant role he/she plays individually and collectively to ensure that the wellbeing and safety of each person is at the forefront of all they do and every decision they make (*Diocese of Sale Commitment Statement*).

The Parishes have allocated roles and responsibilities for child safety as follows:

5.1 Guide to Responsibilities of Parish Leadership

The Parish Priest and the Parish board /Parish pastoral council / Parish leadership team recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness and shared responsibility for safety. Responsibilities include:

- creating an environment for children and young people to be safe and to feel safe.
- upholding high principles and standards for all staff and clergy.
- promoting models of behaviour between adults and children and young people based on mutual respect and consideration.
- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff.
- ensuring that Parish personnel have regular and appropriate learning to develop their knowledge, openness and ability to address all safety matters.
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young people's protection and wellbeing.
- ensuring the Parish meets the specific requirements of the Victorian Child Safe Standards.

5.2 Guide to Responsibilities of Parish Staff

Responsibilities of Parish staff include:

- treating all people with dignity and respect, acting with propriety, exercising a duty of care, and protecting children, young people and vulnerable persons in their care.
- following the legislative (including mandatory reporting obligations where appropriate) and diocesan processes if, in the course of their work, they form a reasonable belief that a person has been or is being abused or neglected.
- providing a physically and psychologically safe environment where the wellbeing of all people is nurtured.
- undertaking regular training and education in order to understand the individual responsibilities in relation to the safety and wellbeing of children, young people and vulnerable adults.
- assisting children, young people and vulnerable adults to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse.
- following the Parish and the Diocese of Sale '*Code of Conduct for the Care, Protection and Safety of Children and Vulnerable Adults*'.

6. Expectations of our Parish Staff

In Parish communities, we expect Parish staff to proactively ensure the safety of children and vulnerable adults at all times and to take appropriate action if there are concerns about the safety of any person in the Parish environment. All staff must remain familiar with the relevant laws, the code of conduct, and policies and reporting procedures in relation to child protection and comply with all requirements. Parishes have developed a Code of Conduct, which recognises the critical role that staff play in protecting the children in their care and establishes clear expectations of staff for appropriate behaviour in order to safeguard children and vulnerable adults against abuse and/or neglect.

The Code of Conduct also protects Parish personnel through clarification of acceptable and unacceptable behaviour.

7. Child Safety and Participation

In all Parishes we actively encourage children, young people and vulnerable adults to openly express their views and feel comfortable about giving voice to the things that are important to them.

We discuss with them what they can do if they feel unsafe and enable them to understand, identify, discuss and report on safety. We listen to and act on any concerns raised by them, or their parents or carers.

8. Reporting and Responding

Our Parishes will record every safety complaint, disclosure or breach of the *Code of Conduct for Children and Vulnerable Adults* and store the records in accordance with security and privacy requirements. Parishes will comply with legal obligations that relate to managing the risk of abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the *Betrayal of Trust* report.

Our child protection reporting process outlined in the *'Reporting Process for the Care, Protection and Safety of Children and Vulnerable Adults'* sets out actions required under the relevant legislation when there is a reasonable belief that a person in the Parish environment is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.

We work to ensure all parishioners and staff know what to do and who to tell if they observe or suspect abuse or a victim, or if they notice inappropriate behaviour.

Our Parishes have also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a child or vulnerable person. Some Parishes have appointed a Child Safety Officer and this person can be a useful source of information or advice if assistance is required to determine appropriate action. Alternatively, the Diocese of Sale Professional Standards Officer may be contacted on 5622 6609.

9. Screening and Recruitment of Parish Staff

Parishes will apply thorough and rigorous screening processes in the recruitment of employees and volunteers. Our commitment to child safety and our screening requirements are included in all advertisements for employee, contractor and volunteer positions, and successful applicants are provided with copies of the Parish *'Code of Conduct for the Care, Protection and Safety of Children and Vulnerable Adults'* and the *'Policy on the Care, Protection and Safety of Children and Vulnerable Adults'* of the Diocese of Sale.

When recruiting and selecting employees, contractors and volunteers all reasonable efforts will be made to:

- confirm the applicant's Working with Children Check status and/or professional registration (as relevant).
- obtain proof of personal identity and certification of any professional or other qualifications.
- verify the applicant's history in relation to work involving children.
- obtain and verify references that address the applicant's task suitability and for suitability working with children and vulnerable adults.

Each Parish will have processes for monitoring and assessing the continuing suitability of Parish staff to work with children, including regular reviews of the status of Working with Children Checks.

10. Safety Education and Training for Parish Staff

Parishes will provide employees, volunteers and clergy with regular and appropriate opportunities to develop their knowledge of, openness and ability to address the safety of children, young people and vulnerable adults. This includes induction, ongoing training and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of abuse and neglect.

11. Risk Management

Within the Diocese of Sale, we are committed to proactively and systematically identifying and assessing safety risks (physical and online) and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child and vulnerable person to ensure safety and so that the strategies are reviewed as needed and as new risks arise.

All Parishes undertake risk assessment of the physical environment and of programs undertaken within and by the Parish. Child and vulnerable person safety is a regular agenda item for report at Parish leadership team meetings.

12. Relevant Legislation

- *Crimes Act 1958 (Vic.)* – Three new criminal offences have been introduced under this Act.
 - (a) **Failure to Disclose offence**: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.
 - (b) **Failure to Protect offence**: This offence will apply where there is a substantial risk that a child under the age of 16 and under the care, supervision or authority of a relevant organisation becomes a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk, but negligently fail to have it reduced or removed.
 - (c) **Grooming offence**: This offence targets predatory conduct, directed towards a child or the child's parents or guardian, designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

13. Breach of Policy

Where an **employee** is suspected of breaching any obligation, duty or responsibility within this Policy, this may result in disciplinary consequences.

Where the **Parish Priest** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party should contact the Vicar General on 03 5622 6600. If there is any reasonable belief that a criminal act has been committed, the concerned party should contact Victoria Police. If the immediate safety of the child is threatened, then the Department of Human Services should also be contacted.

Where any **other member of the Parish community** is suspected of breaching any obligation, duty or responsibility within this policy, the Parish Priest is to take appropriate action, including submitting a thorough report to the Diocesan Office.

14. Review of this Child Safety Policy

Within the Diocese of Sale, we are committed to continuous improvement of our child and vulnerable persons' safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure its effectiveness in practice and updated to accommodate changes in legislation or circumstance. Input and suggestions for modification are welcome by contacting the Diocese of Sale Professional Standards Officer.

17. Inclusion of All

We will ensure that families and children have the opportunity to contribute to the formation of this policy. We value and strive to include local Aboriginal communities, cultural and/or linguistically diverse communities and people with a disability.

18. References

State of Victoria 2016, **Child Safe Standards** – *Managing the Risk of Child Abuse in Schools: Ministerial Order. 870*, Education & Training Reform Act 2006, Victorian Government Gazette No. S2.

Victorian Government Department of Justice 2016, **Betrayal of Trust Implementation.**

History of Updates to Policy

Draft Review Date	September 2016
Implementation Date	November 2016
Date of next major Review	November 2019

Acknowledgement

We are grateful to the generous assistance provided by the Archdiocese of Melbourne in the development of this document.