



## Overview of the Policy

### 1 Introduction

The emotional, physical and spiritual safety, well-being and dignity of Children is an integral part of the teachings and values of the Catholic Church. Recognising that all people are made in the image and likeness of God (Gen 1:27), the Archdiocese values and welcomes Children from all backgrounds, believing that Children and their families should be aware of, and involved in, decisions that affect them.

#### 1.1 Commitment Statement

The Archdiocese is wholly committed to ensuring the safety, well-being and dignity of all Children, and it acknowledges its important legal, moral and spiritual responsibility to create a safe and nurturing environment for those Children. It has zero tolerance for the abuse, mistreatment or bullying of Children or discrimination against Children. The Archdiocese strives to maintain an organisational culture of respect for Children and Children's opinions, rights, safety and well-being.

In fulfilling this responsibility, the Archdiocese has developed **the Archdiocese's Child Safeguarding Policy which is comprised of this Overview, the Code of Conduct, and accompanying guidance documents, fact sheets, protocols and procedures.** In these documents, the Archdiocese's Child Safeguarding Policy will be referred to in short form as simply "The Policy".

The protocols and procedures forming the Policy work together to protect Children from harm and respond swiftly and appropriately in the rare but regrettable circumstances in which Children are harmed or at risk of being harmed. The Policy has been developed with the best interests of the Child as the paramount consideration, and recognises a Child's diverse circumstances, experience and background (including cultural and linguistic background) that may increase a Child's vulnerability to harm. It seeks not only to ensure Children's safety, well-being and dignity within the Archdiocese's Parishes and Agencies, but also outside the Church environment, in the event that a member of the Archdiocese learns of a matter of concern.

In addition, the Policy embodies the inherent values of the Catholic Church and represents and shares our teachings and philosophy regarding Child safety with the broader community. These include providing support, education and training to persons who engage with Children within the Archdiocese so that they behave appropriately with Children, to ensure Children are protected from risks of harm and abuse, and to ensure that Children understand and feel that they are safe to report concerns about their own safety and well-being.

This document contains an overview Archdiocese's Child safeguarding expectations and practices, and it should be read in conjunction with the entire Policy.

### 2 To whom does the Policy apply?

The Archdiocese believes that it is the shared responsibility of all adults associated with the Archdiocese to ensure the safety and well-being of Children involved in the Archdiocese's Parishes and Agencies.

This Policy applies to all Clergy, Religious Appointees, Employees, contractors and Volunteers in Parishes and Agencies of the Archdiocese who have, or may be expected to have, contact with Children in the course of their activities. It also applies to students

on placement to the extent that this occurs in our Parishes and Agencies. For purposes of the Policy, students on placement will be included in the term "Volunteers".

This Policy does not apply to Sydney Catholic Schools or CatholicCare, which have their own Child safeguarding systems in place.

### **3 Roles and responsibilities**

All Parish Priests, Agency Heads, Clergy, Religious Appointees, Employees, Volunteers and contractors who have contact with Children are responsible for helping to ensure the safety, well-being and dignity of those Children.

In doing so, key responsibilities include:

- being caring, respectful and compassionate towards Children;
- complying with all legal requirements relating to Child safeguarding, including:
  - complying with any relevant screening obligations; and
  - reporting matters of concern relating to the safety, well-being and dignity of Children to the appropriate person, including the NSW Police, where appropriate;
- cooperating with any internal or external investigation regarding the safety, well-being and dignity of a Child or Children; and
- complying with the Policy, including this overview, and signing and complying with the Code of Conduct.

The primary persons and offices with responsibility for dealing with Child safeguarding in the Archdiocese are the Archbishop, the Vicar General and the Safeguarding Office, which is overseen by the Vicar General. Parish Priests and Agency Heads are also responsible for dealing with Safeguarding Complaints that arise in the individual Parishes and Agencies of the Archdiocese. The roles and responsibilities of each of those persons are outlined in the *Chart of Archdiocesan Child Safeguarding Roles and Responsibilities*.

In addition to the key responsibilities set out above, the Archbishop, Vicar General, Safeguarding Office, Parish Priests, Agency Heads, and all Clergy, Religious Appointees, Employees, Volunteers and contractors have a duty to protect Children from Child Abuse Offences. This includes taking steps to reduce or remove the risks of Child Abuse Offences being committed against Children in connection with the Archdiocese's Parishes and Agencies as further detailed in the *Protocol: Reducing or Removing Risks of Child Abuse*.

### **4 Screening of persons working with Children**

Under the *Child Protection (Working with Children) Act 2012* (NSW), Working with Children Checks are to be obtained by Workers before they can engage in Child-Related Work. The *Child Protection (Working with Children) Act 2012* (NSW) is administered by the NSW Office of the Children's Guardian.

Under the *Child Protection (Working with Children) Act 2012* (NSW), the person who employs or otherwise engages Workers is required to verify that each of those Workers has a valid Working with Children Check before they can commence Child-Related Work. Failure to do so will attract a substantial fine. Any person who engages in Child-Related Work without a valid Working with Children Check may also be exposed to a substantial fine.

**Note:** Contractors (other than self-employed contractors) are responsible for screening their own Workers. The Archdiocese's standard contracts require contractors to undertake that they have complied with their screening obligations. For further guidance, see *Guide to Dealing with Volunteers and Contractors*.

In addition to requiring a valid Working with Children Check, the Archdiocese requires that Employees, Volunteers and self-employed contractors in Child-related roles undergo a thorough recruitment process to assess their appropriateness to work with Children. That process involves being asked targeted interview questions, including behaviour-based questions that relate specifically to contact with Children, having their references tested to determine whether they have ever engaged in conduct that would be in breach of this Policy or the Code of Conduct. The Archdiocese's detailed protocols, procedures and guidance documents in relation to screening are:

- *Protocol: Screening Workers*
- *Guidance Document: What is Child-Related Work?*
- *Flowchart: Screening Workers*
- *Fact Sheet: What is Child-Related Work?*
- *Fact Sheet: Dealing with Volunteers and Contractors*
- *Protocol: Dealing with Volunteers and Contractors*

**Note** that in addition to a Working with Children Check, National Criminal History Checks may be required by the Archdiocese for particular Workers from time-to-time depending on the nature of their particular Child-related role.

## **5 Reporting Reportable Crimes to the NSW Police**

Under the *Crimes Act 1900* (NSW), it is an offence to conceal Reportable Crimes. Reportable Crimes must be reported to the NSW Police, and it is Archdiocesan policy that they be reported with the assistance of the Safeguarding Office. Failure to do so will attract penalties.

Broadly speaking, Reportable Crimes relating to Children include:

- Physical Assault of a Child;
- sexual or indecent assault of a Child;
- any Sexual Act with or Sexual Touching of a Child;
- Grooming a Child for unlawful Sexual Activity;
- the possession, dissemination or production of Child Abuse Material, which includes Child pornography and any material depicting a Child as a victim of torture or cruelty; and
- the recording or distributing of Intimate Images without consent.

The Archdiocese's detailed protocols, procedures and guidance documents in relation to reporting Reportable Crimes are:

- *Protocol: Reporting Reportable Crimes to the NSW Police*
- *Guidance Document: What Constitutes a Reportable Crime?*
- *Table of Reportable Crimes*

- *Flowchart: Reporting Safeguarding Complaints*
- *Fact Sheet: What is a Reportable Crime?*
- *Protocol: Managing Safeguarding Complaints*
- *Fact Sheet: Managing Safeguarding Complaints*

## **6 Reporting inappropriate Employee conduct to the NSW Office of the Children's Guardian**

Under the *Children's Guardian Act 2019* (NSW), the head of a relevant entity is required to report Reportable Allegations or convictions which may be Reportable Convictions regarding employees (as defined in the *Children's Guardian Act 2019* (NSW)) to the NSW Office of the Children's Guardian. The definition of 'employees' in the *Children's Guardian Act 2019* (NSW) is very broad and includes Employees, Volunteers, contractors, Clergy, Religious Appointees, and anyone who holds or is required to hold a Working with Children Check for the purposes of engagement with the Archdiocese, even if circumstances where the person's role does not have any face-to-face or physical contact with Children.

Reportable Allegations and convictions which may be Reportable Convictions are allegations or criminal convictions of Reportable Conduct, including:

- any sexual offence;
- sexual misconduct;
- ill-treatment of a Child;
- neglect of a Child;
- assault against a Child;
- an offence under s 43B of the *Crimes Act 1900* (NSW) for failing to reduce or remove the risk of a Child becoming the victim of abuse;
- an offence under s 316A of the *Crimes Act 1900* (NSW) for concealing a Child Abuse Offence; and
- any behaviour that causes significant emotional or psychological harm to a Child.

Reportable Allegations and convictions which may be Reportable Convictions, encompass conduct that occurs both in connection with an employee's employment with the Archdiocese and outside of their employment.

Parish Priests and Agency Heads are responsible for reporting any Reportable Allegation or conviction that may be a Reportable Conviction within their Parishes and Agencies to the Safeguarding Office. The Archbishop, who is responsible for notifying the NSW Office of the Children's Guardian of any Reportable Conduct has delegated his authority for reporting to the NSW Office of the Children's Guardian to the Vicar General, who in turn is supported by the Safeguarding Office which reports Reportable Conduct to the NSW Office of the Children's Guardian.

The Archdiocese's detailed protocols, procedures and guidance documents in relation to reporting inappropriate conduct are:

- *Protocol: Reporting Inappropriate Conduct to the NSW Office of the Children's Guardian*

- *Guidance Document: What Conduct Must Be Reported to the NSW Office of the Children's Guardian?*
- *Flowchart: Reporting Safeguarding Complaints*
- *Fact Sheet: What Conduct Must Be Reported to the NSW Office of the Children's Guardian?*
- *Protocol: Managing Safeguarding Complaints*
- *Fact Sheet: Managing Safeguarding Complaints*

## **7 Reporting a Child who is at Risk of Significant Harm to the Department of Communities and Justice**

Under the *Children and Young Persons (Care and Protection) Act 1998* (NSW), certain persons who work with Children, including Clergy, Agency and Parish workers (paid and unpaid) in Child-related roles are mandatory reporters and therefore under an obligation to make a report to the Department of Communities and Justice if they have reasonable grounds to suspect a Child is, or may be, at Risk of Significant Harm. Mandatory reporting obligations apply to persons in religious ministry or persons providing religion based activities to Children wholly or partly to Children as part of their professional work or other paid employment and those in management positions in organisations that deliver those services.

A mandatory reporter must make a report when they have reasonable grounds to suspect that a Child or Young Person is at Risk of Significant Harm and those grounds arise in the course of, or from their work or role. Mandatory reporters within the Archdiocese including all Clergy, Religious Appointees, Employees, Volunteers and contractors report concerns that a Child may be at Risk of Significant Harm to their Parish Priest and Agency Heads. Parish Priests and Agency Heads are required to relay those reports to the Safeguarding Office, which is responsible for notifying relevant matters to the Department of Communities and Justice

A Child is at Risk of Significant Harm if current concerns exist for that Child's safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the following circumstances:

- the Child's basic physical or psychological needs are not being met or are at risk of not being met;
- the Child's parents or guardians have not arranged and are unable or unwilling to arrange for the Child to receive necessary medical care;
- in the case of a Child who is required to attend school, the parents or guardians have not arranged and are unable or unwilling to arrange for the Child to receive an education;
- the Child has been, or is at risk of being, physically or sexually abused or ill-treated, regardless of whether they have given consent;
- the Child is living in a household where there have been incidents of domestic violence and, as a consequence, the Child is at risk of serious physical or psychological harm; and
- a parent or other care giver has behaved in such a way towards the Child that the Child has suffered, or is at risk of suffering, serious psychological harm.

The *Children and Young Persons (Care and Protection) Act 1998* (NSW) also provides a mechanism for voluntary reports to be made where there are reasonable grounds to suspect a Child is, or may be, at Risk of Significant Harm. The Archdiocese follows this practice and requires that all Clergy, Religious Appointees, Employees, Volunteers and contractors report concerns that a Child may be at Risk of Significant Harm to their Parish Priest and Agency Heads. Parish Priests and Agency Heads are required to relay those reports to the Safeguarding Office, which is responsible for notifying relevant matters to the Department of Communities and Justice.

The Archdiocese's detailed protocols, procedures and guidance documents in relation to reporting Children who are at Risk of Significant Harm are:

- *Protocol: Reporting a Child who is at Risk of Significant Harm to the Department of Communities and Justice*
- *Guidance Document: When is a Child at Risk of Significant Harm?*
- *Flowchart: Reporting Safeguarding Complaints*
- *Fact Sheet: When is a Child at Risk of Significant Harm?*

## **8 Investigating and responding to Safeguarding Complaints received under this Policy**

The Archdiocese acknowledges the importance of investigating and taking appropriate action in relation to Safeguarding Complaints that it receives in relation to the conduct of its Employees, Volunteers, contractors, Clergy and Religious Appointees. The Archdiocese requires its Parishes and Agencies and the Employees, Volunteers, contractors, Clergy and Religious Appointees of those Parishes and Agencies, to comply fully with any investigations into Safeguarding Complaints including observing confidentiality.

On receipt of a Safeguarding Complaint, the Parish Priest or Agency Head, will notify the Safeguarding Office which assesses the Safeguarding Complaint to determine whether it is **serious**, **less serious**, or **frivolous or vexatious or otherwise not capable of a response**.

Notification to the Safeguarding Office should be done **immediately** where there is an immediate risk to the safety and well-being of the Child concerned or Children generally or where the Safeguarding Complaint may be a Reportable Crime or otherwise reportable to authorities. Where there is an immediate risk to the safety and well-being of the Child concerned or Children generally, the Safeguarding Office will assist the Parish Priest or Agency Head to take steps necessary to ensure safety of the Child or Children.

If the Safeguarding Complaint constitutes a Reportable Crime, the Safeguarding Office will report the Safeguarding Complaint to NSW Police (and any other relevant authority) and will provide a copy of the report to the Parish Priest or Agency Head.

The Parish Priest or Agency Head will record in writing the details of the Safeguarding Complaint and provide it to the Safeguarding Office as soon as possible.

Where the Safeguarding Complaint is serious, the Safeguarding Office manages it; where it is less serious, the Safeguarding Office refers it back to the Parish Priest or Agency Head who manages it (unless this is not appropriate for some reason).

The Safeguarding Office will consider on a case-by-case basis whether a Safeguarding Complaint that has been notified is frivolous or vexatious, or capable of a response by the Archdiocese.

### **8.1 Serious Safeguarding Complaints**

Once the Safeguarding Office has received clearance from the NSW Police, the Vicar General will, with assistance from the Safeguarding Office, commission an external investigation if the Safeguarding Complaint is considered to be serious. The Safeguarding Office will not engage with the Child, the Child's parents or the Respondent directly or otherwise take further steps in relation to the Safeguarding Complaint unless it has received clearance from the NSW Police to do so.

If the Respondent is a member of Clergy or Religious Appointee, the Vicar General will determine whether the Safeguarding Complaint has a 'semblance of truth' under Canon Law and whether a preliminary investigation under Canon Law will proceed.

Pending the outcome of the external investigation, the Respondent may be stood aside from his or her position or duties where they may have contact with a Child or Children or duties may be altered so that they are not permitted to have contact with Children.

The Safeguarding Office will notify senior managers, Parish Priest or Agency Head of the outcome of the investigation. As a result of the investigator's report and findings, the Vicar General will consider disciplinary actions and any further steps. Where the Respondent is a member of Clergy, the Vicar General will consider further steps under Canon Law. Where the Respondent is a Religious Appointee, the Vicar General will refer the investigator's report to the Provincial or Superior to consider any further steps under Canon Law. The Vicar General may seek the advice of the Independent Safeguarding Advisory Panel in reaching his decision.

### **8.2 Less serious Safeguarding Complaints**

If a Safeguarding Complaint is considered to be less serious, the Parish Priest or Agency Head will take steps to respond to, and resolve, the less serious Safeguarding Complaint.

The Archdiocese's detailed protocols, procedures and guidance documents in relation to managing Safeguarding Complaints are:

- *Flowchart: Reporting Safeguarding Complaints*
- *Form: Reporting Details of Safeguarding Complaint*
- *Fact Sheet: Managing Safeguarding Complaints*
- *Flowchart: Managing Safeguarding Complaints*
- *Protocol: Managing Safeguarding Complaints*
  - *Form: Initial Assessment of Safeguarding Complaint*
  - *Guidance Template for Notifying Parishioners of a Serious Safeguarding Complaint Resulting in Standing Aside the Respondent*
  - *Pro Forma Letter of Appointment to an External Investigator*

## **9 Support for victims and survivors and respondents**

The Archdiocese recognises the importance of providing support, assistance and reassurance to Children who have experienced Child Abuse or whose safety and well-being is, or has been, at risk. It also understands that adults may need support, assistance or reassurance, if their Children have experienced Child Abuse or in relation to experiences from their own childhood.

Every situation is unique, and it is essential that Parish Priests, Agency Heads, Employees, Volunteers, Clergy and other Religious Appointees, seek advice and support from the Safeguarding Office if they are unsure what support should be offered. Generally, support may be necessary and appropriate in circumstances including the following:

- where a Child has reported or confirmed that they have experienced abuse or that their safety or well-being is or has been at risk. It is important to reassure the Child that they have done the right thing in making the report and that they are believed.
- If there is an ongoing risk to the Child, it may be important to take immediate steps to ensure the safety and well-being of the Child, including removing them from the risks involved.
- It may be important that a Child and the Child's family members receive counselling, medical assistance and other professional support. If support of this kind is considered necessary, Parish Priests and Agency Heads should contact the Safeguarding Office and/or the Vicar General to make appropriate arrangements.

## **10 Conducting Risk Assessments for events or activities involving Children**

The Archdiocese understands that it is necessary to identify and take steps to avoid or reduce any risks to Children that might be involved in activities or events that are arranged or conducted by the Archdiocese, or its Parishes and Agencies. A thorough Risk Assessment will involve identifying the relevant risks and implementing strategies to remove or mitigate those risks. If a risk cannot be removed or mitigated, consideration should be given as to whether the event or activity should proceed.

Parish Priests and Agency Heads are responsible for final sign-off/approval of Risk Assessments in relation to Parish or Agency activities or events involving Children.

Parish Priests, Agency Heads, Employees, Volunteers, contractors, Clergy and Religious Appointees, should seek advice from the Safeguarding Office if they have any questions or concerns about conducting a Risk Assessment for an activity or event at which Children may be present.

## **11 Training and support**

### **11.1 Training**

The Archdiocese acknowledges that training in relation to this Policy is essential to ensuring:

- there is adequate awareness of Child safeguarding issues;
- guidelines for appropriate behaviours with Children are understood and inappropriate behaviours are recognised;



- each person understands their obligations under this Policy, for ensuring the safety and well-being of Children (including their screening and reporting obligations), and can act accordingly; and
- awareness of any changes to this Policy is raised.

Child safeguarding training should be carried out as follows for persons who will have contact with, or are expected to have contact with, Children:

- **Induction for New Parish and Agency Employees:** this should include the completion of a module or session on Child safeguarding, which takes Employees through this Policy.
- **Refresher training for Parish and Agency Employees:** all Employees should be provided with Child safeguarding refresher training on a regular basis, which covers this Policy and focuses on any updates, amendments, or issues that have arisen since their last session or training.
- **Induction for Parish and Agency Volunteers:** Volunteers should be given an induction session on Child safeguarding, which is similar to the induction for new staff, but need not be as extensive, depending on the nature of their role as Volunteers.
- **Refresher Training for Parish and Agency Volunteers:** Volunteers should be invited to attend staff refresher training sessions.
- **Induction for Contractors:** depending on their role (i.e. not for contractors who will have no contact with Children), an overview of Child safeguarding issues, with a focus on rules for appropriate contact with Children, should be delivered to contractors at the same time as work health and safety induction.
- **Information for Children:** Children who are involved in activities at the Parishes and Agencies should be explained the rules for participating in those activities and who they should contact if they are ever concerned for their safety or the safety of another Child. This should also cover rules for Child-Child contact and provide Children with the opportunity to voice their opinions on maintaining their safety and well-being.

The Archbishop, Vicar General, persons employed in the Safeguarding Office, Parish Priests and Agency Heads will also participate in refresher training.

### **11.2 Support**

Child safeguarding advice and support can be sought at any time from the Safeguarding Office. If appropriate, further advice can be sought from the Archdiocese, and if appropriate, the Archdiocese's General Counsel.

## **12 Record keeping and sharing**

The *Children's Guardian Act 2019* (NSW) and *Child Protection (Working with Children) Act 2012* (NSW) both require certain records relating to Child safeguarding to be kept so that the NSW Office of the Children's Guardian can carry out audits. In addition, the *Children's Guardian Act 2019* (NSW) and *Children and Young Persons (Care and Protection) Act 1998* (NSW) contain mechanisms for certain records to be shared between government and non-government agencies.

The Archdiocese also requires detailed and up-to-date records relating to Children and Child safeguarding to be kept at Parishes and Agencies to assist with any future Child safeguarding queries or investigations. The Archdiocese requires those records to be full and accurate, and permanently retained.

In circumstances where a Complainant who is the subject of records retained by the Archdiocese, its Parishes or Agencies, requests access to those records, they should be provided with full access. Persons accused of any Child Abuse Offences or persons who are otherwise under investigation by an external State authority or by the Archdiocese (whether an external or internal investigation), will not readily be provided with access to records relating to them. The Archdiocese and Agencies will otherwise handle personal information in accordance with the Archdiocese's Privacy Policy at <https://www.sydneycatholic.org/terms-and-conditions/#privacy>.

The Archdiocese's detailed protocols and procedures in relation to keeping and sharing Child safeguarding records are:

- *Protocol: Keeping and Sharing Child Safeguarding Records*
- *Fact Sheet: Keeping and Sharing Child Safeguarding Records*

### **13 Other Child safeguarding materials**

In addition to those listed in this Policy, the Archdiocese also has the following Child safeguarding protocols and procedures, to provide guidance on appropriate and inappropriate behaviours with Children:

- *Fact Sheet: Behaviours to Encourage and Avoid*
- *Protocol: Using Social Media and Technology to Communicate with Children*
- *Fact Sheet: Using Social Media and Technology to Communicate with Children*
- *Fact Sheet: Cyberbullying*
- *Protocol: Using alcohol, Tobacco and other Drugs*
- *Fact Sheet: Using alcohol, Tobacco and other Drugs*

### **14 Reviewing the Policy**

The Archdiocese will review the Policy and Code of Conduct regularly to determine whether any modifications may be necessary to improve the safeguarding of Children. It will consider the opinions of Children in refining and developing this Policy and its Child safeguarding materials.

Any revisions to the Policy will be made available on the Archdiocese's website, on the Safeguarding Office's page.