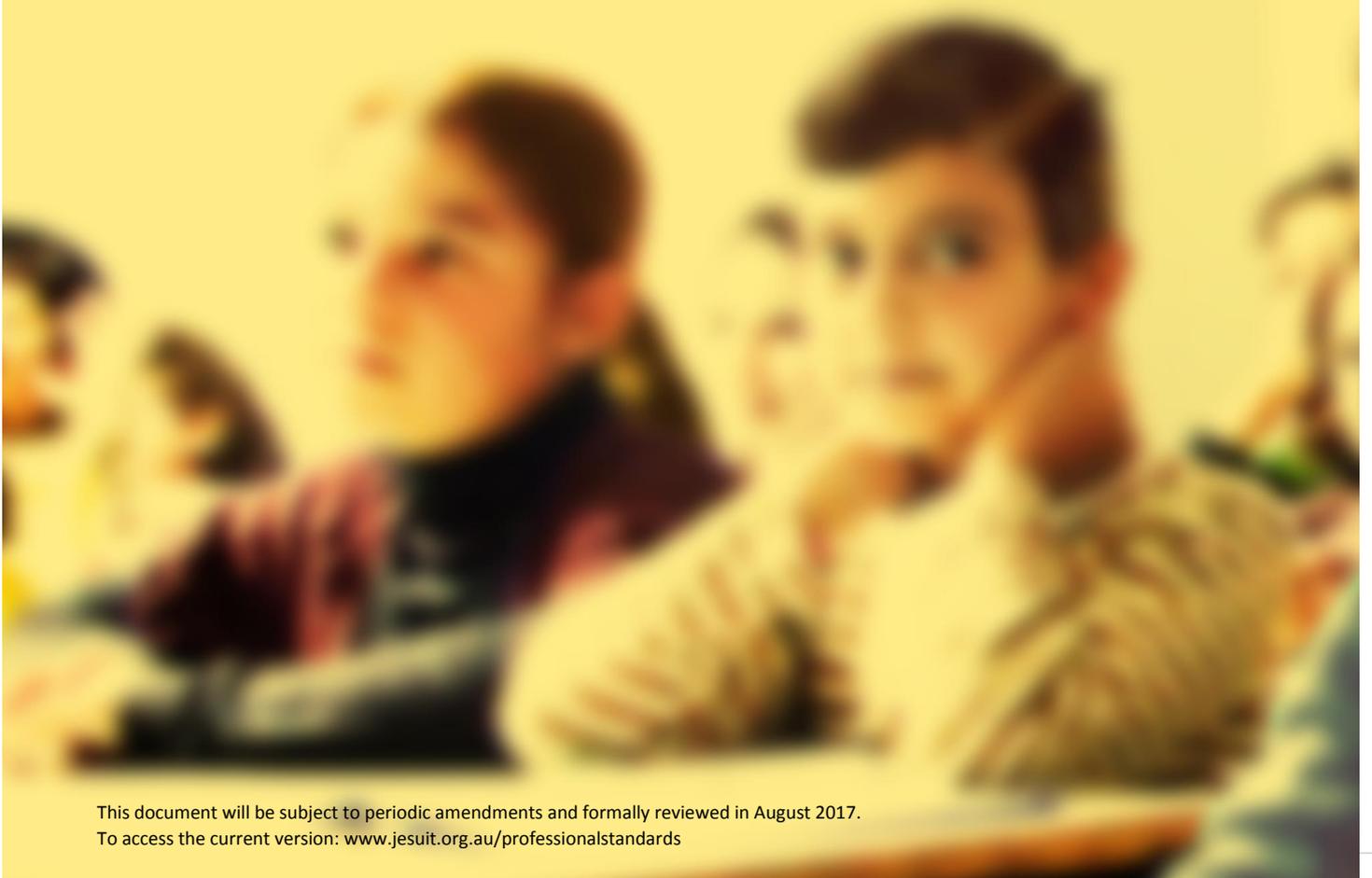




THE AUSTRALIAN PROVINCE  
OF THE SOCIETY OF JESUS:

# POLICY FOR SAFEGUARDING CHILDREN & VULNERABLE ADULTS

AUG 2015, VERSION 1.0



This document will be subject to periodic amendments and formally reviewed in August 2017.  
To access the current version: [www.jesuit.org.au/professionalstandards](http://www.jesuit.org.au/professionalstandards)



## CONTACT

The Australian Province of the Society of Jesus  
Professional Standards Office  
PO BOX 6071  
Hawthorn VICTORIA 3122

-----  
**Web:** [www.jesuit.org.au](http://www.jesuit.org.au)

**Phone:** (03) 9810 7300

**Email:** [professionalstandards@sjasl.org.au](mailto:professionalstandards@sjasl.org.au)



## Terminology

The following terms are used throughout this Policy:

“Province members” means:

- All members of the Australian Jesuit Province, whether in Australia or overseas; and
- All members of other Jesuit Provinces who are working, studying, or living in Australia, or are visiting Australia.

“Province personnel” or “Province worker” means:

- Employees in Province ministries;
- Volunteers in Province ministries;
- Employees of Jesuit communities; and
- Volunteers in Jesuit communities.

“Province ministries” or “Province works” means: works for which the Province, as distinct from individual Jesuits, has primary care. Some of these ministries are directly governed by the Society, while others may be governed or ‘owned’ by other bodies (e.g. some parishes by the dioceses they serve, Newman College by the Archdiocese of Melbourne). The current list of Province ministries is available in [Appendix 7](#).

## To whom does this Policy apply?

This policy covers all Province ministries and applies to:

- Province members, including in relation to any ministries or works they may conduct which are not Province ministries; and
- Province personnel.

Province members who serve in ministries other than Province ministries may also be subject to other policies applying to those ministries.

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*May the Lord Jesus instil in each of us, as ministers of the Church, the same love and affection for the little ones which characterised his own presence among us, and which in turn enjoins on us a particular responsibility for the welfare of children and vulnerable adults. May Mary Most Holy, Mother of tenderness and mercy, help us to carry out, generously and thoroughly, our duty to humbly acknowledge and repair past injustices and to remain ever faithful in the work of protecting those closest to the heart of Jesus.*

- Pope Francis

## Preamble

**This policy sets out practice and procedure to safeguard from abuse children and vulnerable adults who are in the care of or in contact with the Australian Province of the Society of Jesus.**

Children, young people and vulnerable adults have a fundamental right to be respected, nurtured and safeguarded by all. The Society of Jesus in Australia is resolutely committed to ensuring that all Province members and personnel value, nurture and safeguard children and vulnerable adults. To achieve this commitment it is paramount that anyone in the care of or involved with the Province be provided a safe and supporting environment. It is particularly critical to provide such an environment for children and young people and protect them from all forms of abuse and neglect, notably sexual and/or physical abuse.

It has been observed that child abuse casts a long shadow. It causes long lasting, sometimes lifelong, psychological trauma for the individual abused, and can severely diminish their life chances. It has costs for the community in the form of the diminished economic and social contribution an individual may be capable of and in the cost of therapy and ongoing care. Where the perpetrator of abuse is a member of or associated with an institution, it diminishes that institution in practical and moral ways, which hamper the conduct of its ministry.

The shadow of abuse can only be lifted through transparency, genuine contrition and meaningful reconciliation.

It is essential to have in place best practice in terms of policy and procedures so as to minimise the possibility of abuse occurring in the first place. It is also incumbent upon the Province to assist in all ways possible those people who have been the victims of sexual abuse and who have suffered through the grievous wrongdoing of Province members and personnel.

This policy aims to optimise a safe and nurturing culture for all children and vulnerable adults and rests on the Province's commitment to:

1. [The primacy of the welfare of the vulnerable, especially children;](#)
2. [The creation of a safe and nurturing culture in Province communities and ministries;](#)
3. [Thorough and rigorous appointment, employment and formation practices;](#)
4. [Proper and prompt disclosure to the relevant authorities, and timely disclosure to the Province and wider community;](#)
5. [Compassionate and just responses to victims of abuse;](#)
6. [Engagement with the \*Towards Healing\* and \*Melbourne Response\* processes;](#)
7. [Best practice training for all Province members and personnel in relation to safeguarding of children and vulnerable adults.](#)

Each of these commitments, with its associated protocols, is detailed within this policy.

The Province is particularly grateful for the generous support and guidance of Dr Kathleen McChesney, of Kinsale Management Consulting, who reviewed and evaluated Province policies and practices in 2014. Her report has been an important resource in the drafting of this policy:

McChesney, Kinsale Management Consulting, “A Review of the Professional Standards and Child Protection Practices of the Australian Province of the Society of Jesus” (October 2014).

Other resources drawn upon are noted in [Appendix 9](#).

## Commitment 1

### The primacy of the welfare of the vulnerable, especially children

*In fidelity to the Gospel, we are called to show particular solidarity with the most vulnerable of our brothers and sisters.*

*- Pope Francis*

At all times, the ongoing safety and wellbeing of the child or vulnerable adult must be the primary focus of care and decision-making.

## Protocol

### Acting in the best interests of the vulnerable

Acting in the best interests of children and vulnerable adults requires all Province members and personnel to act to protect them from harm, protect their rights and, in the case of children, promote their development in ways appropriate to their gender, age and culture. For the purpose of this Policy, acting in the best interests of the child includes:

- reporting all allegations or disclosures of sexual, physical and emotional abuse and neglect – as set out in [Commitment 4](#);
- reporting to the appropriate authority when a belief is formed that a child has been harmed or is at risk of being harmed;
- making the child’s ongoing safety and wellbeing the primary focus of decision-making;
- sharing appropriate information, expertise and resources with other service providers supporting the child;
- protecting and promoting the cultural and spiritual identity of a child and maintaining their connection to their family or community of origin; and
- enabling the child and the child’s family to access appropriate services in order to reduce the long-term effects of abuse or neglect.

### Duty of care

Province members and personnel have a moral duty of care to support and protect the vulnerable persons, including children and young people, with whom they are professionally involved or are in contact. In most circumstances they will also owe those children and young persons a legal duty of care.

If a Province member or worker believes that a child or vulnerable adult has been harmed or is at risk of harm, that person is morally bound, and, generally has a legal duty to take action to protect the safety and wellbeing of that child or vulnerable adult. In some cases, Province members and personnel (“**Mandated Reporters**”), have an obligation to report such a belief to authorities and criminal penalties apply for breaching that obligation (see [Commitment 4](#)).

Duty of care is breached if a Province member or worker:

- fails to do something that a reasonable person in their position would do in the circumstances; or
- acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care.

### **In the event of suspicion of harm or grooming**

Where a Province member or Province worker suspects that a child or young person is being or likely to be harmed physically, sexually or emotionally, that person must raise the matter with the Superior of the local Jesuit community, Head of Ministry, or the Provincial Office Professional Standards staff without delay.

When one of these supervisory role holders is the suspected perpetrator, the Province Director of Staff Relations and Professional Standards must be notified without delay on 03 9810 7335.

A Superior or Head of Ministry who is notified of such a suspicion must, in consultation with Provincial Office Professional Standards staff, the reporter and other appropriate Province members and personnel in the relevant community or ministry:

- determine what, if any, direct protective action needs to be taken;
- determine whether there is an applicable mandatory reporting obligation;
- determine whether, independent of whether there is a mandatory reporting obligation, it is appropriate to report the suspicion to authorities; and
- document the decision and decision-making process.

A detailed checklist is provided in [Appendix 3](#) to guide responding to and managing disclosures.

Note: a Province member or worker who has a mandatory reporting obligation must perform that obligation as well as raising the matter with the appropriate Superior, Head of Ministry or the Provincial Office Professional Standards staff.

## Commitment 2

### The creation of a safe and nurturing culture in Province communities and ministries

*Be in every way generous builders of the civilization of love;  
in this way you will be the authentic promoters of the future.*

*- John Paul II*

All Province members and personnel must adhere to this policy, which regulates interactions between them, children and vulnerable adults.

## Protocol

### General principles

Province members and personnel should treat all people in a manner that fully respects their dignity and rights. They must avoid actions or behaviours that are, or could be construed as, potentially abusive or poor practice. This applies particularly to children and vulnerable adults. Province members and personnel should:

- Provide, by their own behaviour, an example of good conduct at all times;
- Operate within Province principles, and any specific procedures and practices their ministry might have in place;
- Respect each person's personal boundaries;
- Help children and young people develop an awareness and understanding of their own rights and a respect for the rights of others;
- Provide children and young people with information as to how, where and from whom they can seek help if they are experiencing serious problems;
- Be visible to other adults when working with children and young people;
- Challenge and report behaviour that is abusive or potentially abusive; and
- Develop a culture where children and young people can talk openly about their interactions with adults and others.

### In general, Province members or personnel should not:

- Spend excessive time alone with children away from others.
- Take children to their own homes or residences.

### Province members and personnel must never:

- Hit or otherwise physically assault or verbally abuse a child;
- Engage in grooming and/or sexual contact with a child;
- Engage in inappropriate remarks or conversations with children;
- Develop relationships with children which could be deemed to be in any way exploitative or abusive;
- Act in ways that may be abusive or may place a child at risk of abuse;
- Provide alcohol, tobacco or non-prescriptive drugs to those under 18 years; and
- touch a child in a sexually suggestive manner or in a way that could be interpreted as such.

## The Two Adult Rule

General safe practice in all activities recommends the application of the **Two Adult Rule**, which serves to keep children and vulnerable adults safe, as well as the adults serving them. Wherever practical no fewer than two adults should be present at all times during any program, event or ministry involving children and vulnerable adults. It is best that these two adults not be related. Adherence to this rule:

- drastically reduces the risk of an incident of abuse, as any potential abuser will lose interest if constantly in sight of another adult;
- protects the adults against false allegations;
- reduces the possibility of a claim of negligence;
- encourages volunteer participation since potential volunteers will be less fearful of false accusations; and
- sends a clear statement that children are important and valued.

### Exceptions to the Two Adult Rule:

Because the nature of their work calls for one-on-one sessions, the following are not bound by this rule:

- professional counsellors
- guidance counsellors in schools

A second adult is also not required where a class with 5 or more students is being taught. Others, of course, may need at times to deal one to one with a child or young person. In such cases, the interaction should be conducted in as open and observable a way as possible. This can be contributed to by one or both of the following:

- leaving doors to offices and interview rooms open; and/or
- putting glass windows in the doors.

### Professional conduct and a culture of awareness

All Province members and personnel are responsible for their professional conduct with children and vulnerable adults. This means establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of the professional relationship.

Abuse and/or grooming of a child or vulnerable adult is harmful and often results in long lasting consequences, primarily for the child or vulnerable person affected. They also affect the wider community of people who are aware of the violation, and diminish the integrity of the Province's contribution to the Church's mission.

Province members and personnel may also fail to maintain professional conduct by operating beyond the responsibilities of their role and their expertise. Children and vulnerable adults who raise significant personal problems must be referred, preferably with their knowledge, to a person on staff with specialised skills, for example, a school counsellor or pastoral care coordinator.

Province members and personnel must not, under any circumstances, engage in an intimate, overly familiar or sexual relationship with a child. Improper conduct of a sexual nature includes all forms of sexual activity, including kissing. [Appendix 4](#) offers fuller guidance on appropriate boundaries.

### Good practice in managing professional conduct

The following self-assessment questions may assist staff members in assessing their application of professional boundaries:

- Am I dealing in a different manner with a particular child or vulnerable adult than with others under the same circumstances?
- Is my dress/availability/language different from normal with a particular child or vulnerable adult?
- Would I do or say this to a child or vulnerable adult if a colleague were present?
- Would I condone my conduct if I observed it in another adult?
- Are the consequences of my actions likely to have negative outcomes for the child or vulnerable adult?

## Commitment 3

### Thorough and rigorous appointment, employment and formation practices

*Everyone should be aware that any failure in living faithfully the vow of chastity, or any ambiguous relationship, can afflict others cruelly, both spiritually and psychologically.*  
- General Congregation 34 #258

While the vast majority of people who want to work with children, young people and vulnerable adults are well-motivated, good recruitment and selection procedures will help screen out those who are not suitable, thus enhancing the prospects of identifying the best person for the position. Hence it is crucial, in the development of an embedded and trusted culture of guardianship, to do all possible to prevent those who pose a risk to children and vulnerable adults from joining the Society or working in our Jesuit ministries and communities, whether as employees or volunteers. This involves rigorous application processes for candidates to the Society followed by good formation processes for those who are accepted. Likewise, for all Province personnel, the Province needs to ensure robust appointment and employment practices.

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## Protocol

### Selection of Jesuit candidates and formation of Jesuits

The Province sees it as a high priority to support the formation of all Jesuits in psychosexual development. This begins with the careful selection of candidates in the novitiate and ongoing formation programs, including tertianship. In all of these pre-formation and formation processes it is important that men are supported to grow into the vocation of celibacy. Those who guide the formation processes or are involved in any formation role, such as offering spiritual direction to Jesuits or teaching formadores, will be provided with ongoing formation in this important area of human development.

### Recruitment and selection practices

When recruiting personnel, Province ministries and works will ensure safe practices by following the recommended steps of:

- having task descriptions for each of the roles;
- ensuring the person completes an application and declaration form;
- asking appropriate interview questions;
- undertaking detailed reference and referee checks with previous employers;
- insisting on police checks to ensure the person is not a disqualified person but has, or can obtain, a working with children clearance;
- presenting the selected person with a letter of engagement;
- completing the new employee/volunteer engagement form;
- completing an induction process with the new person and providing appropriate and ongoing training/professional development ([Commitment 7](#)); and
- entering the volunteer details into a volunteer register.

## **Formation of Laity**

The Province is committed to the ongoing formation of lay colleagues and especially of those in positions of leadership. This commitment is demonstrated through a suite of offerings including a two-day induction program, a biennial Province Gathering with formation elements, retreat leave for those in positions of leadership, and other formation events and professional development opportunities.

## **Spiritual Directors and *Formatores***

General Congregation 34 noted the importance of proper formation for Jesuit spiritual directors, especially those working in formation. It notes that this “is additionally necessary today because of contemporary influences and issues regarding affective maturity and sexuality” (#265). The same applies to all Province personnel who work as spiritual directors.



## Commitment 4

### Proper and prompt disclosure to the relevant authorities and timely disclosure to the Province and wider community

*Those who do what is true come to the light,  
so that it may be clearly seen  
that their deeds have been done in God.  
- John 3:21*

On occasion, Province members or personnel may come to suspect that abuse of children or vulnerable adults involving present or former members or personnel is occurring or has occurred in the past. If a reasonable belief is formed the matter must be reported to your Head of Ministry or local Superior. Where there is a reasonable apprehension that a child or vulnerable adult is in imminent danger of abuse or serious harm, there should be no delay in reporting this to the police and/or relevant authority.

All Heads of Ministry must be aware of and comply with state and national legislation and other statutory requirements pertaining to child protection and reporting of disclosures. See [Appendix 6](#).

Regardless of any statutory requirement (that is, the legal obligation imposed on persons who are “mandated to report”), all Province members and personnel are obliged to report any belief or perception of inappropriate or abusive behaviour to, *at least*, their Head of Ministry or to the local Superior. If in doubt consult the Province Director of Staff Relations and Professional Standards.

## Protocol

### Reporting

When there is evidence that a child is in *immediate danger*, police and the relevant child protection agency must be contacted without delay.

### Mandatory reporting

A broad range of professional groups are required – “mandated” – to report suspected abuse or neglect. Mandated staff members *must* make a report to the relevant child protection agency as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child’s parents/ carers/ guardians are unable or unwilling to protect the child. This involves any reasonable belief of abuse, wherever it may have occurred and whoever a suspected perpetrator may be.

The following professionals are generally prescribed as mandatory reporters under the legislation of the various States and Territories:

- Primary and secondary school teachers and principals
- Registered medical practitioners (including psychiatrists)
- Nurses (including school nurses)
- Police

[Appendix 6](#) offers a fuller account of mandatory reporting requirements according to jurisdiction.

### Non-mandatory reporting

**Any person** who believes on reasonable grounds that a child is in need of protection may report their concerns to the relevant State or Territory Child Protection Agency (see [Appendix 5](#) for contact details). This concerns any reasonable belief of abuse, wherever it may have occurred and whoever the suspected perpetrator may be.

### Forming a belief on reasonable grounds

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents/carers/guardians' are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:

- a child or young person states that they have been physically or sexually abused;
- a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- someone who knows the child or young person states that the child or young person has been physically or sexually abused;
- a child shows signs of being physically or sexually abused;
- the person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development; and
- the person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision.

### Disclosures and transparency

The Province will continue to develop and implement protocols that promote a culture of openness and transparency. The Province acknowledges, however, that this needs to be tempered with a commitment to natural justice and procedural fairness. The reputations of accused Province members and personnel, past and present, must be taken into consideration, particularly in the early stages of an allegation when information may be piecemeal and require investigation.

The Province will report annually to Province members and personnel on professional standards matters. Between these annual reports, communications will occur as matters emerge or as there are updates to this Protocol or to best practice in this area.

### Flow chart of the main processes

[Appendix 8](#) presents a flowchart of how Province members and personnel are expected to respond should they become aware of or suspect abuse is occurring or has occurred in the past.

## Commitment 5

### Compassionate and just response to victims of abuse

*So when you are offering your gift at the altar,  
if you remember that your brother or sister has something against you,  
leave your gift there before the altar and go;  
first be reconciled to your brother or sister,  
and then come and offer your gifts.  
- Matthew 5: 23-24*

The Jesuits acknowledge and are deeply ashamed that some of its members and personnel have sexually abused children whilst in Province care. As noted in the Preamble, many of those abused carry this impact throughout their lives and, as a result, require ongoing support, assistance and healing. They seek justice. They seek an opportunity to restore their lives and to repair the damage caused by their experiences.

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### Protocol

- 1 In the conduct of litigation related to claims of child sexual abuse, the Province will seek to follow a compassionate, just and humble approach that one might expect from a “model litigant”.
- 2 This requires that the Province act honestly and fairly by:
  - (a) dealing with claims and litigation promptly;
  - (b) assisting the claimant to identify the correct defendant to respond to the legal proceedings;
  - (c) facilitating access to records relating to the claimant;
  - (d) making an early assessment of:
    - (i) the evidence that is provided; and
    - (ii) the Province’s liability in the claim made against it;
  - (e) paying legitimate claims without awaiting the issue of legal proceedings;
  - (f) providing information about services and supports available to claimants and considering requests from claimants for counselling, and other kinds of support or redress;
  - (g) offering and participating fully and effectively in alternative dispute resolution processes wherever possible
  - (h) if there is a need for expert evidence, co-operating with claimants about choice of expert/s, and facilitating agreement on the use of a single expert, if practicable and;
  - (i) not undertaking and pursuing appeals unless the Province believes that it is in the interests of justice to do so.

## Commitment 6

### Engagement with the Towards Healing and Melbourne Response Processes

*Jesus called a child, whom he put among them, and said,  
"Whoever welcomes one such child in my name, welcomes me."  
- Matthew 18:5*

[Towards Healing](#) contains the principles and procedures in responding to complaints of abuse against personnel of the Catholic Church in Australia. All dioceses and religious congregations subscribe to this protocol. In relation to Part 3 of the protocol, which lays down procedures for dealing with complaints of abuse, it should be noted that the Archdiocese of Melbourne uses its own set of procedures known as the [Melbourne Response](#) (see further below).

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## Protocol

### Towards Healing

The Towards Healing model is essentially a pastoral response to victims of abuse. The focus is on reparation and healing.

A person seeking to engage in the Towards Healing process is to be advised that criminal matters must be dealt with by the police.

Many cases have been dealt with under the Towards Healing process. Some victims and survivors have found it a helpful process, some have not.

#### Towards Healing documents:

[Towards Healing](#) sets out the principles that must form the basis of the Church's response to complaints of abuse and the procedures to be followed in responding to individual complaints.

[Integrity in Ministry](#) is a resource for those preparing for ministry in the Catholic Church and has a code of conduct and guide for reflection for those already in ministry.

[Integrity in the Service of the Church](#) is a resource document of principles and standards for lay workers and volunteers in the Catholic Church of Australia. The document is not a code of behaviour but aims to provide resources which groups of Church workers might use in developing their own specific guidelines, documents and processes.

#### Towards Healing contact numbers

ACT	1300 369 977	South Australia	1800 139 020
New South Wales	1300 369 977	Tasmania	1800 356 613
Northern Territory	0418 736 890	Victoria	1800 816 030
Queensland	1800 337 928	Western Australia	1800 072 390

## The Melbourne Response

The [Melbourne Response](#) is a series of initiatives established in 1996 to respond to allegations of sexual and child abuse by clergy, religious and lay Church persons within the Catholic Archdiocese of Melbourne (CAM).

The core elements of the *Melbourne Response* are:

- 1 An Independent Commissioner to receive and investigate complaints of child and sexual abuse;
- 2 A Compensation Panel to recommend ex gratia compensation to be paid to victims by the Archdiocese;
- 3 Carelink, an independent body to coordinate the provision of free counselling and professional support services for victims; and
- 4 Pastoral support.

Mr Peter O'Callaghan QC and Mr Jeffery Gleeson QC are the Independent Commissioners appointed by the Archbishop to investigate allegations of sexual and child abuse by clergy, religious and lay Church people within the Catholic Archdiocese of Melbourne.

A brochure entitled "Sexual and Other Abuse: The Melbourne Response" provides further background about the process, including the role of [Carelink](#) and of the Compensation Panel. The brochure can be downloaded from the [CAM website](#). These procedures will be relevant to Province members and personnel who are working or have worked in ministries of the Archdiocese of Melbourne (e.g. parishes and Newman College).

**Melbourne Response contact number**

(03) 9225 7979

## Commitment 7

### Best practice training for all Jesuits and Province personnel in relation to safeguarding of children and vulnerable adults

An effective safeguarding framework can only be maintained through the understanding of and commitment to best practices by all Province members and personnel, working together to minimise risks and create a safe and caring environment for children and vulnerable adults. Best practice needs to be embedded in the culture of the Province as an organisation and be reflected across all its operations.

Training will be provided to all Province members and personnel to form an important part of the induction to Province ministries. Training will be reviewed regularly and refresher training will become part of annual professional development programs. A register of staff completion of these programs will be part of annual reporting requirements to the Province.

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#### Protocol

Everyone who comes into contact with children and vulnerable adults has a role to play in their protection. To carry out this role confidently and effectively they need to be aware of safeguarding issues and to have the necessary knowledge, attitude and skills to keep children and vulnerable adults safe.

#### Induction

On appointment as an employee or approval to volunteer within the Province, each person must attend an induction session to provide an overview of the Province Safeguarding Children and Vulnerable Adults policy. Likewise, Jesuit novices will receive induction on this policy early in their first year in the noviceship.

#### Training

All Province members and personnel will be given training in child protection policies and procedures, and in the care and protection of vulnerable adults, including information about how to respond to suspicions and allegations of child abuse. To maintain high standards and good practice generally, training will be provided on an ongoing basis. Tailored training will be provided for those with additional responsibility such as recruitment and selecting staff, dealing with complaints, disciplinary processes, and managing risk.

## Appendix 1

### Glossary<sup>1</sup>

**Abuse:** there are different legal and operational definitions of child abuse in Australia. However, all definitions refer to the physical or psychological damage caused to another person by the abusive behaviour of others, or the failure of others to protect from such damage. Most commonly, the categories of abuse cover sexual, physical and emotional abuse, neglect, and harassment.

**Sexual abuse:** includes sexual behaviour involving the person and another person in the following circumstances:

- The other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- The relevant person has less power than the other person;
- There is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

**Child:** means a person under the age of 18 years.

**Child in need of protection:** is one who has suffered significant harm, is suffering significant harm or is at unacceptable risk of suffering significant harm; or does not have a parent, guardian, or care giver able and willing to protect the child from harm. This may include detrimental effects on the child's body or the psychological or emotional state that are evident or are considered to be likely to become evident in the future.

**Harm:** is any detrimental effect of a significant nature on the person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by physical, psychological or emotional abuse or neglect, or by sexual abuse or exploitation. It may be caused by a single act, omission or circumstance, or a series or combination of acts, omissions or circumstances.

**Grooming:** actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

**Mandatory reporting:** is a legal obligation imposed on selected classes of people (eg: teachers, doctors) to report suspected cases of child abuse and neglect to government authorities. There are penalties if you fail to act. It is important to note that mandatory reporting legislation overrides any professional code of conduct or ethical guidelines that may apply to your particular profession.

**Physical abuse:** the use of physical force that may result in bodily injury, pain, or impairment.

**Self-harm:** is deliberate and voluntary physical self-injury (that is not life-threatening and is without any conscious suicidal intent) in an attempt to cope with strong feelings such as anger, despair or self-hatred.

**Standards:** are those expectations and behaviours of clergy/religious and lay church workers/volunteers as articulated in the National Committee for Professional Standards publications: "Integrity in Ministry" and "Integrity in the Service of the Church."

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

<sup>1</sup> Based in part on the Archdiocese of Brisbane, "[Safeguarding Children and Vulnerable Adults Prevention and Protection Policy.](#)"

## Appendix 2

### Further guidance on managing disclosure

In addition to the brief checklist in [Commitment 4](#), the following points inform an approach when a child or vulnerable adult discloses harm or abuse:

- Listen carefully to and support the child or vulnerable adult and thank them for helping you to understand.
- Reassure the child or vulnerable adult it is right to tell someone about this and that you may need to let others know if their safety is at risk and/or other children are at risk.
- Give the person your full attention.
- Let them take their own time.
- Let the person use their own words.
- Accept that the person will disclose only what is comfortable and recognise their bravery/strength for talking about something that is difficult.
- Tell the person what you intend to do next.
- Maintain a calm appearance with a listening style that is compassionate and reassuring. If the information given to you shocks, disgusts or distresses, do not allow these feelings to show.
- Do not make promises that cannot be kept.
- Do not confront the accused or suspected person.
- Record all details that support concerns.
- Inform your Local Superior, Head of Ministry and/or the Province Director of Staff Relations and Professional Standards and decide what action is to be taken. (In the event that the accused is one of these role holders, contact the Office of Professional Standards by phone (03 9810 7335).
- Report as appropriate to the police.
- Do not undertake an investigation. This should be undertaken by the relevant civil and religious.

Suspicion or allegations of harm that involve an offence against a child or vulnerable adult **must** be reported to the police.

#### Documenting a disclosure

Notes about a disclosure must be recorded. Immediately after the disclosure discussion, make your own notes and as far as is possible record the actual words spoken. It is important to ensure that the child or vulnerable adult is informed that the documentation is occurring and of its importance. The explanation should be appropriate to the age and level of understanding of the person.

- Do not be selective. Include all details.
- All records, including rough notes must be passed to the police or relevant child protection agency, as appropriate.
- Any copies of records retained must be kept secure and confidential.

### **Notification to civil authorities**

The allegation must be reported to the relevant child protection agency when:

- The alleged case of harm may be caused by a family member;
- The family is not acting to protect their child from harm;
- Disclosure of harm is related to residential services for a child or young person.

Disclosure of harm that indicates that a criminal offence has taken place (for example, sexual or physical assault) must be reported to the police. The police will require the following details:

- the nature of the harm;
- if there was a disclosure, the circumstances of disclosure;
- name, age and address of the child or young person harmed;
- whereabouts of the child or young person at that point in time;
- any identifying information of the alleged perpetrator; and,
- details of the person reporting the harm.

Province members and personnel who have been involved with disclosure and suspicion or allegation of harm can be debriefed and supported through the Province Professional Standards Office.

### **Confidentiality**

Any issues relating to suspected or alleged harm and/or abuse to children, young people or vulnerable adults is highly sensitive and must be treated in such a way. Any reports or documentation on disclosures must be kept secure at all times. Access should be strictly limited to those involved in the matter. The matter should only be discussed with relevant supervisors, managers or staff of statutory authorities.

## Appendix 3

### Checklist for responding to and managing a suspicion of harm

A guide for when an adult suspects a child is at risk or being harmed.

#### Pastoral approach

- listen and affirm;
- don't blame;
- support – e.g. 'Thank you for telling me, you are very courageous.';
- assure safety – e.g. 'I'm sorry this has happened. I'll do everything I can to help. I will have to speak to other people in order to help.'
- document – ensure that the disclosure is documented with as much detail as you recall.

Recording: Record all details that support the suspicion and sign and date the file note. The record would usually include:

- accurate identifying information ie the name and address of the person who has raised a concern (as well as their date of birth, and parents'/carers'/ guardians' names and addresses when the person who has raised a concern/allegation is a child);
- the name of the individual against whom the concern/allegation is being made and any other identifying information;
- as much information as possible about the circumstances that led to the concern/allegation being raised, why is the person reporting worried about the welfare and safety of the child/children or vulnerable adult/s;
- dates when the concern arose, or when the incident(s) occurred;
- circumstances in which the concern arose, or the incident(s) occurred;
- any explanation offered to account for the risk, injury or concern;
- the person's own statement using the words they used to describe the events or incident(s), if possible. Do not make assumptions about the intended meaning of words used;
- details of any action already taken concerning the incident/concern/allegation;

Do not be selective. Include all details, even those which may seem irrelevant. They could prove invaluable.

At a later stage in an investigation, all records, including rough notes, must be passed to the relevant designated officer - the Director of Staff Relations and Professional Standards or Safeguarding Officer (as appropriate), the relevant child protection agency and/or police.

Any copies of records retained must be kept securely and confidentially.

Discuss the matter with the (head of the school/organisation/service, local safeguarding officer) and decide what action needs to be taken. (When one of these role holders is the suspected perpetrator, contact the Province Director of Staff Relations and Professional Standards on **03 9810 7335**.) **It is important NOT to discuss the incident/concern with anyone other than those detailed in these procedures.**

## Appendix 4

### Further guidance on appropriate boundaries

#### Appropriate boundaries

This list offers examples of the sorts of behaviour that are considered inappropriate in relating to children and vulnerable adults. It is not intended to be comprehensive, as no such listing ever can be. Moreover, for some of these points at least, one could imagine exceptional or emergency situations where these usual boundaries would need to be crossed, precisely for the good of the child or vulnerable adult – eg a serious medical emergency where the only option is to drive a student unaccompanied to the hospital. Still, the list offers a way of helping us reflect on boundaries and on our own behaviour. It is phrased in terms of children, but these boundaries would also apply to vulnerable adults.

#### Boundaries around communication:

- Obscene language, gestures of a sexual nature, suggestive remarks or actions.
- Jokes or innuendo of a sexual nature
- Inappropriate comments about a child's appearance, either derogatory or overly flattering
- Vilification or humiliation
- Inappropriate conversation or enquiries of a sexual nature
- Discussing personal details of one's own lifestyle or that of others
- Sharing of personal information about other staff or children
- Failing to stop sexual harassment between children

#### Boundaries around targeting particular children:

- Tutoring children without the knowledge of relevant staff or your Superior
- Personal gifts and special favours
- Adopting a welfare role that is not one's responsibility without the knowledge of the relevant staff members
- Use of inappropriate pet names
- Spoken, written or electronic communications of a personal nature (not including occasional specific contact such as a bereavement card or note)

#### Boundaries around physical contact:

- Unwarranted, unwanted and/or inappropriate touching of a child, including doing so with objects
- Initiating or permitting inappropriate physical contact by a child, eg massage, tickling games

#### Boundaries around exposure:

- Deliberate exposure of children to the sexual behaviour of others, other than in prescribed curriculum in which sexual and relationship themes are contextual.
- Facilitating access to pornographic or overtly sexual material
- Undressing in front of children

#### Boundaries around places:

- Inviting or allowing or encouraging children to come to one's home when it is possible one might be alone with the child there
- Attending children's homes or social gatherings when it is possible there will not be another adult present
- Being alone with a child when this is outside one's responsibilities (see Two Adult Rule).
- Watching students in a change room when not needing to do so in a supervisory role
- Driving a student unaccompanied

## Appendix 5

### Child protection agencies across Australia

#### Government Authorities and Agencies

If you are concerned that a child is being abused you can speak anonymously with the government authorities in your state or territory using the phone numbers below.

ACT	Care and Protection Services	1300 556 729
NSW	Child Protection Helpline	13 21 11
NT	Child Abuse Prevention Service	1800 688 009
QLD	Child Safety Services	1800 811 810 (business hours) 1800 177 135 (after hours)
SA	Child Abuse Report Line	13 14 78
TAS	Child and Family Services Line	1800 001 219
VIC	Child Protection Crisis Line	13 12 78
WA	Crisis Care	(08) 9325 1111 1800 199 008 (for callers outside Perth)

#### Websites

National	<a href="#">1800Respect Counselling and Support Site</a>
Australian Capital Territory	<a href="#">Office of Children, Youth and Family Services Community Services</a>
New South Wales:	<a href="#">Family and Community Services</a> <a href="#">Keep Them Safe</a> <a href="#">Advocate for Children and Young People</a>
Northern Territory	<a href="#">Child Protection</a>
Queensland	<a href="#">Child Protection</a>
South Australia	<a href="#">Protecting Children</a>
Tasmania	<a href="#">Commissioner for Children</a>
Victoria	<a href="#">Child Protection</a> <a href="#">Commission for Children and Young People</a>
Western Australia	<a href="#">Child Protection</a>

#### Support Organisations

<a href="#">Kids Helpline</a>	1800 55 1800
<a href="#">Lifeline</a>	13 11 14
<a href="#">Headspace</a>	1800 650 890
<a href="#">Child Wise</a>	1800 991 099

## Appendix 6

### Mandatory reporting

Mandatory reporting requirements across Australia			
	Who must report?	What must <i>be</i> reported?	Legal provisions
ACT	<p>A person who is: a doctor; a dentist; a nurse; an enrolled nurse; a midwife; a teacher at a school; a person providing education to a child or young person who is registered, or provisionally registered, for home education under the <i>Education Act 2004</i>; a police officer; a person employed to counsel children or young people at a school; a person caring for a child at a child care centre; a person coordinating or monitoring home-based care for a family day care scheme proprietor; a public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families; the public advocate; an official visitor; a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.</p> <p><b>Teacher</b>, at a school, includes a teacher's assistant or aid, if the assistant or aid is in paid employment at the school.</p> <p><b>Person caring for a child at a childcare</b> centre does not include anyone caring for the child as a volunteer.</p>	<p>With a belief, on reasonable grounds, that a child or young person has experienced or is experiencing <i>sexual abuse</i> or non-accidental <i>physical injury</i>; and the belief arises from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid).</p>	<p>Section 356 of the <i>Children and Young People Act 2008</i> (ACT)</p>
NSW	<p>A person who, in the course of his or her professional work or other paid employment delivers: health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children (including a mediator child advocate and appointed guardian); and</p> <p>A person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children.</p>	<p>Who has reasonable grounds to suspect that a child is at risk of significant harm in the form of:</p> <p>(a) the child or young person's basic physical or psychological needs are not being met or at risk of not being met;</p> <p>(b) the parents or other caregivers have not arranged, or are unable or unwilling to arrange, for the child or young person to receive necessary medical care;</p> <p>(b1) in the case of a child or young person who is required to attend school in accordance with the <i>Education Act 1990</i>, the parents or other care givers have not arranged, or are unable or unwilling to arrange, for the child or young person to receive an education in accordance with that Act;</p> <p>(c) the child or young person has been, or is at risk of being, physically or sexually</p>	<p>Sections 23, 25 and 27 of the <i>Children and Young Persons Care and Protection Act 1998</i> (NSW)</p> <p>Section 29A of the <i>Community Justice Centres Act 1983</i> (NSW)</p> <p>Section 18 of <i>Advocate for Children and Young People Act 2014</i></p> <p>Section 48A of <i>Child Protection (Working with Children) Act 2012</i> NSW</p>

Mandatory reporting requirements across Australia			
	Who must report?	What must <i>be</i> reported?	Legal provisions
		<p>abused or ill-treated;</p> <p>(d) the child or young person is living at a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;</p> <p>(e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered, or is at risk of suffering, serious psychological harm; and</p> <p>(f) The child was the subject of a prenatal report under s.25 and the birthmother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practicable, the risk factors that gave rise to the report.</p>	
	Any person.	With knowledge or a belief that another person has committed an indictable offence and that he or she has information which might be of material assistance in securing the apprehension, prosecution or conviction of the offender.	Section 316 of the <i>Crimes Act 1900</i> (NSW)
NT	Any person.	<p>Who believes on reasonable grounds that:</p> <ul style="list-style-type: none"> <li>- a child has suffered or is likely to suffer harm or exploitation;</li> <li>- a child less than 14 years has been or is likely to be a victim of a sexual offence;</li> <li>- a child has been or is likely to be a victim of an offence against section 128 of the Criminal Code.</li> </ul> <p>Harm to a child is defined as any significant detrimental effect caused by any act, omission, or circumstance on the physical, psychological, emotional wellbeing or emotional development of a child or exposure of the child to physical violence or the exploitation of a child, including sexual abuse of the child, involving the child as a participant or spectator in an act of a sexual nature, prostitution or pornographic performance.</p>	Sections 15, 16 and 26(1) of the <i>Care and Protection of Children Act 2007</i> (NT)
	Registered health professionals or someone who performs work of a kind that is prescribed by	Who believes on reasonable grounds that a child aged at least 14 years (but less than 16) years has been, or is likely to be,	Section 26(2) of the <i>Care and Protection of Children Act</i>

<b>Mandatory reporting requirements across Australia</b>			
	<b>Who must report?</b>	<b>What must <i>be</i> reported?</b>	<b>Legal provisions</b>
	regulation.	a victim of a sexual offence and that the difference in age between the and the alleged sexual offender is greater than 2 years.	2007 (NT)
	Any person over the age of 18 years.	Who believes on reasonable grounds another person has caused, or is likely to cause, harm to someone else with whom the other person is in a domestic relationship or the life or safety of another person is under serious or imminent threat because domestic violence has been, is being, or about to be committed.	Section 124A of the <i>Domestic Violence Act 2009</i> (NT)
QLD	A doctor, a registered nurse, teacher, police officer, a person engaged to perform a child advocate function.	Who has a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the child from the harm.	Sections 9 and 13A, 13B, 13C, 13E of the <i>Child Protection Act 1999</i> (Qld)  Sections 467 and 158 of the <i>Public Health Act 1958</i> (Qld)
	An authorised officer, a public service employee employed in the department, or a person employed in a departmental care service or licensed care service.	Who has a reasonable suspicion that the child has suffered, is suffering is at unacceptable risk of suffering significant harm caused by physical or sexual abuse relating to children in departmental or licensed case services of harm (in the form of <i>physical abuse or sexual abuse</i> ) caused to a child placed in the care of an entity conducting a departmental care service or a licensee.	Sections 9, 13F, 13G, 131 of the <i>Child Protection Act 1999</i> (Qld)
	School staff members, including but not limited to, director of a non-state school's governing body, principal, teacher or any other employee of a school.	Who have an awareness or reasonable suspicion formed in the course of the person's employment that a child, attending the school or in a distance education learning program, or a person with a disability, being provided with special education at the school and is not enrolled in the preparatory year at the school, has been or is likely to be sexually abused. Sexual abuse includes behaviours such as: bribes, coercion, exploitation, threats or violence.	Sections 364, 365, 365A, 366, 366A of the <i>Education (General Provisions) Act 2006</i> (Qld)
SA	Doctors; pharmacists; registered or enrolled nurses; dentists; psychologists; police officers; community corrections officers; social workers; teachers in educational institutions including kindergartens; family day care providers; employees/volunteers in a government department, agency or instrumentality, or a local government or non-government agency that provides health, welfare,	Who have reasonable grounds to suspect that a child has been or is being abused or neglected and the suspicion is formed in the course of the person's work (whether paid or voluntary) or of carrying out official duties,  Abuse or neglect, in relation to a child,	Sections 6, 10 and 11 of the <i>Children's Protection Act 1993</i> (SA)

<b>Mandatory reporting requirements across Australia</b>			
	<b>Who must report?</b>	<b>What must <i>be</i> reported?</b>	<b>Legal provisions</b>
	<p>education, sporting or recreational, child care or residential services wholly or partly for children; ministers of religion (with the exception of disclosures made in the confessional); employees or volunteers in a religious or spiritual organisations; and</p> <p>Any other person who is an employee of, or volunteer in, a government or non-government organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children, being a person who—</p> <p>(i) is engaged in the actual delivery of those services to children; or</p> <p>(ii) holds a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.</p>	<p>means—</p> <p>(a) sexual abuse of the child; or</p> <p>(b) physical or emotional abuse of the child, or neglect of the child, to the extent that—</p> <p>(i) the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's wellbeing; or</p> <p>(ii) the child's physical or psychological development is in jeopardy.</p> <p>Abuse or neglect includes a reasonable likelihood of the child being killed, injured, abused or neglected by a person with whom the child resides.</p>	
<b>TAS</b>	<p>Registered medical practitioners; nurses; midwives; dentists, dental therapists or dental hygienists; registered psychologists; police officers; probation officers; principals and teachers in any educational institution including kindergartens; persons who provide child care or a child care service for fee or reward; persons concerned in the management of a child care service licensed under the <i>Child Care Act 2001</i>; any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in, a government agency that provides health, welfare, education, child care or residential services wholly or partly for children, and an organisation that receives any funding from the Crown for the provision of such services; and any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.</p>	<p>Who have a belief or suspicion, reasonable grounds or knowledge that:</p> <p>A child has been or is being abused (<i>physically, sexually, emotionally/psychologically</i>) or neglected or exposed to family violence or is an affected child within the meaning of the <i>Family Violence Act 2004</i>; or</p> <p>there is a reasonable likelihood of a child being killed, abused or neglected by a person with whom the child resides; or</p> <p>while a woman is pregnant, that there is a reasonable likelihood that after the birth of the child the child will suffer abuse or neglect or may be killed by a person with which whom the child is likely to reside; or the child will require medical treatment or other intervention as a result of the behaviour of the woman or another person with whom the woman resides or is likely to reside before the birth of the child.</p>	<p>Sections 3, 4, 13 and 14 of the <i>Children, Young Persons and Their Families Act 1997</i> (Tas)</p>
	<p>A person, however only with the approval of the Attorney General, if information was obtained in the course of practicing the following vocations: a legal practitioner, a medical practitioner, a psychologist, a nurse a social worker, a member of the clergy of any religious denomination, or a researcher for professional or academic purposes.</p>	<p>Who has knowledge or a belief that a crime is being committed and has information which might be of material assistance in securing the apprehension, prosecution or conviction of the offender.</p>	<p>Section 102(a) of the <i>Criminal Code Act 1924</i></p>
<b>VIC</b>	Registered medical practitioners, midwives,	Who believe on reasonable grounds,	Sections 162(1),

<b>Mandatory reporting requirements across Australia</b>			
	<b>Who must report?</b>	<b>What must <i>be</i> reported?</b>	<b>Legal provisions</b>
	<p>registered nurses; a person registered as a teacher under the <i>Education, Training and Reform Act 2006</i> or teachers granted permission to teach under that Act; principals of government or non-government schools; and members of the police force; the proprietor of or a person with a post-secondary qualification in the care, education or minding of children, who is employed by a children's service to which the <i>Children's Services Act 1996</i> applies; or a person who is a nominee, the provider or nominated supervisor of a person with post-secondary qualification in the care, education, or minding of children who is employed or engaged by an education and care service within the meaning of the <i>Education &amp; Care Services National Law (Vic)</i>; A person with a post-secondary qualification in youth, social, or welfare work who works in the health, education, or community or welfare services field, a person employed under Part 3 of the <i>Public Administration Act</i> perform the duties of a youth and child welfare worker; a registered psychologist; a youth justice officer; a youth parole officer; or a member of a prescribed class of persons.</p>	<p>formed in the course of practising his or her office that a child is in need of protection on a ground referred to in section 162(1), including if a child's parents cannot be found and no other suitable person can be found who is willing and able to care for the child, the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse, emotional or psychological harm, or the child's physical development or health has been, or is likely to be, significantly harmed.</p>	<p>182, 184 and 186 of the <i>Children, Youth and Families Act 2005</i> (Vic.)</p>
	<p>Any person over the age of 18 years.</p>	<p>Who has a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by a person of or over the age of 18 years must disclose that information to a police officer, unless on reasonable grounds, the person:</p> <ul style="list-style-type: none"> <li>-fears for the safety of any person, (other than the alleged offender or any organisation) were the person to disclose the information to police; or believes on reasonable grounds the information has already been disclosed to police and has no further information to provide.</li> </ul> <p>The provision is not contravened if:</p> <p>The information concerning the alleged sexual offence came from the victim directly or indirectly; and</p> <ul style="list-style-type: none"> <li>- The victim was over the age of 16 years at the time of providing that information; and</li> <li>- The victim requested that the information not be disclosed.</li> </ul>	<p>Section 327 of the <i>Crimes Act 1958</i></p>

<b>Mandatory reporting requirements across Australia</b>			
	<b>Who must report?</b>	<b>What must <i>be</i> reported?</b>	<b>Legal provisions</b>
		<p>The provision is also not contravened if:</p> <ul style="list-style-type: none"> <li>- The person comes into possession of the information when they were a child; or</li> <li>- The information would be privileged under section 3.10 of the <i>Evidence Act 2008</i>, or is a confidential communication within the meaning of section 32C of the <i>Evidence (Miscellaneous Provisions) Act 1958</i>; or</li> <li>- the information comes into the possession of the person solely through the public domain; or</li> <li>- the victim of the alleged sexual offence attained the age of 16 years before the commencement of section 327 of the <i>Crimes Act 1958</i> on 27 October 2014.</li> </ul>	
	Any person over the age of 18 years.	Who, knowing or believing that a serious indictable offence or some other offence has been committed and has information which might be of material assistance in securing the prosecution or conviction of an offender, accepts any benefit for not disclosing that information.	Section 326 of the <i>Crimes Act 1958</i>
WA	Doctors, nurses, midwives, police officer, teachers or a person who provides instruction in a course that is mentioned in the <i>School Education Act 1999</i> or a person who instructs or supervises a student who is participating in an activity that is part of an education program of the school under an arrangement mentioned in the <i>School Education Act 1999</i> or a person employed by the Chief Executive Officer as defined in the <i>Young Offenders Act 1994</i> to teach detainees at a detention centre as defined in that section.	Who believe on reasonable grounds who form that belief in the course of the person's work (whether paid or unpaid) that child has been the subject of sexual abuse or is the subject of ongoing sexual abuse which includes behaviour in circumstances where the child is the subject of bribery, coercion, a threat exploitation or violence.	Sections 124A and 124B of the <i>Children and Community Services Act 2004 (WA)</i> .
	Court personnel including: principal registrar, a registrar or deputy registrar, a family consultant or family counsellor, a family dispute resolution practitioner, an arbitrator or legal practitioner independently representing a child's interests; family counsellors; family dispute resolution practitioners, arbitrators or legal practitioners representing the child's interests.	Who have reasonable grounds for suspecting that a child has been abused, or is at risk of being abused, including suspecting that the child has been ill-treated, was at risk of being ill-treated, or has been exposed or subjected, or is at risk of being exposed or subjected, to behaviour which psychologically harms the child, including an assault or sexual assault of the child, family violence or serious neglect of the child.	Sections 5, 160 of the <i>Family Court Act 1997 (WA)</i> .

## Appendix 7

### Ministries of the Australian Province of the Society of Jesus

As of 27 March 2015

#### Australian Capital Territory

Australian Institute of Jesuit Studies,  
Yarralumla  
Xavier House, Yarralumla  
Xavier Institute, Yarralumla

#### New South Wales

Apostleship of Prayer, Broadway  
Arrupe House, Pymble  
Canisius Centre of Ignatian Spirituality  
Cardoner Project, Broadway  
Eucharistic Youth Movement, Broadway  
First Spiritual Exercises, Pymble  
Holy Family Parish, Mount Druitt  
Jesuit House, Broadway  
Jesuit Mission, North Sydney  
Jesuit Refugee Service, Kings Cross  
Loyola Novitiate, Mount Druitt  
Our Lady of the Way Parishes, North  
Sydney  
Peter Canisius House, Pymble  
Redfern Jarjum School, Redfern  
St Aloysius' College, Milsons Point  
St Canice's Parish, Elizabeth Bay  
St Ignatius' College, Riverview

#### Queensland

Faber Centre of Ignatius Spirituality,  
Bardon  
St Ignatius Parish, Toowong (including Holy  
Spirit Church, Auchenflower)

#### South Australia

Loyola Centre of Ignatian Spirituality,  
Norwood  
Sevenhill Cellars, Sevenhill  
Sevenhill Centre of Ignatian Spirituality,  
Sevenhill

#### South Australia (cont'd)

Sevenhill Parish  
Riverton/Manoora Parish  
St Ignatius' College, Athelstone  
St Ignatius' Junior School, Norwood  
St Ignatius' Parish, Norwood

#### Victoria

Campion Centre of Ignatian Spirituality,  
Kew  
Immaculate Conception Parish, Hawthorn  
(including St Joseph's Church,  
Hawthorn)  
Jesuit Communications, Richmond  
Jesuit Mission (Victoria Office), Hawthorn  
Jesuit Social Services, Richmond  
Jesuit Theological College, Parkville  
Newman College, Parkville  
Pignatelli House (Tertiaship), Hawthorn  
Polish Marian Shrine, Essendon  
Provincial Office, Hawthorn  
Sentir Graduate College of Spiritual  
Formation, Kew  
St Andrew Bobola Polish Centre, Richmond  
(including Polish Marian Shrine,  
Essendon)  
St Ignatius Parish, Richmond (including St  
James' Church, North Richmond)  
Xavier College  
Senior Campus, Kew  
Preparatory School – Burke Hall, Kew  
Preparatory School – Kostka Hall,  
Brighton

#### Western Australia

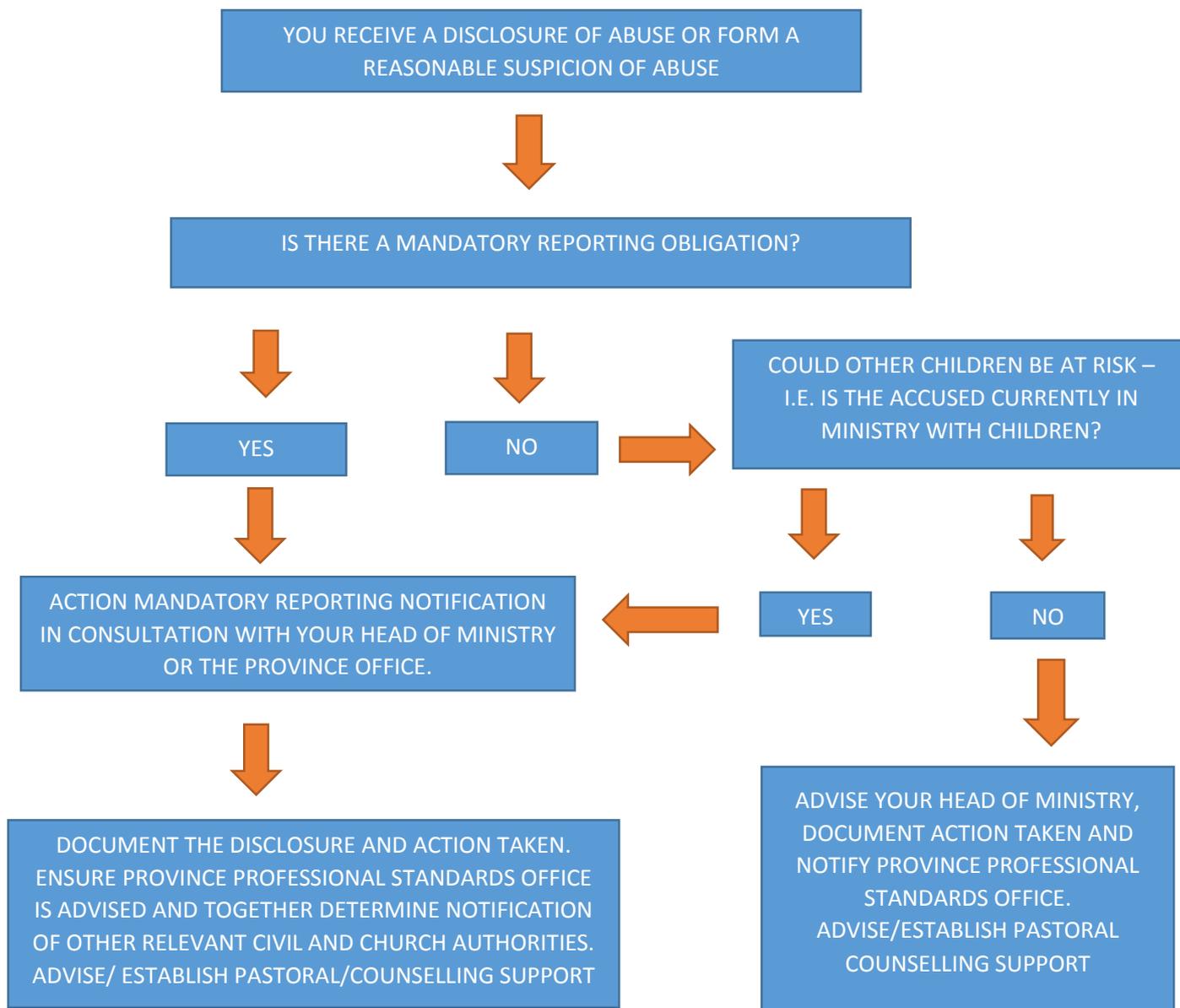
Holy Rosary Church, Nedlands

## Appendix 8

### Flowchart of Response

**Note:** The following is an initial attempt to develop a flowchart to help people in responding to reports of sexual abuse.

#### REPORTING AND RESPONDING TO DISCLOSURES



NB: WHERE THERE IS NO MANDATORY REPORTING REQUIREMENT THEN 'BLIND REPORTING' TO THE POLICE IS AN OPTION IE REPORT THE ALLEGATION AND NAME OF THE ACCUSED BUT WITHHOLD NAME OF THE VICTIM FOR PRIVACY REASONS.

LET THE POLICE KNOW THAT YOU WILL GO BACK TO THE VICTIM /FAMILY TO ENCOURAGE THEM TO COME FORWARD. CONTACT PROVINCE PROFESSIONAL STANDARDS OFFICE FOR FURTHER ADVICE

## Appendix 9

### Acknowledgements

As noted in the Preamble, a major source for the approach taken in this Policy is the Kathleen McChesney report: Kinsale Management Consulting, “A Review of the Professional Standards and Child Protection Practices of the Australian Province of the Society of Jesus” (October 2014).

The following documents have also been drawn on in the interests of pursuing best practice both locally and internationally in safeguarding children and vulnerable adults.

Archdiocese of Brisbane, “Safeguarding Children and Vulnerable Adults Prevention and Protection Policy” (January 2015).

Australian Catholic Bishops Conference and Catholic Religious Australia, “Towards Healing” (January 2010).

Australian Childhood Foundation, <http://www.childhood.org.au/>

Australian Jesuit Province, “Principles, Protocols and Standards of Practice” (October 2013).

Catholic Church in Ireland, “Safeguarding Children: Standards and Guidance document for the Catholic Church in Ireland” (September 2008).

Child Wise, <https://www.childwise.org.au>

Council of Australian Governments (COAG), “Protecting Children is Everyone’s Business: National Framework for Protecting Australia’s Children 2009 -2020” (2009).

Jesuits in Ireland, “The Jesuit Policy for Safeguarding Children” (September 2013).

Pope Francis, “Letter to the President of Episcopal Conferences and Superiors of Institutes of Consecrated Life and Societies of Apostolic Life concerning the Pontifical Commission for the Protection of Minors” (February 2015).

Professor C. Goddard, “Testimony to the Inquiry into Handling of Child Abuse by Religious and Other Organisations (October 2007).

South Australian Catholic Church, “Child Protection Council Policy for the Care, Wellbeing and Protection of Children and Young People” (December 2009).

The Australian Institute of Criminology, <http://www.aic.gov.au/publications/previous%20series/vt/1-9/vt03.html>

Truth, Justice and Healing Council, “Green Paper- Ensuring a safe Church for Children and Vulnerable People” (January 2015).

UNICEF, “A Simplified Version of the United Nations Convention on the Rights of the Child” (ND).

Victorian Government, “Protecting the Safety and Wellbeing of Children and Young” (May 2010).

