



MISSIONARY
OBLATES

of MARY IMMACULATE

Safeguarding Policy

Children and Vulnerable Adults

May 2019

Missionary Oblates of Mary Immaculate (OMI)

Province of Australia

ACKNOWLEDGEMENTS

The Oblates of Mary Immaculate are deeply grateful for the generosity of the Missionary Society of St Paul Australian Province and the Archdiocese of Brisbane for the permission to use parts of their policies in this document.

Date of policy - May 2019

Date of next review - May 2020

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Safeguarding Commitment Statement



The Oblates of Mary Immaculate are actively committed to fostering communities of safeguarding that recognise and uphold the dignity and rights of all children and vulnerable adults.

We encourage open communication whereby families and communities are informed of relevant issues and participate in decisions about the safety of children and vulnerable adults. It is particularly important to us to look for avenues to empower children and vulnerable adults to have a say and be listened to.

We actively seek to become and remain informed of the causes and signs of child abuse and neglect.

Every person within the Oblates of Mary Immaculate who comes into contact, or works, with children or vulnerable adults seeks to uphold their dignity and commits to establishing safe and supportive relationships.

The Oblates of Mary Immaculate have documented policies and procedures to prevent risks to children and vulnerable adults and build a strong culture of safeguarding. All priests, brothers, staff and volunteers are expected to follow these policies and procedures and contribute to the culture of care and protection of all children and vulnerable adults.

We plan, organize and review all activities with children and vulnerable adults, proactively considering potential risks and strive to ensure risks are reduced, and eliminated where possible. Everyone is encouraged to communicate any area of concern or where you think our approach may need improvement.

Anyone who brings forward a suspicion, concerns, knowledge or allegation of current or past abuse of a child or vulnerable adult to the Oblates of Mary Immaculate will be responded to sensitively, respectfully, actively and in a timely manner, in line with our lawful obligations and our own complaints handling policy.

We regularly undertake child protection training and auditing of our safeguarding policies and practices to make sure that they always support a culture and practice that puts the safety of children and vulnerable adults at the core of our thinking and action.

We listen to the voices of children and vulnerable adults as we constantly strive to remain vigilant and make improvements.

Principles

The Oblates of Mary Immaculate are committed to the following core principles which underpin this policy:

- Protecting the fundamental rights to safety for all people, including those most vulnerable;
- Maintaining zero tolerance of child abuse;
- Committing to best practice in all areas of the safety and protection of children and vulnerable adults;
- Demonstrating accountability through effective structures and practices for record keeping, reporting and complaints handling;
- Ensuring a Code of Conduct;
- Practising safe recruitment and selection practices for all personnel;
- Internal monitoring and guidance by a Safeguarding Officer and external auditing by the Catholic Professional Standards Limited (CPSL) to ensure ongoing policy objectives are met, with the publishing of findings made public via website and media release.

Purpose of Policy

The purpose of this policy is to demonstrate the strong commitment of the Oblates of Mary Immaculate to the safety of children and vulnerable adults, so that they become part of a supportive environment where they are respected, nurtured and protected from all abuse.

This policy provides an outline of the procedures and strategies developed to keep children and vulnerable adults safe from harm whether that be on site, online or in other locations used by Oblates of Mary Immaculate. The Code of Conduct is an important part of this policy.

Scope

This policy prescribes best practice in the prevention, response and reporting of harm; and articulates the standards expected of all who work in our ministries including clergy, religious, employees, students and volunteers in:

- Parishes throughout the Archdiocese of Brisbane, Perth, Adelaide and Melbourne and Diocese of Sale and Wollongong.
- Iona College, QLD
- Mazenod College, WA
- Mazenod College, VIC
- St Mary's Seminary, Melbourne;
- Rosie's Friends on the Street, QLD
- Rosie's Oblate Youth Mission, VIC
- Oblate Youth Australia
- Chaplaincy

In addition, the listed ministries will apply their own safeguarding policies and principles in line with legislative requirements that apply to their specific operations. These policies do not replace or negate this policy but sit alongside it.

Preamble

In December 2017, Australia witnessed the conclusion of the Royal Commission into the Institutional Response to Child Sexual Abuse (Royal Commission) and the handing down of the findings of this five-year enquiry. Whilst child sexual abuse is not confined to religious organisations, the failure of the Church to safeguard children and vulnerable adults and its inadequate responses, which perpetuated this culture of abuse, is particularly troubling. Those whom children and families most trusted and least suspected were, in many instances, the very perpetrators whose evil actions led to horrific impacts for young victims. Tragically, such impacts have also rippled out to families and to the community, and ultimately have led to a devastating loss of religious faith and trust in the Church that was once an integral part of their lives.

This document recognises and acknowledges the devastating harm caused by the crime of child sexual and other abuse and affirms the commitment of the Oblates of Mary Immaculate to building safe communities of hope and compassion. In all our ministries the highest standard of behaviour is required.

This document is intended to communicate the standards expected of those entrusted with the care of children and vulnerable adults, or likely to come into direct contact with them, within our ministries and jurisdiction. The comprehensive recommendations offered by the Royal Commission form the basis of the general principles and protocols found here.



Distinct commitment to youth is a key aspect of the Oblate mission, and respectful relationships with young people and children are central to the life and teachings of Jesus.

The Oblate vision is to be faith witnesses who are daring, and passionate for both the community and for service. We call on this as we reaffirm our commitment to place safeguarding at the core of our planning, thought and action; so that keeping children and vulnerable adults safe becomes a living, breathing value and daily practice.

May we enter this new beginning with a renewed hope, energy, humility, willingness to self-reflect and eagerness to learn, and may we be open to change and conversation.

Wherever we work, our mission is especially to those people whose condition cries out for salvation and for the hope which only Jesus Christ can fully bring.

The Missionary Oblates of Mary Immaculate

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Principle 1

Provide places of nurture, protection and care for children and vulnerable adults

We are committed to creating an environment where the safety and wellbeing of all is paramount. We specifically acknowledge the rights and dignity of all vulnerable persons including children, adults, those with disabilities, those of Aboriginal and Torres Strait Islander descent, those from culturally and/or linguistically diverse backgrounds and those with diverse sexuality.

***Note** for the purpose of this policy, the use of the term “harm” refers to any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing or development; immaterial of how that harm is caused, and regardless for how long the harm has been occurring.¹*

Best practice in providing a safe and nurturing environment includes:

Reporting all child safety concerns (including reportable suspicions of harm and concerns for the potential risk of harm to children and vulnerable adults) to the relevant authorities in line with the legislation appropriate for that state;

Where legislation and governing authorities allow, taking appropriate action to protect a child or vulnerable adult from the risk of harm;²

- Ensuring that the ongoing safety of children and vulnerable adults is always a prime focus of decisions;
- Protecting and promoting the cultural identity of children and vulnerable adults;
- Providing assistance to children and families to access support services after abuse and sharing of information sensitively with other relevant support services (in line with relevant legislation surrounding privacy).

We acknowledge that all members of the Oblates of Mary Immaculate, including all employees, contractors and volunteers in our ministries, have a moral and legal duty of care to support and protect children and vulnerable adults to whom we minister. This duty of care is breached when:

- we fail to do something that a reasonable person in our position would do in the circumstances; or
- our actions or omissions cause harm to someone to whom we have a duty of care; or
- we fail to report a suspicion of harm, in accordance with governing legislation.

¹ This definition is in line with all States the OMI operate in, referring to the *Child Protection Act 1999* (Qld) s9 (*CPA Act Qld*), *Ombudsman Act 1974* (NSW) No 68 s25A (*O Act NSW*), *Children’s Protection Act 1993* (SA) s17 (*CP Act SA*) and *Children and Community Services Act 2004* (WA) s2 (*CCS Act WA*).

² This may not mean taking responsibility for the investigation of the allegation of harm itself. For example, the *Child Wellbeing and Safety Act 2005* (Vic) s16B (*CWaS Act Vic*) states that investigation into conduct must not be commenced until the Police advise or agree. Other states may not allow investigation altogether.

Principle 2

Provide safe environments in all Oblate ministries and communities

The Oblates of Mary Immaculate Australian Province involves many people and communities in a broad range of formal and informal activities. We recognise the importance of ensuring all our ministries are safe and free from harm for all children and vulnerable adults.

Best practice in providing a safe environment includes:

- Ensuring that our actions and practices are examples of good conduct at all times;
- Operating within in accordance with the Oblate Code of Conduct (see [Appendix 1](#)) and any specific procedures and practices that our diocese and civil authorities have in place;
- Respecting each person's personal boundaries;
- Helping children and vulnerable adults develop an awareness and understanding of their own rights and a respect for the rights of others;
- Providing children and vulnerable adults with information as to how, where and from whom they can seek support;
- Be visible to other adults when working with children and vulnerable adults;
- Reporting observed behaviour that is abusive or potentially abusive;
- Reporting suspicions of sexual abuse³
- Ensuring that everyone is aware of the importance of safeguarding children and vulnerable adults through regular communications with our volunteers and through oversight of all activities;
- Providing an open and transparent culture where adults and children alike feel able to talk openly about their interactions with others, raise their concerns, and are confident that those concerns are acted upon;
- Adopting safe recruiting and selection practices for candidates for religious life, employees and volunteers;
- Ensuring that employees and volunteers who undertake activities have clearly articulated role descriptions;
- Being familiar with the types of behaviour which may be warning signals of both harmful conduct and of harm or abuse;
- Adopting a proactive response to inappropriate behaviour by anyone within the congregation including employees, contractors or volunteers;
- Ensuring that Oblates, employees and volunteers are inducted and trained appropriately in working with children and vulnerable adults and understand their obligations.

³ Australian states have varying requirements for this report. For NSW, this includes sexual offences or misconduct (including pornographic material) or assault, ill-treatment, neglect or behavior that causes psychological harm to a child (*O Act NSW s25A*)

In Western Australia this is extended to include sexual behavior which also includes bribery, coercion, threats, exploitation or violence (*CCS Act WA s124A*)

Risk management

We are committed to proactively identifying and assessing safeguarding risks to across our community (physical and online) and reducing or eliminating where possible all potential risks. We commit to periodically reviewing our Safeguarding Risk Management Plan at least once a year and making relevant changes.

Principle 3

Provide comprehensive and thorough recruitment, screening and formation practices

Selection, screening and formation of Oblates

The Oblates of Mary Immaculate believe that the development of an embedded and trusted child-safe culture begins with the vigilant selection of candidates for formation. We recognise the absolute necessity of rigorous and robust selection, screening and formation processes for all Oblates to be in place to ensure that only candidates who are suitable are recruited and that these candidates are provided with regular and appropriate opportunities to comply with all child safety standards. This includes induction, ongoing training and professional learning to ensure understanding of legal obligations and procedures for reporting.⁴

We acknowledge the importance of formation having an integrative function, recognising the need to address and harmonise all the layers of the person: the bodily, the spiritual and the psychological. It is critical that the priestly formation process produces worthy candidates who are well-prepared and adequately psychologically and affectively mature to manage the realities of life in religious or pastoral ministry. Our formation program recognises the importance of taking a proactive approach by conducting thorough psychological assessments on all pre novices, novices and temporary professed members.

Our program for Oblate formation includes the formation of all candidates in psychosexual development so that they can be supported to grow into the vocation of celibacy. Formators are careful to assess as accurately as they can the human and, more specifically, the affective maturity of our candidates.

Best practice includes:

- An understanding of family and cultural background;
- Comprehensive psychosocial testing
- External psychological screening (including various forms of psychosexual assessment);
- Spiritual assessment;
- Medical assessment;
- Obtaining references that address the applicant's suitability;
- Any seminarians or religious who are sent to Australia from overseas countries to complete a pastoral experience or for ongoing missionary work must also undertake minimum training on child safety and related matters including training that:
 - Equips them with an understanding of the Royal Commission's proposed child safe standards; and that
 - Educates them on:
 - ethics in ministry, and professional responsibilities and boundaries;

⁴ The requirement for written policies is legislated for Queensland (*Education (Accreditation of Non-State Schools) Regulation 2001* (QLD) s10), South Australia (*CP Act SA s8C*) and Victoria (*CWaS Act Vic*) s16K) and therefore will be updated regularly. Staff will be updated of any procedural changes as necessary.

- policies and protocols regarding appropriate responses to the reporting of allegations or instances of child sexual abuse; and
 - identifying and understanding the nature, indicators and impact of child sexual abuse.
- All candidates are required to obtain Working with Children Checks and National Police Checks in accordance with Archdiocesan, parish and civil requirements (see [Appendix 2](#)) Where possible, for overseas candidates, International Police Checks will also be obtained.

Recruitment, Screening and Formation of Employees and Volunteers

It is important that all possible steps are taken to prevent unsuitable people working in our parishes/ministries. While we acknowledge that most people who work with children and vulnerable adults are well motivated, good recruitment and screening procedures ensure a safe environment for children and vulnerable adults.

Best practice includes:

- Ensuring our commitment to child safety is included in all advertisements for such employee, contractor and volunteer positions;
- Having task descriptions for each role;
- Having each person complete an application and declaration form;
- Asking the recommended interview questions;
- Conducting full police checks, reference checks and past employers for all staff and volunteers;
- Verification of personal identity and qualifications;
- Verification the applicant's history of work involving children;
- Ensuring all applicants are provided with copies of the Child Safeguarding Policy and Code of Conduct;
- Comprehensive orientation sessions for new staff which include relevant Child Protection training and copies of this Safeguarding Policy;
- Regular refreshers for all staff on Child Safety protocols;
- Regular staff / volunteer meetings with Child Safety on the agenda;
- Provision of a designated supervisor for all new staff and volunteers.

Principle 4

Managing suspicion of abuse / disclosure / reporting

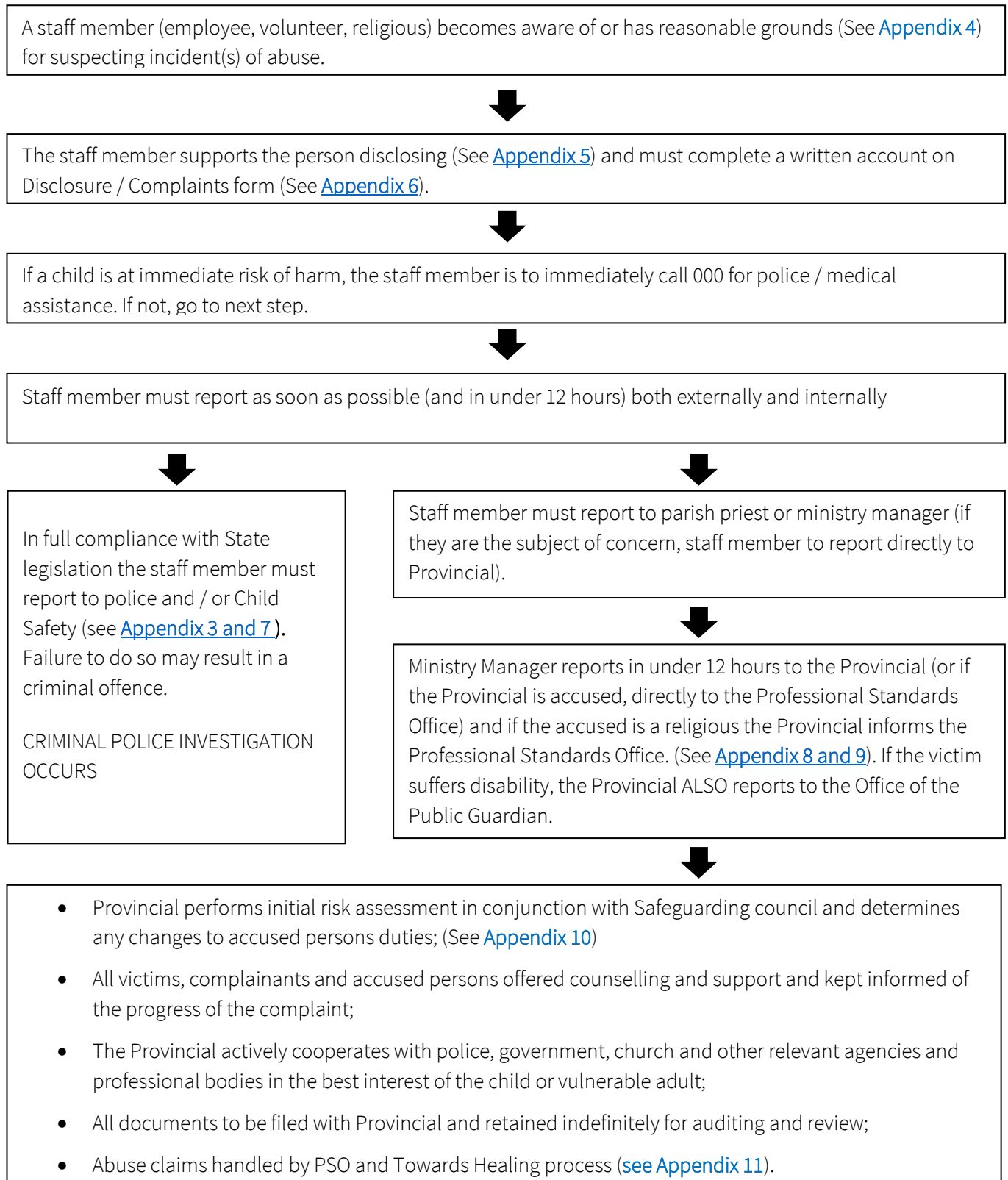
We expect that all concerns, allegations, suspicions and disclosures of abuse, whether current or historical, are taken seriously and acted upon immediately. It is critical that all employees /volunteers know what is expected of them in these circumstances, particularly in regard to mandatory reporting. [Appendix 3](#) details legislative requirements for mandatory reporting according to State. However, there are also school and Archdiocese requirements for mandatory reporting and within this policy there are requirements the Oblates of Mary Immaculate set for mandatory reporting.

The following processes apply if any concern, allegation, suspicion or disclosure is made that indicates an Oblate of Mary Immaculate member (current or former), or a person a member suspects has:

- Behaved in a way that has harmed or may have harmed a child or vulnerable adult;
- Committed a criminal offence against a child or vulnerable adult or;
- Behaved towards a child or vulnerable adult in a way that indicates she / he is unsuitable to work with children or vulnerable adults.

The benefit of the doubt should always be in favour of the victim or the one reporting the harm.

Protocols and process for responding to current complaints and / or allegations (including reasonable suspicion) of abuse of children and vulnerable adults (including a breach of the code of conduct) in ministries within the Oblates of Mary Immaculate.



Protocols and process for responding to current complaints and / or allegations (including reasonable suspicion) of abuse of a student in a school governed by the Oblates of Mary Immaculate.

A staff member becomes aware of or has reasonable grounds for suspecting incidents(s) of abuse of a student in the care of an Oblate school.*



The staff member must make a written report of the complaint allegation using a form specified for this purpose at the school.



As soon as possible and in not more than 12 hours – the staff member must report to a Child Protection Officer (CPO) for that school and provide the completed form to him / her.



The CPO informs the Principal of the complaint and provides him with the completed form. The Principal and the CPO act in full compliance with relevant statutory legislation in determining if the matter is reported to Police and / or Child Safety. The principal and CPO ensure support is offered to all people involved.



The principal informs the Rector who informs the Provincial. If the accused person is a Brother, the Provincial also informs the Professional Standards Office.



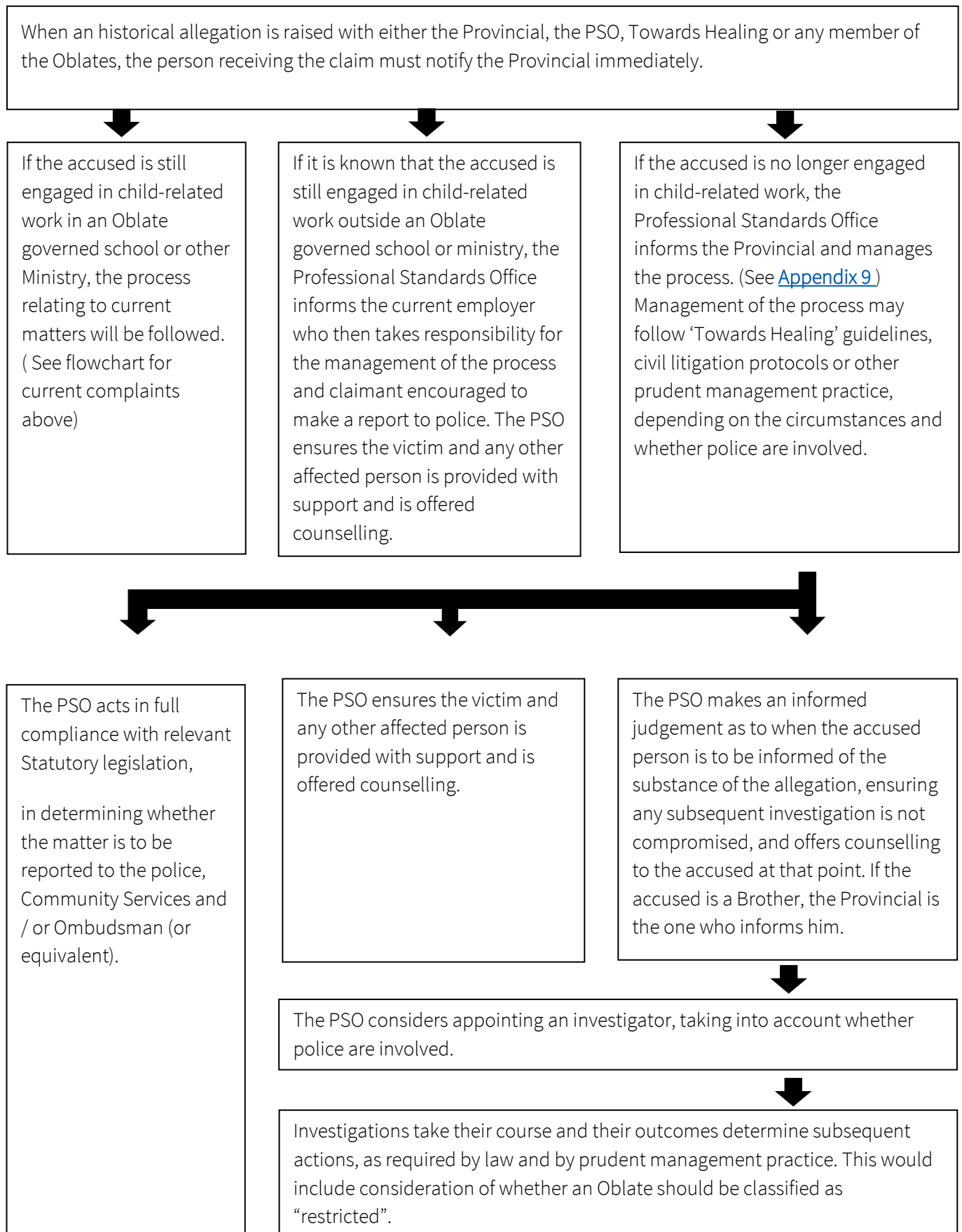
The Principal performs an initial risk assessment and determines whether there are any changes to be made to the accused persons duties to ensure the safety and wellbeing of children. The Principal makes an informed judgment as to whether the accused is to be informed of the substance of the allegation.

The Principal appoints an investigator unless police are involved**. Investigations take their course and their outcomes determine subsequent actions as required by law and by prudent management practice. This would include whether reporting to the Children’s Guardian is required and consideration of the accused continuing employment.

*This may be based on disclosure from the child or vulnerable person, or detrimental effects on the person’s body, psychological or emotional state. In Victoria this may be based purely on the opinion from the observer (*Children, Youth and Families Act 2005* (VIC) s186) (*CYF Act Vic*)

**Both Queensland and Victoria have legislated limitations on the investigation of reports outside of police criminal investigations. Refer to *CP Act Qld* s14 and *CWaS Act Vic* s16B.

Protocol and process for responding to historic complaints of abuse by an oblate or employee / volunteer of the Oblates of Mary Immaculate.



For protocols and process for responding to current complaints and / or allegations (including reasonable suspicion) of abuse of children and vulnerable adults outside of an Oblate ministry, school or historic claim please refer to Appendix 7

Record keeping and information handling

Records about incidents, complaints, responses or decisions should be created as soon as possible⁵. Record all details that support the suspicion in the Disclosure /Complaints form.

The record includes⁶:

- Accurate identifying information as far as it is known. This should include the name and address of the person who has raised a concern (as well as their date of birth, and parents' / carers' names and addresses when the person who has raised a concern/allegation is a child);
- The name of the individual against whom the concern/allegation is being raised and any other identifying information;
- As much information as possible about the circumstances that led to the concern / allegation being raised, why is the person reporting worried about the welfare and safety of the child / children or vulnerable adult/s;
- Dates when the concern arose, or when the incident(s) occurred;
- Circumstances in which the concern arose, or the incident(s) occurred;
- Any explanation offered to account for the risk, injury or concern;
- The person's own statement using the words they used to describe the events or incident(s), if possible. Do not make assumptions about the intended meaning of words used;
- Details of any action already taken concerning the incident / concern / allegation; and
- Any views expressed by the child's parent(s) or guardian(s) / carer(s) about the matter.

Do not be selective. Include detail - even that which may seem irrelevant. It could prove invaluable. At a later stage in an investigation, all records, including rough notes must be passed to the relevant designated officer; that is, the Director of Professional Standards or the relevant Safeguarding Officer (as appropriate) and the Police.

Please note: a report of suspected abuse is considered submitted only after its receipt is acknowledged.⁷

Confidentiality

Any issues relating to suspected or alleged harm and/or abuse to children or vulnerable adults is highly sensitive and must be treated in such a way. Any reports or documentation on disclosures must be kept secure at all times. Copies of all reports and records and decisions will be kept in a confidential file in the Provincial's office. Access

⁵ In some states, a monetary fine may be inflicted for failing to report the allegation 'as soon as practicable' (CCS Act WA s124C)

⁶ In accordance with CP Act Qld s13G, Children and Young People (Safety) Act 2017 (SA) s30 (CYPS Act SA) and the CCS Act WA s124C

⁷ Ibid.

should be strictly limited to those involved in the matter. The matter should only be discussed with relevant supervisors, managers or staff of statutory organisations. All records are maintained⁸ and disposed of in accordance with legislative and statutory requirements, or after a period of 60 years, whichever is longer.

Protection from civil liability

All Australian states provide in legislation pathways for protection from civil liability for persons who, acting honestly and reasonably, notify or give information about suspected hard to a child.⁹

The Office of Public Guardian is to protect an adult with impaired capacity from neglect, exploitation or abuse. Therefore, as long as the information is in relation to an adult with impaired capacity, the person providing the relevant information is not liable civilly, criminally or under an administrative process for giving information honestly – Public Guardian Act 2014 Section 24(3).

PRIVACY COLLECTION STATEMENT

The Oblates of Mary Immaculate may collect, use and disclose personal information in accordance with the Privacy Act 1988 (Privacy Act), which includes the Australian Privacy Principles. Personal information may be collected directly from you, from third parties acting on your behalf, from third parties involved in managing an enquiry, disclosure of information, grievance or complaint against you or about whom you have made an enquiry, disclosure of information, grievance or complaint.

We collect personal information for the purposes of developing and implementing policies, principles and procedures for responding to Church related abuse and misconduct complaints, arranging pastoral care for victims/survivors of sexual, physical, emotional spiritual abuse by church personnel, managing enquiries, disclosures of information, grievances and complaints falling under our jurisdiction, assessing the employment applications of prospective employees, contractors and volunteers and facilitating our internal business operations including the fulfilment of any legal requirements. If the personal information you provide is incomplete or inaccurate, we may not be able to provide you with the services you seek or take full action on that information.

We may disclose personal information about you to law enforcement bodies, our related entities and other organisations with whom we have affiliations, including State Catholic Professional Standards Offices, the National Committee for Professional Standards, Catholic Professional Standards Ltd, and third party service providers who assist us in operating our business (including information technology service providers). We may disclose your personal information overseas if the information, disclosure, enquiry, grievance or complaint relates to or involves Church personnel based overseas.

⁸ In alignment with the *Children and Young Persons (Care and Protection) Act 1998* (NSW) No 157 s28 (*CYP CaP Act* NSW) and the *CYPS Act* SA s32, to assist in ongoing investigations.

⁹ Detailed in the *Education (General Provisions) Act 2006* (QLD) s366, *CYP CaP Act* NSW s29, *CYPS Act* SA s163, *CYF Act* Vic s189, *Crimes Amendment (Protection of Children) Act 2014* (VIC) s4.

Our privacy policy which can be accessed on our website or on request, sets out how you can access and ask for correction of your personal information, how you can complain about privacy-related matters, and how we respond to complaints.

Principle 5

Provide ongoing training in child safety in accordance with best practice principles

The Oblates of Mary Immaculate are committed to ensuring that all Oblates, employers and volunteers are well supported, that a clear chain of authority, reporting and accountability is established, and training is provided on child safety and related professional conduct matters. This training is intended to build the capacity of members to understand and comply with child safe standards. It includes information about professional responsibilities and boundaries, policies and protocols on child safety, and identifying and understanding the indicators and impact of child abuse.

The Provincial has regular contact with individual members within the particular context of their pastoral ministries. Where staff are working in isolated settings, we ensure that effective processes are in place to provide appropriate supervision and support.

Principle 6

Provide just, effective and ongoing support and compassion to Victims of Abuse

We acknowledge the devastating harm caused to victims of historical clerical abuse. We acknowledge the devastating, deep and ongoing impact of abuse on the lives of victims and their families. We recognise that open dialogue and recognition of the pain experienced by the victims of abuse and their families is critical for genuine healing to occur. We commit to offering counselling, pastoral care and reparation to victims of abuse, and to ensuring that all criminal matters are referred to the police.

Our responses to complaints of abuse are based on the following guiding principles:

- Truth;
- Humility;
- Healing for the victims;
- Assistance to other persons impacted by the abuse;
- A just response to those to those who are accused;
- An effective response to those who are guilty of abuse;
- An ongoing commitment to the prevention of abuse.

We also acknowledge that, in some cases, those in positions of authority within the Church concealed or covered up what they knew of the facts; and/or moved perpetrators to another place, thereby enabling them to re-offend; or failed to report criminal matters to the police. We further acknowledge that this behaviour is indefensible.

As members of the Oblates of Mary Immaculate, we commit ourselves to striving to do whatever we can to repair the wrongs of the past, to listen to and hear victims, to put their needs first, and to do everything we can to ensure a safer future for children and young people.

Breach of policy

Where a member of the Oblates of Mary Immaculate or of any of our ministries is suspected of breaching any obligation, duty or responsibility within this policy this may result in disciplinary consequences which may include dismissal, suspension or transfer of duties. If there is any reasonable belief that a criminal act has been committed, the concerned party is advised to contact the relevant State Police service.

Glossary

Allegation: A complaint, still to be verified, claiming or asserting that someone has committed an act of abuse against a child. The term is used interchangeably and in combination with “complaint”.

Child: Different states have different guidelines¹⁰. For the purpose of this report, a child is a person below the age of 18 years.

Child abuse: Different states define Child Abuse different. In Queensland and Victoria, it involves inflicting a sexual offence (including grooming), physical violence, serious emotional or psychological harm, or neglect on the child.¹¹

Both New South Wales¹² and South Australian legislation¹³ includes the same description, but adds that a child’s intellectual development is, or is likely to be, significantly damaged by the actions.

Western Australian legislation includes a description of emotional abuse, which includes psychological abuse and exposure to family violence.¹⁴

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 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”.

Church Authority:

A. the diocesan bishop (or archbishop, as appropriate) of a diocese or his administrator from time to time.

B. the Australian major superior in respect of religious institutes; or

C. the canonical steward in relation to a particular Catholic entity in respect of other Catholic entities not referred to in (a) or (b) above.

¹⁰ *CP Act Qld s8, Crimes Act 1900 (NSW) No 40 s43, CYPS Act SA s16 CCS Act WA s2* state that a child is under the age of 18 years.

CYF Act Vic s3 states that a child is under the age of 17.

¹¹ *CP Act Qld s9 and CWaS Act Vic s3*

¹² *CYP CaP Act NSW s227*

¹³ *CP Act SA s6*

¹⁴ *CCS Act WA s28*

Complainant: any person who makes a complaint that may include any allegation, suspicion, concern, or report of a breach of the entity's code of conduct. It also includes disclosures made to an institution that may be about, or relate to, abuse in the entity's context.

Conflicts of interest means situations where a conflict arises 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 wishes or needs.

Emotional/Psychological Abuse: happens when a child's social, emotional or intellectual development is damaged or threatened. It can include constant rejection, teasing or bullying, yelling, criticism, and exposure to domestic or family violence.

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

Child in need of protection: Some states dictate specifically the children in need of protection for the purpose of reporting suspected abuse. These states define this group of children differently.

Both Queensland and Western Australia are similar and define this group as children who have suffered significant harm, are suffering significant harm, or are at unacceptable risk of suffering significant harm; and do not have a parent able and willing to protect them.¹⁵

In Victoria, this group of children includes children who have suffered or is likely to suffer, significant harm as a result of physical injury or sexual abuse. The significant harm may hinder the child's emotional, intellectual or physical development; and the parents have either abandoned them, not protected them, or are unlikely to protect the child from harm.¹⁶

While New South Wales and South Australia do not refer to a child in need of protection, they refer to a **child at risk of harm**.

In New South Wales, a child at risk of harm has current concerns for their safety, welfare or wellbeing as their basic physical or psychological needs are not being met (or are at risk of not being met); they have been (or are at risk of being) physically or sexually abuse or ill-treated; they are at risk of physical or psychological harm from domestic violence in their household; or their parents/caregivers are not willing to provide them with basic medical care.¹⁷

In South Australia, a child at risk of harm has a significant risk that they will suffer serious harm to their physical, psychological or emotional wellbeing; and they have been or are currently being abused or neglected. In addition, they may be a child whose parent or guardian has threatened to kill or injure them; has killed, abused or neglected other children; or are unable or unwilling to care for the child. It may also include a child of compulsory school age that has been persistently absent from school without satisfactory explanation of absence, or a child with no fixed address.¹⁸

¹⁵ *CP Act Qld* s10 and *CCS Act WA* s28

¹⁶ *CYF Act Vic* s163

¹⁷ *CYP CaP Act NSW* s24

¹⁸ *CP Act SA* s6

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:

- 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”.

Sexual abuse can be physical, verbal or emotional and can include: having any kind of sexual contact with a child, rape, incest, having sexual relations with a child under 16 years, talking in a sexually explicit way that is not suitable for a child’s age, sending obscene mobile messages or emails to a child, persistently intruding on a child’s privacy, showing pornographic material to a child or forcing them to watch a sexual act, child prostitution.

Grooming: actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child’s inhibitions in preparation for sexual activity with the child. Grooming usually involves the use of a variety of manipulative and controlling techniques with a vulnerable person in a range of inter-personal and social settings with the intention of establishing trust or in order to normalise sexually harmful behaviour.

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons differ in each state of Australia, but include teachers, nurses, police, social workers, psychologists, psychiatrists and medical practitioners.¹⁹

Vulnerable Adult: is a person aged 18 or over, who may be in need of community services due to age, illness or a mental or physical disability; or who may be unable to take care of him/herself or protect him/herself against significant harm or exploitation.

¹⁹ Mandated reporters are covered in the following legislation: *CP Act* Qld s13E, *CYP CaP Act* NSW s27, *CYPS Act* SA s30, *CYF Act* Vic s182, *CCS Act* WA s124B.

Appendix 1: Code of Conduct for all Oblates, employees and volunteers within the Oblates of Mary Immaculate Australian Province.

Central to our mission is an unequivocal commitment to fostering the dignity, self-esteem and integrity of children and vulnerable adults and providing them with a safe, supportive and enriching environment to develop spiritually, physically, intellectually, emotionally and socially. This Code of Conduct has a specific focus on safeguarding from abuse the children and vulnerable adults who are in the care of or in contact with the Oblates of Mary Immaculate and provides a high-level statement of professional boundaries, ethical behaviour and acceptable and unacceptable relationships as outlined below. In doing so it protects all members through clarification of acceptable and unacceptable behaviour. Furthermore, it assists us to meet our obligations to have such a defined code as required by various Child Protection Legislation and National Safeguarding Standards.

The Code sets out expectations in terms of:

- Interactions with children and vulnerable adults within our ministries;
- Interactions between colleagues;
- The use of technology;
- A zero tolerance of sexual harassment, workplace bullying, sexual misconduct, discrimination and illegal substances;
- A process for reports and complaints of breaches of the Code to be used by all Oblates, employees and volunteers.

An agreement to uphold and comply with the Code is a requirement of employment and is specified in applicable employment agreements within the Oblates of Mary Immaculate. By signing the employment contract all Oblates, employees and volunteers have accepted responsibility to familiarise themselves on an ongoing basis with the Code and comply with it.

We reserve the right to vary the Code as necessary at its sole discretion, in order to reflect and respond to current legislative and organisational needs. The consequences of breaching the Code are outlined here. The Code will be reviewed every year.

Professional Boundaries

Oblates, employees and volunteers must be conscious that their position places significant obligations on them including a requirement to maintain professional boundaries. Where personal relationships with children and vulnerable adults such as family relationships and close friendship networks may exist, questions of conflict of interest may arise and professional boundaries may be tested. Where such a situation may arise, a member is expected to:

- Be appropriately diligent in developing and maintaining professional boundaries;
- Take steps to ensure any potential conflict of interest is avoided.

The following standards are designed to assist all Oblates, employees and volunteers to make decisions about interactions with children and vulnerable adults within our ministries. They aim to address perceptions of risk in interactions between children and vulnerable adults and to provide guidance as to behaviours and practices that are beyond reproach and based on best practice. They are not intended to unnecessarily restrict the work of religious and lay people but rather to promote an open and accountable environment in which the dignity and safety of adults and children alike are paramount.

It is understood that in exceptional circumstances such as an emergency situation, a departure from the principles set out in this document may be necessary or unavoidable. Where this is the case, any departures from these principles, especially where an adult is in a position of power, should be taken in such a way as to ensure safety and accountability to the maximum extent possible. This might include reporting a proposed departure from these principles in advance to an appropriate person²⁰ or, where this is not possible, reporting the departure immediately afterwards to ensure transparency.

Oblates, employees and volunteers must:

- Be aware of situations which may present risk and manage these in accordance with policy guidelines;
- Only use social media as a means to build appropriate relationships that encourage and foster growth in faith. Care should be taken by all Oblates, employees and volunteers to ensure that the innate dignity and safeguarding of each child and vulnerable person is upheld.
- Be visible when working with children and vulnerable adults;
- Take all reasonable steps to minimise risk and protect children and vulnerable adults from abuse and harm;
- Treat children and vulnerable adults with respect (modelling positive and respectful relationships and acting in a manner that sustains a safe pastoral environment);
- Use positive and affirming language towards children and vulnerable adults thereby creating open, safe and supportive environments where children and vulnerable adults feel safe to be heard;
- Listen and respond to the views and concerns of children and vulnerable adults, particularly if they are telling you that they or another person have been abused or that they are worried about their safety / the safety of another person;
- Promote the cultural safety, participation and empowerment of children and vulnerable adults of Aboriginal and Torres Strait Islander background, culturally and / or linguistically diverse backgrounds or those with a disability;
- Understand and comply with all legal and reporting obligations as they relate to Child Safety;
- Ensure children and vulnerable adults are safe if an allegation of abuse is made;
- Be aware that appropriate affection between members and children and vulnerable adults is a positive part of church life and ministry and may include hugs, pats on back, handshakes, high fives, verbal praise, arms around shoulders, sitting beside children, kneeling or bending for hugs with small children.

Oblates, employees and volunteers must never:

- Spend time with children and vulnerable adults away or in isolation from others, including pastoral activities²¹;

²⁰ An appropriate person may be the Provincial, a member of his council, or the parish priest as relevant.

²¹ It is recommended best practice for province members to always have another adult with them (or at least within eyeshot) when they are with a child. This is intended to protect children as well as the adults who are serving them. Unless an open and supervised environment can be maintained, members should always avoid being alone with a child. Activities, which by their very nature give rise to one-on-one child/adult encounters (such as the Sacrament of Reconciliation), should be conducted in a manner and space in clear view of other people. This creates an environment that safeguards both the child's wellbeing and the adult's integrity.

- Drive a child or vulnerable young person in your car without written permission of a parent or guardian or be alone in a car with a child or vulnerable adult;
- Arrange to meet a child or vulnerable adult alone, outside of the ministry, if it is not within the context of ministry related work;
- Show favouritism; for instance, through gifts or continually showing greater attention than is given to others;
- Ask a child or vulnerable adult to keep shared secrets;
- Manage disruptive or unsafe behaviour by using steps that degrade or isolate or that use corporal punishment;
- Form inappropriate relationships with a child or vulnerable adult; for instance, by placing yourself in a position where a they may come to rely on you emotionally, or by attempting to act as a surrogate parent;
- Exhibit behaviours with children or vulnerable adults which may be construed as unnecessarily physical (for example, inappropriate sitting on laps);
- Undertake tasks of a personal nature that a child / vulnerable adult can do for themselves, such as toileting or changing clothes;
- Discriminate against any child / vulnerable adult because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability;
- Have online contact with a child / vulnerable adult which is outside the context of ministry related work and which may be interpreted as having the intention of fostering an inappropriate emotional connection with a minor.
- Photograph or video a child without the consent of the parent or guardians;
- Be under the influence of drugs or any other illicit substance;
- Irresponsibly consume alcohol while in the presence of children or vulnerable adults;
- Possess in the presence of children or vulnerable adults any sexually orientated or inappropriate material;
- Sleep in the same bed or enter a bedroom of a child or vulnerable adult;
- Have a child or vulnerable young person stay at your residence;
- Engage in grooming and/or sexual behaviour contact with a child /vulnerable adult;
- Engage in inappropriate remarks or conversations with children/vulnerable adult;
- Take children /vulnerable adult to their own homes, especially where no one will be present or have a child stay over unsupervised;
- Provide alcohol, tobacco or any form of drugs²² to those under 18 years;
- Ignore or disregard any suspected or disclosed child abuse;

²² On rare occasions, province members may need to administer medication to children. Written consent by parents to administer medication (which includes details of the medication and dosage) must be made available before this can occur.

Care for colleagues

In the spirit of nurturing wellbeing, members are expected to:

- Use respect, courtesy, trust, collegiality, collaboration, and open communication;
- Respect the individual strengths and professional skills and knowledge of colleagues;
- Encourage openness and tolerance among colleagues;
- Use constructive methods for resolving any conflict which may arise;
- Respect the principles of natural justice in dealing with any complaints against colleagues;
- Not engage in behaviours which are or might objectively be perceived as Discrimination, Workplace Bullying or Sexual Harassment in accordance with Policies.

Working within the Code of Conduct

The Oblates of Mary Immaculate have developed the Code of Conduct to support all members in the Australian province to uphold professional standards for the benefit of all. All individuals are accountable for their own conduct, but any breaches of the Code have implications for the order as a whole. If the Code is breached by an individual, the person to whom she or he is immediately accountable will take action appropriate to the nature of the breach and appropriate to the individual's status and role within the Oblates of Mary Immaculate.

A breach of the Code may be:

- A disciplinary matter which may result in performance management, formal warning, suspension (see Appendix 2 Covenant of Care) demotion or termination in accordance with industrial processes.
- A contractual matter (breach, termination);
- Professional misconduct referred to relevant authorities;
- Reportable conduct reported to relevant authorities;
- A criminal matter referred to relevant authorities.

Please read the Code carefully and sign below to confirm your acceptance.

It is important that you:

Know your responsibilities: familiarise yourself with the Code, attend training information sessions and ask questions if you are unsure.

Speak up: if you do or see something you believe is not right

Understand the potential consequences: which may include responding to breaches through remedial education, counselling, warnings, suspension, restrictions, termination and official reports to police and other statutory agencies as required.

I, _____ (Full name)

have received and read the Code of Conduct. I understand that this Code constitutes the procedures for any alleged misconduct and that these have been approved by the Provincial Council and I will behave in accordance with it. I will attend training to develop a deeper understanding and appreciation of my Code of Conduct responsibilities.

(Signature)

(Date)

Appendix 2: National Crime Check

https://www.nationalcrimecheck.com.au/resources/working_with_children_checks_in_australia#h4

Working with Children Checks - Pre-employment Screening

Working with Children checks, and police checks are different types of pre-employment screening programs which ensure child-safe working environments in Australia. Pre-employment screening of adults and volunteers who come in contact with children is mandatory and legislated for across most states and territories in Australia. However, there is no national framework setting out the requirements for obtaining a Working With Children Check (or Police Checks) - and each state and territory has their own procedures and requirements.

Working With Children in NSW

The NSW Commission for Children and Young People is responsible for the [Working with Children Check](#), which helps determine whether people are suitable to work in child related [employment](#).

This checklist aims to create workplaces where children are safe and protected, and where the people who work with children are appropriately screened.

Working With Children in SA

Under the Children's Protection Act (Section 8B) people in SA who work in jobs which require regular contact with children are required to obtain police clearance before they commence employment.

A National Police Certificate [application](#) form is available from the [South Australian Police Department](#).

Working With Children in QLD, VIC, WA & NT

In QLD, VIC, WA and NT Working With Children certification (valid for different periods of time in each state) is provided to work in child-related areas. The system is structured so that if a criminal offence is committed whilst the check is valid employers are contacted by the administering authority and can withdraw the certification.

Appendix 3: Mandatory Reporting Requirements across Australia by State

Australian Institute of Family Studies, *Mandatory Reporting of Child Abuse and Neglect* (September 2017) Australian Government <<https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>>

ACT

| | |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Who is mandated to report? | <p>A person who is:</p> <ul style="list-style-type: none">• A doctor;• A dentist;• A nurse;• An enrolled nurse;• A midwife;• A psychologist;• A teacher at a school;• A person authorised to inspect education programs, materials or other records used for home education of a child or young person under the <i>Education Act 2004</i>;• A police officer;• A person employed to counsel children or young people at a school;• A person caring for a child at a childcare centre;• A person coordinating or monitoring home-based care for a family day care scheme proprietor;• A public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families;• The public advocate;• An official visitor;• A person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation. |
| What must be reported? | <ul style="list-style-type: none">• A belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury; and• the belief arises from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid). |
| Abuse and neglect types that must be reported | <ul style="list-style-type: none">• Physical abuse;• Sexual abuse. |
| Legal provisions | <ul style="list-style-type: none">• Section 356 of the Children and Young People Act 2008 (ACT). |

NEW SOUTH WALES

- Who is mandated to report?
- A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children;
 - A person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children.
- What must be reported?
- Reasonable grounds to suspect that a child is at risk of significant harm; and those grounds arise during the course of or from the person's work.
- Abuse and neglect types that must be reported
- Physical abuse;
 - Sexual abuse;
 - Emotional / psychological abuse;
 - Neglect;
 - Exposure to domestic violence.
- Legal provisions
- Sections 23 and 27 of the Children and Young Persons (Care and Protection) Act 1998 (NSW).

NORTHERN TERRITORY

| | | |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Who is mandated to report? | <ul style="list-style-type: none">• Any person. | <ul style="list-style-type: none">• A health practitioner or someone who performs work of a kind that is prescribed by regulation. |
| What must be reported? | <ul style="list-style-type: none">• A belief on reasonable grounds that a child has suffered or is likely to suffer harm or exploitation. | <ul style="list-style-type: none">• Reasonable grounds to believe a child aged 14 or 15 years has been or is likely to be a victim of a sexual offence and the age difference between the child and offender is greater than 2 years. |
| Abuse and neglect types that must be reported | <ul style="list-style-type: none">• Physical abuse;• Sexual abuse or other exploitation of the child;• Emotional/ psychological abuse or neglect;• Exposure to physical violence (e.g. a child witnessing violence between parents at home). | <ul style="list-style-type: none">• Sexual abuse. |
| Legal provisions | <ul style="list-style-type: none">• Sections 15, 16 and 26 of the Care and Protection of Children Act 2007 (NT). | <ul style="list-style-type: none">• Section 26(2) of the Care and Protection of Children Act 2007 (NT). |

QUEENSLAND

| | | | |
|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Who is mandated to report? | <ul style="list-style-type: none"> An authorised officer, a public service employee employed in the department, a person employed in a departmental care service or licensed care service. | <p>Relevant persons:</p> <ul style="list-style-type: none"> Doctors; Registered nurses; Teachers; A police officer who, under a direction given by the commissioner of the police service under the <i>Police Service Administration Act 1990</i>, is responsible for reporting under this section; A person engaged to perform a child advocate function under the <i>Public Guardian Act 2014</i>; early childhood education and care professionals. | <ul style="list-style-type: none"> School staff. |
| What must be reported? | <ul style="list-style-type: none"> Has a reasonable suspicion that a child in care (a child placed in the care of an entity conducting a departmental care service or a licensee) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse. | <ul style="list-style-type: none"> Has a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm. | <ul style="list-style-type: none"> Awareness or reasonable suspicion that a child has been or is likely to be sexually abused; and The suspicion is formed in the course of the person's employment. |
| Abuse and neglect types that must be reported | <ul style="list-style-type: none"> Physical abuse; Sexual abuse. | <ul style="list-style-type: none"> Physical abuse; Sexual abuse. | <ul style="list-style-type: none"> Sexual abuse. |
| Legal provisions | <ul style="list-style-type: none"> Part 1AA, Section 13f of the Child Protection Act 1999 (Qld). | <ul style="list-style-type: none"> Part 1AA, Section 13e of the Child Protection Act 1999 (Qld). | <ul style="list-style-type: none"> Sections 364, 365, 365A, 366, 366A of the Education (General Provisions) Act 2006 (Qld). |

SOUTH AUSTRALIA

Who is mandated to report?

- Medical practitioners;
- Pharmacists;
- Registered or enrolled nurses;
- Dentists;
- Psychologists;
- Police officers;
- Community corrections officers;
- Social workers;
- A minister of religion, a person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes, (with the exception of disclosures made in the confessional);
- Teachers in educational institutions including kindergartens;
- Approved family day care providers;
- Any other person who is an employee / volunteer in a government or non-government organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children, being a person who is actively engaged in the delivery of those services to children or who holds a management position in the relevant organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.

What must be reported?

- Reasonable grounds to suspect that a child has been or is being abused or neglected; and
- The suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out official duties.

Abuse and neglect types that must be reported

- Physical abuse;
- Sexual abuse;
- Emotional / psychological abuse;
- Neglect.

Legal provisions

- Sections 6, 10 and 11 of the Children's Protection Act 1993 (SA).

TASMANIA

Who is mandated to report?

- Medical practitioners;
- Registered or enrolled nurses;
- Persons registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery, dental (dentists, dental therapist, dental hygienist or oral health therapist) or psychology professions;
- Police officers;
- Probation officers;
- Principals and teachers in any educational institution including kindergartens;
- Persons who provide childcare or a child care service for fee or reward;
- Persons concerned in the management of an approved education and care service, within the meaning of the Education and Care Services National Law (Tasmania) or a childcare service licensed under the *Child Care Act 2001*;
- Any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in, a government agency that provides health, welfare, education, child care or residential services wholly or partly for children, and an organisation that receives any funding from the Crown for the provision of such services; and
- Any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.

What must be reported?

- A belief, or suspicion on reasonable grounds, or knowledge that:
- A child has been or is being abused or neglected or is an affected child within the meaning of the family violence act 2004 (a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence);
- There is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides; or
- While a woman is pregnant that there is reasonable likelihood that after the birth of the child the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside, or that the child will require medical treatment or other intervention as a result of the behaviour of the woman or another person with whom the woman resides or is likely to reside, before the birth of the child.

Abuse and neglect types that must be reported

- Physical abuse;
- Sexual abuse;
- Emotional / psychological abuse;
- Neglect;
- Exposure to family violence.

Legal provisions

- Sections 3, 4 and 14 of the Children, Young Persons and Their Families Act 1997 (Tas.).

VICTORIA

| | | |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Who is mandated to report? | <ul style="list-style-type: none">• Registered medical practitioners, nurses, midwives, a person registered as a teacher or an early childhood teacher under the <i>Education and Training and Reform Act 2006</i> or teachers granted permission to teach under that Act;• Principals of government or non-government schools within the meaning of the <i>Education and Training Reform Act 2006</i>; and police officers. | <ul style="list-style-type: none">• Any adult. |
| What must be reported? | <ul style="list-style-type: none">• Belief on reasonable grounds that a child is in need of protection on a ground referred to in Section 162(1)(c) or 162(1)(d), formed in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as soon as practicable after forming the belief and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief. | <ul style="list-style-type: none">• A reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so. Failure to disclose the information to police is a criminal offence. |
| Abuse and neglect types that must be reported | <ul style="list-style-type: none">• Physical injury;• Sexual abuse. | <ul style="list-style-type: none">• Sexual offence. |
| Legal provisions | <ul style="list-style-type: none">• Sections 182(1)(a)-(e), 184 and 162(c)-(d) of the <i>Children, Youth and Families Act 2005 (Vic.)</i>. | <ul style="list-style-type: none">• Section 327 of the <i>Crimes Act 1958</i>. |

WESTERN AUSTRALIA

| | | |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Who is mandated to report? | <ul style="list-style-type: none">• Doctors;• Nurses and midwives;• Teachers or boarding supervisors; and• Police officers. | <ul style="list-style-type: none">• The Principal Registrar, a registrar or a deputy registrar;• Family counsellors;• Family consultants;• Family dispute resolution practitioners, arbitrators or legal practitioners independently representing the child's interests. |
| What must be reported? | <ul style="list-style-type: none">• Belief on reasonable grounds that child sexual abuse has occurred or is occurring and forms this belief in the course of the person's work, whether paid or unpaid. | <p>Reasonable grounds for suspecting that a child has been:</p> <ul style="list-style-type: none">• Abused, or is at risk of being abused;• Ill-treated, or is at risk of being ill-treated; or• Exposed or subjected to behaviour that psychologically harms the child. |
| Abuse and neglect types that must be reported | <ul style="list-style-type: none">• Sexual abuse. | <ul style="list-style-type: none">• Physical abuse;• Sexual abuse;• Neglect;• Psychological harm including (but not limited to) harm caused by being subjected or exposed to family violence. |
| Legal provisions | Sections 124A and 124B of the Children and Community Services Act 2004. | <ul style="list-style-type: none">• Sections 5, 160 of the Family Court Act 1997 (WA). |

Appendix 4: Reasonable suspicion

The Statutory authorities should always be informed when a person has reasonable grounds for concern that a child or vulnerable adult may have been abused or is being abused or is at risk of abuse.

The following examples would constitute reasonable grounds for concern²³:

- Specific indication from the child or vulnerable adult that he/she was abused;
- Witnessing marks on the child or vulnerable adult's body, or an emotional or psychological state, that could indicate abuse
- An account by a person who saw the child or vulnerable adult being abused;
- Evidence such as injury or behaviour which is consistent with abuse and unlikely to be caused in any other way;
- An injury or behaviour which is both consistent with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour;
- Consistent indication, over a period of time, that a child or young person is suffering from emotional or physical neglect.

A suspicion, not supported by any objective indication of abuse or neglect, does not constitute a reasonable suspicion or reasonable grounds for concern.

²³ Based off guidelines provided in the *CP Act* Qld s13C, *CYP CaP Act* NSW s31 and *CYF Act* Vic s186.

Appendix 5: Supporting a child or young person who is disclosing harm or abuse

If an allegation of sexual assault is reported this should be dealt with immediately and in a sensitive way. The following points should inform our approach when managing a disclosure:

- All allegations of sexual assault and inappropriate sexual behaviour must be taken seriously;
- Listen attentively and empathically to what the alleged victim is saying;
- Let the child / vulnerable adult tell you in her / his own words;
- Remain calm and non-judgmental – accept what the child / vulnerable adult says and give them time to say it;
- Give reassurance that telling somebody was the right thing to do
- Reassure the child / vulnerable adult that ongoing support will be provided and explain what will happen next;
- Maintain a calm appearance with a listening style that is compassionate and reassuring. If the information disclosed to you shocks, disgusts or distresses, do not allow these feelings to show;
- Do not make promises that cannot be kept – in particular, do not promise to keep this information confidential;
- As much as possible, explain the role of the Police and the Child Protection Service;
- All verbal and written communications regarding this matter (including notes of observations, disclosures, meetings and telephone calls) should be properly documented on the Complaints / Disclosure form.

Appendix 6: Disclosure / Complaints Form

CONFIDENTIAL

MY PERSONAL DETAILS ARE:

Mr/Mrs/Ms/Other: _____ Given name/s: _____ Family name: _____

Other name/s: Given name/s: _____ Family name: _____

Street address: _____ Suburb: _____ Postcode: _____ State: _____

Telephone: _____ Mobile: _____ Email: _____

Male Female Date of birth: _____ / _____ / _____

MY COMPLAINT / DISCLOSURE IS ABOUT:

- | | |
|-------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Sexual abuse | <input type="checkbox"/> Psychological/emotional abuse |
| <input type="checkbox"/> Sexual harassment | <input type="checkbox"/> Spiritual Abuse |
| <input type="checkbox"/> Other conduct of a sexual nature | <input type="checkbox"/> Neglect |
| <input type="checkbox"/> Physical abuse | <input type="checkbox"/> Exploitation |
| <input type="checkbox"/> Other misconduct - please specify: | |
- _____

MY COMPLAINT/DISCLOSURE IS IN REGARD TO THE SAFETY OF:

Given name/s: _____ Family name: _____

Male Female DOB _____ Address _____

Parent 1 _____ Parent 2 _____

MY COMPLAINT/DISCLOSURE IS ABOUT THE FOLLOWING PERSON/S: (attach additional sheet/s if necessary)

Given name/s: _____ Family name: _____

Male Female

Title (if known):

Catholic Priest / Clergy

Catholic Church Volunteer

Catholic Nun / Brother

Unknown

Catholic Church Employee

Catholic Church Body / Order: _____

THE INCIDENT/S HAPPENED ON THE FOLLOWING DATE/S:

(if specific dates are unknown provide approximate month/year)

THE INCIDENT/S HAPPENED AT THE FOLLOWING LOCATION/S:

MY COMPLAINT/DISCLOSURE IS ABOUT THE FOLLOWING INCIDENT/S

(attach additional sheet if necessary)

- I DECLARE that the information contained in this form is true and accurate to best of my knowledge and recollection.
- I UNDERSTAND all mandatory reporting obligations and have undertaken these.
- I UNDERSTAND that alongside mandatory reporting obligations, the Catholic Church encourages that conduct by Church personnel which may amount to a criminal offence be reported directly to the police for investigation.

Signature: _____ Name: _____ Date: ____/____/____

Appendix 7: Relevant State Reporting Service

If you suspect a child/vulnerable adult is experiencing harm, contact Child Safety Services to report suspected child abuse. You can contact Child Safety Services through the:

- Regional Intake Service;
- Child Safety Service Centre; or
- Child Safety After Hours Service Centre.

The contact point that you choose will depend upon the service you need, and the time you make contact with Child Safety Services.

Queensland

If you believe a child is in immediate danger or a life-threatening situation call Triple Zero (000).

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm or being neglected, contact [Child Safety Services](#) and talk to someone about your concerns:

During normal business hours - contact the [Regional Intake Service](#).

South East: 1300 679 849

South West: 1300 683 390

Far North Queensland: 1300 684 062

North Queensland: 1300 706 147

North Coast: 1300 703 921

Brisbane: 1300 682 254

Central Queensland: 1300 703 762

After hours and on weekends - contact the Child Safety After Hours Service Centre on **1800 177 135** or (07) 3235 9999. The service operates 24 hours a day, 7 days a week.

Victoria

If you believe a child is in immediate danger or a life-threatening situation call Triple Zero (000).

To make a report, you should contact the child protection intake service covering the local government area (LGA) where the child normally resides.

Telephone numbers to make a report during business hours (8:45am -5:00pm, Monday to Friday) are listed below:

North Division intake: 1300 664 977

South Division intake: 1300 655 795

East Division intake: 1300 360 391

West Division intake - metropolitan: 1300 664 977

West Division intake - rural and regional: 1800 075 599

To report concerns about the immediate safety of a child outside of normal business hours, you should contact the After Hours Child Protection Emergency Service on 13 12 78.

Western Australia

If you believe a child is in immediate danger or a life-threatening situation call Triple Zero (000).

If you are concerned about a child's wellbeing, please contact the Central Intake Team on 1800 273 889 or email cpduty@cpfs.wa.gov.au.

To report a concern out of business hours please contact our Crisis Care Unit on 9223 1111 or Country free call 1800 199 008.

Tasmania

If you believe a child is in immediate danger or a life-threatening situation call Triple Zero (000).

For child safety notifications only, use the online Child Protection Notification Form or contact Child Protection Services on 1800 000 123.

South Australia

If you believe a child is in immediate danger or a life-threatening situation call Triple Zero (000).

If you are concerned about a child and have a reasonable suspicion that a child is being abused or neglected, phone the Child Abuse Report Line on 131478

Northern Territory

If you believe a child is in immediate danger or a life-threatening situation call Triple Zero (000).

If it is not an emergency call police on 131 444 or contact your local police station.

You can also report suspected child abuse and neglect to the Child Abuse Hotline on 1800 700 250 or Crime Stoppers on 1800 333 000.

Appendix 8: Professional Standards Office

New South Wales / ACT 1300 369 977

Northern Territory 0418 736 890

Queensland 1800 337 928

South Australia 1800 139 020

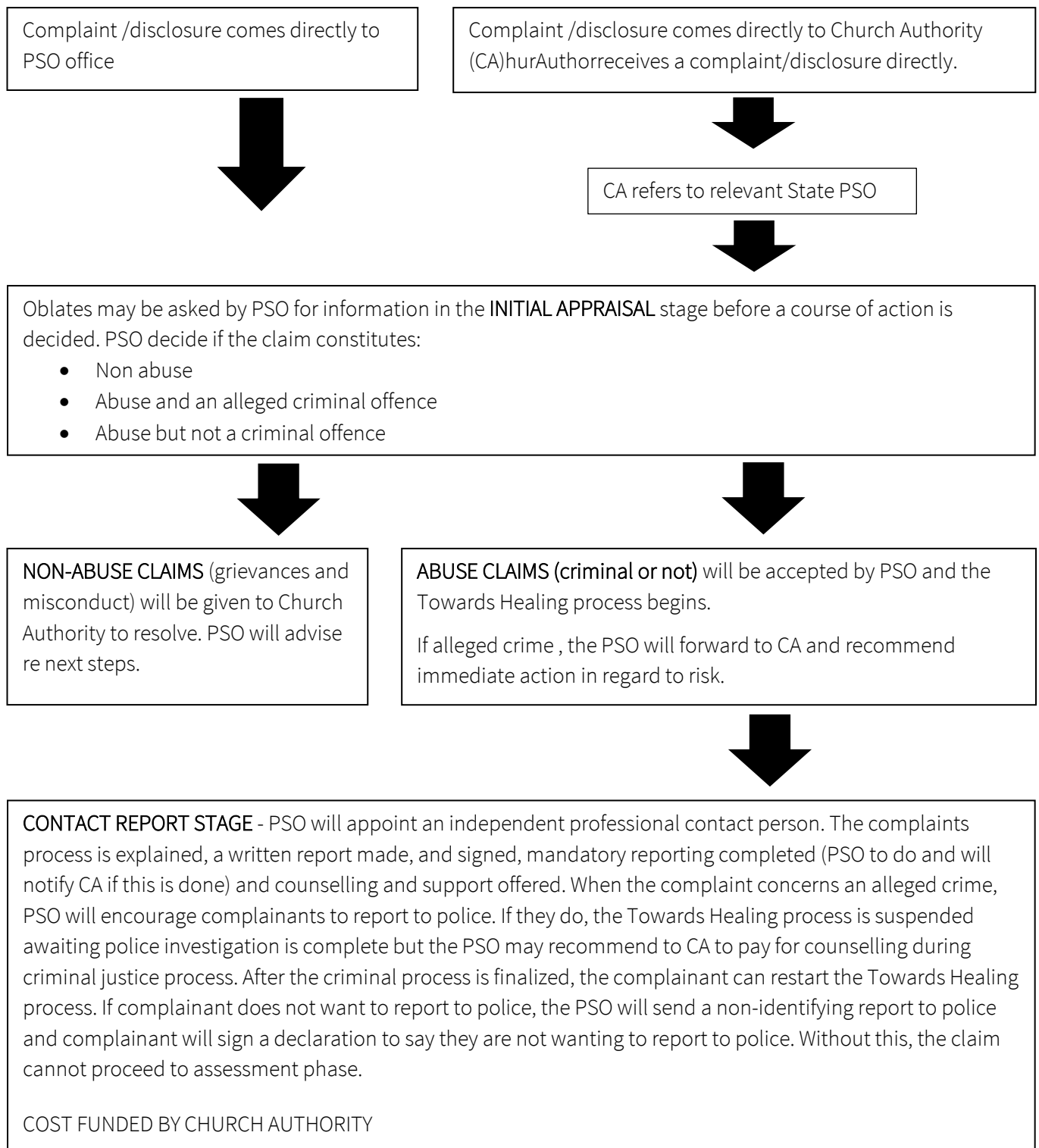
Tasmania 1800 356 613

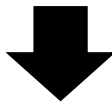
Victoria 1800 816 030

Western Australia 1800 072 390

Appendix 9: Professional standards procedure including the Towards Healing process.

Towards Healing process is for alleged abuse by present or former church personnel including religious, lay people and volunteers who are seeking pastoral support and reparation. If civil action is sought, the PSO must still be informed.





RESPONSE STAGE. Once the Contact report is received and complainant is not reporting to police, the allegation is passed to Church Authority to put to the accused and seek a response. The accused to be given information re rights to independent legal advice and support person. PSO will provide direction, particularly on any immediate safety needs of children



If the facts are not disputed and CA is satisfied the disclosure is valid.

If allegation is denied or there is significant dispute or uncertainty about the disclosure it goes to assessment stage.



ASSESSMENT STAGE. The PSO will appoint 1-2 independent assessor /s who will interview complainant and accused and provide a report to the Church Authority and PSO. The accused can be recommended by PSO to stand down pending assessment. The accused must be said to be on leave and receive full remuneration at this point and be given a suitable activity. The complainant and accused are both informed of assessment findings.



PSO will make recommendations to the CA and CA will also seek advice on actions to be taken from its consultative panel. If it is found through a police, civil or church process that the accused is innocent, then all steps must be taken to restore reputation. Action for accused must include consideration of future ministries, unacceptable risk and seriousness of violation. Ultimate decisions re Church law lies with Congregation of the Faith. Offender must be offered the opportunity to petition the Holy Father for a disposition from the clerical state. If accused is not a religious, the CA should seek advice from relevant employment body.

COST FUNDED BY CHURCH AUTHORITY



FACILITATION STAGE is the final stage of Towards Healing. The PSO will appoint an independent facilitator to moderate communication between Complainant and Church Authority such as a meeting, an apology, payment of counselling and reparation for needs at that time. The Church Authority may seek further information from a professional to assist in understanding the impact of abuse on Complainant.

COST FUNDED BY CHURCH AUTHORITY

REVIEW An independent review process is available sought by the accused or the Church Authority.

Appendix 10: Covenant of Care

The purpose of this Covenant of Care is to provide clarity regarding any limitations set by the Provincial in relation to ministry and lifestyle of a priest or religious. This agreement is to be put in place in order to protect the Priest from potentially harmful situations or any misunderstanding. The purpose of the covenant is also to protect the public and the order.

1. I understand I do not have diocesan faculties and that this means a prohibition on all Public Ministry. I understand this includes any act of priestly ministry involving members of the public whether in a public church, a private home, or the religious house.
2. I understand I may minister to members of my own community with the permission of the Provincial, but not where there are members of the public present.
3. I agree not to wear Clerical Garb except in the Religious House.
4. I agree not to have access to children or young people. I agree not to seek to engage with them, or to knowingly attend or remain in a place(s) where children or young people are located.
5. I agree to informing my Superior as to my location when I go on leave.
6. I understand that the Provincial will endeavour to provide me with an appropriate occupation.
7. I agree to attend therapy for the period (to be agreed).
8. I understand this agreement will be reviewed annually.

I, _____ (Full name)

have received and read the Covenant of Care. I agree to abide by the above conditions.

(Signature)

(Date)

Appendix 11: Towards Healing

(Principles and procedures in responding to complaints of sexual abuse against personnel of the Catholic Church in Australia.)

POLICY FOR DEALING WITH COMPLAINTS OF ABUSE

Sexual Abuse

- Clergy and religious are in a special position of trust and authority in relation to those who are in their pastoral care, e.g. those in their parish, people seeking advice, students at a Catholic school. Any attempt to sexualise a pastoral relationship is a breach of trust, an abuse of authority and professional misconduct. Such sexualisation may take the form not only of sexual relations, but also harassment, molestation, and any other conduct of a sexual nature which is inconsistent with the integrity of a pastoral relationship. Compliance by the other person does not necessarily imply meaningful consent. Even when the other person concerned is the one who seeks to sexualise the relationship, it is the professional responsibility of clergy or religious to guard the boundary against sexual contact.
- Other people who are employed by an official agency of the Catholic Church or appointed to voluntary positions may also be in a pastoral role. This includes, for example, pastoral workers in parishes, teachers in Catholic Schools, counsellors in Catholic welfare organisations, health care professionals, youth workers, staff in child care centres, and volunteers conducting religious education classes in schools or parishes.
- Any form of sexual behaviour with a minor, whether child or adolescent, is always sexual abuse. It is both immoral and criminal.
- Sexual abuse by clergy, religious, or other Church personnel of adults in their pastoral care may be subject to provisions of civil or criminal law. Even when there are no grounds for legal action, we recognise that serious harm can be caused.

Physical and Emotional Abuse

- Physical and emotional cruelty also constitute an abuse of power. Where a priest, religious or another person appointed to a position of pastoral care by an agency of the Church has acted towards a child or young person in a way which causes serious physical pain or mental anguish without any legitimate disciplinary purpose as judged by the standards of the time when the incidents occurred, then this constitutes abuse.

The Victims

- Victims of abuse can experience fear, shame, confusion and the violation of their person. They can feel guilty, blame themselves and take responsibility for what has happened. Children and adolescents can suffer distortions in the process of determining their identity as persons. They may find it difficult to trust those in positions of authority or pastoral care or to believe in or trust in God. Victims can go through a long period of silence, denial and repression. Other people can refuse to believe them, reinforcing their sense of guilt and shame.
- The intensity of the effects of abuse on victims will vary. Some of the factors involved are the age and personality of the victim, the relationship with the offender, the duration and frequency of the abuse, the particular form of the abuse, the degree of force used, the threats used to compel secrecy, the degree of violation of trust and abuse of power involved and the reaction of those in whom the victim confides.
- We recognise that responses to victims by the many Church authorities vary greatly. We express regret and sorrow for the hurt caused whenever the response denies or minimises the pain that victims have

experienced. Through this document we commit ourselves to principles and procedures that apply to all Church authorities.

The Offenders

- In most cases of abuse free choices are made and many serious and sacred obligations are violated. These very facts argue to a clear awareness by the offender of the wrong that is being done.
- Offenders frequently present as respectable, good and caring people. They can be quite exemplary in their public life, and they can actually use this as an excuse for a private life that contradicts their public image.
- At the same time, a number of offenders are disturbed persons and some have serious psychological problems. A significant number were themselves victims of abuse in their earlier years.

The Response of the Church

- The Church makes a firm commitment to strive for seven things in particular: truth, humility, healing for the victims, assistance to other persons affected, an effective response to those who are accused, an effective response to those who are guilty of abuse and prevention of abuse.

Truth

- The Church makes a commitment to seek to know the full extent of the problem of abuse and the causes of such behaviour within a community that professes the values of Jesus Christ.
- Concealing the truth is unjust to victims, a disservice to offenders and damaging to the whole Church community.

Humility

- It is very humbling for a Christian Church to have to acknowledge that some of its clergy, religious and other Church personnel have committed abuse. We must recognise that humility is essential if we are to care for victims and prevent abuse in the future.

Healing for the Victims

- Whenever the offender is a clergyman, religious or another person appointed to a position of pastoral care by an agency of the Church, Church authorities accept that they have a responsibility to seek to bring healing to those who have been victims of abuse.
- A compassionate response to the complainant must be the first priority in all cases of abuse.
- This attitude must be present even at a time when it is not yet certain that the allegations are accurate. At the first interview complainants should be assured that, if the facts are truly as stated, abuse must be named for what it is and victims assisted to move the blame from themselves to the offender. They should be asked what needs to be done to ensure that they feel safe from further abuse. They should be offered whatever assistance is appropriate. These responses do not pass judgement on or prejudice the rights of the person accused, but they are part of the Christian response to the very possibility that the person present is a victim of abuse.
- Whenever it is established, either by admission or by proof, that abuse did in fact take place, the Church authority shall listen to victims concerning their needs and ensure they are given such assistance as is demanded by justice and compassion. Details concerning the procedures to be followed are contained in the second half of this document.

Assistance to Other Persons Affected

- We shall also strive to assist in the psychological and spiritual healing of those persons who, as well as the victims, have been seriously affected by incidents of abuse.
- The effect on the family of the victim can be profound. Sometimes the disclosure is so terrible that the family would rather reject the victim than face the reality. Parents can feel guilty that they did not protect their child more effectively.
- The parish, school or other community in which the abuse occurred may be deeply affected. The more popular and respected the perpetrator, the greater will be the shock.
- The family and close friends of the offender may also be deeply hurt. They can find it difficult to know how to respond and how to act towards the offender.
- When clergy or religious are found to have committed child abuse, then other clergy and religious are affected, and the thought that other people might be looking at them as potential child abusers can be a cause of personal stress. Clergy and religious have had to make changes in their manner of relating to all young people and some good things have been lost in these changes.
- The whole Church community has been affected by incidents of abuse, for all Catholic people have been dismayed by the stories they have heard. The reputation of the whole Church has been affected and the religious faith of many has been disturbed.

A Response to Those Accused

- All persons are presumed innocent unless and until guilt is either admitted or determined by due process. If Church personnel accused of abuse are asked to step aside from the office they hold while the matter is pending, it is to be clearly understood that they are on leave and that no admissions or guilt are implied by this fact. Unless and until guilt has been admitted or proved, those accused should not be referred to as offenders or in any way treated as offenders.

A Response to Those Guilty of Abuse

- If guilt has been admitted or proved, the response must be appropriate to the gravity of what has happened, while being consistent with the precepts of Canon Law or civil law which govern that person's position. Account will be taken of how serious was the breach of professional responsibility, the degree of harm caused, and whether there is a likelihood that such behaviour could be repeated. Serious offenders will not be given back the power they have abused. Those who have made the best response to treatment recognise this themselves and no longer claim a right to return to ministry.
- We accept that the community expects of us a serious and ongoing role in seeking to ensure that offenders are held accountable for what they have done, come to a true appreciation of the enduring harm they have caused, seek professional help in overcoming their problems, and do whatever is in their power to make amends.
- In order to carry out this responsibility, Church authorities need to have some contact with offenders and some form of influence over their conduct. In order to achieve change, they need to hold out to them something more than the prospect of unending condemnation. They need to be able to tell them that there can be forgiveness, by human beings as well as by God, and that change is possible.

Prevention

- We commit ourselves to making every effort to reduce the risk of abuse by Church personnel. Special care shall be taken in relation to all work with children and young people. No person shall be permitted to work

in a position if the Church authority believes, on the basis of all the information available, that there is an unacceptable risk that children or young people may be abused.

- We continue to review the selection of candidates for priesthood and religious life and their ongoing formation. We commit ourselves to a process of community education and awareness in recognising and responding to abuse.

Commitment

- We commit ourselves to the principles presented in this document. We invite the whole Church to assist us in offering whatever healing is possible to victims of abuse and in preventing abuse in the future.

Responding to a Complaint

- The following procedures apply only where the complaint does not concern a criminal matter, or where a complainant has chosen not to report the matter to the police or other civil authority, or the civil authorities have decided not to take further action under the criminal law or child protection legislation.
- The Contact Person shall forward the report promptly to the Director of Professional Standards.
- The Director of Professional Standards shall determine whether the complaint concerns conduct which could reasonably be considered to fall within the definition of abuse in this document. If the complaint does not concern a matter which is to be dealt with by this procedure, or the behaviour complained of does not represent a serious breach of pastoral, ethics and can properly be dealt with by correction and apology, he or she shall advise the complainant of other means of addressing the issue. This may include voluntary mediation or a complaint under Integrity in Ministry. The Director may assist in making the referral. The Director should advise the Church authority of the action taken.
- Apart from matters dealt with under 38.3, on receiving the complaint of abuse, the Director shall forward it to the appropriate Church authority and may make a recommendation concerning any immediate action that needs to be taken in relation to the protection of vulnerable children and adults. The Director may also make recommendations concerning the funding of counselling or other such assistance for the complainant pending the outcome of the investigation.
 - In the event that a complaint of abuse is received against a bishop or leader of a religious institute, or the accused person is living overseas, the Director should consult with the Chairpersons of the National Committee for Professional Standards concerning how to deal with the complaint.
- As soon as possible after receiving notice of the complaint, the Church authority or its representative shall inform the accused of the nature of the complaint if it is possible to do so. The accused needs to be given enough detail about the complaint, and the complainant, to be able to offer a response. The Director of Professional Standards may be involved in such a process. The accused shall be entitled to information about his or her rights and about the process for dealing with the complaint. The accused shall be offered a support person.
- The Church authority (or his or her delegate) shall seek a response from the accused in order to determine whether the facts of the case are significantly disputed. If they are not, then the Church authority shall proceed in accordance with Clause 42 of these procedures.
- Where there is a significant dispute about the facts, or the accused is unavailable to give a response, the matter shall be investigated in accordance with the procedures set out in this document.
- At any time, the Director of Professional Standards may recommend to the Church authority that the accused be asked to stand aside from a particular office or from all offices held in the Church, pending investigation. The Church authority may seek the opinion of others involved in the matter before making a

decision and shall give the accused the opportunity to be heard on the matter. Where the accused is a priest or religious, the Church authority shall comply with canon 1722.²⁴

- o If there is seen to be any significant risk of abuse of other persons, this advice must be given and acted upon by the Church authority at the earliest possible moment.
- o If accused persons are asked to stand aside from any office they hold while the matter is pending, it is to be clearly understood that they are on leave and that no admissions of any kind are implied by this fact. Accused persons who are clergy or religious shall, therefore, receive their normal remuneration and other entitlements while the matter is pending and they are standing aside. They shall be provided with an appropriate place to live. Where possible, they should be given some suitable activity. They shall not engage in any public ministry during this time.

²⁴ This canon requires that the Ordinary shall consult with the promotor of justice and shall summon the accused to appear, before prohibiting the accused from exercising some ecclesiastical office or position.