



# CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS SAFETY POLICY

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## 1. Introduction

Caring for and safeguarding the vulnerable is central to the Church's gospel message.

When a vulnerable person, whether a child or an adult, is abused the effects of that abuse on the victim can be devastating and may last for a lifetime. The abuse of a vulnerable person also tears at the fabric of community as a whole.

The sexual abuse of a child has a devastating, deep and ongoing impact on the lives of the victims and their families.

The Diocese of Ballarat is committed to safeguarding children and vulnerable adults. This policy is intended to provide the framework for a uniform standard of best practice in safeguarding children and vulnerable adults. It highlights core principles, key church documents and legislation in this area. The safeguarding procedures are built around the following basic elements, namely, safe recruiting and selection processes, safe activities and environments and child-focused programs to reduce vulnerability.

### Policy Statement

Bishop Paul Bird has released a statement of policy relating to Professional Standards in the Diocese. The statement is a reaffirmation of the commitment of the Diocese to provide a safe and supportive environment for all. The statement is as follows:

*"The Catholic Diocese of Ballarat is committed to providing a safe and supportive environment for people of all ages, with special concern for children, young people and vulnerable adults. This commitment is made in the spirit of Christ's teachings on behalf the bishop, clergy, staff and volunteers who serve in parishes, schools, Centacare and other Catholic organisations in the diocese. The diocese will respond to complaints of unprofessional conduct in ways that reflect nationally established standards and protocols and ensure adherence to applicable legislation. We are committed to providing ongoing pastoral support to any person affected by physical, emotional or sexual abuse by church personnel."*

## 2. Purpose of the policy

The purpose of this policy is to demonstrate the strong commitment of the Catholic Diocese of Ballarat and its parishes to the care, safety and wellbeing of all children and vulnerable adults in our Church. It provides an outline of the policies, procedures and strategies developed to keep children and vulnerable adults safe from harm, including all forms of abuse in our Diocese, whether that be on site, online and in other locations used by the Diocese.

This policy applies to all diocesan and parish personnel, including employees, volunteers, contractors and clergy. It also applies to Catholic agencies such as Centacare. Specific policies apply to the Diocese of Ballarat Catholic Education Ltd. (DOBCEL) and Catholic systemic schools and these policies are published by DOBCEL.

## 3. Principles

The Catholic Church has a moral, legal and mission-driven responsibility to create nurturing environments where children, young people and vulnerable adults are respected, their voices are heard and they are safe and feel safe (Catholic Diocese of Ballarat Commitment Statement to the Safety of Children, Young People and Vulnerable Adults).

The following principles underpin our commitment the safety of children, young persons and vulnerable adults in the Diocese:

- Our Diocese and its parishes have a zero tolerance of child abuse.

- All children, young people and vulnerable adults are entitled to, as a fundamental right, safety and protection from all forms of abuse and neglect.
- Our Diocese and its parishes work in partnership with families and the community to ensure that they are engaged in decision-making processes, particularly those that have an impact on child safety and protection.
- All adults in our Diocese, including staff, clergy, volunteers, parishioners, contractors, have a responsibility to care for children, young people and vulnerable adults, to positively promote their wellbeing and to protect them from any kind of harm or abuse.
- The policies, guidelines and codes of conduct for the care, wellbeing and protection of children are based on honest, respectful and trusting relationships between adults and children and young people.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, clergy, volunteers, parents, parishioners including children and contractors should be free to raise concerns about child safety, knowing these will be taken seriously by the Diocesan and parish leadership.
- Caring for vulnerable adults is to be conducted with integrity and respect and with clearly defined boundaries.
- Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally

#### 4. Definitions

**Child:** A person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

**Child abuse includes:**

- (a) any act committed against a child involving:
  - (i) a sexual offence
  - (ii) an offence under section 49B(2) of the Crimes Act 1958 (grooming)
- (b) the infliction on a child of:
  - (i) physical violence
  - (ii) serious emotional or psychological harm
- (c) serious neglect of a child.

**Child safety** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

**Child neglect:** The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.

**Child physical abuse:** Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours including shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also included in this definition of “Child physical abuse”.

**Child protection:** Statutory services designed to protect children who are at risk of serious harm.

**Child sexual abuse:** Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person two or more years older than the victim) is child sexual abuse. Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them; the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (e.g. a 14-year old and an 11-year old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not intended to be included in this definition of “Child sexual abuse”.

**Mandatory Reporting:** The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include clergy, deacons, teachers, nurses, police, psychologists, psychiatrists and medical practitioners.

**Reasonable Belief:** When an adult is concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a ‘reasonable belief’. A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof but is more than mere rumour or speculation. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

**Vulnerable People:** People who are vulnerable may include:

- The frail and elderly
- Refugees
- An adult who has suffered bereavement, marriage or relationship breakdown or other adversity which puts them in particular need of pastoral support.
- A person who has an intellectual disability, mental illness or an impairment that makes it difficult for them to protect themselves from abuse or exploitation.
- A person under the effects of drugs or alcohol.
- A person for whom English is not their first language.
- A person who is seeking assistance

## 5. Policy Commitments

All children, young people and vulnerable adults in the Catholic Diocese of Ballarat and its parishes have the right to feel safe and be safe. The wellbeing of children in our care will always be our first priority and we do not and will not tolerate child abuse. We aim to create a child-safe and child-friendly environment where children are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

### **Our commitment to our children and young people**

- (a) We commit to the safety and wellbeing of all children and young people in our diocese

- (b) We commit to providing children and young people with positive and nurturing experiences.
- (c) We commit to listening to children and young people and empowering them by taking their views seriously, and addressing any concerns that they raise with us.
- (d) We commit to taking action to ensure that children and young people are protected from abuse or harm.
- (e) We commit to teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.
- (f) We commit to seeking input and feedback from children regarding the creation of a safe parish environment.

#### **Our commitment to parents and carers**

- (a) We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of their children.
- (b) We commit to engaging with, and listening to, the views of parents and carers about our child- safety practices, policies and procedures.
- (c) We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of children or young people.
- (d) We commit to acknowledging the cultural diversity of our parishioners and being sensitive to how this may impact on child safety issues.
- (e) We commit to continuously reviewing and improving our systems to protect children from abuse.

#### **Our commitment to vulnerable adults**

- (a) We commit to the safety and wellbeing of vulnerable persons in our diocese.
- (b) We commit to providing vulnerable adults with positive and nurturing experiences.
- (c) We commit to taking action to protect vulnerable adults from abuse or harm.
- (d) We acknowledge each person's intrinsic value as a human being and to maintain their dignity and acknowledge each person's personal autonomy.

#### **Our commitment to our employees, volunteers, contractors and clergy (called "staff" for the purposes of this policy)**

- (a) We commit to providing all diocesan and parish staff with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities.
- (b) We commit to providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and young peoples and vulnerable adults' protection and wellbeing. This will include annual training in the principles and intent of this Policy, the Code of Conduct for Caring for Children and Vulnerable Adults and staff responsibilities to report concerns.
- (c) We commit to listening to all concerns voiced by members of the Diocese, its parishes and staff about keeping children, young people and vulnerable adults safe from harm.
- (d) We commit to providing opportunities for Diocesan and parish staff to receive formal debriefing and counselling arising from incidents of the abuse of a child or young person.

## 6. Responsibilities and Organisation Arrangements

Everyone employed or volunteering in the Diocese of Ballarat and its parishes has a responsibility to understand the important and significant role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and vulnerable adults is at the forefront of all they do and every decision they make (Catholic Diocese of Ballarat Commitment Statement to Child, Young Person and Vulnerable Adults Safety).

*The Diocese and its parishes and agencies have allocated roles and responsibilities for child safety as follows:*

### 6.1 Guide to Responsibilities of the Diocese of Ballarat, Parish and Agency Leadership

The various leadership teams in parishes and the Catholic Diocese of Ballarat and its agencies recognise their particular responsibilities to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of, and shared responsibility for child safety. Responsibilities include:

- creating an environment for children and young people to be safe and feel safe
- upholding high principles and standards for all staff
- promoting models of behaviour between adults and children and young people based on mutual respect and consideration
- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensuring that parish and diocesan staff have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young person's protection and wellbeing
- ensuring the Catholic Diocese of Ballarat and its parishes and agencies meet the specific requirements of the Victorian Child Safe Standards

### 6.2 Guide to Responsibilities of Catholic Diocese of Ballarat, Parish and Agency Staff

Responsibilities of diocesan, parish and agency staff include:

- treating Children and young people with dignity and respect, acting with propriety, exercising their duty of care, and protecting children and young people in their care
- following the legislative (including mandatory reporting obligations where appropriate) and diocesan processes if, in the course of their work, they form a reasonable belief that a child or young person has been or is being abused or neglected
- providing a physically and psychologically safe environment where the wellbeing of children and young people is nurtured
- undertaking regular training and education in order to understand their individual responsibilities in relation to child safety and the wellbeing of children and young people
- where possible, assisting children and young people to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- following the Catholic Diocese of Ballarat's Code of Conduct for Caring for Children and Vulnerable Adults

### 6.3 Organisational Arrangements

The Diocese has a Coordinator for Professional Standards who has responsibility for the following:

- Implementing safeguarding practices and processes outlined in this policy
- Responding to requests for advice from parishes in relation to issues of child safety.
- Initiating and conducting reviews of Diocesan child safety policies.
- Auditing compliance with Child Safe Standards by the Diocese and its parishes.



## **7. Diocesan Code of Conduct for Caring for Children, Young People and Vulnerable Adults**

In the Catholic Diocese of Ballarat and in its parishes, we expect staff to proactively ensure the safety of children at all times and to take appropriate action if there are concerns about the safety of any child in any Diocesan environment. All staff must be familiar with relevant laws, the Diocesan Employee Code of Conduct and the Diocesan Code of Conduct for Caring for Children and Vulnerable Adults. The Diocesan Code of Conduct for Caring for Children and Vulnerable Adults establishes clear expectations of staff for appropriate behaviour with children in order to safeguard them against abuse and neglect.

## **8. Child Safety and Participation**

In the Catholic Diocese of Ballarat and its parishes and agencies, we actively encourage all children to openly express their views and feel comfortable about giving voice to the things that are important to them.

We encourage our parishes and agencies to discuss with their children what they can do if they feel unsafe and we enable our parishes and agencies to understand, identify, discuss and report child safety. We listen to and act on any concerns our parishes or agencies, their children or their parents raise with us.

## **9. Responding to and reporting child abuse**

The Catholic Diocese of Ballarat records any child safety complaints, disclosures or breaches of the Diocesan Code of Conduct for Caring for Children, Young People and Vulnerable Adults and stores the records in accordance with security and privacy requirements. Our Diocese complies with legal obligations that relate to managing the risk of child abuse under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (Vic.) and the Child Wellbeing and Safety Act 2005 (Vic.)

The Diocesan Code of Conduct for Caring for Children, Young People and Vulnerable Adults sets out the actions required under the relevant legislation when there is a reasonable belief that a child in our organisation is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.

We work to ensure all children, families and staff know what to do and who to tell if they observe abuse of a victim, or if they notice inappropriate behaviour.

Any concerns about the safety or wellbeing of a child in a parish or agency must be notified to the Diocesan Coordinator for Professional Standards and the Victorian Director for Professional Standards. They are also to be notified to the Victorian Police in accordance with the requirements of the Crimes Act 1958 (Vic.), mandatory reporting under the Children, Youth and Families Act 2005 (Vic.) and the requirements of the Reportable Conduct Scheme under the Child Wellbeing and Safety Act 2005 (Vic.)

Our complaints and disclosure processes are outlined in the Catholic Diocese of Ballarat's Code of Conduct for Caring for Children and Vulnerable Adults.

## **10. Screening and Recruitment of Diocesan, Parish and Agency Staff**

The Catholic Diocese of Ballarat and its parishes and agencies will apply thorough and rigorous screening processes in the recruitment of employees and volunteers involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the Diocesan Code of Conduct for Caring for Children, Young People and Vulnerable Adults and this Policy.



When recruiting and selecting employees, contractors and volunteers involved in child-connected work, we make all reasonable efforts to:

- confirm the applicant's Working with Children Check and National Police Check status and/or professional registration (as relevant)
- obtain proof of personal identity and any professional or other qualifications
- verify the applicant's history of work involving children
- obtain references that address the applicant's suitability for the job and working with children

We have processes for monitoring and assessing the continuing suitability of staff to work with children, including regular reviews of the status of Working with Children Checks.

### 11. Child Safety – Education and Training for Diocesan Staff

The Catholic Diocese of Ballarat provides employees, volunteers and clergy with regular and appropriate opportunities to develop their knowledge of, openness to and ability to address child safety matters. This includes induction, ongoing training and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect.

### 12. Risk Management

At the Catholic Diocese of Ballarat we are committed to proactively and systematically identifying and assessing risks to child safety across our whole environment (physical and online), and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise.

### 13. Relevant Legislation

- Crimes Act 1958 (Vic.) – Three criminal offences have been introduced under this Act.
  - (a) **Failure to disclose offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence. The commencement date for this offence was the 1st July 2015.
  - (b) **Failure to protect offence:** The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk, but negligently fail to reduce or remove it. The commencement date for this offence was the 1st July 2015.
  - (c) **Grooming offence:** This offence, targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The commencement date for this offence was the 9th April 2014.
- Children, Youth and Families Act 2005 (Vic.) in relation to mandatory reporting
- Child Wellbeing and Safety Act (Vic.) 2005 in relation to the Reportable Conduct Scheme
- Working with Children Act 2005 (Vic.)-in relation to working with children checks
- Privacy Act 1988 (Cth.)





## 14. Related Policies

Catholic Diocese of Ballarat Policies:

- Diocesan Safeguarding Children, Young People and Vulnerable Adults Code of Conduct
- Working with Children Check and National Police Check Policy

## 15. Breach of Policy

Where an employee, member of the clergy or volunteers is suspected of breaching any obligation, duty or responsibility within this Policy, this may result in disciplinary consequences in accordance with the Diocesan Code of Conduct for Caring for Children and Vulnerable Adults and Diocese of Ballarat Human Resources policies and procedures, as appropriate.

## 16. Review of this Child Safety Policy

At the Catholic Diocese of Ballarat we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance.

We will maintain a history of updates to the policy.

Date	Comment (e.g. major review, minor review)
1 January 2017	Original
4 March 2020	Revision 1

## 17. Inclusion of All

We will ensure that families and children have the opportunity to contribute. Where possible we do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities and people with a disability.

## 18. References

Catholic Diocese of Ballarat, *Commitment Statement to the Safety of Children, Young People and Vulnerable Adults*

State of Victoria 2016, *Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order. 870*, Education & Training Reform Act 2006, Victorian Government Gazette No. S2

*Dated 4<sup>th</sup> March 2020*