

Diocese of Armidale



Child Safe
Parish Communities

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Introduction

As a community we have clear expectations in matters relating to the protection of children, young people and vulnerable adults. Within the Church environment it is a fundamental requirement that all are protected from all forms of harm – sexual, physical, psychological, ill treatment and neglect.

The Diocese of Armidale maintains total support for this requirement and is committed to upholding the safety and protection of children and the vulnerable. Parishes are exhorted to ensure that all those in their care are protected from all forms of harm and neglect.

Pope Benedict XVI addressed the issue of child abuse when he was in Australia for World Youth Day in 2008.

“Here I would like to pause to acknowledge the shame which we have all felt as a result of the sexual abuse of minors by some clergy and religious in this country.

Indeed I am deeply sorry for the pain and suffering the victims have endured and I assure them that, as their pastor, I too share in their suffering. These misdeeds, which constitute so grave a betrayal of trust, deserve unequivocal condemnation.

They have caused great pain and have damaged the Church's witness. I ask all of you to support and assist your bishops, and to work together with them in combating this evil.

Victims should receive compassion and care, and those responsible for these evils must be brought to justice. It is an urgent priority to promote a safer and more wholesome environment, especially for young people.”

Pope Francis in Philadelphia in September 2015 said:

“I hold the stories and the suffering of children who were sexually abused by priests deep in my heart. I remain overwhelmed with shame that men entrusted with the tender care of children violated these little

ones and caused grievous harm. I am profoundly sorry. God weeps. The crimes and sins of the sexual abuse of children must no longer be held in secret. I pledge the zealous vigilance of the church to protect children and the promise of accountability for all."

In Pastoral Statements in January and November 2013 Bishop Michael Kennedy has stated that the Diocese must "*maintain child protection programmes to maximise the safety and wellbeing of our children.*"

This document outlines the basis on which parishes are to meet this obligation.

Creating a culture of safety

The following elements are key to creating a culture of safety in our parishes

- Understanding abuse: developing an aware culture
- Developing child protection policies & a code of conduct
- Managing risks to minimise abuse and harm
- Supporting and supervising: being aware of the risks
- Creating clear boundaries and standards
- Including parishioners, volunteers; staff, clergy & religious
- Induction, training and information
- Empowering children and vulnerable people
- Managing complaints

Principles

The following principles are to be the guide in developing best practice child protection policies, procedures, protocols and in handling complaints relating to children and vulnerable adults:

- All people are created in the image and likeness of God and are endowed, in their nature, with certain inalienable rights for their own good and that of humanity.
- Through the Scriptures along with the Tradition and Teaching Authority of the Church we are instructed to respect the dignity and intrinsic value of every human being.
- All people have a right to be safe and to be protected from any form of inappropriate behaviour, particularly children and vulnerable people
- Children and young people grow to their full potential when they are provided with a spiritual, emotional and physical environment which is enriching and safe.
- The Catholic Church shares the responsibility for the care, wellbeing and protection of the child, young person or vulnerable adult with their family and broader community.
- Where reportable conduct is disclosed or suspected all persons involved should be treated with sensitivity, dignity and respect.
- In any situation where preventive and/or protective action relating to child abuse is required, the total wellbeing of the child is to remain the primary concern. The value of the family unit is respected but cannot be so if this puts the wellbeing of a child at risk.
- Those responsible for the administration and conduct of a parish must be informed promptly of suspected or disclosed incidents of reportable conduct and of any serious matters concerning the welfare of children who come under their sphere of responsibility if a child is at risk. This obligation is shared by all staff including volunteers.
- Information regarding suspected or disclosed reportable

conduct shall be made available only to those who have a genuine need to be informed. Those who have access to such information have the obligation to observe appropriate confidentiality in relation to this information.

- We should avoid any false, exaggerated or unjustified assertions that may infringe the good name of another person.
- We should be aware of, and sensitive to, children with culturally diverse or indigenous backgrounds and cultural practices without deviating from matters

Ten Things to Remember

- **Sexual molestation is about the victim.**

Many people are affected when a priest or other person working with children abuses a minor, but the individual most impacted is the victim who has suffered a violation of trust that can affect his or her entire life. The abuser, the family of the abused, and the church community are all affected by this sin and crime; but the primary person of concern must be the victim/survivor.

- **Background checks, screening and protocols**

If people wish to work or volunteer for the church (e.g., in a parish or school) they must follow diocesan guidelines on background checks, safe environment training, policies and procedures, and codes of conduct. No one, no matter who they are, has an automatic right to be around children or young people who are in the care of the church without proper screening and without following the rules.

- **Common sense is not always that common**

It is naive to presume that people automatically know boundaries and use common sense in their dealing with children, young people and vulnerable adults, so organisations and families have to spell them out. For example, no youth minister, cleric or other adult leader should be in a child's bedroom, alone with the child.

- **Child sexual abuse can be prevented**

Awareness that child sexual abuse exists, and that it can exist anywhere, is a start. It is then critical to build safety barriers for children and young people to keep them safe from harm. These barriers come in the form of protective guardians, codes of conduct, background evaluations, policies and procedures, wholehearted commitment to safety as a priority and safety training programs.

- **The residual effects of having been abused can last a lifetime**

Those who have been abused seldom just get over it. The sense of violation goes deep into a person's psyche and feelings of anger, shame, hurt and betrayal can build long after abuse has taken place. Some have described the feeling as if it has scarred their soul.

- **Feeling heard leads toward healing**

Relief from hurt and anger often comes when one feels heard, when one's pain and concerns are taken seriously, and a victim/survivor's appropriate sense of rage and indignation are acknowledged. Not being acknowledged contributes to a victim's sense of being invisible, unimportant and unworthy; and so they are in some way re-victimised.

- **You cannot always predict who will be an abuser**

Experience shows that most abuse is at the hands of someone who has gained the trust of a victim/survivor and his/her family and others around. While most abuse occurs in the family setting, it also occurs in institutional settings. Sometimes the nicest person in the world may be an abuser, and this niceness enables a false sense of trust to be created between abuser and abused.

- **There are behavioural warning signs of child abusers**

Training and education help adults recognise grooming techniques that are precursors to abuse. Some abusers isolate a potential victim by giving him or her undue attention or lavish gifts. Another common grooming technique is to allow

young people to participate in activities which their parents or guardians would not approve, such as: watching pornography; drinking alcohol; using drugs; and excessive or inappropriate touching, which includes wrestling and tickling. It is also critical to be wary of the adult who is more comfortable with children than with adults. It helps that church institutions, schools and parishes set up rules to guide interaction between adults and children.

- **People can be taught to identify grooming behaviour**

Those grooming behaviours are the actions which abusers take to project the image that they are kind, generous, caring people, while in fact they may be luring a minor into an inappropriate relationship. An abuser may develop a relationship with the family (and also an institution) to increase his/her credibility and trusted access to the child/ren. Abusers might show attention to the child by talking to him/her, being friendly, sharing alcohol with a minor and giving the child status by insinuating that the child is their favourite or special person. Abusers might increasingly test the boundaries. Offenders can be patient and may groom their victim, his or her family, or community for years.

- **Background checks can work**

Background checks in churches, schools and other organisations help to keep predators away from children, both because they scare off some predators and because checks may uncover past actions which should ban an adult from working or volunteering with children. If an adult has had difficulty with some boundaries in the past, he or she may have difficulties with other boundaries, such as not abusing a child's trust and hurting a child. Never forget that offenders lie. Do not rely solely on background checks – do reference checking as well on both staff and volunteers.

Protection

Child protection is a broad responsibility and involves more than responding once an allegation has been made. Importantly it involves minimising the possibility of inappropriate behaviours occurring in the first place.

The Diocese of Armidale is totally opposed to any form of inappropriate behaviours and supports child protection and prevention in the workplace and parish communities.

Among the strategies to be utilised to prevent reportable conduct are:

- Development and regular review of policies and procedures
- Child protection induction sessions for all new employees and volunteers
- Inclusion of child protection as a regular professional development subject for all workplaces and all employees
- Requiring employees and volunteers to acknowledge in writing receipt of child protection policies and training
- Having guidelines such as a code of conduct which define appropriate and inappropriate behaviour
- Clear definitions of each person's role in an organisation
- Implementing protocols to identify people who are not suitable to work with children including reference checking, interview questions and the New Working with Children Check
- Providing information to families and the community through parish and school channels

Code of Conduct

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

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

Professional Responsibilities

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

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

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

- Support the core values of the Diocese
- Adhere to an appropriate standard of dress when at work

- Use language that is appropriate and non-threatening
- Be cautious about the responsible storage of medications
- Respect the privacy and dignity of all personnel
- Maintain the security of all official and confidential information relating to your work
- Report to the appropriate contact person reportable conduct that is brought to your attention particularly:
- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including child pornography)
- Any physical assault, ill-treatment or neglect of a child
- Any behaviour that causes psychological harm to a child
- Misconduct that may involve reportable conduct as listed above AND any circumstances where you suspect that a person is currently at risk of harm

Professional Relationships with Children, Young people & Vulnerable Adults

It is expected that you will:

- Be caring, respectful compassionate and take an interest in the children, young people and vulnerable adults in your care
- Avoid as far as possible being alone with a child or young person and if required discuss strategies to allow for observation beforehand
- Avoid favouring individuals and treat them all equally
- Be equally available to all in your care
- Avoid offering or receiving gifts to or from **individuals**
- Remain removed from personal relationships with children and young people

- Restrict the transportation of children and young people in your car to circumstances that are emergencies e.g. taking a child or young person to emergency medical help
- Ensure that physical contact with children and young people is reasonable for the purpose of their management or care. Examples include:
 - assessing a child or young person who is injured or ill
 - comforting an upset child
 - guiding a child or young person in a non-threatening manner
 - protecting a child or young person from imminent danger to himself/herself or to others
 - demonstrating or guiding a particular action or skill as part of an activity such as a nativity play

Acceptable physical contact with children and young people

- Physical contact should be **appropriate** given the age, maturity, health or other characteristics of the individual
- Physical contact should be **consistent** with any specific **management plan** for specific individuals
- Physical intervention (including physical restraint, removals or escorts) should be avoided and **used only as a last resort to ensure safety and protection of the individual and others.** Physical intervention may be regarded as appropriate when a child or young person is causing, or at risk of causing injury or harm to self or others

Inappropriate Practices

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

- the application of corporal punishment or physical force to punish or correct an individual
- using an object, such as a book to gain an individual's attention in a hostile or inappropriate physical manner

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

Note: Evidence supporting the use of inappropriate practices may result in the termination of your involvement in this and other work that involves children, young people and vulnerable adults.

Checklist for Parishes

Employees and Volunteers

- Have they completed Working With Children Checks?
- Have you completed background and reference checks?
- Do they have a copy of Child Safe Parish Communities guidelines?
- Have you conducted an induction process with them regarding child safe guidelines and acceptable behaviours?
- Have you gone through the Code of Conduct with them and are confident that they understand the acceptable and unacceptable behaviours?
- Do they have letters of appointment?

Altar servers

- Do altar servers have an area separate from that of the priest vesting area to prepare for Mass?
- Is there at least one adult (parent) present to supervise the altar servers?

Reconciliation for Children

- Are there in place protocols for children's reconciliation?
- Is this conducted in an open environment?
- Do you have teachers and/or parents supervising the children?
- Do you ensure that there is appropriate physical separation between you and the child whose confession you are hearing?

Parental supervision

- Are parents advised to supervise their own children at Mass and parish events?
- Have parents been asked to accompany children to the parish toilets and not allow them to go unsupervised?

Parishioners

- Is a copy of the parish Child Safe Parish Communities guideline on public display in the parish?
- Have parishioners been advised to not be alone with children (other than their own children)
- Have parishioners been advised not to enter the altar server area unless they are supervising the children?

Definitions & Key Terms

Child

Includes all children up to the age of 16 years

Child sexual assault

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

Child Sexual Offences

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

Employee

An employee is any person who is employed by the parish, whether or not they are employed to work directly with children. It also includes anyone from outside the parish who is engaged to provide services to children including contractors, volunteers, students on placement, instructors of religion. Clergy (priests and deacons) are regarded as employees for the purposes of this document.

Grooming behaviour

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

Head of Agency

The Head of Agency under NSW Ombudsman legislation is the Bishop of the Diocese.

Ill-treatment

Ill-treatment of a child or vulnerable adult includes excessive and inappropriate punishment, discipline or correction which violates community standards.

Examples of ill-treatment include:

- restricting freedom
- making excessive demands or unreasonable demands
- inappropriate correction or chastisement of a child or young person disproportionate to the wrong-doing, existing community standards or reasonableness when considered in the circumstances.

Investigation

An investigation of a matter includes any preliminary or other inquiry into, or examination of, the matter. This involves a process where the Diocese carries out an assessment of a reportable conduct allegation against a subject person to:

- gather all the relevant facts
- make a decision as to whether the allegation is sustained or not
- provide information to assist any relevant employment proceedings

Legislative requirements

The Diocese is required to meet the requirements of the following NSW legislation:

- Ombudsman Act
- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act
- Children & Young Persons (Care & Protection) Act 1998

Mandatory reporting

Mandatory reporting to Community services is required by the Children and Young Persons (Care and Protection) Act 1998 from certain groups of people if they suspect (using their professional judgement and training) on reasonable grounds, that a child or young person is at risk of significant harm.

Mandatory reporters are those who deliver services to children as part of their paid or professional work. Services covered by this include health care, welfare, education, children's services, residential services and law enforcement.

Neglect

Neglect is action or omission by a person who has carer responsibilities for a child involving:

- A failure to provide the child with the basic necessities of life, such as sustenance, care or protection; or
- A significant careless action or inaction resulting in physical harm to the child

Neglect is characterised as a continuum of omissions in caregiving.

Physical Assault

Physical assault involves a hostile act by the employee towards a child. The assault occurs regardless of the employee's intention to harm the child and regardless of the child's consent. Assault can include pushing, shoving, hitting, smacking or threatening

behaviour (verbal or actions) that cause the child to feel that an assault is likely to occur.

Physical assault of a child under common law principles, must include **all three** of the following elements:

1. It is an act committed on or towards a child; and
2. It involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and
3. It is either hostile or reckless (a reckless act is one where a person would reasonably foresee the consequence of a likelihood of inflicting injury or fear, and ignores the risk).

Actual physical harm does not have to occur in order for assault to have occurred. Physical conduct which is on an inevitable or accepted part of everyday life does not amount to assault.

Psychological harm

Behaviour which results in significant harm or trauma to a child is psychologically harmful behaviour. There needs to be a causal link between the inappropriate behaviour and the harm.

Allegations of psychological harm must include the following three elements:

1. A description of persistent and targeted behaviour e.g. scapegoating, humiliation or verbal abuse. Although in some cases the alleged behaviour may be a single incident which is extreme and harmful to a child;
2. Signs of harm e.g. displaying patterns of 'out of character behaviour' such as refusal to attend school, sleep disturbance, anxiety, physical symptoms, self harm;
3. An alleged causal link between the behaviour and harm

Reportable Conduct

Reportable conduct is defined under legislation and involves allegations which must be reported to the Office of the NSW Ombudsman. It is defined as:

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

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

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

Reportable conduct does not extend to:

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

Risk of Significant Harm

Significant harm means to a significant extent and sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. Significant harm is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on safety, welfare or wellbeing.

Sexual misconduct

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

- Inappropriate conversations of a sexual nature
- Comments that express a desire to act in a sexual manner
- Sexual exhibitionism

- Inappropriate personal correspondence (including electronic communications)
- Exposure of children and young people to sexual behaviour of others including exposure to pornography
- Watching children and young people undress when this is not required

Vulnerable adult

A vulnerable adult is someone who is over the age of 18 years but who is or may be unable to protect themselves against significant harm or exploitation. This may be because of advanced age, mental health problems, disabilities, learning difficulties and / or substance abuse.

Young person

A person who is aged at least 16 years but who is under 18 years.

