

Diocesan Offices and Parish Teams

Procedure for Managing Allegations or Concerns of Current Child Abuse against an Archdiocesan Clergy, Religious, Employee or Volunteer

Approved by:
Moderator of the Curia

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Managing Allegations or Concerns of Current Child Abuse against an Archdiocesan Clergy, Religious, Employee or Volunteer

Commitment Statement – Safeguarding our Children and Young people

Created in the image of God, children and young people are our most precious and sacred citizens with a voice that must be heard, respected and valued. Accordingly, we, the people of God in the Catholic Archdiocese of Adelaide are committed to the care, wellbeing and protection of our children and young people.

We support the UN Convention on the Rights of the Child as the foundation for child protection and believe that all children and young people have the right to be healthy, happy and safe. We are committed to being an inclusive, culturally diverse, resilient church where God’s children can flourish.

Our Church strives to enable and empower children and young people to be part of the Kingdom of God as a safe and secure home. We are committed to a shared responsibility, a culture of safety which is underpinned by robust, responsive and effective policy and procedures.

As we are reminded by Pope Francis, a future in which children are secure is a future where “every child is held in God’s infinite tenderness and God is present in each of their lives”.

1. Purpose

The purpose of this procedure is to ensure that a response to allegations or concerns of current child abuse by an Archdiocesan clergy, religious, employee or volunteer occurs in a manner which best ensures the immediate and long term safety of the child or young person. This procedure provides guidance and best practice principles for safeguarding children and young people who have the right to be safe, healthy and happy.

This procedure ensures a clear and consistent approach for responding to allegations of current child abuse where all allegations will be treated with a commitment to truth and integrity through a comprehensive and independent investigative process. It is essential that any allegation is managed fairly and quickly in a way that provides effective protection for the child or young person included in this process and at the same time supports the person who is the subject of the allegation.

This procedure is supported by and to be used in conjunction with the Archdiocesan 'Person of Concern' Policy which guides risk assessment and safety planning when there has been a child related concern raised.

2. Principles

- The Archdiocese of Adelaide will not act alone and will report all suspected situations of abuse of a child or young person to the statutory body responsible for investigating; Department for Child Protection and/or SAPOL (Police).
- When abuse is suspected or an allegation is made against Archdiocesan clergy, religious, employee or volunteer the overall wellbeing and safety of the child or young person is the primary concern.
- When abuse is suspected the individual concerned for the safety of the child or young person will follow the Procedure for Mandatory Notification Responsibilities included in this procedural document (Appendix A).
- The rights of the child will be paramount and will be at the centre of the organisation's response.
- The rights of the individual about whom the allegation is made will be considered and responded to, and will be treated with sensitivity, dignity and respect.
- While the primary concern at all times is the safety and care of children and young people, the principles of procedural fairness and natural justice should be adhered to at all times.
- All Archdiocesan clergy, religious, employees and volunteers have a responsibility to create and maintain the safety and wellbeing of children and young people and to protect them from harm.
- The particular needs of children and parents/caregivers from diverse backgrounds will be considered, including those with a disability, of Aboriginal or Torres Strait Islander heritage, or from a culturally and linguistically diverse background.
- Information regarding allegations of current child abuse against Archdiocesan clergy, religious, employees and volunteers will only be shared with those who have an obligation to be informed. Personnel/leadership who have access to such information have the obligation to observe appropriate confidentiality and privacy in relation to this information.

3. Scope

This procedure applies to all clergy, religious, employees and volunteers of the Catholic Archdiocese of Adelaide who are legally responsible for reporting concern for child abuse and responsible for managing allegations of child abuse or concerns against Archdiocesan clergy, religious, employee or volunteer.

4. Legislation

Abuse and/or neglect of a child according to the Children and Young People (Safety) Act 2017 means:

- (a) Sexual abuse of the child; or
- (b) Physical or emotional abuse of the child, or neglect of the child, to the extent that:
 - I. the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or
 - II. the child's physical or psychological wellbeing is in jeopardy.

4.1 General Definitions of abuse and neglect¹

In South Australia, child abuse and neglect is categorised in four ways:

Physical Abuse

The child has suffered or is at significant risk of suffering serious physical trauma or inflicted injury due to the actions of his/her caregiver.

Emotional Abuse

The child's social emotional, or cognitive development is impaired or seriously at risk as a direct result of persistent caregiver behaviour or attitude towards the child, whereby the child's self-esteem and social competence are undermined or eroded over time.

Neglect

Neglect is characterised by serious, ongoing failure to provide for children's basic needs to the extent that the child is not receiving the care and supervision necessary to protect him/her from

harm, has suffered serious physical injury or illness, or there is risk of serious harm to the child's well-being and development.

Sexual Abuse

Any sexual activity or behaviour that a child is subjected to. Sexual abuse occurs when someone is in a position of power over children uses that power to involve the child/ren in sexual activity.

4.2 Definitions

Children and young people: those persons under 18 years of age.

CARL **Child Abuse Report Line** department responsible for receiving child protection notifications ph. 131478.

Church Authority includes a bishop or his authorised delegate, a leader of religious institute and senior administrative authority of an autonomous lay organisation, and their authorised delegates, responsible for the Church body to which the accused person is connected at the time of abuse.

Current The word 'current' is used throughout this document to refer to abuse of someone who is a child (under the age of 18) at the time of the allegation or concern arises. The alleged or suspected abuse may have occurred in the past and it is acknowledged that children often take months or years to disclose abuse. The word 'current' is used to differentiate such abuse from historical abuse, which concerns adult survivors disclosing past childhood abuse and which is managed by the Professional Standards Office.

Family parent or caregiver of a child or young person.

5. Roles and Responsibilities

It is necessary for delegates within the Archdiocese of Adelaide who are responsible for implementation of these procedures to understand their roles and responsibilities as have been defined:

Church Authority

- The Church Authority will be responsible for receiving allegations or concerns of child abuse against Archdiocesan clergy, religious, employees and volunteers, responding proactively and initiating liaison with the Child Protection Unit;
- Ensure a notification to the Child Abuse Report Line and any other relevant statutory body has been actioned;
- The Church Authority is responsible for coordinating and chairing strategy meetings and for oversight of the response to allegations of abuse in accordance with Child Protection Legislation;
- The Church Authority may also seek canonical advice;
- A Canon Law Adviser is responsible for the provision of consultation and guidance to the Church Authority on allegations relating to Clergy and Religious;
- The Church Authority is responsible for all decisions in relation to Clergy and Religious and for the supervisory and ministerial arrangements, inclusive of removal from ministry for the duration of the investigative process.

Child Protection Unit

- The Child Protection Unit is responsible for notifying the Church Authority on receipt of an allegation or concern of current child abuse against an Archdiocesan clergy, religious, employee or volunteer ensuring a notification to the Child Abuse Report Line and any other relevant body has been actioned;
- The Manager, Child Protection Unit will advise on the operational management and risk management plan to assist in determining what level of access if any, the accused should have to other children and young people ;
- The Manager, Child Protection Unit is responsible for coordinating case management inclusive of progress of action plan, liaison with Department for Child Protection, SAPOL, and family of the child or young person;
- The Child Protection Unit is responsible for records management.

Professional Standards Office

The Director for Professional Standards Office is responsible for:

- The provision of historical information relevant in the instance that the individual is a known perpetrator of child abuse;
- Providing advice and guidance specific to risk assessments and ongoing safety measures.

Human Resources Office

The Manager, Human Resources is responsible for:

- The implementation of HR processes and communicating any identified safety measures for the employees and volunteers alleged to have abused or neglected a child or young person;
- Provision of advice and guidance on the principles of the Employment Contract's Act, employees' rights and employment options such as suspension and change of work arrangements;
- Ensuring access to appropriate support services.

Catholic Communications Office

The Manager, Catholic Communications Office is responsible for:

- The coordination of a media response and public relations if necessary;
- Development of a communication strategy if required.

6. Procedures

This procedure should be applied in all areas of work where Archdiocesan clergy, religious, employees and volunteers have contact with children and young people and are in a position of trust and/or have a duty of care to children and young people. These procedures apply in circumstances where it is alleged that a person has:

- Behaved in a way that has harmed, or may have harmed, or may harm a child or young person;
- Possibly committed a criminal offence against, or related to, a child or young person.

The allegations may arise from the following:

- Through observed behaviour which may indicate suspicion on reasonable grounds that a child or young person is at risk of significant harm;
- A child or young person discloses that s/he has been abused;

- A child or young person discloses that s/he knows someone who has been abused;
- Someone reliable such as a relative, friend, neighbour or sibling of the child or young person discloses abuse;
- An individual discloses that they have abused a child or young person.

6.1 Initial Response to an Allegation or concern

An allegation against an Archdiocesan clergy, religious, employee or volunteer may arise from a number of sources as outlined in above. Procedures for Mandatory Notification Responsibilities must be implemented (refer to Appendix A). The following steps must be undertaken:

- Ensure the child or young person's safety, do not interview or ask leading questions, doing so may compromise future investigations;
- Record, date and sign the Safeguarding Record Form;
- Ensure all allegations and concerns of extra- familial abuse are reported to SAPOL;
- Report immediately to the Child Protection Unit and/ or Church Authority;
- Provide a copy of the completed Safeguarding Record Form to the Manager, Child Protection Unit.

6.2 Initial Action by Individual receiving or identifying an Allegation or Concern

Leadership/Director/Parish Priest

Upon receiving information or identifying an allegation or concern against an Archdiocesan clergy, religious, employee or volunteer the individual should treat the matter seriously, respond quickly with professionalism and compassion.

The individual must not:

- investigate or ask leading questions if seeking clarification;
- promise confidentiality.

The individual must:

- document the information including the time, date, place of incident and persons present and what was said/observed;
- sign the written record;

- immediately report the matter to the relevant Church Authority (or his authorised delegate) or Manager, Child Protection Unit in their absence. If the allegation is in relation to the Church Authority; a Chancellor or other senior person in the organisation should be informed.

6.3 Initial Action by Leadership

If there is cause to suspect that a child or young person has been abused or neglected then a strategy meeting will be held within 24 hours and chaired by the Church Authority.

At the discretion of the Church Authority the strategy meeting should include all or some of the following delegates:

- Manager, Child Protection Unit
- Director, Professional Standards Office
- Manager, Human Resources
- Manager, Catholic Communications Office
- Director, Early Learning Centre
- The Dean of the respective deanery
- Legal Advisor

The strategy meeting will consider the following:

- Risk assessment and safety plan for further action. Risk assessment and safety planning should occur as per the 'Person of Concern' policy which complements and support this procedure;
- Identify delegate/coordinator (Manager, Child Protection Unit) responsible for direct liaison with Statutory agencies and family of the child or young person;
- Confirm referral has been enacted to SAPOL who are responsible for the investigation of a possible criminal offence, SAPOL must be consulted about any case in which a criminal offence may have been committed;
- Immediate employment/ministry options for the Archdiocesan clergy, religious, employee or volunteer accused of causing harm to a child or young person;
- In consultation with the Department of Child Protection or SAPOL consider plans to engage the family of the child or young person and what support should be offered to the family and child or young person;

- Any needs relating to the child or their parent/caregivers particular background, identify or situation, including disability, Aboriginal or Torres Strait Islander or culturally and linguistically diverse background, or any other relevant circumstance that may make a child or family particularly vulnerable or require extra support or consideration;
- Supports to be provided to the Archdiocesan clergy, religious, employee or volunteer alleged of causing harm to a child or young person;
- Communication strategy to manage information or media interest within the community if required;
- Protocols for information sharing, as per Archdiocesan Information Sharing Guidelines;
- Agree dates for future strategy discussions to review the Archdiocesan response and monitoring of the case plan as recorded by the Child Protection Unit;
- What has led or contributed to the concern occurring, including any Archdiocesan policies or practices. Analysis of possible causes or contributing issues should include discussion about how policies or practices could be adapted to prevent the same or similar concerns arising in the future. If necessary, a separate meeting or other follow up action should be planned to address this.

6.4 Communicating with the Archdiocesan clergy, religious, employee or volunteer alleged of causing harm to a child or young person.

The Manager, Child Protection Unit will seek advice from SAPOL about how much information should be disclosed to the Archdiocesan clergy, religious, employee or volunteer alleged of causing harm to a child or young person.

Subject to this advice, both the Manager, Child Protection and the HR Manager are responsible for informing Church Personnel (employee or volunteer) about the nature of the allegation, plans for investigations and implementation of HR processes. This process may also be supported by the Church Authority.

If the allegation is against Clergy or Religious the Church Authority and Manager, Child Protection Unit will facilitate such discussions in consultation with canonical advice.

In all discussions the Archdiocesan clergy, religious, employee or volunteer will be:

- Treated fairly and honestly and assisted to understand the nature of the concerns alleged and processed involved;

- As advised by SAPOL and the Department for Child Protection the individual will be kept informed of the progress and outcomes of any investigations and implications for any disciplinary or integrity process;
- If the allegation is of serious misconduct or where the allegations of abuse are sexual then the individual will be notified of suspension or removal from ministry until the matter is concluded and the outcomes are known;
- If suspended or removed from ministry, will be kept up to date and regularly informed of proceedings;
- Communicated with both verbally and in writing.

6.5 Communicating with the Family

The Archdiocese of Adelaide has a responsibility to communicate with the family of the child or young person unless the parent is the accused. Approval must be sought from SAPOL about when and how to do this to (a) ensure the safety of the child and (b) to prevent contamination of the investigative process. Support and services are identified and offered by the case manager.

The family will be entitled to counselling, pastoral and psychological care and access to Towards Healing in relation to historical allegations of sexual abuse.

6.6 Implementation of Action Plan and Safety Measures

The Manager, Child Protection Unit will be responsible for overseeing the implementation and coordination of outcomes as identified by the strategy meeting in the form of an action plan, this may include:

- Implementation of a safety plan as per the risk assessment process and guidance detailed in the 'Person of Concern' policy;
- Liaison and compliance with any identified Department for Child Protection or SAPOL statutory requirements and investigations, implementing recommendations and protective practices;
- Liaison with Manager, Human Resources as appropriate;
- Advice and support to the Church Authority as required to ensure appropriate safety measures are monitored and reviewed;

- Coordination of future strategy discussions either fortnightly or monthly depending on the complexity of the case;
- Provision of support and services to the family and child or young person subject to the alleged abuse;
- Management of case file, recording all interventions, decisions and plans;
- Preparation of reports as and when required by leadership.

A final strategy discussion should be held to ensure all identified tasks, both new and ongoing have been completed and where appropriate make recommendations for future practice.

6.7 Support

The Archdiocese of Adelaide, together with SAPOL, the Department for Child Protection, where involved, will consider the impact upon the child or young person and provide appropriate support. Liaison between the agencies should consider the needs of the child or young person and how these can be effectively addressed.

7. In the event that the accused is charged with a criminal offence of child abuse

The Archdiocese of Adelaide has a duty to ensure that all those affected by the actions of the accused are provided with an opportunity to be supported through open and transparent communication and pastoral care. The Church Authority may wish to inform the Parish Leadership of any decisions taken to ensure the ongoing safety and wellbeing of children and young people acting without judgement and in the best interests of the Church community.

8. Confidentiality

The Archdiocese of Adelaide will make every effort to maintain confidentiality and guard against publicity whilst any allegation is being investigated or considered. Information should be restricted to those who have a need to know in order to protect children, facilitate investigations and manage disciplinary processes.

9. Timeframes

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. Some cases will take longer because of their specific nature, or complexity.

In the event that an allegation of child abuse against an Archdiocesan clergy, religious, employee or volunteer becomes known a strategy meeting must take place within 24 hours to determine a risk assessment and plan for intervention.

10. Relevant Documents and Legislation

Children and Young People (Safety) Act 2017

Safeguarding Children and Young People Policy

Person of Concern Policy

Best Practice Guidelines for Archdiocesan clergy, religious, employees and volunteers interacting with Children and Young People

Integrity in Ministry

Integrity in the Service of the Church

Towards Healing

Code of Conduct

Work Health and Safety

Diocesan Offices and Parishes Policies and Procedures

Police Check Policy

11. Appendices

Appendix A - Procedure for Mandatory Notification Responsibilities Flowchart

Appendix B - Managing Allegations or Concerns of Current Child Abuse against an Archdiocesan Clergy, Religious, Employee or Volunteer Flowchart

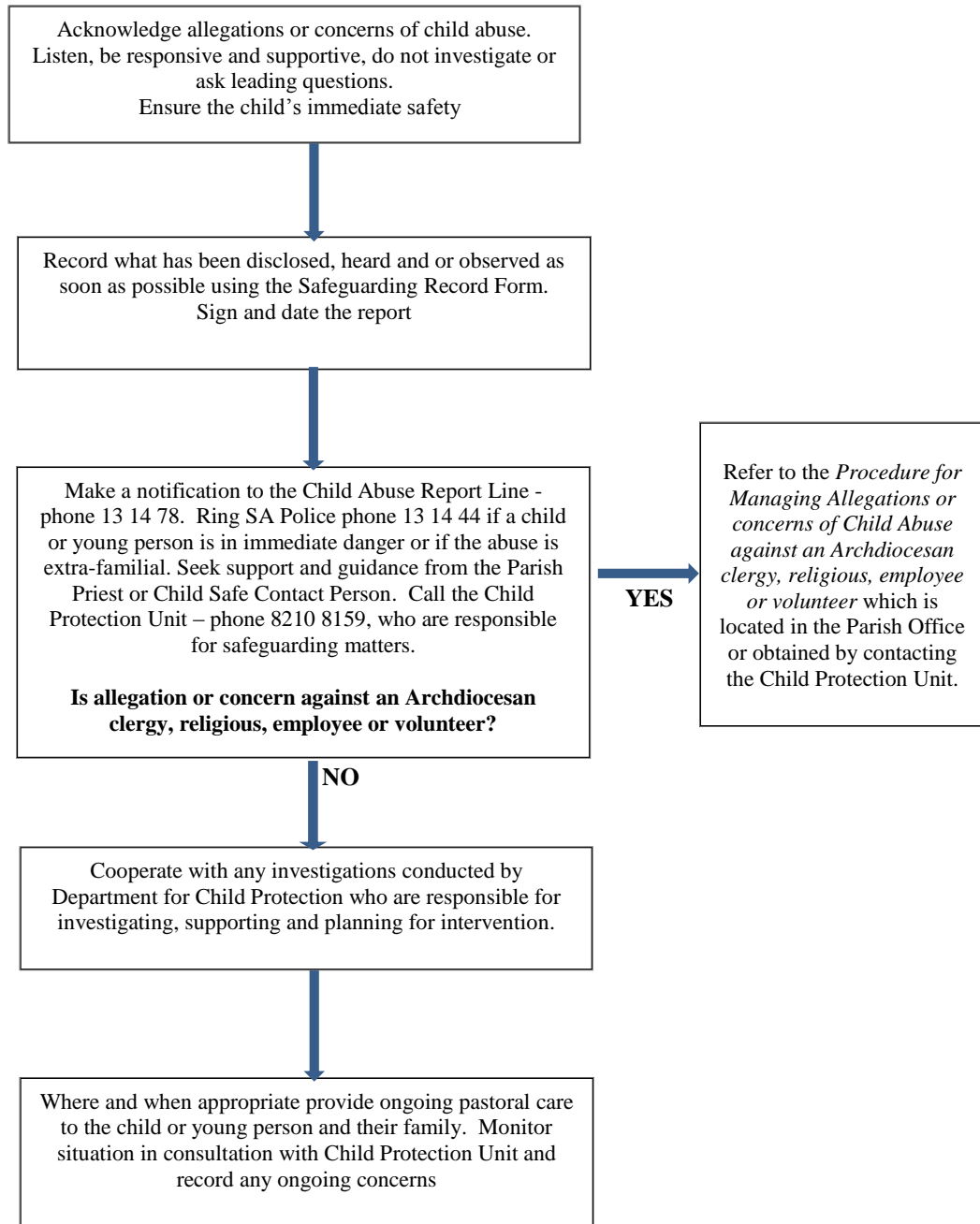
Safeguarding Record Form Template

Strategy Meeting Template

12. Review

This procedure will be reviewed one year after initial endorsement by the Executive of the Curia by the Child Protection Unit and monitored by the Child Protection Council.

**PROCEDURE FOR MANDATORY NOTIFICATION
RESPONSIBILITIES FLOWCHART**



**MANAGING ALLEGATIONS OR CONCERNS OF
CURRENT CHILD ABUSE AGAINST AN ARCHDIOCESAN
CLERGY, RELIGIOUS, EMPLOYEE OR VOLUNTEER
FLOWCHART**

