

## **ISMAPNG Education Institutes and provision for child safety**

### **1. Mercy Education Limited**

Mercy Education Limited is the civil authority entrusted by the Institute of the Sisters of Mercy of Australia and Papua New Guinea (ISMAPNG) to provide governance for twelve colleges:

- 1 St Joseph's College, Mildura, Victoria;
- 2 Academy of Mary immaculate, Fitzroy, Victoria;
- 3 Mount Lilydale Mercy College, Lilydale, Victoria;
- 4 Our Lady of Mercy College, Heidelberg, Victoria;
- 5 St Aloysius College, North Melbourne, Victoria;
- 6 Sacred Heart College, Geelong, Victoria;
- 7 Sacred Heart College, Kyneton, Victoria;
- 8 Catholic College, Bendigo, Victoria;
- 9 St Aloysius College, Adelaide, South Australia;
- 10 Mercedes College, Perth, Western Australia;
- 11 St Brigid's College, Lesmurdie, Western Australia; and
- 12 Santa Maria College, Attadale, Western Australia.

Mercy Education Limited safeguards children in many ways, including:

- 1 Compliance with guidelines set by Diocesan Education Offices;
- 2 Compliance with Ministerial Order 870 in Victoria;
- 3 Mandatory Reporting Requirements;
- 4 Diocesan responses like the *Towards Healing* protocol and the *Melbourne Response*, and
- 5 ISMAPNG response which adopts the *Towards Healing* protocol.

#### **1.1 Compliance with Guidelines set by Diocesan Catholic Educaiton Offices**

The above schools operate according to guidelines in respect to child safety established by the Catholic Education Office in the Diocese in which they operate.

The guidelines for Catholic Education Ballarat can be located at:

[http://www.ceoballarat.catholic.edu.au/media/uploads/childprotection/BDSAC\\_ChildProtection  
Poli cy2015Final.doc.pdf](http://www.ceoballarat.catholic.edu.au/media/uploads/childprotection/BDSAC_ChildProtectionPolicy2015Final.doc.pdf)

The above guideline would apply to St Joseph's College, Mildura, Victoria.

The guidelines for Catholic Education Melbourne can be located at:

<http://www.cem.edu.au/publications-policies/policy/policy-2.19-child-protection-reporting-obligations/>

The above guideline would apply to:

- Academy of Mary Immaculate, Fitzroy, Victoria;
- Mount Lilydale Mercy College, Lilydale, Victoria;
- Our Lady of Mercy College, Heidelberg, Victoria;
- St Aloysius College, North Melbourne, Victoria;
- Sacred Heart College, Geelong, Victoria; and
- Sacred Heart College, Kyneton, Victoria.

The guidelines for Catholic Education Sandhurst can be located at: <http://www.ceosand.catholic.edu.au/publications/38-cecv-commitment-statement-to-child-safety>

The above guideline would apply to Catholic College, Bendigo, Victoria.

The guidelines for Catholic Education South Australia can be located at: <http://www.cesa.catholic.edu.au/our-schools/safetv-security>

The above guideline would apply to St Aloysius College, Adelaide, South Australia.  
The guidelines for Catholic Education Western Australia can be located at:

<http://internet.ceo.wa.edu.au/AboutUs/Governance/Policies/Documents/Community/2-D3%20Child%20Protection.pdf>

The above guideline would apply to:

- Mercedes College, Perth, Western Australia;
- St Brigid's College, Lesmurdie, Western Australia; and
- Santa Maria College, Attadale, Western Australia.

## **1.2 Compliance with Ministerial Order 870 in Victoria**

Mercy Education Limited operates eight schools in Victoria which must comply with the Victorian Government's Ministerial Order 870. Mercy Education Limited has been working with the Diocesan Catholic Education Offices, other school sectors and the Victorian Registration and Quality Authority (VRQA) to meet Ministerial Order 870 "Education and Training Reform Act 2006: CHILD SAFE STANDARDS — MANAGING THE RISK OF CHILD ABUSE IN SCHOOLS" following the Victorian Government Inquiry into the Handling of Child Abuse by Religious and Other Organisations.

In January 2016, the Director of the Victorian Registration and Qualifications Authority, Lynn Glover, advised all education and training providers that Ministerial Order 870 — Child Safe Standards — Managing the Risk of Child Abuse in Schools had been gazetted on Thursday 7 January 2016. This Ministerial Order developed in consultation with all education sectors, sets out the specific actions that schools will need to take to meet the seven new child safe standards from this year onwards. The new child safe standards will strengthen existing approaches to preventing and responding to child abuse and provide for consistency in how these issues are dealt with.

Mercy Education Limited as governing authority and principals of its schools in Victoria are in full agreement in relation to the standards and to meeting their expectations.

In a letter to the Chair of the VRQA in December 2015, Minister for Education, the Hon. James Merlino MP specified that the school governing authority ensure that “appropriate arrangements” are in place in the school to manage the risk of child abuse. Principals clearly have a contractual and moral responsibility to implement the standards in their school. It is important to note, however, that although the principal will undertake both strategic and operational implementation of the standards, legal responsibility to ensure that “appropriate arrangements” are in place rests with the School Governing Authority. Mercy Education Limited acknowledges this responsibility cannot be delegated and will instruct principals to ensure this happens at the school place of operation.

On Wednesday 20 July 2016, Victorian Catholic school principals received a direct email request from the Victorian Registration and Qualifications Authority (VRQA) to undertake an online self- assessment and make a declaration about the extent to which the school meets the Ministerial Order No. 870 requirements. Catholic schools will have until 17 August 2016 to respond to the VRQA, unless an individual school has sought an extension. Mercy Education Limited will require evidence from its eight schools in Victoria that this has been achieved. Where schools are partially compliant, they will be required to develop an action plan ensuring full compliance by the end of the 2016 school year.

### **1.3 Mandatory Reporting Legislation**

In terms of reporting complaints of child sexual abuse received by Mercy Education Limited, Mandatory Reporting is made according to State Legislation and affects employees, volunteers and other school community members. In addition, if the reported complaint is against a member of a Religious Order or Member of the Clergy, then appropriate Religious Institute Procedures or Catholic Diocesan procedures are required to be followed in addition to such mandated reporting (see sections 1.4 and 1.5).

Mercy Education Ltd operates schools in Victoria, South Australia and Western Australia. The mandatory reporting requirements vary in each state.

In Victoria, mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection. All other school staff members who form a belief on reasonable grounds that a child or young person is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police or is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection. If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.

In Western Australia, mandatory reporters, who believe, on reasonable grounds, that child sexual abuse has occurred or is occurring must make a report to the Department for Child Protection and Family Support's Mandatory Reporting Service. A verbal report can be made, but must be followed by a written report as soon as is practicable, preferably within 24 hours. Mandatory reporters must report a belief, formed on reasonable grounds in the course of their work, paid or unpaid, that a child or young person has been the subject of sexual abuse or is the subject of ongoing sexual abuse, to the Department for Child Protection and Family Support's Mandatory Reporting Service.

In South Australia, mandated reporters, who believe on reasonable grounds that a child is in need of protection must report this to the Department. Section 11(1) of the Children's Protection Act 1993 (as amended in 2006) states: “If a person suspects on reasonable grounds that a child has been or is being abused or neglected and the suspicion is formed in the course of the person's work (whether paid or

voluntary) or of carrying out official duties, the person must notify the Department of that suspicion as soon as practicable after he or she forms the suspicion.”

#### **1.4 Diocesan Responses to complaints relating to Religious or Clergy**

In addition to Mandatory Reporting, if the case of a complaint of child sexual abuse is against a Religious or Clergy member of a school community/volunteer then there is a Diocesan response to the complaint.

Mercy Education Ltd operates schools in the Diocese of Ballarat, Melbourne, Sandhurst, Adelaide and Perth.

In all of the above Dioceses, except the Melbourne Archdiocese, the Bishop uses the *‘Towards Healing’* protocol for dealing with complaints of abuse by clergy. The Bishop encourages anyone who has a complaint about child sexual abuse in the Catholic Church to immediately contact the police. If you need help to do so, you can contact the relevant Professional Standards Committee for advice and assistance. If you do not wish to go to the police at this time, the Professional Standards Committee can explain the protocols of *Towards Healing*.

In Melbourne Archdiocese, the Bishop uses the *‘Melbourne Response’* to assist people who have been abused sexually, physically or emotionally. Complaints of sexual and other abuse by priests, religious and lay persons under the control of the Archbishop of Melbourne are made to and investigated by an Independent Commissioner. Mr Peter O’Callaghan QC and Mr Jeff Gleeson SC are the Independent Commissioners.

#### **1.5 Responses by Institute of Sisters of Mercy of Australia and Papua New Guinea**

In addition to Mandatory Reporting, if the case of a complaint of child sexual abuse is against a Religious member or employee of ISMAPNG then there is a Congregational response to the complaint.

ISMAPNG has strict procedures and policies to ensure the protection of children and vulnerable people. These apply to its members and to all who are employed in its works. ISMAPNG Professional Standards Policy can be located at:

[http://institute.mercy.org.au/uploads/fckpg/Professional\\_Standards\\_Policy\\_ISMAPNG.pdf](http://institute.mercy.org.au/uploads/fckpg/Professional_Standards_Policy_ISMAPNG.pdf)

Child abuse is a criminal offence and the police are the appropriate authority to handle criminal investigations. ISMAPNG follows the principles and procedures set out in *Towards Healing*, the Catholic Church’s Australian protocol for addressing complaints of abuse (sexual, physical or emotional) relating to priests, sisters, staff and other paid and voluntary personnel.

## **2 Co-sponsored schools**

There are also three schools, located in Warrnambool and Ballarat in Victoria, for which ISMAPNG shares Governance responsibility with other Church Authorities. ISMAPNG appoints ‘Governors’ who are the members of the company/incorporated association that operate the three schools, namely:

- Emmanuel College Inc operating Emmanuel College, Warrnambool, Victoria;
- St Francis Xavier Primary School Ballarat Inc operating St Francis Xavier Primary School Ballarat, Ballarat East, Victoria; and

- Damascus College Ltd operating Damascus College, Ballarat, Victoria.

Like Mercy Education Ltd above, the company/association that operates each of the above three schools safeguards children in many ways, including:

- 1 Compliance with guidelines set by the Ballarat Diocesan Education Office;
- 2 Compliance with Ministerial Order 870 in Victoria;
- 3 Victorian Mandatory Reporting Requirements;
- 4 The Ballarat Diocese uses the *Towards Healing* protocol for handling reports of abuse; and
- 5 ISMAPNG response which adopts the *Towards Healing* protocol.

ISMAPNG has requested and received copies of child protection policies and processes from Emmanuel College, Damascus College and St Francis Xavier Primary School. Copies of such documents can be requested from the Executive Officer Ministry Governance at [ministries@ismapng.org.au](mailto:ministries@ismapng.org.au)