



Oblate Youth Australia

# CHILD PROTECTION POLICY

(March, 2015)

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### 1. CONTEXT

Oblate Youth Australia (OYA), as an agency of the Missionary Oblates of Mary Immaculate Province of Australia, is committed to the safety and wellbeing of all children in our care. OYA adheres to statutory laws in Australia and foreign countries regarding child exploitation, and has policies in place to protect the rights of children in all aspects of its community and programs.

### 2. OBJECTIVE

This Child Protection Policy aims to educate everyone on the risks and forms of child abuse, and provides guidance and the strategies on how staff, volunteers, parents and children will maintain a child safe and friendly environment.

This policy aims to provide guidance and direction to all OYA staff and volunteers so that:

- The rights of children in Australia and overseas are protected and enhanced through programs and projects
- Volunteers and staff understand issues of child protection, and are aware of the problem of child abuse

- Organisational risks and duty of care are covered through implementing procedures in recruitment, placement and management of volunteers designed to safeguard children through good practice.

### **3. RECRUITMENT, SELECTION AND SCREENING**

To ensure best practice in recruitment, selection and screening OYA will:

- Interview all staff and volunteers
- Conduct police and reference checks on all staff and volunteers
- Provide orientation sessions for all new staff and volunteers, which include information on Child Protection

### **4. STAFF/VOLUNTEER SUPPORT AND SUPERVISION**

To ensure staff/volunteers are fully supported and supervised OYA will:

- Hold regular staff/volunteer meetings
- Provide a designated supervisor for all new staff and volunteers
- Provide a copy of the policy and procedure manuals to all staff and volunteers

### **5. RISKS AND PROTECTION**

OYA Staff/Volunteers in contact with children should:

- Be aware of situations which may present risks and manage these
- Plan and organise the work and the workplace so as to minimise risks to children
- Be visible to others when working with children whenever possible
- Create and maintain a non-defensive attitude and an open culture in which to discuss any issues or concerns
- Foster a culture of mutual accountability so that any potentially abusive behaviour can be challenged
- Respect each child's boundaries and help them to develop their own sense of their rights as well as helping them to know what they do if they feel there is a problem

### **6. REQUIREMENTS**

Whilst on placement, during camps or during travel overseas, all volunteers/staff must acknowledge and accept that it is inappropriate (unless they are a parent, family or guardian) to:

- Spend excessive time alone with children away from others
- Take children to their own home, especially where no-one else will be present
- Smack or hit children, or use any form of excessive discipline
- Have a child or children to stay at their home unsupervised
- Sleep in the same room or bed as a child
- Do things for children of a personal nature that they are able to do for themselves

OYA Volunteers/staff must never develop sexual relationships with children; develop relationships with children that could in any way be deemed exploitative or abusive; or act in ways that may be abusive or may place a child at risk of abuse.

OYA Staff/Volunteers must avoid actions or behaviour that could be construed as poor practice or potentially abusive, which includes:

- Using language, making suggestions or offering advice which is inappropriate, offensive or abusive
- Behaving physically in a manner which is inappropriate or sexually provocative towards a child
- Condoning, or participating in, behaviour of children which is illegal, unsafe or abusive
- Acting in ways intended to shame, humiliate, belittle or degrade children
- Showing unfair differential treatment, or favouring particular children to the exclusion of others in the same group

## **7. COMPLAINTS MANAGEMENT**

To ensure all concerns, suspicious and allegations of harm to a child raised OYA will:

- Appoint a Child Safety Officer whose role is to receive all complaints made by staff, volunteers, parents or children.
- Complaints will be handled in line with Catholic Church policy, *Towards Healing*, (Principles and procedures in responding to complaints of sexual abuse against personnel of the Catholic Church in Australia.)

## **8. TRAINING**

All staff/volunteers will be provided with induction training, and regular information sessions on issues of child protection and working effectively with children will be provided.

## **9. CHILDREN'S PARTICIPATION AND EMPOWERMENT**

OYA will encourage all children to participate in the planning of activities and actively encourage leadership.

## **10. REVIEW**

This Policy will be reviewed every 3 years. Feedback on the policy will be obtained from staff, volunteers, parents and children.

## ***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***

1. 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.
2. 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.
3. Any form of sexual behaviour with a minor, whether child or adolescent, is always sexual abuse. It is both immoral and criminal.
4. 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***

5. 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*

6. 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.
7. 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.
8. 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*

9. 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.
10. 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.
11. 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*

12. 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*

13. 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.
14. Concealing the truth is unjust to victims, a disservice to offenders and damaging to the whole Church community.

## *Humility*

15. 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*

16. 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.
17. A compassionate response to the complainant must be the first priority in all cases of abuse.
18. 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.
19. 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*

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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***

26. 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***

27. 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 the breach of professional responsibility, the degree of harm was 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.

28. 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.

29. 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***

30. 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.

31. 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*

32. 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*

1. 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.
2. The Contact Person shall forward the report promptly to the Director of Professional Standards.
3. 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.
4. 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.
  1. 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.
5. 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.
6. 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.



7. 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.
8. 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. (1)
  1. 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.
  2. 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.

(1) 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.