

Appendix E: Safeguarding and Complaints Management

1. Introduction

1.1. The Diocese aims to deal with all reports under the Safeguarding Children and Young People Policy (the Policy) fairly and appropriately, with the following objectives:

- Ensuring fair process for persons against whom allegations are made; and
- Preventing misconduct where this is possible.
- Dealing effectively with any allegations which are substantiated, including, responding compassionately to anyone who has been affected.
- Providing a positive experience of the Church and creating a strong community of faith.

1.2. Principles:

- If there is any reasonable belief that a criminal act may have been committed, the concerned party is advised to contact Victoria Police.
- When it is established that an employee, volunteer, or contractor has breached any obligation, duty, or responsibility within the Policy, including racism or other forms of discrimination this may result in disciplinary consequences such as targeted training, counselling, supervision, termination of his or her employment (or role as a volunteer).
- Where clergy, seminarians or Religious is suspected of breaching any obligation, duty, or responsibility within the Policy including racism or other forms of discrimination this may result in disciplinary consequences such as being stood down pending an investigation.
- If a complaint related to child sexual abuse against clergy, seminarian or Religious is substantiated on the balance of probabilities, or they are convicted of an offence relating to child sexual abuse, that individual will be permanently removed from ministry. Practicable steps will be taken to prohibit these individuals from holding themselves out as being a person with religious authority.
- If there is any reasonable belief that the breach involves Reportable Conduct (refer to section 8) the Commission for Children and Young People (CCYP) is to be contacted within the stipulated timeframe.
- Where clergy, seminarians or Religious is convicted of an offence relating to child sexual abuse, the bishop will present a case to the relevant dicastery for laicisation, or Superior General for dispensation from vows.

1.3. A flow chart setting out how and to whom to make reports can be found on page 34.

2. Who can make a report?

2.1. All employees, volunteers and contractors are required by law to report sexual and other abuse of children to the authorities.

2.2. Any person may make a report including a child, parent or guardian of the parish, agency, or entity.

2.3. Matters should be reported using the procedures set out in the flowchart on page 34.

3. What should you report?

3.1. Possible breaches of the Policy, or matters of concern can arise, in any number of ways. These might include:

- A disclosure made by a child.
- Observing events that lead to an objectively reasonable belief being formed that a child is being harmed or abused, or is at risk of being harmed or abused (whether by a family member or by another person); or

- Witnessing an event or incident.

3.2. Regardless of the way in which an issue arises, circumstances that cause concern should always be reported including:

- Any suspected material breach of Policy.
- Any allegation of sexual misconduct.¹
- Suspected grooming activity.¹
- Any disclosure by a child, or an objectively reasonable belief you have formed, that a child is being abused or is at risk of abuse of any kind.¹
- Any allegation of violence inflicted by an adult upon a child.¹
- Any allegation in which an employee, volunteer or contractor has been under the influence of drugs (illicit or misused medication) or alcohol while responsible for children.
- Any incident in which a child has been harmed or injured (either physically or psychologically) or is at risk of harm or injury.¹
- Any allegation of conduct which is or might be unlawful,¹ by employees, volunteers, contractors and:
- Any conduct which would or might give rise to a mandatory requirement to report under the Children Youth and Families Act.²

4. Dealing with disclosures by children or a reasonable belief that abuse is or may be occurring in a setting to which this Policy applies

4.1. A reasonable belief may be formed by one or more of the following:

- a. A child makes a disclosure to you that sexual, physical, or psychological abuse is occurring, or
- b. An objectively reasonable belief is formed that a child is being harmed or is at risk of being harmed.
- c. A complaint or allegation is made about behaviour that compromises the safety, health, or wellbeing of children.
- d. A perpetrator discloses that they are harming a child.
- e. A child creates drawing or stories that involve themes or events involving abuse.
- f. An adult discloses historical abuse that occurred when they were a child.

4.2. If a child has made a disclosure, be aware that the child may be feeling ashamed, guilty, and scared, and may be worried about the consequences of telling someone about the abuse. Stay calm and listen carefully to the child. Tell them you believe them and that they did the right thing by telling you. Do not make promises you cannot keep such as promising that you will not tell anyone else. Refer to <https://www.sandhurst.catholic.org.au/reporting-misconduct-and-or-abuse>. “What to do in the event of an incident of child abuse”.

¹ Any matters which involve sexual or other abuse by Church personnel fall within the purview of the Commission for Children and Young People (CCYP) and all matters should be reported to CCYP. For further information regarding the reportable conduct scheme please refer to [CCYP reportable conduct](#)

² For further information regarding the mandatory reporting requirements under the CYF Act, please refer to <https://providers.dffh.vic.gov.au/mandatory-reporting>

5. To report sexual and other abuse of children to authorities

5.1. Making a report of suspected child abuse involves notifying police, statutory authorities (**Refer to Appendix H mandatory reporting legislation**), and the Safeguarding Co-ordinator of the of the Diocese in a timely manner (as soon as practicable after forming a reasonable belief, unless the child is in immediate danger contact Police on 000). An incident reporting form can be located at the below link.

<https://www.sandhurst.catholic.org.au/reporting-misconduct-and-or-abuse>

5.2. The Safeguarding Co-ordinator of the Diocese is responsible for supporting reports of misconduct and/or abuse, in relation to the safety and wellbeing of children and young people and liaising with statutory authorities e.g., Victoria Police, Reportable Conduct Scheme – Commission for Children and Young People (CCYP).

5.3. Reporting misconduct and/or abuse:

5.3.1.If the complaint involves an adult bringing forward a complaint of child sexual abuse suffered as a child, contact the Safeguarding Co-ordinator of the Diocese.

5.3.2. to report misconduct and/or child abuse of children and young people contact the Police 000 and the Safeguarding Co-ordinator of the Diocese.

5.3.3.Sexual and other abuse against children (see section 8 Reportable conduct) by employees, volunteers, contractors, clergy, seminarians and Religious must be reported to the Commission for Children and Young People (CCYP).

5.3.4.For further information on reporting the above please see the below link:

<https://www.sandhurst.catholic.org.au/reporting-misconduct-and-or-abuse>

6. To report sexual and other abuse of children internally.

6.1. In addition to reporting all sexual and other abuse of children to the authorities you are required to report internally to the Safeguarding Co-ordinator of the Diocese. The Safeguarding Co-ordinator of the Diocese can provide guidance about how to report a breach of Policy or a matter of concern, the process for reporting and dealing with any concerns or breaches of the Policy will vary depending on the type of conduct and who is responsible for the conduct.

6.2. Each complaint is to be managed in an objective and unbiased manner and all parties are to be afforded natural justice/procedural fairness. If a report is made in relation to an employee, volunteer, contractor, member of the clergy, Religious or seminarian the report must be sent directly to the Safeguarding Co-ordinator of the Diocese. If the report is in relation to the Safeguarding Co-ordinator of the Diocese, a report must be made to the bishop. If a report is made against the bishop a report must be made to the Chair of the Safeguarding Committee.

6.3. Clergy are also obliged under the provisions of VELM (Vos Estis Lux Mundi) to report abuse by other clergy to church and civil authorities. VELM is a universal reporting process of the Catholic Church to be used by all Clergy (Bishops, Priests, Deacons) and all Religious (male and female) who are obliged to report on crimes of abuse towards children and vulnerable adults committed by other Clergy and Religious. See link to VELM <https://www.catholic.org.au/volestisluxmundi>

6.4. An incident recording form for reportable conduct can be located at <https://www.sandhurst.catholic.org.au/reporting-misconduct-and-or-abuse> this can be used to record details of any incident or matter of concern in relation to child safety.

7. Retention of records

Records in relation to Safeguarding documentation, complaint/incident registers and all screening documentation for employees, volunteers, and contractors (including registers for WWCC/Police checks) are to be retained for at least 50 years. See [Privacy Policy](#) for further information.

8. Reportable Conduct Scheme (RCS)

8.1. The RCS requires the Diocese and all organisations who engage in child related activities to respond to allegations of child abuse made against their employees, volunteers, contractors, clergy, seminarians and Religious and to notify the Commission for Children and Young People (CCYP) of any allegations, which will enable the CCYP to oversee those responses.

8.2. Reportable Conduct applies to the following people:

- Employees
- Volunteers
- Contractors
- Office holders
- Ministers of religion
- Officers of a religious body

8.3. There are five 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.
- Significant neglect of a child

8.4. The “Head of Entity” i.e., the person in charge of the Diocese (Bishop) or in charge of the local parish (Parish Priest). A Religious Leader or a person in charge of a Diocesan agency or entity (Director) has a legal responsibility to notify current and historical incidents of suspected child abuse or misconduct by employees, volunteers, contractors, clergy, seminarians and Religious in the Diocese to the Commission for Children and Young People (CCYP) within 3 business days and follow up with an investigation and provide the outcome of the investigation to CCYP within 30 days.

8.5. Any person can report an alleged incident or allegation directly to the CCYP by contacting them on (03) 8601 5281.

8.6. Any person can report to the CCYP if they feel that the Diocese/parish/agency or entity is not complying with the Child Safe Standards.

If you are not sure whether to report a matter, assistance is available from the Safeguarding Co-ordinator of the Diocese.

9. What happens when a report is made?

When a report is made (refer to the flowchart on page 34). the person receiving the report should:

- Listen carefully to the report and ensure it is fully understood.
- Consider whether it is appropriate or necessary to advise relevant authorities.
- Assess the risk and determine what action will be taken to ensure the safety of children (if any).

- Document all action taken.
- Ensure complete and accurate records are created and maintained for all incidents, complaints, responses, and decisions.
- Conduct a risk assessment once a report has been made, maintain documentation during the risk investigation and at the end of the risk investigation.
- Final decision of what action, if any, needs to be taken regarding reducing or eliminating the risk to the child(ren) or other children with whom the respondent may have contact.
- Final decision of what action, if any, needs to be taken to address any risk to the respondent.
- Update relevant personnel/parents/children the progress and outcome of the investigation.
- Maintain the confidentiality of all parties (including the person making the report, and any person to whom the report relates) to the extent this is possible. In some cases, it may be necessary to inform relevant authorities or others within the Diocese or the person to whom the report relates. Depending on the nature of the allegation it may be necessary to:
 - Inform the police if the behaviour is or might be criminal.
 - Consider whether a mandatory report must be made to the DFFH (Child Protection) under the CYF Act. (See Appendix H).
 - If it is a reportable conduct scheme complaint refer the incident/allegation to the head of entity (see section 8.) and the Safeguarding Co-ordinator of the Diocese. The head of entity has a legal responsibility to report to the CCYP within 3 business days of being notified of an incident/allegation in relation to reportable conduct.
- See reporting information ‘What to do in the event of an allegation/incident’ <https://www.sandhurst.catholic.org.au/reporting-misconduct-and-or-abuse>

10. Managing a conflict of interest

Conflict of interest may arise where there is an actual or perceived conflict between a person’s official duties and their private interests, which could influence the performance of those official duties. Such conflict generally involves opposing principles or incompatible needs. Where any such conflict arises, it must be openly and effectively managed. The Diocese has procedures in place which promote a culture of transparency and disclosure, and which aim to ensure that conflicting interests do not interfere with the management and resolution of complaints.

11. Alternatives

Alternatively, a victim/survivor may choose to contact **Pathways Victoria** or the **National Redress Scheme**.

The Diocese of Sandhurst acknowledges the lifelong trauma that survivors of abuse and their families have suffered as well as the failure of the Catholic Church in the past to protect, believe and respond justly to victims of sexual abuse and misconduct. The Diocese commits itself to working with victims of abuse for healing and justice in their lives.

The Diocese is a party to several programs aimed at assisting victims of abuse to find healing, justice, and compensation in their lives. Two such programs are:

11.1. Pathways Victoria

Effective 1st January 2022 Pathways Victoria is the Catholic Church’s model for the independent investigations of allegations of abuse. Pathways Victoria has three distinct

functions: engagement and support for people, responding to allegations of abuse and resolution of matters including monetary payments.

For more information see **Pathways Victoria**

National Redress Scheme

The National Redress Scheme was established by the Federal Government in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. Applications can be made any time before 30 June 2027.

Phone: 1800 737 377 Refer to <https://www.nationalredress.gov.au/>

12. Contacts

- 12.1. **Victorian Police** – Sexual Offences and Child Abuse Investigation Team (SOCIT)
Refer to <https://www.police.vic.gov.au/sexual-offences-and-child-abuse-investigation-teams>
- 12.2. **Child Protection (DFFH) Regions**
 - North Division 1300 664 977
 - East Division 1300 360 391
 - Emergency after hours 13 12 78
 - Refer to <https://services.dffh.vic.gov.au/child-protection-contacts>
- 12.3. **Safeguarding Co-ordinator of the Diocese** – phone MOB 0438 951 010
 - Email childsafety@sandhurst.catholic.org.au
- 12.4. **Chair of the Safeguarding Committee** – phone MOB: 0400 505 464
 - Email professionalstandards@sandhurst.catholic.org.au
- 12.5. **Responding to historical abuse**
 - Diocesan Archivist and Professional Standards Officer
Phone: (03) 5445 3611
Email: archivist@sandhurst.catholic.org.au
 - Victoria Police SANO Task Force investigates historical abuse that has occurred in religious and non-government organisations.
Phone: 1800 110 007
Email: sanotaskforce@police.vic.au
- 12.6. **Reportable Conduct Scheme (CCYP)**
 - Phone: (03) 8601 5281
 - Email: contact@ccyp.vic.gov.au

INSERT PARISH NAME
CHILD SAFETY REPORTING PROCESS

Who can report?

- Any Person
- CHILD
- PARENT OR GUARDIAN
- Employee, Volunteer or Contractor

What to report?

Any child safety concerns, including:

- disclosure of abuse or harm
- allegation, suspicion or observation
- breach of Code of Conduct
- environmental safety issues.

Call 000 if a child is in immediate danger and notify the Parish Child Safety Officer [Name & insert phone no.] or the Parish Priest [insert phone no.] If the complaint involves a member of the clergy contact the Safeguarding Co-ordinator of the Diocese 0438 951 010

How?

Face-to-face verbal report, letter, email, telephone call, meeting

Who to?

Parish Child Safety Officer [insert Name & phone no.] or the Parish Priest [insert phone no.] or Safeguarding Co-ordinator of the Diocese 0438 951 010 email childsafety@sandhurst.catholic.org.au or contact The Commission for Children and Young People directly on (03) 8601 5281.

What happens next?

The Parish Priest/Parish Child Safety Officer will:

- offer support to the child, the parents, the person who reports and the accused staff member or volunteer.
- contact the Safeguarding Co-ordinator of the Diocese who will assist with internal processes to ensure the safety of the child, clarify the nature of the complaint, and commence disciplinary process (if required)
- contact the Safeguarding Co-ordinator of the Diocese to decide, in accordance with legal requirements and duty of care, whether the matter should/must be reported to the police, Child Protection and or the Commission for Children and Young People

For more information on Safeguarding visit the Australian Catholic Safeguarding Ltd. (ACSL) website <https://www.acsltd.org.au/>