

# **MARIST FATHERS' AUSTRALIAN PROVINCE**

**(November, 2016)**

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

**(This Policy is issued as an interim document, and will be subject to trial and review prior to taking its final form)**

**This policy has six sections:**

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### **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 high 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*.

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, 2010)

The Marist Fathers' Australian Province is cognisant of the ongoing proceedings of the *Royal Commission into Institutional Child Abuse*, and is committed to incorporating within this current document any relevant findings and recommendations which may emerge from the work of the Commission.

Marists are called to implement the principles and guidelines presented in 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)

## 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.
- 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.

## 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.

## **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.

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.

## **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 any report, the person approached should consider whether they are the most appropriate person to receive the complaint. 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 to the Ombudsman or other Statutory authorities.

## Compassionate and Just Response by the Province to Victims 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:
  - (i) the evidence that is provided; and
  - (ii) 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.