

CHILD PROTECTION POLICY

INTRODUCTION

The community has clear expectations in matters relating to child protection. It expects that children, while involved in church ministry, will be protected from all forms of harm including sexual, physical and psychological harm as well as ill-treatment and neglect. The Catholic Diocese of Parramatta is supportive of these expectations and strives to promote the safety and protection of children.

The Diocese also expects that its children and young people will be taught how to protect themselves and to seek help if they are concerned about their safety. Diocesan agencies and parishes take these responsibilities very seriously to ensure that the children and young people in its care are protected from all forms of harm and neglect.

The Diocese has structures in place to support people who have been the subject of breaches of professional standards while they have been involved in ministry.

Ministry as a relationship of trust

Any Church worker engaged by a Diocesan agency or parish to minister to children are expected to understand the significant responsibility that they have in keeping children and young people safe and free from harm. People appointed to this kind of ministry understand that they are entering into a relationship of trust with the faithful on behalf of the Parish Priest or agency leader.

Any person involved in ministry acknowledges that they are assuming an important role on behalf of the agency or parish and the church generally.. Therefore those engaged in ministry are required to carry out these duties with integrity, compassion, respect and courtesy.

The authority provided to any person engaged in ministry is provided by the Diocese and may be removed at any time.

STATEMENT OF PRINCIPLES

Within Diocesan agencies and parishes the procedures to be followed in handling complaints relating to child protection are based on the following principles:

- All children and young people have the right to safety and to be protected them from any kind of harm
- Persons involved in situations considered to be inappropriate or where reportable conduct is disclosed or suspected should be treated with sensitivity, dignity and respect
- In any preventive and/or protective action related to child abuse, the total well-being of the child is the primary concern
- The value of the family unit is respected but not to the detriment of the well-being of the child

- As the Parish Priest or agency leader should be informed promptly of suspected or disclosed incidents of harm to children and young people as well as serious matters concerning their welfare. This obligation is shared by all Church workers involved in ministry including volunteers
- Information regarding suspected or disclosed child abuse shall be made available only to those personnel who have a genuine need to be informed. Personnel who have access to such information have the obligation to observe appropriate confidentiality in relation to this information.

1. KEYTERMS

1.1 Mandatory Reporters

Certain groups of people (including many Church workers) are required by law to report matters or concerns to Community Services if they suspect (using their professional judgment and training), on reasonable grounds, that a child or young person is at risk of significant harm.

Mandatory reporters are those people who deliver the following services to children as part of their paid or professional work:

- health care - doctors, nurses, dentists and other health workers
- welfare - psychologists, social workers and youth workers
- education - teachers
- children's services - child care workers, family day carers and home based carers
- residential services - refuge workers, community housing providers
- law enforcement - police

Any person with direct responsibility for the provision of the above mentioned services must report any matters that are assessed as posing a risk of significant harm to children.

Managers, including both paid employees and volunteers, who supervise direct services to children are mandated to report.

Reports of significant harm to children may be made to the **Child Protection Helpline**

on 133 627.

A **Mandatory Reporter Guide** has been developed to help both mandatory and non mandatory reporters decide whether a concern meets the statutory threshold for reporting risk of significant harm.

Mandatory reporters are encouraged to use the Mandatory Reporter Guide, to guide their decision making, such as whether or not to report to the Child Protection Helpline. The Mandatory Reporter Guide may be accessed by going to the following website:

http://www.community.nsw.gov.au/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters/when_must_i_make_a_report.html#mrg

The agency may be required to assume responsibility for the case management of matters that do not reach the threshold of “significant risk of harm”. The Diocesan Chancery is resourced to assist agencies to manage these responsibilities and should be contacted to seek advice and support as soon as possible.

1.2 Reportable Conduct

Current child protection legislation requires that allegations of the following conduct is reportable to the Office of the New South Wales Ombudsman

Reportable conduct is defined as:

- (a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence) or
- (b) any assault, ill-treatment or neglect of a child, or
- (c) any behaviour that causes psychological harm to a child,

Whether or not in any case, with the consent of a child.

Reportable conduct does not extend to:

- (a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or*
- (b) the use of physical force that in all the circumstances, is trivial and negligible but only if the matter is to be investigated and the result recorded, or*

Reportable conduct **includes** child sexual offences, sexual misconduct, grooming behaviour, child sexual assault, physical assault, ill-treatment, neglect or psychological harm of a child or young person.

1.2.1 Child Sexual offences

These offences include acts of indecency, sexual intercourse, indecent assault, filming or using a device to facilitate filming for indecent purposes

1.2.2 Sexual misconduct

Sexual misconduct is a range of behaviours or a pattern of behaviour aimed at the involvement of children and young people in sexual acts. Some of these behaviours include:

- Inappropriate conversations of a sexual nature
- Comments that express a desire to act in a sexual manner
- Sexual exhibitionism
- Inappropriate personal correspondence (including electronic communications)

- Exposure of children and young people to sexual behavior of others including exposure to pornography
- Watching children and young people undress when this is not required

1.2.3 Grooming behaviour

A form of sexual misconduct is grooming behaviour which may be described as patterns of behaviour aimed at engaging a child or young person as a precursor to inappropriate sexual activity. This activity may also involve the grooming of other family members to establish strong relationships of trust and to build up the credibility of the person

1.2.4 Child sexual assault

Child sexual assault is any sexual act or sexual threat imposed on a child or carried out in the presence of a child.

1.2.5 Physical assault

Physical abuse refers to any unwelcome hostile contact or threat of such contact including non accidental injury or injury caused through recklessness to a child by a caregiver or any another person. It includes unwelcome contact, discipline, as well as threatened abuse, pushing, physical restraint. The child does not have to suffer injury to have experienced physical assault.

1.2.6 Ill-treatment

The inappropriate correction or chastisement of a child or young person in terms of its proportion to the wrong-doing, existing community standards or reasonableness when considered in the circumstances.

1.2.7 Neglect

Neglect occurs where a child is harmed by the failure to provide the basic physical and emotional necessities of life. Neglect is characterised as a continuum of omissions in caregiving.

1.2.8 Psychological harm

Psychological harm involves the imposition of significant emotional harm or trauma to the child or young person. It includes:

- Acts that might degrade or belittle a child or young person
- Exposing a child or young person to domestic violence
- Setting unrealistic expectations on a child or young person with consequences for failure to achieve them
- Isolating a child or young person
- Promoting or exposing a child or young person to self-destructive, antisocial or criminal behaviours such as violence or drug use
- Persistent failure to care for the child

1.2.9 Sexual offence, sexual misconduct, act of indecency or act of violence in the presence of a child

Any of these behaviours listed above that occur in the presence of a child or young person

1.3 Children and young people

Children and young people are people under the age of 18 years.

For the purposes of this policy the following definitions apply:

1.3.1 Child means a person under the age of 16 years

1.3.2 Young person means a person who aged 16 years but who is under 18 years

1.4 Child related employment

Child related employment is employment in work settings where the duties undertaken primarily involve children and the nature of those duties is likely to involve contact with children that is direct and unsupervised.

Many forms of ministry that involves children may be described as child related employment

2. MANDATORY REQUIREMENTS OF DIOCESAN AGENCIES

2.1 Children and Young Persons (Care and Protection) Act 1998

Mandatory notification of children who are currently perceived to be at risk of harm is covered under the ***Children (Care and Protection) Act 1998***.

This Act requires mandatory reporting of cases of suspected concerns about risk of harm of a child or young person under 18 years of age

The Diocesan requires that all Church workers (including paid and voluntary workers) must inform the agency leader of any concerns that they may have about children and young people who they believe may be currently at risk of harm.

2.2 Commission for Children and Young People Act (NSW) 1998

In June, 2013 the *Child Protection Legislation Amendment (Children's Guardian) Act 2013* introduced a new employment screening system.

All new employees and volunteers whose ministry involves services to children are required to apply for their application number from 15 June either online at www.newcheck.kids.nsw.gov.au or phone support services are available on **(02) 9286 7219**.

Church workers are responsible for applying and renewing their own Working With Children Checks. Your employer has responsibility for verifying the status of Working With Children Checks.

A Working With Children Check involves a national police check and review of findings of misconduct involving children, and the result is either a clearance to work with children for five years, or a bar against working with children. A Check is a prerequisite for anyone in child-related work.

If the outcome of the Working With Children Check is a clearance, the Check can be used for any voluntary child-related work in NSW.

If the outcome is a bar it is an offence to engage in any child-related work, paid or unpaid. In most cases, application may be made for this outcome to be reviewed by the Administrative Decisions Tribunal. More information on the review process, is available at www.newcheck.kids.nsw.gov.au.

Who needs a Working With Children Check?

Church workers engaged in ministry that is child-related work needs to apply for a Working With Children Check. Child-related work means face-to-face contact with children in a child-related sector, or work in a stipulated, child-related role. All new Church workers are required to obtain an Application Check number from the RTA, and then complete the 'Working with Children Check Notification Form'.

Existing employees & volunteers

All existing Church workers – both employees & volunteers (including clergy and religious) will be the subject of the employment screening process in accordance with a phased approach.

Exemption

Work by interstate visitors may be exempt from the requirement to obtain a Working With Children Check in circumstances where the work relates to if the event is the only child-related work carried out by the worker in NSW in that calendar year and the period of work does not exceed 30 days OR the worker holds an interstate working with children check, or is exempt from the requirement to have such a check in his or her home jurisdiction, whose child related work in NSW is for no more than 30 days in any calendar year.

Church workers should receive a reminder to renew their Check three months before it expires. The Working With Children Check is valid for five years.

The flow chart below provides a summary of the **Working With Children Check** process.

3. RELEVANT PROCEDURES

3.1 Procedures for Notifying Concerns that a Child is at Risk of Harm

3.1.1 Managing Disclosures

Disclosures related to a child or young person is perceived to be currently at risk of harm require assessment to determine whether the matter requires case management or reporting to Community Services. This assessment should not be made in isolation and should be the subject of advice from the Chancery or the agency. Disclosures may take the following forms:

- (i) A child or young person tells a Church worker who is engaged in ministry that they are at risk of harm
- (ii) Someone else tells a Church worker who is engaged in ministry that a child or young person is at risk of harm
- (iii) A child or young person tells a Church worker that they know someone who is at risk of harm
- (iv) A Church worker engaged in ministry may make their own observations that leads her/him to suspect a child or young person is at risk of harm (some indicators of risk of harm are: marked changes in behaviour; withdrawal; depression; attention to personal appearance; pregnancy; anorexia or over-eating; self destructive behaviour such as drug dependency, suicide attempts or self-mutilation).

3.1.2 Managing notifications of children and young people who are at risk of harm

- (i) Any a person engaged in ministry who has reason to believe that a child or young person is at risk of harm is expected to report the concern to the Parish Priest or agency leader immediately.
- (ii) Those involved in this report are expected to maintain the confidentiality of such matters. It is therefore expected that such matters are not discussed unless for the purpose of legal compliance or seeking professional advice
- (iii) The details of the disclosure or incident should be forwarded to Community Services.
- (iv) The Diocesan Chancery should be informed immediately.

3.2 Procedures for managing allegations of reportable conduct by employees and persons engaged in parish ministry

Allegations of reportable conduct involving staff members and persons engaged in parish ministry must be investigated and may need to be notified to the Commission for Children and Young People.

While the primary concern of the agency / parish at all times is the safety and care of children and young people, the principles of procedural fairness and natural justice should be adhered to at all times so that the privacy and dignity of all involved may be considered and maintained.

3.3 Supporting A Child or Young Person Who Has Disclosed Risk Of Harm

Children and young people generally disclose with great hesitation and often with feelings of fear and guilt. It is therefore important for the Church worker to remain calm and supportive in these situations. Active listening without probing is required.

The following three steps are expected:

Reassure – the child or young person that:

- the child or young person did the right thing by telling you
- the child or young person is not in trouble
- you will tell someone who can help the child or young person
- the child or young person has a right to feel safe and protected

Record

- immediately anything that you are told or that you observe
- include the date, time, parties involved
- sign the record

Report – the incident immediately or as soon as practicably possible to:

- Parish Priest
- Ministry Co-ordinator
- Diocesan Chancery

4. CODE OF CONDUCT FOR THOSE APPOINTED TO MINISTRY

4.1 PREAMBLE

To have the opportunity to work with children and young people in ministry is a wonderful privilege. This Code will assist to clarify the parameters of appropriate conduct who work in child related ministry. It is anticipated that the general principles expressed in this Code may be applied to circumstances not referred to in this document when required.

This document is to be read in conjunction with *Integrity in the Service of the Church*.

4.2 PROFESSIONAL RESPONSIBILITIES

4.2.1 In attending to compliance matters it is expected that you will:

- Comply with lawful instructions and policies presented by the Diocese, Parish Priest or his delegate
- Comply with legislative and industrial requirements and any policies and procedures implemented by the parish
- Demonstrate a duty of care to children and young people by being punctual, diligent and sensitive to their needs
- Take reasonable steps to protect children and young people from foreseeable risk of injury and to protect their own health and safety at all times
- Take reasonable steps to ensure that the workplace is free of all forms of harassment and unlawful discrimination
- Be aware of and apply the Privacy policies of the parish and the Diocese.
- Complete your duties in accordance with the directions provided by the parish
- Consider the risks of proposed activities and tasks and develop strategies to manage these risks

4.2.2 In matters relating to professional standards it is expected that you will:

- Support the core values of the Diocese
 - Adhere to an appropriate standard of dress when engaged in ministry
 - Use language that is appropriate and non-threatening
 - Be cautious about the responsible storage of medications
 - Respect the privacy and dignity of all Parish and Diocesan personnel
 - Maintain the security of all official and confidential information at the parish relating to your ministry
 - Report to the Diocesan Chancery **AND** the agency leader reportable conduct that is brought to your attention particularly:
 - Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including child pornography)
 - Any physical assault, ill-treatment or neglect of a child
 - Any behaviour that causes psychological harm to a child
 - Misconduct that may involve reportable conduct as listed above
- AND any circumstances where you suspect that a student is currently at risk of harm

4.3 PROFESSIONAL RELATIONSHIPS WITH CHILDREN AND YOUNG PEOPLE:

It is expected that you will:

- Be caring, respectful, compassionate and take an interest in the children and young people in your care
- Avoid as far as possible being alone with a child and young person and if required discuss strategies to allow for observation beforehand
- Avoid favouring individual children and young people and treat them all equally
- Be equally available to all children and young people
- Avoid offering or receiving gifts to or from **individual** children and young people
- Remain removed from personal relationships with children and young people
- Restrict the transportation of children and young people in your car to circumstances that are in accordance with prescribed policy
- Ensure that physical contact with children and young people is reasonable for the purpose of their management or care. Examples include:
 - assessing a child or young person who is injured or ill
 - comforting an upset child
 - guiding a child or young person in a non-threatening manner
 - protecting a child or young person from imminent danger to himself/herself or to others
 - demonstrating or guiding a particular action or skill as part of drama or other activities within the lesson

Acceptable physical contact with children and young people

Physical contact should be **appropriate given the age, maturity, health or other characteristics of the child*

Physical contact should be **consistent with any specific **management plan** for specific children*

Physical intervention (including physical restraint, removals or escorts) should be avoided and **used only as a last resort to ensure safety and protection of children and others. Physical intervention may be regarded as appropriate when a child or young person is causing, or at risk of causing injury or harm to self or others*

4.4 INAPPROPRIATE PRACTICES

The following practices are inconsistent with the values of the parish you represent and are therefore not permitted:

- the application of corporal punishment or physical force to punish or correct a child or young person
- using an object, such as a book to gain a child's attention in a hostile or inappropriate physical manner
- hitting, kicking, shaking, pulling, shoving, grabbing, pinching, poking or pushing a child or young person

- holding or restraining a child or young person other than to prevent injury or harm to them or others
- intimidating, humiliating or swearing at a child or young person
- locking a child or young person in a confined space
- refusing biological needs or basic necessities
- using practices which instil fear or cause a to feel alienated
- Having in your possession or providing children or young people with alcohol or prohibited substances
- Providing tobacco or tobacco-based products to children and young people
- Engaging in conduct of a sexual nature that is improper including inappropriate touching, inappropriate conversations of a sexual nature, suggestive remarks or innuendo, obscene gestures, sexual exhibitionism. Personal correspondence, exposure of children or young people to sexual behaviour
- exposing a child or young person to material that contains violent, inappropriate sexual messages or adult concepts and themes that are inappropriate given the their age and level of maturity.

NB. EVIDENCE SUPPORTING THE USE OF INAPPROPRIATE PRACTICES MAY RESULT IN THE TERMINATION OF YOUR INVOLVEMENT IN THIS AND OTHER MINISTRY THAT INVOLVES CHILDREN AND YOUNG PEOPLE

5. PROTOCOLS FOR RESPONDING TO COMPLAINTS AGAINST THOSE ENGAGED IN MINISTRY ON BEHALF OF THE DIOCESE OF PARRAMATTA

5.1 Purpose and extent of these protocols

These protocols set out the general procedure which the Catholic Diocese of Parramatta (“the Diocese”) will follow when responding to complaints made against those engaged in parish ministry in relation to their professional conduct.

For the purpose of these protocols an employee is any person who is engaged to provide a service to the Diocese including:

- Paid staff;
- Clergy;
- Volunteers;
- Contractors and subcontractors;
- Foster carers;
- Work experience participants and Students on placement; and
- Special Religious Education (SRE) teachers.

Professional conduct is conduct which takes place during the course of employment. Employees have a responsibility to meet high standards of professional and ethical behaviour required by the Diocese, other employees, to those who are served in Catholic ministries and the Catholic and wider community.

5.2 Investigation and reporting

Child protection legislation imposes a more onerous standard and requires the Diocese to investigate allegations or convictions of “reportable conduct” or allegations of “misconduct which may involve reportable conduct” which are made against its employees.

“Reportable conduct” means:

- a. any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- b. any assault, ill-treatment or neglect of a child, or
- c. any behaviour that causes psychological harm to a child,

whether or not, in any case, with the consent of the child.

5.3 Stages in the conduct of an investigation of a complaint

The staged response by the Diocese to allegations of reportable conduct against employees are collectively known as “relevant employment proceedings”. There are five phases in a proper response to allegations of reportable conduct involving employees:

a. Identification of an allegation of “reportable conduct”

A complaint may need to be clarified so that

- i. it is clear as to whether an allegation of “reportable conduct” is actually being made and, if so, which kind,
- ii. investigators are clear about what they are investigating, and
- iii. persons subject of allegations are clear about what they need to respond to.

Details to be clarified might include:

- the identity of the person making the allegation and (if different) the identity of the alleged victim
- the identity of the employee against whom the allegation is made
- when and where the alleged incident or incidents occurred, and
- a description of the action and/or omissions which form the basis of the allegation against the employee

b. Investigative stage

During this time, an impartial investigator is appointed and proper enquiries are made of the child(ren) involved, the person subject of the allegation, and other witnesses, by way of interview and/or the collection of other relevant information.

c. Determination of a “preliminary finding”

The Diocese will make a preliminary finding:

- i. as to whether, on the balance of probabilities, the allegation(s) of reportable conduct is sustained, not sustained or false, or another of the outcomes listed, and
- ii. setting out proposed reporting to CCYP and any appropriate disciplinary action.

d. Final finding

After there has been a reasonable opportunity for the employee to access the investigation file and respond to the preliminary finding, either confirmation of the preliminary finding as final or revisitation of the investigation will occur, as applicable.

e. Reporting and disciplinary action

If applicable, after the completion of the preceding stages the matter will be reported by the Diocese to the Commission for Children and Young People (“CCYP”) for the purposes of employment screening. The Diocese is also responsible for implementing any appropriate disciplinary action.

5.4 The requirements of procedural fairness

During the conduct of “relevant employment proceedings”, the requirements of procedural fairness specify that an employee has:

A right to an impartial decision:

- a. The investigators and other decision-makers should conduct all aspects of the process in an impartial and objective manner without prejudging the matters under consideration.
- b. The employee should be given an unbiased hearing of his/her responses both to the matters alleged and to any proposed adverse finding or recommended disciplinary action

A right to be heard:

- a. Prior to being interviewed, employees should be advised of the allegation in as much detail as possible to enable them to respond, and should be provided with a summary of the employer's current investigation process and/or a copy of this document.
- b. Employees should be provided with reasonable notice regarding arrangements for any interview regarding the allegations, although an employee may waive the notice period and request the interview proceed at a mutually acceptable earlier time.
- c. Employees should be advised of the names of the people who have been appointed by the employer to conduct the investigation – any actual or perceived conflicts of interest should be addressed by an open and transparent process. If such concerns are not resolved, it may be advisable to appoint an alternative investigator.
- d. During the investigation phase of the process, employees should be provided with sufficient information to enable a response to each allegation.
- e. Employees should be provided with reasonable opportunities to respond to the allegations whether at interview and/or in writing.
- f. Employees should be advised of an given an opportunity to comment upon any proposed adverse finding and on any proposed reported to CCYP and disciplinary action ("preliminary finding stage"). The employee's comments should be considered prior to the final determination of the findings and disciplinary action.
- g. Normally at the preliminary finding stage, but at any stage in the process, employees may access the investigation file, and shall be informed of this right.