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# **Policy for the Protection of Children and Vulnerable Adults**

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MARIST FATHERS AUSTRALIAN PROVINCE

# **Policy for the Protection of Children and Vulnerable Adults**

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## 1. Introduction

The Society of Mary (Marist Fathers) is a clerical religious order within the framework of the Catholic Church in Australia. In all its apostolic endeavours, the Marist Fathers endeavour to place a paramount priority on the well-being and protection of children.

This document sets out principles and guidelines in relation to the protection of children and vulnerable adults, for use within the Marist Fathers' Australian Province. It should be read and understood in the framework established by two core documents of the Australian Church: *Towards Healing – Principles and Procedures in Responding to Complaints of Abuse Against Personnel of the Catholic Church in Australia*; and *Integrity in Ministry – Principles and Standards for Catholic Clergy and Religious in Australia*; and also in the light of the *National Catholic Safeguarding Standards (2019)*, published by Catholic Professional Standards Ltd.

This document also acknowledges and gives due weight to those procedures and guidelines for the protection of children and vulnerable adults which operate in the various dioceses where Marists work in the Australian Church.

As part of an international religious congregation, The Marist Fathers' Australian Province also receives guidance in these matters from the Superior General of the Marist Fathers and his Administration, based in Rome. Of particular relevance is the section headed *Guiding Principles for the Society of Mary on Dealing with Sexual Abuse of Minors and Vulnerable Adults and Sexual Misconduct*, contained in the *Society of Mary Administrative Directory (Rome, 2018)*

Finally, in dealing with matters relating to the protection of children and vulnerable adults, the Marist Fathers will, where appropriate, seek the advice of its Professional Standards Panel.

Marists are called to implement the principles and guidelines presented in this document within the context of the Marist Charism:

*Their call is to be truly missionary: they are to go from place to place, announcing the word of God, reconciling, catechizing, visiting the sick and imprisoned, and doing the works of mercy. They attend especially to the most neglected, the poor, and those who suffer injustice. They are ready to carry out these tasks anywhere and at any time. (Constitutions n.12)*

## 2. Principles Underlining this Policy

The Marist Fathers' Australian Province is committed to these principles:

- A paramount responsibility is to create safe environments for children, young people and vulnerable adults and to protect them from any form of harm or abuse.
- The Marist Fathers have a zero-tolerance policy in regard to child sexual abuse.
- All Marists and Marist personnel have a duty of care to support and protect children, young people, and vulnerable adults.
- All children have equal rights to protection from abuse and exploitation; intervention is necessary on behalf of any child suspected of being abused.
- Any complainant is listened to attentively, and offered a compassionate, prompt and just response when making an allegation of abuse.
- A responsibility of care extends not only to the young person or vulnerable adult who may have suffered harm but also to his or her family. Any person accused of abuse also deserves to be treated with justice and compassion.

- Truth and transparency should characterise all our actions.

Consistent with these principles, the Province will ensure that it makes full disclosure of any allegations of abuse to the police and/or other government agencies with responsibility for management of such matters, as required by law. It makes similar disclosure to the relevant Catholic Church Professional Standards Office, and where appropriate, to diocesan authorities.

### 3. Definitions

A **child** or young person refers to someone under the age of 18 years.

A **vulnerable person** is any person who is unable to take care or protect themselves (or their interests) against harm or exploitation by reason of age, illness, trauma, disability, relationship disparity or any other reason.

**Child abuse** when referenced throughout this policy includes physical abuse, sexual abuse, neglect, psychological abuse, child exploitation and exposure to family violence.

### 4. Levels of Responsibility

#### The Provincial Superior

The Provincial (*designated as Head of Agency*) has responsibility to:

- promulgate this policy and ensure that it is adhered to;
- be the ultimate recipient in the Province of any complaints of abuse, responding in a compassionate, prompt, and just manner;
- make a full disclosure of any allegations of abuse to police and/or other government agencies responsible for the management of such matters, to the relevant Catholic Church Professional Standards Director in each State, and to diocesan authorities as appropriate.

#### Marist Community Leaders

The Community Leader of each Marist Community has responsibility to:

- be fully conversant with this policy;
- ensure that all Community members have access to this policy and are conversant with it;
- advise the Provincial or his nominated delegate (and diocesan authorities if appropriate) of any report, reasonable suspicion or credible risk of abuse that relates to the Community or comes from the Community or any of its members, and to comply fully with any consequent directives given to him by the Provincial, or diocesan authority.

#### Individual Marists

Individual Marists have responsibility to:

- be fully conversant with this policy;
- respond in a compassionate, prompt, and just manner to anyone disclosing an allegation of abuse;
- advise the Provincial or his nominated delegate (and diocesan authorities if appropriate) of any report, reasonable suspicion or credible risk of abuse and comply fully with any consequent directives given to him by the Provincial, or diocesan authority;

- create safe environments for children, young people, and vulnerable adults, and protect them from any form of harm or abuse.

### **Conflicts of Interest**

Should a complaint be received which directly or indirectly involves the Provincial Superior, then carriage of that complaint will rest with the Vicar Provincial.

Any complaint involving both the Provincial and Vicar will be received and processed by the Provincial Council, acting without any involvement from the Provincial and Vicar.

## **5. Safe Recruitment and Screening**

The recruitment of staff and volunteers will emphasise the Marist Fathers commitment to safeguarding. All recruitment documentation and employment contracts will reference this commitment.

All prospective applicants for positions with the Marist Fathers will be subject to a thorough screening process including a probity check. Positions will be assessed to determine the most appropriate background check for the role – a Working with Children Check (WWCC) and/or a National Police Check.

All new employees will be required to sign the Marist Fathers *Code of Professional Conduct* and attend an induction program with the Business Manager on commencement.

All persons who work or volunteer in child related roles must have a WWCC for the State or Territory where their work is based. Some members may require multiple checks. It is the responsibility of each member to ensure his/her WWCC is current and updated when required.

## **6. Responding and Reporting**

All Australian States and Territories require certain people to report abuse and reasonable suspicion of abuse of children and young persons. Some of the Province members, employees and volunteers to whom this policy relates are not classified as mandatory reporters. Those members involved in ministry, who are classified as mandatory reporters, must respect their statutory responsibilities. It is expected that all persons will immediately notify any allegation of child abuse, made to them by any person, to the Professional Standards & Safeguarding Officer.

## **7. Practical Guidelines for the Protection of Children and Vulnerable Adults**

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;
- touch a child in a sexually suggestive manner or in a way that could be interpreted as such;

- inappropriately invite children to stay overnight in a presbytery or Community residence;
- view, download, or distribute child pornography.

**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.

## 8. Responding to Complaints and Breaches of the Code of Professional Conduct

Complaints and breaches of the Code of Professional Conduct may occur if a person:

- does something that a reasonable person in that person's position would not do in a particular situation;
- fails to do something that a reasonable person in that person's position would do in the circumstances;
- acts or fails to act in a way that causes harm to someone.

All complaints will be investigated in a fair, impartial and supportive manner. The process will involve:

- notification to statutory authorities, if required
- a risk assessment prior to and throughout the process
- an investigation suitable to the particular circumstances of the complaint
- determining an outcome based on the investigation findings
- ensuring confidentiality throughout the process
- the creation of comprehensive and clear documentation.

The outcome of a breach will depend on the nature of the breach, outcomes may include:

- disciplinary proceedings, including warnings and termination
- counselling, further education and training
- facilitation between those involved (where appropriate).

## 9. Provision of Advice and Support

Victims, complainants, accused persons and other affected persons, who fall within this policy, will be offered advice and support (including from specialists as appropriate). This is the responsibility of the Provincial or his delegate in relation to Marist members and any other person.

The Professional Standards and Safeguarding Officer is available for advice on this policy and any of the processes associated with it.

## 10. Practical Advice on Listening to a Complaint

In the event of someone disclosing an allegation of abuse or making a report to someone he or she trusts, it is essential that it is dealt with sensitively and professionally. The following are guidelines to assist the person who receives the allegation. The person making the report may be a child or young person, an adult who is a former student or client, a relative or friend, or a colleague.

Prior to receiving a report, the person approached should consider the context in which they can receive the report and whether they are the most appropriate person to do so. At times it will be desirable and possible to refer the complainant elsewhere, but this should always be done in consultation with the complainant.

- react calmly
- listen carefully and attentively. Take the person seriously
- keep an open mind; be non-judgemental
- reassure the person that they have taken the right action in coming forward
- do not promise to keep anything secret. Indicate you may be required to report abuse allegations to authorities
- ask questions for clarification only; do not ask leading questions
- check back with the person that what you have heard is correct and understood
- record the conversation as soon as possible afterwards, in as much detail as possible; sign and date the record
- ensure that the person understands the procedures which will follow
- pass the information on to the Provincial or his delegate
- treat the information confidentially
- be aware that in some cases, mandatory reporting may apply e.g. reporting to police or other Statutory authorities

## **11. Compassionate and Just Response by the Province to Survivors of Abuse**

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”.

This requires that the Province act honestly and fairly by:

- dealing with claims and litigation promptly;
- assisting the claimant to identify the correct defendant to respond to the legal proceedings;
- facilitating access to records relating to the claimant;
- making an early assessment of:
  - the evidence that is provided; and
  - the Province’s liability in the claim made against it;
- paying legitimate claims without awaiting the issue of legal proceedings;
- providing information about services and supports available to claimants and considering requests from claimants for counselling, and other kinds of support or redress;
- offering and participating fully and effectively in alternative dispute resolution processes wherever possible;
- 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;
- not taking advantage of a claimant who lacks resources;
- not relying on a merely technical defence against a claim;
- not undertaking and pursuing appeals unless the Province believes that it is in the interests of justice to do so.

## 12. Record Keeping and Information Sharing

- Reports of alleged abuse or harm, or risk thereof, are to be duly recorded
- Reporting should be factual and not conjectural or interpretative
- Reports must be securely stored and retained indefinitely
- The Professional Standards & Safeguarding Officer will provide information to authorised agencies in accordance with Statutory requirements.

## 13. Confidentiality

As much as is reasonably possible, an individual's right to privacy is to be protected. Both those who make a report and those about whom accusations are being made are entitled to due process and due privacy. Any person who reports alleged child abuse, by a member of the Marist Fathers or another person, needs to be advised that the report may be investigated by the appropriate authorities. While all reasonable steps will be taken to ensure anonymity of an individual if that is their wish, it is the Marist Fathers policy that allegations of child abuse (historical or current) will be reported to police.

Following a report of abuse, or suspected abuse, where an external investigation or a police inquiry has commenced, pertinent information is disclosed.

## 14. E-Safety

The Internet has become an integral part of people's lives, providing access to information and networking for social, business and educational purposes. All persons to which this policy relates must exercise safe and responsible use of technology and media in line with the Marist Fathers commitment to human dignity and respectful relationships.

### **AUTHORISATION**

This policy is reviewed at least every three years and revised, based on changes in needs, legislation, guidance and experience.

Fr Anthony Corcoran SM

**Provincial**

**Date:** 28 April 2020

**Date of Review:** 28 April 2023