



SAFEGUARDING CHILDREN AND YOUNG PEOPLE



April 2018

Missionary Society of St Paul
Australian Province

This policy sets out protocols and procedures to safeguard from abuse children and young people who are in the care of or in contact with the Australian Province of the Missionary Society of St Paul



Rejoice therefore and strive to respond to your vocation and your dignity. Give yourself willingly to work in the Lord's vineyard. "The harvest is plentiful, but the labourers are few" (Lk 10:2) Always be a good example to the people; in your thoughts, in your affectivity, in your words, in your ministry and in all your life so that it may be said of you: "Here is a servant pleasing to God."

– Joseph De Piro

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Safeguarding Children and Young People

MISSIONARY SOCIETY OF ST PAUL
AUSTRALIAN PROVINCE
PREAMBLE

Children and young people have a fundamental right to be respected, nurtured and safeguarded. The Missionary Society of St Paul (MSSP) in Australia is resolutely committed to respectful pastoral care for all to whom we minister. Respectful relationships that support the dignity of each person, particularly children, young people and vulnerable adults, are central to the life and teachings of Jesus.

To achieve this commitment, it is paramount that all people who engage with us be provided with a safe and supporting environment which protects them from all forms of abuse and neglect.

In December 2017, Australia witnessed the conclusion of the Royal Commission into the Institutional Response to Child Sexual Abuse (Royal Commission) and the handing down of the findings of this five-year enquiry.¹ Whilst the scourge of child sexual abuse is not confined to religious organisations, the failure of the Church to safeguard children and young people and its inadequate responses which perpetuated this culture of abuse is particularly troubling – the Church has had, and continues to have, a significant impact on the lives of many young people and should be among the most respected institutions within our society. Those whom children and families most trusted and least suspected were, in many instances, the very perpetrators whose evil actions led to horrific impacts for young victims. Tragically, such impacts have also rippled out to families and to the community, and ultimately have led to a devastating loss of religious faith and trust in the Church that was once an integral part of their lives.

This document recognises and acknowledges the devastating harm caused to people by the crime of child sexual and other abuse. It affirms the commitment of the MSSP to building safe communities of hope and compassion which have at their heart robust, best practice policies and protocols that enable everyone to grow in their discipleship of Jesus and in their relationships with one another. In particular, this document prescribes best practice in prevention of harm to, and protection of, children and young people. In all our activities, a high standard of behaviour is required: this document is intended to communicate the standards expected of those entrusted with the care of children, or likely to come into direct contact with children, within our ministries and jurisdiction. The comprehensive recommendations offered by the Royal Commission, particularly those which focus on those factors which have contributed to the occurrence of child sexual

¹ Volume 16 of the final report presents the findings of the Royal Commission regarding the nature and extent of child sexual abuse in religious institutions and its devastating impacts on victims. It presents the common failures of religious organisations to adequately respond to such abuse and draws out factors that may have contributed to the occurrence of abuse and the inadequate responses. It also makes recommendations to prevent child sexual abuse and, where it does occur, to ensure that the church appropriately and adequately responds to such abuse.

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abuse in our church and inadequate responses to this abuse, form the basis of the general principles and protocols found here.

Our Christian faith speaks of true hope as that which arises beyond the death point of ordinary human hope to a resurrection hope. Our resurrection hope is that the principles of this document will re-affirm our commitment to take notice of our children's safety and to contribute to the building of a stronger, safer Church where we, through our actions, model utmost respect and integrity to all. May we enter this moment with the greatest humility, ready to be radically self-reflective, eager to learn and open to conversion. May this document and the work that follows from it free us from the smallness of vision that has threatened to strangle our mission, and may it summons us to witness in word and life to the true resurrection hope revealed in Christ.



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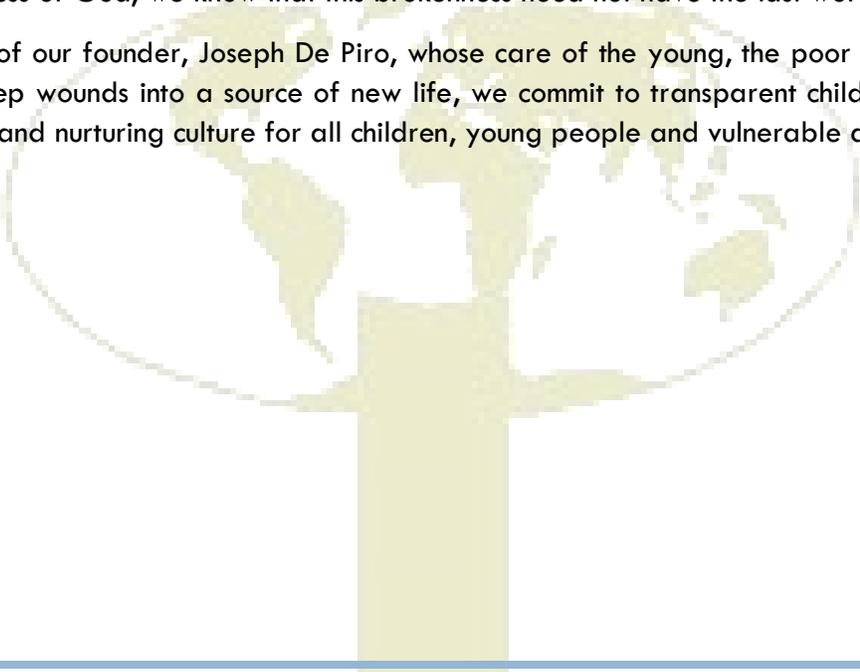
Children: Touching the Absolute Divinity of God

The lives of our children and young people are immensely precious to us. As a community, we constantly return to the sources of faith – the Scriptures, our rich theological tradition and our own experience of God – to reflect on the immeasurable value of every child and young person.

Throughout Scripture, children have a special place and role in the Kingdom: they are acclaimed as the model, the inheritors and indeed the very measure of God's kingdom.² Children are open to the mystery of God, and in this openness, they communicate that divine love to all whose hearts and minds are open.³ Our Catholic social and moral teaching emphasises the sanctity of human life affirming that, from our inception, we all live with the offer of God's love.

Sadly, we know that the innocence of youth has not always been treasured and protected in our community nor in our Church. Despite the immense dignity of all, sinful human choices leave many children living in great poverty, violence and fractured human relationships. The dark shadow of abuse particularly and radically impacts the lives of children and causes lifelong psychological and spiritual trauma. As a Society, we lament the devastation wreaked upon those who have been abused. And yet, in the full knowledge of the loving kindness of God, we know that this brokenness need not have the last word.

So, in the spirit of our founder, Joseph De Piro, whose care of the young, the poor and the marginalised transformed deep wounds into a source of new life, we commit to transparent child-safe practices which optimise a safe and nurturing culture for all children, young people and vulnerable adults in our care.



“The Gospels teach the reign of God as a children’s world, where children are the measure, rather than don’t measure up to adults, where the small are great and the great must become small...”

² Judith Gundry-Volf, “To Such as These Belongs the Reign of God: Jesus and Children,” *Theology Today* 56, no 4 (2000): 469-80;

³ Karl Rahner, “Ideas for a Theology of Childhood”, *Further Theology of the Spiritual Life* 2, trans. David Bourke (New York: Herder and Herder, 1971), 33 - 50

COMMITMENT STATEMENT 1

The Primacy of a Safe and Nurturing Environment for all Children and Young People

“We too need to protect, guide and encourage our young people, helping them to build a society worthy of their great spiritual and cultural heritage...we need to see each child as a gift to be welcomed, cherished and protected. And we need to care for our young people, not allowing them to be robbed of hope...”

- Pope Francis

Children and young people have a fundamental right to be nurtured, protected and safeguarded by all.

The MSSP is committed to creating an environment where the safety and wellbeing of all children and young people is paramount. We acknowledge the particular vulnerability of Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

We are resolutely committed to always acting in the best interests of the children and young people to whom we minister. This means acting to protect them from harm, protecting their rights and promoting their development in culturally and age-appropriate ways. Acting in the best interests of children and young people includes:

- reporting all allegations or disclosures of sexual, physical and emotional abuse and neglect to the appropriate authorities – as set out in Commitment 4;
- taking action to protect a child or young person when a belief is formed that he/she is at risk of being harmed;
- ensuring that the child’s ongoing safety and wellbeing is a primary focus of our decision-making;
- protecting and promoting the cultural and spiritual identity of a child and, where possible, maintaining their connection to their family or community of origin;
- assisting the child and their family to access appropriate services in order to reduce the long-term effects of abuse or neglect; and
- ensuring that all appropriate information, expertise and resources are shared with other service providers supporting the child.

We acknowledge that all members of the MSSP, including all employees, contractors and volunteers in our ministries, have a moral and legal duty of care to support and protect children and young people to whom we minister. This duty of care is breached when:

- we fail to do something that a reasonable person in our position would do in the circumstances; or
- we act or fail to act in a way that causes harm to someone to whom we have a duty of care.

COMMITMENT STATEMENT 2

Providing a Child-Safe Environment in our Paulist Ministries and Communities

“The Child of Bethlehem is frail, like all newborn children. He cannot speak and yet he is the Word made flesh who came to transform the hearts and lives of all men and women. This Child, like every other child, is vulnerable; he needs to be accepted and protected. Today too, children need to be welcomed and defended, from the moment of their conception.”

- Pope Francis

Within our pastoral ministry, the MSSP Australian province engages many people and communities in a broad range of formal and informal faith-based and social justice activities. We strive to make these encounters a positive and rewarding experience for all. Where our ministry involves children and young people, we particularly recognise the importance of planning and guiding such activities to ensure the provision of a positive environment that is caring, safe, harmonious and free from harm.

Our work must communicate to all the standards expected of those entrusted with the care of children. All MSSP province members play a key role in modelling expected behavior to our volunteers and parishioners and to the wider community. As such, we strive to treat all people, particularly children, young people and the vulnerable, in ways that wholly respect their dignity and rights. We commit to avoiding any actions or practices that may be construed as abusive or unsafe for those to whom we minister. We pledge to:

- Ensure that our actions and practices are examples of good conduct at all times
- Operate within MSSP principles, and any specific procedures and practices that our diocese and civil authorities have in place
- Promote safe practices to our volunteers, including articulating for others what is appropriate and inappropriate behaviour
- 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
- Develop a culture where children and young people can talk openly about their interactions with adults and others
- Ensure that everyone is aware of the importance of safeguarding children and vulnerable adults through regular communications with our volunteers and through oversight of all activities
- Provide an open and transparent culture where adults and children alike feel able to raise their concerns, and are confident that those concerns are acted upon
- Adopt safe recruiting and selection practices

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- Ensure that our employees and volunteers who undertake activities with children and young people have clearly articulated and documented role descriptions
- Familiarise ourselves with the types of behaviour which may be warning signals of harmful conduct
- Adopt a proactive response to inappropriate behavior by anyone within our congregation or by our employees, contractors or volunteers
- Ensure that we undertake appropriate training in working with children and young people so that we can understand our obligations
- Ensure that our employees and volunteers are inducted and trained appropriately in working with children and young people and understand their obligations

Province members **should not:**

- Spend excessive time alone with children and young people away in isolation from others⁴
- Arrange to meet a child or children outside parish or ministry activities, or to contact them through social networking sites or through mobile phones (such as texting)
- Accept or offer friend status on social network sites from a child for whom we have a duty of care
- Take children or young people to their homes or residences unless accompanied by parents
- Show favouritism to any particular child; for instance, through gifts or continually showing greater attention than is given to others
- Ask a child to keep shared secrets
- Manage disruptive or unsafe behaviour by using steps that degrade or isolate a child or that use corporal punishment
- Form inappropriate relationships with a child; for instance, by placing yourself in a position where a child may come to rely on you emotionally, or by attempting to act as a surrogate parent. It is always the responsibility of the adult, not the child, to set appropriate guidelines and boundaries.

Province members **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

⁴ It is recommended best practice for province members to always have another adult with them (or at least within eyeshot) when they are with a child. This is intended to protect children as well as the adults who are serving them. Unless an open and supervised environment can be maintained, members should always avoid being alone with a child. Activities, which by their very nature give rise to one-on-one child/adult encounters (such as the Sacrament of Reconciliation), should be conducted in a manner and space in clear view of other people. This creates an environment that safeguards both the child's wellbeing and the adult's integrity.

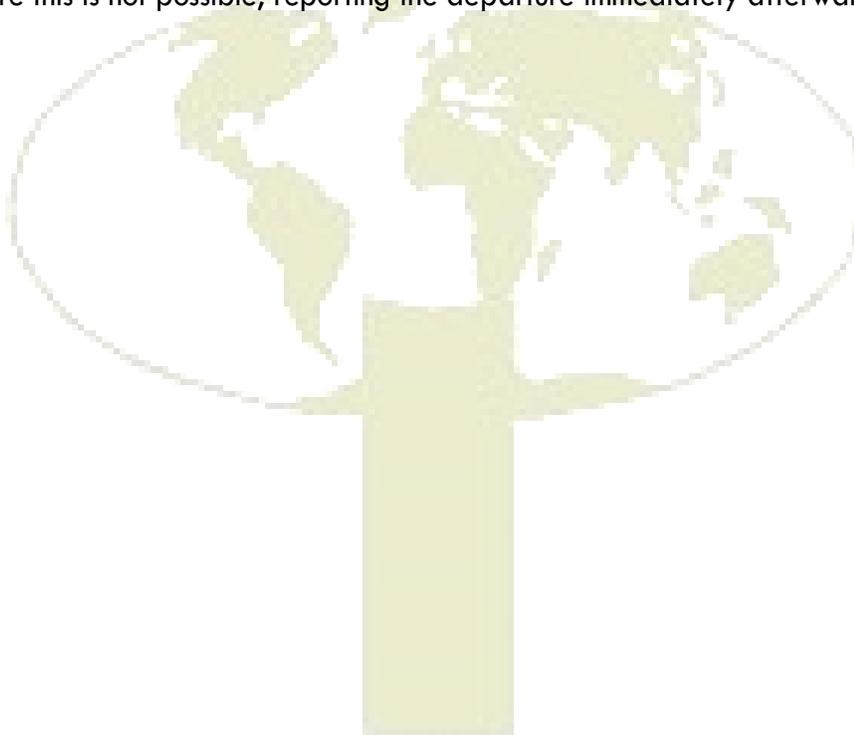
- Touch a child in a sexually suggestive manner - in particular, do not touch breasts, buttocks or groin, and avoid touching or behaviour which could be construed as sexual.

These principles are intended to support and underpin the pastoral care role of MSSP priests and brothers, and parishioners and other volunteers who provide a service under the auspice of the MSSP. They aim to address perceptions of risk in interactions between children and adults and to provide guidance as to behaviours and practices that are beyond reproach and based on best practice. They are not intended to unnecessarily restrict the work of clergy, religious and lay people but rather to promote an open and accountable environment in which the dignity and safety of adults and children alike is paramount.

All province members sign off on a Code of Conduct (see Appendix 3).

It is understood that, in exceptional circumstances such as an emergency situation, a departure from the principles set out in this document may be necessary or unavoidable. Where this is the case, any departures from these principles should be taken in such a way as to ensure safety and accountability to the maximum extent possible.

This might include reporting a proposed departure from these principles in advance to an appropriate person⁵ or, where this is not possible, reporting the departure immediately afterward.



⁵ An appropriate person may be the Provincial, a member of his council, or the parish priest as relevant.

COMMITMENT STATEMENT 3

Thorough and Rigorous Appointment, Employment and Formation Practices

“The call to serve involves something special, to which we must be attentive. Serving means caring for their vulnerability. Caring for the vulnerable of our families, our society, our people. Theirs are the suffering, fragile and downcast faces which Jesus tells us specifically to look at and which he asks us to love... It is people of flesh and blood, people with individual lives and stories, and with all their frailty, that Jesus asks us to protect, to care for and to serve.”

- Pope Francis

A vocation to priesthood and the religious life is a lifelong, divine calling. Priests hold a trusted and often revered position in society, and so it is critical that the priestly formation process produces worthy candidates who are well-prepared and adequately psychologically and affectively mature to manage the realities of life in religious or pastoral ministry. The formation process should ensure that “careful inquiry ... be made concerning the rightness of [a candidate’s] intention and the freedom of his choice, his spiritual, moral and intellectual fitness, [and] the suitability of his bodily and mental health.⁶ According to the General Directory of MSSP Formation, “no one can decide absolutely that a person has a vocation because a vocation is a gratuitous gift of God. But, at the same time, we can establish with relative certainty the non-existence of a vocation.”⁷ The MSSP formation process, then, aims to promote total personal development on the physical, psychological, affective, intellectual, moral and spiritual levels⁸ and identify those who are not ready or able to “acquire that level of human, Christian, priestly, religious and apostolic maturity that is consistent with a life consecrated to missionary activity according to our charism.” (Constitutions 1987)

The nexus that exists between poor selection and formation processes and child sexual abuse by clergy⁹ highlights the absolute necessity of rigorous and robust selection, screening and formation processes so that only people who are suitable are recruited or employed. Likewise, regular oversight and adequate professional supervision and training opportunities following ordination ensure that all members are well supported in their ministry.

Selection and Screening of MSSP Candidates

The MSSP considers the formation of all Paulists to be of highest priority. All our novices and seminarians complete their formation at the International House of Formation (IHF) located in the Philippines. Given that men from different nationalities and cultures are living and studying together in community, internationality is a reality within our Society. This fact stands as an important challenge for the missionary formation of our candidates. The General Directory of MSSP Formation underscores the necessity of a

⁶ Vatican II, *Optatam Totius*, Decree on Priestly Training, (28th October 1965)

⁷ Missionary Society of St Paul, *General Directory of MSSP Formation: Appendices*, Malta, 1993, p 2

⁸ *Ibid*, p 12

⁹ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 16, Religious Institutions*, Commonwealth of Australia, Canberra, 2017

formation process “that is complete in its presentation, relevant to our present and future needs and conducive to forming the integral person totally to God at the service of mission *ad gentes*.”¹⁰

Our formation program recognises the importance of taking a proactive approach by conducting thorough biopsychosocial assessments on all novices and seminarians, preferring “not [to] wait till ... difficulties have grown and generated irreversible situations leading to personal and vocational disappointments or disasters.”¹¹ Further, the General Directory of MSSP Formation stresses the importance of formation having an integrative function, acknowledging the importance of addressing and harmonising all the layers of the person: the bodily, the spiritual and the psychological.¹² We believe that the development of an embedded and trusted child-safe culture begins with the vigilant selection of candidates in the novitiate as well as ongoing formation programs to ensure that those who pose a risk to children are prevented from working in our ministries.

Our program for priestly formation includes the formation of all candidates in psychosexual development so that they can be supported to grow into the vocation of celibacy. Where once the whole area of sexuality was considered a taboo subject in religious life, the formation team now aims to address this dimension of the lives of candidates in a more open manner by developing within them a healthy sexuality based on self-awareness, and sound knowledge and understanding, so that issues that may be the root causes of abuse are recognised and managed early. Formateurs are careful to assess as accurately as they can the human and, more specifically, the affective maturity of our candidates. The formation team has recourse to external expertise for psychological assessments and therapy when needed. Nazareth formation house has proven to be a great resource in this matter. Recognising that such integration is a lifelong process, formateurs actively aim to discourage environments that are likely to be detrimental to psychosexual maturity and which produce clergy and religious who are cognitively rigid. Similarly, they also discourage certain models of formation that may be instrumental in inculcating a culture of clericalism, preferring instead to “live out our threefold fidelity to God, the Church and our charism in constant dialogue with contemporary men and women [by]:

- Learn[ing] to read the signs of the times in today’s world
- Immers[ing] ourselves in the local culture to detect those values that are already open to the Gospel, and
- Confront[ing] the inevitable tensions of history.¹³

We consider the following components of effective recruitment, screening and training as essential:

- Qualification verifications
- Reference checks
- Comprehensive psychosocial interviews
- External psychological screening (including various forms of psychosexual assessment)
- Spiritual assessment

¹⁰ Missionary Society of St Paul, *General Directory of MSSP Formation*, Malta, 1993, p xii

¹¹ *General Directory of MSSP Formation: Appendices*, p 2

¹² *Ibid*, p 2

¹³ *General Directory of MSSP Formation*, p 5

- Medical assessment

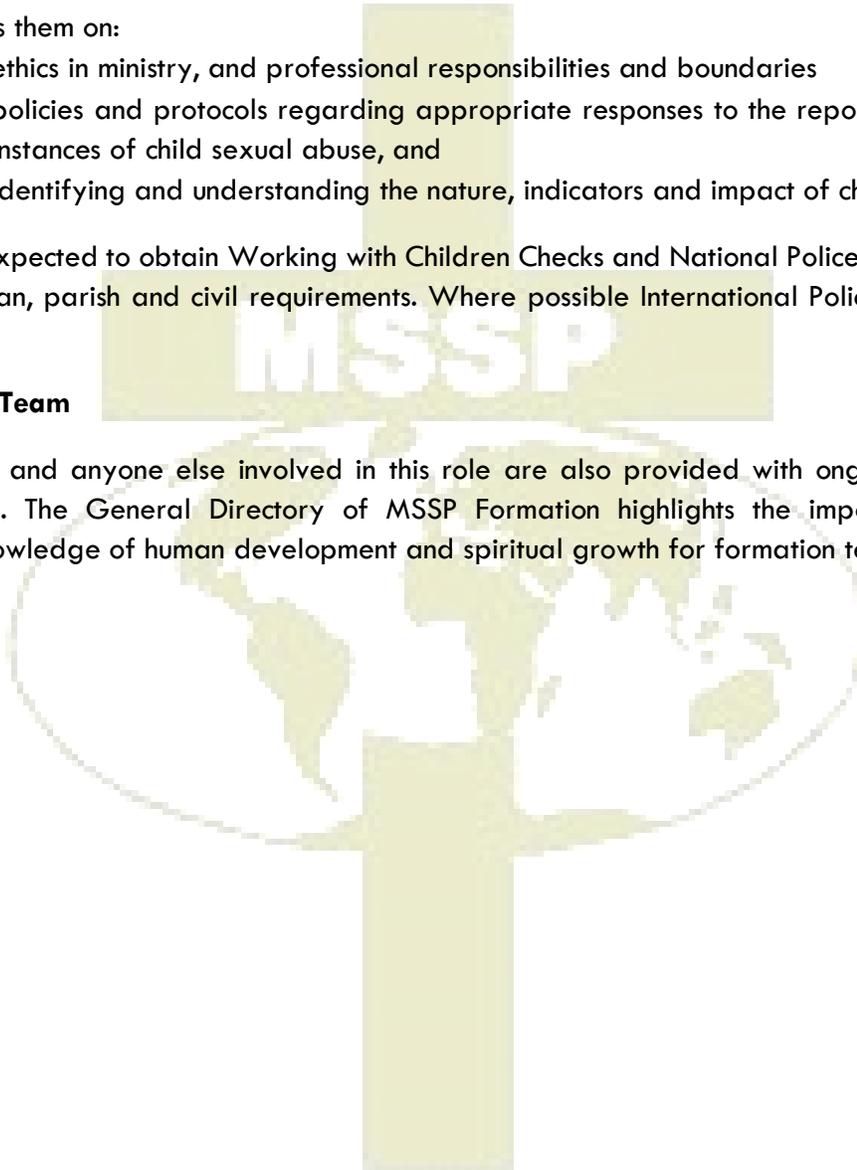
Any seminarians, religious or clergy who are sent to Australia from overseas countries to complete a pastoral experience or for ongoing missionary work must also undertake minimum training on child safety and related matters including training that:

1. Equips them with an understanding of the Royal Commission's proposed child safe standards, and that
2. Educates them on:
 - ethics in ministry, and professional responsibilities and boundaries
 - policies and protocols regarding appropriate responses to the reporting of allegations or instances of child sexual abuse, and
 - identifying and understanding the nature, indicators and impact of child sexual abuse.

They are also expected to obtain Working with Children Checks and National Police Checks in accordance with archdiocesan, parish and civil requirements. Where possible International Police Checks will also be obtained.

The Formation Team

Our formateurs and anyone else involved in this role are also provided with ongoing formation in this important area. The General Directory of MSSP Formation highlights the importance of adequate professional knowledge of human development and spiritual growth for formation teams.



COMMITMENT STATEMENT 4

Managing Incidents/Concerns of Abuse or Harm including Disclosure to Relevant Authorities

“May the Lord Jesus instill 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.”

- Pope Francis

The MSSP considers the abuse and exploitation of children, young people and vulnerable persons as totally unacceptable. We are committed to ensuring that all concerns, allegations, suspicions and disclosures of abuse, whether current or historical, are taken seriously and acted upon immediately. All MSSP priests and brothers, and employees and volunteers working under the auspice of the MSSP, are required to know and comply with the requirements of child protection and reporting obligations as prescribed by state and national statutory legislation (refer to **Appendix 1** for information about relevant legislative requirements), and with congregational expectations. The MSSP is committed to taking appropriate, prompt action in response to all allegations or disclosures of abuse, neglect, and inappropriate behavior or concerns about child safety by reporting all matters to the police and/or the relevant Government Child Protection service¹⁴, the Commission for Children and Young People, and to the Provincial of the Australian Province. This includes:

- Informing the appropriate authorities and fully cooperating with any resulting investigations
- Protecting any child or young person connected to the allegation until it is resolved and providing ongoing support to those affected (refer to **Appendix 2** for further information about how to support a child or young person who is disclosing harm or abuse)
- Taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability
- Securing and retaining records of the allegation and the congregation’s response to it.

Forming a Belief on Reasonable Grounds

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 appropriate authorities. This process of considering all relevant information and observation is known as ‘forming a belief based on reasonable grounds.’ A ‘reasonable belief’ or ‘having 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.

¹⁴ In Victoria, this is the Department for Health and Human Services; in New South Wales, the relevant Child Protection authority is the Department of Community Services

Reporting Incidents, Disclosures and Suspicions of Child Abuse

As a member of our congregation, we may come across possible breaches of our Code of Conduct or matters that cause concern in any number of ways. These might include:

- A disclosure made to us by a child or young person
- Observing events that cause us to form an objectively reasonable belief that a child or young person is being harmed or abused, or is at risk of being harmed or abused (whether by a family member or by another person), or
- Being present and witnessing an event or incident.

The MSSP will take appropriate, prompt action in response to all allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the police, the Victorian or NSW Child Protection Service, the Commission for Children and Young People, or the Police, depending on the allegation or disclosure made.

The MSSP will also investigate and report to the Commission for Children and Young People (Commission) allegations of 'employee' reportable conduct or misconduct that may involve reportable conduct. (See Appendix 2 for a description of what constitutes Reportable Conduct).

Figure 1 sets out the actions and protocols that **must** be taken if a child or young person is being or likely to be harmed physically, sexually or emotionally:

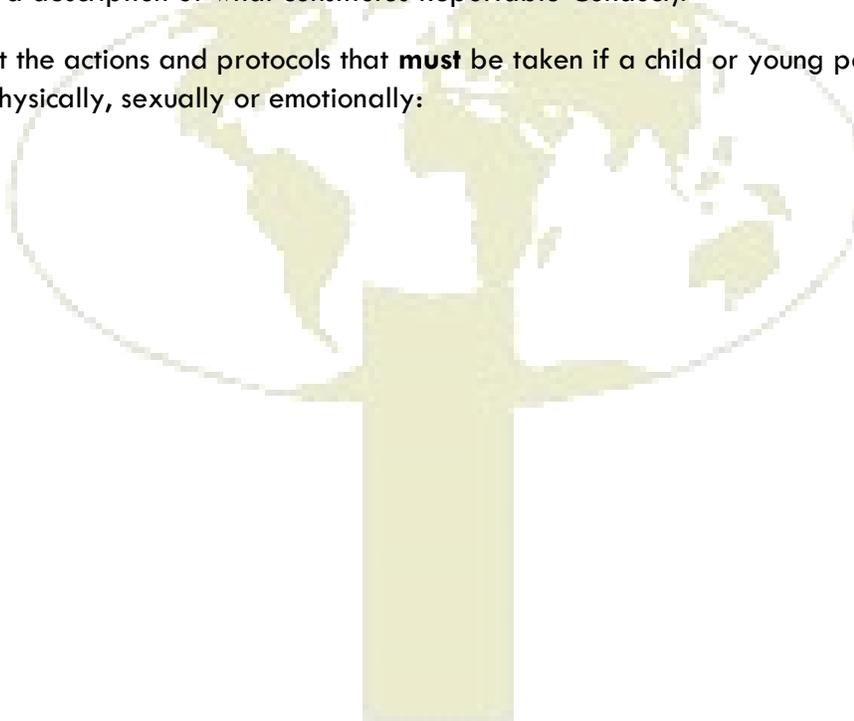


FIGURE 1: ACTIONS FOR RESPONDING TO INCIDENTS, DISCLOSURES AND SUSPICIONS OF CHILD ABUSE FOR THE MSSP (AUSTRALIAN PROVINCE)

ACTION 1 Responding to an Emergency or Critical Incident	ACTION 2 Reporting to Authorities	ACTION 3 Contacting Parents/Carers	ACTION 4 Follow-Up and the Provision of Ongoing Support
<p><i>If there is no emergency or critical incident, proceed to Action 2</i></p> <p>If a child is at immediate risk of harm you must ensure their safety by:</p> <ul style="list-style-type: none"> • separating alleged victim and others involved • administering first aid • calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns 	<p><i>All incidents, suspicions and disclosures of child abuse must be reported as soon as possible. Failure to report physical and sexual abuse may amount to a criminal offence.</i></p> <p>POLICE</p> <p>All instances of suspected child abuse involving a member of the congregation, staff member, contractor or volunteer within the auspice of the MSSP must be reported to the Police.</p> <p>DEPARTMENT OF HEALTH & HUMAN SERVICES (Child Protection)</p> <p>All instances where a child is considered to be:</p> <ul style="list-style-type: none"> • in need of protection from abuse • at risk of being harmed or has been harmed <p>from within the family or the community must be reported to DHHS (Child Protection).</p> <p>All instances of grooming must be reported to Police</p> <p>You must also report internally to:</p> <ul style="list-style-type: none"> • the Provincial • the parish priest and the parish’s Child Safety Officer (where the incident occurs within a parish) <p>All instances of Reportable Conduct must also be reported to the Commission for Children & Young People.</p>	<p><i>The Provincial and/or parish priest must consult with the relevant Child Protection Service and/or the Police to determine what information can be shared with parents</i></p>	<p><i>Effective and well-documented record-keeping of any disclosure or incident is critical.</i></p> <p>Where someone forms a belief on reasonable grounds that a child is in need of protection, written and dated notes of their observations and concerns should be recorded to assist in a referral/report of child abuse.</p> <p>Support and wellbeing assistance for all children, young people and families impacted by the abuse should be established in consultation with external professionals and community services.</p>

COMMITMENT STATEMENT 5

Ongoing Training for MSSP in Child Safety in Accordance with Best Practice Principles

“I do not understand a Christian standing still! A Christian who does not walk, I do not understand him! A Christian must walk! . . . Christians standing still: this harms, because what is still, what does not walk, spoils. Like still water, which is the first water to stagnate, water which doesn't flow.”

- Pope Francis

The oversight, support and professional supervision of priests and brothers in religious ministry is prioritised within the Society. In the Australian province, the Provincial and his council commit to ensuring that our members are well supervised and that a clear chain of authority, reporting and accountability is established. The MSSP community meets monthly for professional supervision, community meetings and professional development opportunities. These meetings are aimed at ensuring that our Society's members are well supported in their role.

Members are also provided with training on child safety and related professional conduct matters. This training, which has a focus on education, training and centralised support, is intended to build the capacity of members to understand and comply with child safe standards. It includes information about professional responsibilities and boundaries, policies and protocols on child safety, and identifying and understanding the indicators and impact of child abuse.

The majority of MSSP priests and brothers in Australia also regularly attend Child-Safe Training sessions that are provided within the Melbourne and Sydney archdioceses.

The Provincial has regular contact with individual members within the particular context of their pastoral ministries. Where staff are working in isolated settings, we ensure that effective processes are in place to provide appropriate supervision and support.

COMMITMENT STATEMENT 6

Offering Just, Effective and Ongoing Support and Compassion to Victims of Abuse

“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

The MSSP acknowledges and is deeply ashamed of the devastating harm caused to victims of historical clerical abuse. We acknowledge that the abuse of a child or young person by a priest or religious is a crime under both Australian law and canon law. We fully and unreservedly acknowledge the devastating, deep and ongoing impact of abuse on the lives of victims and their families.

Recognizing that open dialogue and recognition of the pain experienced by the victims of abuse and their families are critical for genuine healing to occur, we pledge to offer any victim of abuse by a priest, religious or other Church personnel the opportunity to tell his or her story, personally and directly, to someone in authority in the Church. We commit to offering counselling, pastoral care and reparation to victims of abuse, and to ensuring that all criminal matters are referred to the police.

Our responses to complaints of abuse are based on the following guiding principles:

- Truth
- Humility
- Healing for the victims
- Assistance to other persons impacted by the abuse
- A just response to those to those who are accused
- An effective response to those who are guilty of abuse
- An ongoing commitment to the prevention of abuse.

We also acknowledge that, in some cases, those in positions of authority within the Church concealed or covered up what they knew of the facts; and/or moved perpetrators to another place, thereby enabling them to re-offend; or failed to report criminal matters to the police. We further acknowledge that this behaviour is indefensible.

As members of the MSSP, we commit ourselves to striving to do whatever we can to repair the wrongs of the past, to listen to and hear victims, to put their needs first, and to do everything we can to ensure a safer future for children and young people.

Glossary

Child: A person below the age of 18 years.

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 include 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”.

Emotional/Psychological Abuse: happens when a child’s social, emotional or intellectual development is damaged or threatened. It can include constant rejection, teasing or bullying, yelling, criticism, and exposure to domestic or family violence.

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

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; this also includes a child who does not have a parent, guardian, or caregiver 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 may be likely to become evident in the future.

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”.

Sexual abuse can be physical, verbal or emotional and can include: having any kind of sexual contact with a child, rape, incest, having sexual relations with a child under 16 years, talking in a sexually explicit way that is not suitable for a child’s age, sending obscene mobile messages or emails to a child, persistently intruding on a child’s privacy, showing pornographic material to a child or forcing them to watch a sexual act, child prostitution

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. Grooming usually involves the use of a variety of manipulative and controlling techniques with a vulnerable person in a range of inter-personal and social settings with the intention of establishing trust or in order to normalise sexually harmful behavior.

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, social workers, 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 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.

APPENDIX 1

Relevant Legislative Requirements in the State of Victoria

▪ **Mandatory Reporting: *Children, Youth and Family Act (2005)***

Any mandated staff members or volunteers who are designated as a mandatory reporter under this act 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 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.

▪ **Responsibilities under the *Crimes Act (1958)* – applies to all priests and religious, paid staff, contractors, parishioners and other volunteers operating under the auspice of MSSP Australian province in the state of Victoria:**

Amendments to the *Crimes Act (1958)* in Victoria sets out a number of child protection related offences and key definition including those relating to indecent acts and persistent sexual abuse. Of key relevance to the Paulists in Victoria are:

1. **Grooming** – this targets predatory conduct designed to facilitate later sexual activity with a child
2. **Failure to Protect a Child** – this targets people in authority within our communities and congregations to take action to protect children where they believe that a person associated with the community or congregation poses a substantial risk of sexually abusing a child
3. **Failure to Disclose** – this applies to all adults aged 18 years and above within any of our communities or parishes and requires them to report to the police where they hold a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria.

▪ **Reportable Conduct: *Child Wellbeing and Safety Act (2005)* – applies to all priests and religious, paid staff, contractors, parishioners and other volunteers operating under the auspice of MSSP Australian province in the state of Victoria:**

The *Child, Wellbeing and Safety Act (2005)* requires the MSSP to investigate and report to the Commission for Children and Young People (CCYP) allegations of 'employee' reportable conduct or misconduct that may involve reportable conduct. The CCYP's website provides additional guidance and materials which will assist the MSSP to understand and meet its obligations under the act. An 'employee' is defined as a person aged 18 years and over who is:

- Employed by the MSSP
- Engaged by the MSSP to provide services (such as a volunteer or contractor),
- A priest or religious
- A volunteer working under the auspice of the MSSP
- Any other visiting clergy or religious

Reportable conduct is defined in the Act to include:

- A sexual offence committed against, with or in the presence of a child
- Sexual misconduct committed against, with or in the presence of a child
- Physical violence committed against, with or in the presence of a child
- Any behavior that causes significant emotional or psychological harm to a child; or
- Significant neglect of a child.



APPENDIX 2

Supporting a Child or Young Person Who is Disclosing Harm or Abuse

If an allegation of sexual assault is reported to MSSP priests and religious, this should be dealt with immediately and in a sensitive way. The following points should inform our approach when managing a disclosure:

- ✓ All allegations of sexual assault and inappropriate sexual behavior must be taken seriously
- ✓ Listen attentively and empathically to what the alleged victim is saying
- ✓ Let the child/young person tell you in her/his own words
- ✓ Remain calm and non-judgmental – accept what the child/young person says and give them time to say it
- ✓ Give reassurance that telling somebody was the right thing to do
- ✓ Reassure the child/young person that ongoing support will be provided and explain what will happen next
- ✓ Maintain a calm appearance with a listening style that is compassionate and reassuring. If the information disclosed to you shocks, disgusts or distresses, do not allow these feelings to show
- ✓ Do not make promises that cannot be kept – in particular, do not promise to keep this information confidential
- ✓ As much as possible, explain the role of the Police and the Child Protection Service
- ✓ All verbal and written communications regarding this matter (including notes of observations, disclosures, meetings and telephone calls) should be properly documented. This should include dates and times and enough detail to record key conversations, especially those relating to the young person's disclosure.

APPENDIX 3

MSSP Safeguarding Children and Young People - Code of Conduct (Australian Province)

Central to the mission of the MSSP is an unequivocal commitment to fostering the dignity, self-esteem and integrity of children and young people and providing them with a safe, supportive and enriching environment to develop spiritually, physically, intellectually, emotionally and socially.

Purpose

This Code of Conduct has a specific focus on safeguarding from abuse the children and young people who are in the care of or in contact with the Australian Province of the MSSP. It includes all forms of abuse of children: sexual, physical, psychological and emotional abuse or neglect. It is intended to complement child protection legislation and the Catholic Archdiocese of Melbourne's "Code of Conduct for Caring for Children, May our Children Flourish".

All MSSP priests and brothers, and their staff, volunteers, and contractors are expected to actively contribute to a child-safe culture that respects the dignity of its members and affirms the Gospel values of love, care for others, compassion and justice. They are required to observe child-safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.

Acceptable Behaviours

All MSSP priests and brothers, and their staff, volunteers and contractors are responsible for supporting the safety of children by:

- adhering to the parish Child Safe Policies and protocols and upholding the Society's 'Statement of Commitment to Child Safety' at all times (Commitment Statement 1)
- taking all reasonable steps to protect children from abuse and harm
- treating everyone with respect (modelling positive and respectful relationships and acting in a manner that sustains a safe pastoral environment)
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child have been abused or that they are worried about their safety/the safety of another child
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children (for example, by never questioning an Aboriginal and Torres Strait Islander child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance policy towards discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, by ensuring reasonable care is taken to cater for any additional needs being faced)
- ensuring as far as practicable that an adult is not alone with a child

- reporting any allegations of child abuse to the police (Commitment Statement 4)
- understanding and complying with all reporting obligations as they relate to mandatory reporting, reporting under the *Crimes Act 1958 (Vic.)* and reporting under the Reportable Conduct Scheme.
- if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe.

Unacceptable Behaviours

All MSSP priests and brothers, and their staff, volunteers and contractors must not:

- ignore or disregard any suspected or disclosed child abuse
- develop any ‘special’ relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example, inappropriate sitting on laps)
- put children at risk of abuse (for example, by locking doors or being alone with a child with no good cause)
- initiate unnecessary physical contact with children or do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- manage disruptive or unsafe behaviour by degrading or isolating a child; corporal punishment is never acceptable. Physical restraint should only be used as a last resort or in an emergency
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal details or social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability
- have any online contact (including by social media, email, instant messaging etc.) with a child or their family who is/are not family or socially related (unless necessary e.g. by providing families with e-newsletters)
- use any personal communication channels/device such as a personal email account to conduct Paulist communications
- exchange personal contact details such as phone number, social networking sites or email addresses with a child or their family who is/are not family or socially related
- photograph or video a child without the consent of the parent or guardians
- work with children while under the influence of alcohol or illegal drugs

I, _____ (print name), confirm I have been provided with a copy of the MSSP Code of Conduct.

Signed:

Dated:

ASSOCIATED DOCUMENTS

- Betrayal of Trust* - Report of the Parliamentary Inquiry into the handling of child abuse by religious and other non-government organisations conducted in 2012 and 2013.
www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Report/Preliminaries.pdf
- Catholic Archdiocese of Melbourne, *May our Children Flourish Code of Conduct*,
<https://www.childabuseroyalcommission.gov.au/sites/default/files/CTJH.221.04004.0073.pdf>
- Facing the Truth - The response of the Catholic Church in Victoria to the Parliamentary Inquiry into the handling of child abuse by religious and other non-government organisations*
www.cam.org.au/facingthetruth
- National Committee for Professional Standards, *Towards Healing. Principles and procedures in responding to complaints of abuse against personnel of the Catholic Church in Australia*. January 2010.
- National Committee for Professional Standards, *Integrity in Ministry. A document of principles and standards for Catholic Clergy and Religious in Australia*. June 2004.
- National Committee for Professional Standards, *Integrity in the Service of the Church. A resource document of principles and standards for lay workers in the Catholic Church in Australia*. September 2011.
- Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report*, Commonwealth of Australia, Canberra, 2017 - <https://www.childabuseroyalcommission.gov.au/final-report>
- Victorian Child Safe Standards - *Mandatory Child Safe Standards* that ensure all organisations dealing with children have appropriate responses in place for allegations of child abuse and misconduct - <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards>