



## **Catholic Diocese of Sandhurst**

### **Child Safe Policy**

## 1. Introduction

- 1.1. The Catholic Diocese of Sandhurst (the Diocese) holds the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our organisation. Our commitment is drawn from and inherent in the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel (the Diocese Commitment Statement to Child Safety).
- 1.2. 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 his disciples were arguing among themselves about who was the greatest, directed his attention to a little child and said to his 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. Definitions

**Business Manager:** Business Manager of the Diocese

**Child:** Children and young people up to the age of 18 years

**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 provide a child (where they are in a position to do so) 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. Physically abusive behaviours including 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; and
- 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. Consensual 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 to the Department of Health and Human Services is known as mandatory reporting. Mandated people include teachers, nurses, police and medical practitioners.

**Reasonable Belief:** When an adult is concerned about the safety and wellbeing of a child, 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.

### 3. Scope

- 3.1. This policy applies to all diocesan personnel including employees, volunteers, contractors and religious (Priests, Brothers, Sisters, Seminarians). Where an agency of the Diocese has adopted its own code of conduct, then the agency is to make reference to the principles contained within this document.

### 4. Purpose

- 4.1. The purpose of this policy is to demonstrate the strong commitment of the Diocese to the care, safety and wellbeing of all children in our Church. It provides an outline of the policies, procedures and strategies developed to keep children safe from harm, including all forms of abuse in our organisation, whether that be on site, online or in other locations used by the Diocese.

### 5. Principles

- 5.1. The Catholic Church has a moral, legal and mission-driven responsibility to create nurturing environments where children and young people are respected, their voices are heard and they are safe and feel safe (the Diocese Commitment Statement to Child Safety).
- 5.2. The following principles underpin our commitment to child safety at the Diocese:
- Our organisation has zero tolerance of child abuse.
  - All children are entitled to, as a fundamental right, safety and protection from all forms of abuse and neglect.
  - Our organisation works 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 in our organisation including staff, clergy, volunteers and contractors have a responsibility to care for children, 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 children are based on honest, respectful and trusting relationships between adults and children.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, clergy, volunteers, parents, children and contractors should be free to raise concerns about child safety, knowing these will be taken seriously by the diocesan leadership.
- Appropriate confidentiality will be maintained, with information being provided only to those who have a right or a need to be informed, either legally or pastorally.

### 5.3. Valuing diversity

We value diversity and do not tolerate any discriminatory practices. To achieve this we:

- Promote the cultural safety, participation and empowerment of Aboriginal children and their families.
- Promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds and their families.
- Welcome children with a disability and their families and act to promote their participation.
- Seek appropriate staff from diverse cultural backgrounds.

## 6. Policy Commitments

All children in the Diocese have 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 child abuse. We aim to create a child-safe and child-friendly environment where children are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

### 6.1. Our commitment to our children:

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

### 6.2. Our commitment to parents and carers:

- (a) We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of their children;
- (b) We commit to engaging with, and listening to, the views of parents and carers about our child-safety practice, policies and procedures;
- (c) We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of children;

- (d) We commit to acknowledging the cultural diversity of the children and their families in our Church and being sensitive to how this may impact on child safety issues; and
- (e) We commit to continuously reviewing and improving our systems to protect children from abuse.

**6.3. Our commitment to our employees, volunteers and clergy (called “staff” for the of this policy)**

- (a) We commit to providing all diocesan 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 child safety and protection and wellbeing;  
This will include annual training in the principles and intent of the Child Safety Policy and Child Safety Code of Conduct and staff responsibilities to report concerns;
- (c) We commit to listening to all concerns voiced by diocesan staff about keeping children safe from harm; and
- (d) We commit to providing opportunities for diocesan staff to receive formal debriefing and counselling arising from incidents of the abuse of a child.

## **7. Responsibilities and Organisation Arrangements**

7.1. Everyone employed or volunteering at the Diocese has a responsibility to understand the important and significant role he/she plays individually and collectively to ensure that the wellbeing and safety of all children is at the forefront of all they do and every decision they make (Catholic Diocese of Sandhurst’s Commitment Statement to Child Safety). The Diocese has allocated roles and responsibilities for child safety as follows.

### **7.2. Guide to Responsibilities of the Catholic Diocese of Sandhurst Leadership**

The various leadership teams for the Diocese recognise their particular responsibilities to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of, and shared responsibility for child safety. Responsibilities include:

- creating an environment for children to be safe and to feel safe;
- upholding high principles and standards for all staff;
- promoting models of behaviour between adults and children 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 diocesan staff have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters;
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to children’s protection and wellbeing; and
- ensuring the Diocese meets the specific requirements of the Victorian Child Safe Standards.

### **7.3. Guide to Responsibilities of Catholic Diocese of Sandhurst Staff**

Responsibilities of diocesan staff include:

- treating children with dignity and respect, acting with propriety, exercising their duty of care, and protecting children 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 child has been or is being abused or neglected;
- providing a physically and psychologically safe environment where the wellbeing of children is nurtured;
- undertaking regular training and education in order to understand their individual responsibilities in relation to child safety and the wellbeing of children;
- where it is possible, assisting children to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse; and
- following the Catholic Diocese of Sandhurst 's Child Safety Code of Conduct.

#### **7.4. Organisational Arrangements**

- The Chancery Office of the Diocese is responsible for auditing compliance with the Child Safe Standards of the Diocese as an organisation, its agencies and its parishes.
- The Chancery Office is responsible for initiating and conducting annual reviews of diocesan child safety policies taking into account issues that have been reported to it in the preceding 12 months.
- Individual department and agency heads are responsible for ensuring their staff completes annual training in child safety.
- The Chancery Office is responsible for auditing the compliance with the Child Safe Standards by the Diocese as an organisation, its agencies and its parishes.

### **8. Expectations of the Catholic Diocese of Sandhurst Staff – Child Safety Code of Conduct**

8.1. At the Diocese, we expect staff to proactively ensure the safety of children at all times and to take appropriate action if there are concerns about the safety of any child in any diocesan environment. All staff must remain familiar with the relevant laws, the Diocese Employee Code of Conduct, and the policies and procedures in relation to child protection and comply with all requirements. We have developed a Child Safety code of conduct which recognises the critical role that staff plays in protecting the children in our care and establishes clear expectations of staff for appropriate behaviour with children in order to safeguard them against abuse and neglect.

8.2. Our Code also protects our staff through clarification of acceptable and unacceptable behaviour.

### **9. Child Safety and Participation**

9.1. Within the Diocese we actively encourage all children to openly express their views and feel comfortable about giving voice to the things that are important to them.

9.2. We encourage our parishes and agencies to discuss with their children what they can do if they feel unsafe and we enable our parishes and agencies to understand, identify, discuss and report on child safety. We listen to and act on any concerns our parishes or agencies, their children or their parents or carers raise with us.

9.3. The Bishop of Sandhurst meets regularly with representatives from our diocesan schools to discuss current issues of relevance to them. The resulting feedback is considered in all future decisions made by the Bishop and the Diocese that affects our youth.

### **10. Reporting and Responding**

10.1. The Diocese records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. Our organisation complies with legal obligations that relate to managing the risk of child abuse and mandatory reporting under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the *Betrayal of Trust* report.

- 10.2. Our organisation's Child Protection reporting procedures contained in Code of Conduct for Caring for Children sets out the actions required under the relevant legislation when there is a reasonable belief that a child in our organisation is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.
- 10.3. We work to ensure all children, families and staff know what to do and who to tell if they observe abuse of a victim or if they notice inappropriate behaviour.
- 10.4. Our organisation has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a child. Any concerns should in the first instance be raised with the person to whom the staff member would ordinarily report or if the concern involves that person, the Business Manager.
- 10.5. Any concerns about the safety or well-being of a child in a parish or agency that are reported are notified to the Business Manager. Details of the concern raised, the advice provided and any further action required are dated, signed and filed in the corresponding file of the parish or parish priest involved.
- 10.6. Our complaints and disclosure processes are further outlined and detailed in the Diocese's Code of Conduct for Caring for Children, particularly in relation to children in a parish setting.

## **11. Reportable Conduct Scheme (RCS)**

- 11.1. The Victorian Government has introduced the new RCS to improve oversight of how organisations prevent and respond to allegations of child abuse. The RCS will not interfere with reporting obligations for Victoria Police or with Victorian police investigations.
- 11.2. Under the scheme, reportable conduct will include allegations against workers or volunteers of child abuse and misconduct involving children. For example, reportable conduct would include sexual misconduct or offences, grooming, 'sexting', inappropriate physical contact with a child or other conduct that crosses professional boundaries concerning children.
- 11.3. There are 5 types of "reportable conduct":
  - Sexual offences committed against, with or in the presence of a child;
  - Sexual misconduct committed against, with or in the presence of a child;
  - Physical violence against, with or in the presence of a child;
  - Any behaviour that causes significant emotional or psychological harm to a child; and
  - Significant neglect of a child.
- 11.4. The scheme applies to the following people associated with an organisation:
  - Employees
  - Volunteers
  - Contractors
  - Office holders
  - Ministers of religion
  - Officers of a religious body
- 11.5. When the "Head" of entity has been notified of an allegation they have a legal responsibility to report to the Commission for Children and young People (CCYP) within 3 business days and follow up with an investigation. The "Head" then has a responsibility to report to the CCYP with the outcome of the investigation within 30 calendar days.



- 11.6. If an incident or allegation has been reported to the Victoria Police into criminal or potentially criminal allegations the police investigation takes priority, the Diocese can only conduct an investigation once the police have concluded their investigation.

## **12. Screening and Recruitment of Diocesan Staff**

- 12.1. The Diocese will apply thorough and rigorous screening processes in the recruitment of employees, contractors and volunteers involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the Child Safety Code of Conduct and the Child Safety Policy.
- 12.2. When recruiting and selecting employees, contractors and volunteers involved in child-connected work, we make all reasonable efforts to:
- confirm the applicant's Working with Children Check and National Police Check status and/or professional registration (as relevant);
  - obtain proof of personal identity and any professional or other qualifications;
  - verify the applicant's history of work involving children; and
  - obtain references that address the applicant's suitability for the job and the applicant's suitability for working with children where this is relevant to the role.
- 12.3. We have processes for monitoring and assessing the continuing suitability of staff to work with children, including regular reviews of the status of Working with Children Checks.

## **13. Child Safety – Education and Training for Diocesan Staff**

- 13.1. The Diocese provides staff with regular and appropriate opportunities to develop their knowledge of, openness to and ability to, address child safety matters. 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 child abuse and neglect.

## **14. Risk Management**

- 14.1. At the Diocese we are committed to proactively and systematically identifying and assessing risks to child safety across our whole environment (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 safety and ensure that the strategies change as needed and as new risks arise.
- 14.2. Agencies and parishes of the Diocese that has any direct contact with children or whose regular responsibilities include visiting schools or parishes is required at least once each calendar year to review its risk management strategies for child safety and effect any changes in behaviour deemed necessary.

## **15. Relevant Legislation**

- Children, Youth and Families Act 2005 (Vic.)
- Working with Children Act 2005 (Vic.)
- Privacy Act 1988 (Cth)
- Crimes Act 1958 (Vic.) Three new criminal offences have been introduced under the Act:

**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.



**Failure to protect offence:** The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become 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 an offence if they know of the risk, but negligently fail to reduce or remove it.

**Grooming offence:** This offence targets predatory conduct 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.

## 16. Related Policies

- Code of Conduct for Caring for Children
- National Police Record Check Policy
- Social Media Policy (ACBC)
- Working with Children Check Protocols

## 17. Breach of Policy

- 17.1. Where an employee is suspected of breaching any obligation, duty or responsibility within this Policy this may result in disciplinary consequences such as, remedial education, counselling, suspension, termination of his or her employment.
- 17.2. If there is any reasonable belief that a criminal act has been committed, the concerned party is advised to contact Victoria Police.

## 18. Review of this Child Safety Policy

- 18.1. At the Diocese we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance.
- 18.2. We will maintain a history of updates to the policy.

## 19. Inclusion of All

- 19.1. We will ensure that families and children have the opportunity to contribute. Where possible we do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities and people with a disability.

## 20. Approval

Approved by	Signature	Date
Bishop Leslie Tomlinson		

## 21. Revision History

Version	Date	Revised By	Description of Revision	Next Review
1.0	1/07/2018	Child Safety Officer	New Policy	1/07/2020