

# Child Protection Policy

KEEPING CHILDREN SAFE



Marist Brothers, Province of Australia  
6 June 2013  
Revised January 2014



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This policy document is validated for use in the Marist Brothers' **Province of Australia**

**Brother Jeffrey Crowe FMS**

*PROVINCIAL*

Date 6 June 2013

## 1. POLICY

### 1.1 Policy Statement

The Marist Brothers were founded for the education and Christian formation of young people, especially the least favoured.

The Marist Brothers Province of Australia (hereafter Province) – i.e. each Brothers' community, the Province Administration, and each institution, agency, programme and event conducted under the responsibility of the Marist Brothers in Australia - nurtures the wellbeing of all children and young people in its care, respects their dignity, ensures their safety, and protects them from harm, exploitation and abuse.

Any report or suspicion of abuse or endangerment is handled with compassion, promptness and integrity, in the interests of justice and reconciliation.

### 1.2 Context

#### 1.2.1 A shared responsibility

The safety and protection of children and young people in Marist ministries are the responsibility of everyone involved with them, whether as governor, administrator, staff member, Brother, or volunteer. Each person in a Marist work or Marist community has a duty to be familiar with this policy and all other relevant legislative and professional requirements, to be ready to recognise both signs and risk of harm, and know how to respond appropriately.

#### 1.2.2 Principles and Commitments

The Gospel imperatives of truth, justice, compassion and reconciliation underpin this policy. It is founded on the conviction that the rights and dignity of children and young people need to be promoted and protected, that they are all to be treated equally with love and respect, and that their personal dignity is never to be compromised. Children and young people can be quite vulnerable to victimisation, exploitation and abuse. The Province is therefore committed to these principles:

- A primary responsibility is to create safe environments for children and young people and to protect them from any form of harm or abuse.
- All Brothers and other Marist Personnel have a duty of care to support and protect children and young people.
- The safeguarding of children and the prevention of abuse require thorough education and training of all engaged in working with children and young people, either directly or indirectly.
- All children have equal rights to protection from abuse and exploitation. Culture or other reasons notwithstanding, we must intervene 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 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 actions.

### 1.2.3 State, Church, and Institute expectations

The Province will ensure that it fully complies with all relevant government legislation and all requirements of the Roman Catholic Church and the Institute of the Marist Brothers in respect of Child Protection.

The Province is a signatory to the protocols adopted by the Australian Catholic Bishops Conference, namely:

- *Integrity in Ministry* (Principles and Standards for Catholic Clergy and Religious Australia).
- *Integrity in the Service of the Church* (Principles and Standards for lay workers in the Catholic Church in Australia).
- *Towards Healing* (Principles and Procedures in responding to complaints against personnel of the Catholic Church in Australia).

Consistent with these policies, 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.

### 1.2.4 Authority

This Policy has been approved by the Provincial and Provincial Council, the members of which are at the same time the Trustees of the Marist Brothers. Unless required sooner, the Policy will be reviewed each three years, after the appointment of a new Provincial.

### 1.2.5 Sources for this policy

This policy draws significantly on:

- relevant Australian and Church documents and requirements for ensuring the safety of children and young people;
- the document *Keeping Children Safe, Standards for Child Protection* which was produced by the international Keeping Children Safe Coalition (2006), and to which due acknowledgement is made;
- the requirements of the Institute for Provinces to ensure the safety of children and young people and to publicly advocate for the Rights of the Child.<sup>1</sup>

## 1.3 Scope

1.3.1 This policy applies to each Brother and to all other Marist Personnel of any Province Ministry that works directly or indirectly with children and young people.<sup>2</sup>

1.3.2 Each Province Ministry is required to develop its own specific set of child protection guidelines. These guidelines are supplementary to this Province Policy and are to be approved by the Provincial and Mission Council (see 2.3.3).

<sup>1</sup> The Institute has an agency presence (FMSI) at the UN Human Rights Council. The Province has committed itself to support the advocacy work of FMSI in relation to the 1989 UN Convention of the Rights of the Child.

<sup>2</sup> The Province governs certain schools. This Policy refers to these schools only in regard to current compliance. The Province is also responsible for child protection matters that occurred at other schools conducted by the Marist Brothers on behalf of Parishes and Dioceses prior to the introduction of Catholic Education Offices. Marist Youth Care is separately incorporated since 1994. The Province is responsible for child protection matters at St Vincent's Boys Home and related residences prior to 1994.

## 2. PROCEDURES

### 2.1 Distribution of responsibility

2.1.1 The Provincial and Provincial Council, in collaboration with the Mission Council, have responsibility for:

- development of this policy;
- approval of the policy;
- effective dissemination of the policy;
- supporting the Province Professional Standards Officer and the Executive Director of Ministries in implementing the policy;
- delegating appropriately the authority for the implementation of the policy in each State and Territory in which a Province Ministry is situated;
- evaluating and amending the policy as appropriate or required by changes in legislation.

2.1.2 The Provincial, as the designated Church Authority, has responsibility to ensure that he:

- respects the principles of privacy and the need for confidentiality;
- supports the Province Professional Standards Officer to provide the most appropriate intervention when ‘harm’ to a child in a child-related ministry or initiative within the Province is suspected, alleged or disclosed;
- has a written procedure in place to ensure that the requirements of the relevant civil authority in each State and Territory in relation to child protection are met;
- cooperates with any Police investigation and not act to prejudice or obstruct that investigation;
- seeks advice from the Province Professional Standards Officer and other relevant persons in relation to a child-related complaint of harm by a person working within the Province;
- consults with Province consultative panels – the Province Professional Standards Advisory Committee and the Ministries Professional Standards Committee<sup>3</sup>- concerning issues contained in nos. 38, 40.10, 41 and 42 of the *Towards Healing* process and takes appropriate action where it is recommended or required;
- sends a copy of the policy (and any amendments to it that may be made from time to time) to the Superior General of the Marist Brothers.

2.1.3 Each Province Ministry Leader<sup>4</sup>, as “head of agency” (howsoever this may be named in each State or Territory), has direct personal responsibilities in regard to the child protection legislative requirements in their respective State or Territory. These include an obligation:

- to have a working knowledge and understanding of all statutory obligations, and Province and Church requirements relevant to the promotion of child protection;
- to have developed and to have had approved by the Mission Council a policy and procedures document for child protection;<sup>5</sup>

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<sup>3</sup> See Appendix E

<sup>4</sup> For ministries led by Province Administration staff this responsibility falls to the leader of the area of the ministry, or to the Executive Director of Marist Ministries.

<sup>5</sup> See Appendix B

- to have an appropriately skilled local child protection committee (or equivalently named group) to develop and oversee implementation of the local child protection policy;
- to have appropriately trained child protection officers (howsoever named in each State or Territory, and of a number as required by law);
- to provide for appropriate in-service for all staff members so as to ensure that they are fully conversant with all relevant child protection and investigation policies and procedures;
- to implement thorough employment screening procedures;<sup>6</sup>
- to comply with other Province policy and procedures pertaining to staff recruitment, and induction and to ensure, as far as possible, that those who are appointed to positions are fit and proper persons to occupy those positions and that they understand their child protection responsibilities;<sup>7</sup>
- to manage child protection incidents and issues in accordance with the policy and procedures consistent with applicable Government, Province and Church guidelines;
- to report to designated government agencies any child or young person reasonably suspected of being at risk of harm whom they come to know about in the course of their work;
- to report to the relevant Province officer, and where appropriate, investigate in accordance with agreed procedures any reportable allegation or conviction involving a staff member which is required to be reported to the relevant government agencies;<sup>8</sup>
- to be open in consulting with and seeking advice from appropriate professionals in the area of child abuse;
- to require all staff members to re-examine required procedures each year;
- to ensure that the Province Ministry's pastoral care policy and structures address the issue of child protection, making appropriate provision in consultation with the relevant government agency, for the ongoing care and support of students, families and staff directly involved with this issue;
- where the ministry is a school, to effectively implement suitable child protection curriculum;
- where the ministry is a school, to inform parents of child protection legislation, policy, procedures and curriculum as implemented.

2.1.4 The Community Leader of each Brothers' Community has responsibility:

- to be fully conversant with this policy;
- to be assured that all Community members know and understand this policy and the requirements it places on them individually and collectively;
- to ensure there is annual training in this policy for all Community members;
- to advise the Province Professional Standards Officer of any report, 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 Province Professional Standards Officer.

## 2.2 Management of child protection across the whole Province

2.2.1 At the national level, the oversight of the development, implementation, and review of this policy is carried out principally by the Province Professional Standards

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<sup>6</sup> See Appendices G, H and I

<sup>7</sup> See Appendices G, H and I. Refer also to the MSA *Executive Limitations Policy*.

<sup>8</sup> See Appendix B and K

Advisory Committee (PPSAC) and the Ministries Professional Standards Committee (MPSC)<sup>9</sup> who advise respectively the Provincial and Provincial Council, and the Provincial and Mission Council.

- 2.2.2 The day-to-day implementation and management of the policy is the responsibility of the Province Professional Standards Officer<sup>10</sup> This person answers directly to the Provincial, collaborates with the Executive Director of Ministries, and is a member of each of these committees.

### 2.3 Management of child protection at the level of each Province Ministry

- 2.3.1 Each Province Ministry<sup>11</sup> will have in place a Professional Standards Committee (howsoever named), the responsibilities of which would be:

- policy development, oversight and review;
- organisation of appropriate staff training;
- provision of advice to the ministry leader regarding specific issues and cases.

- 2.3.2 Each Province Ministry will have at least one person appointed and trained as a Child Protection Officer (howsoever named)<sup>12</sup>. The Child Protection Officer:

- is well known to everyone associated with the ministry (staff, children, parents, volunteers) as the contact person for child protection matters;
- helps to plan, organise and deliver staff training;
- provides children and young people with advice and support for their safety;
- raises staff awareness on child protection issues, and disseminates information and advice;
- informs the ministry leader of any reported incident or suspicion of abuse, and provides advice to the ministry leader on recommended action;
- monitors the implementation of the local Child Protection Policy.

- 2.3.3 Each Province Ministry will have a Child Protection Policy (howsoever named) which is consistent with the provisions of this Province policy and accommodates all the relevant requirements of State and Church. It shall include at least these elements:

- principles and protocols for working with children and young people
- code of conduct for staff
- employment screening
- staff training arrangements
- position description and duties for the local Child Protection Officer(s)
- responsibilities of the local Professional Standards Committee
- definitions of abuse, harm, harassment and bullying
- ways to recognise or form suspicions regarding matters of abuse and harm
- flow chart for responding and reporting
- record keeping
- strategies for educating young people on how to stay safe and how to make a report
- support strategies for those associated with any incidents or reports

<sup>9</sup> See Appendix E

<sup>10</sup> See Appendices B and F

<sup>11</sup> For non-institutional ministries and those under the leadership of staff in the Province Administration, the Ministries Professional Standards Committee fulfils this role.

<sup>12</sup> For non-institutional ministries and those under the leadership of staff in the Province Administration, the PPSO fulfils this role.

- evidence of implementation: a copy of training plans and/or programmes; records of course attendance; induction documentation/guidance; course evaluations.

2.3.4 At the level of individual Brothers' communities, management of child protection matters is in the hands of the Province Professional Standards Officer, in liaison with the Community Leader. Where the community residence is within a school precinct, the school principal, in consultation with the Community Leader, will determine protocols regarding the movement of Brothers within the precinct and interaction with students.

## 2.4 Prevention

2.4.1 Procedures that are set out in this policy aim to remove as much as can be reasonably foreseen, the likelihood of children being abused by those in positions of trust. Whilst it is not possible to give an absolute guarantee to ensure the safety of the children under the care of Province ministries, all possible measures are taken through this policy to help minimise such dangers.

2.4.2 Key preventative strategies include

- this policy and the requirement for each Province Ministry to have its own approved policy, a local child protection committee (howsoever named), and trained child protection officer(s) (howsoever named);
- employment screening procedures;
- induction and on-going training in this policy and related policies;<sup>13</sup>
- implementation of the Code of Conduct for Marist Personnel;<sup>14</sup>
- implementation and monitoring of safety plans for a restricted person;
- education of children and young people so that they can recognise grooming behaviours and malevolent intent towards them, and can respond in ways that keep them safe and protect them.

2.4.3 The training programme for candidates and newly professed Brothers includes:

- careful suitability screening;
- holistic formation in sexuality, affectivity, the healthy living of celibate chastity;
- thorough training in issues surrounding child protection and abuse as set out in this Policy.

2.4.4 Brothers who are not engaged in formal Province ministries are still required to receive annual training in this policy, and the principles and procedures which constitute it.

## 2.5 Understanding and recognising abuse and harm, and the risk of such

2.5.1 All Brothers and other Marist Personnel are required to be trained in understanding what constitutes harm and abuse, and when children and young people may be at risk of abuse or harm.<sup>15</sup>

## 2.6 Responding and Reporting

<sup>13</sup> Related policies include, for example: Student Management; Pastoral Care; Use of Social Media; Code of Professional Conduct; relevant Church policies.

<sup>14</sup> See Appendix A

<sup>15</sup> See Appendix D

- 2.6.1 All States and Territories make it mandatory for employees to report abuse and reasonable suspicion of abuse involving children and young people. Each Province Ministry and each Brothers' community shall have in place clear and appropriate strategies for Brothers, staff members, and young people to report abuse and suspected abuse, and shall have instruction in how to follow these strategies.<sup>16</sup>
- 2.6.2 In the event of a child or young person disclosing an incident of abuse to someone they trust, it is essential that it is dealt with sensitively and professionally.<sup>17</sup>
- 2.6.3 In the case of an allegation being made against a Brother, a member of staff or a volunteer, the Province Professional Standards Officer or Province Ministry Leader /Child Protection Officer will follow the reporting procedure as required by law or the Church.<sup>18</sup> Steps are taken to ensure that the safety of the child is paramount. An initial first step is to withdraw the accused person accused from active duty, which could entail standing down, re-assignment to other duties that do not have direct contact with children or young people, or to work under increased supervision during the period of investigation or other measures as deemed appropriate – depending on the seriousness of the allegation.
- 2.6.4 In the case of an allegation against a Brother, the Province Professional Standards Officer will also bring the matter to the attention of the Provincial.
- 2.6.5 An independent investigation is to be conducted into the allegation, if appropriate, and allowed by Police. The outcome depends on the findings of the investigation.
- 2.6.6 The Province Professional Standards Officer will provide guidance on confidentiality and information-sharing which makes clear that the protection of the victim is the most important consideration.

## 2.7 Record-keeping

- 2.7.1 All reports of alleged abuse or harm, or risk thereof, are to be duly recorded.<sup>19</sup>
- 2.7.2 Reporting should be factual and not conjectural or interpretative. Places, times, dates, names of people, observable behaviours or evidence of harm are what is recordable.
- 2.7.3 Reports need to be securely stored.

## 2.8 Confidentiality

- 2.8.1 As much as is reasonably possible, an individual's right to privacy is to be protected. This occurs principally by carefully following the processes outlined in this policy. Both those who are making reports and those about whom accusations are being made are entitled to due process and due privacy. Where there is suspected or alleged abuse or misconduct, staff members must not disclose or make use of the information which they hold in qualified privilege in a manner that breaches confidentiality, other than to report and act according to the principles and procedures of this policy and relevant statutory requirements.

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<sup>16</sup> See Appendices B and J

<sup>17</sup> See Appendix C

<sup>18</sup> See Appendix B

<sup>19</sup> See Appendix J

- 2.8.2 Any person making a credible report of abuse needs to be advised that the report will be investigated and dealt with by the appropriate authorities. While an individual's name may be protected, if that is their wish, the allegations must always be reported.
- 2.8.3 All relevant information held by a Province Ministry must be provided upon request to the Province Professional Standards Officer and to duly authorised government agencies or a court of law.
- 2.8.4 All pertinent information should be disclosed to an appointed investigator or to the police in a properly established investigation following a report of abuse or suspected abuse.
- 2.8.5 In all cases where choices have to be made, the best interests of the well-being of the child or young person should prevail.

## **2.9 Provision of Advice and Support**

- 2.9.1 For matters referred to the Province, the Province Professional Standards Officer will ensure that advice and support, including from specialists as appropriate, are provided to victims, complainants, people who are accused, and people who are associated with each of these. At the level of each Province Ministry, the same responsibility falls to its Leader.
- 2.9.2 The Province will provide training for the Province Professional Standards Officer to carry out his/her job effectively, including the necessary education and support in responding to allegations of abuse and professional training for dealing with the media. The leader of each Province Ministry will do the same for its Child Protection Officer.

## **2.10 Collaboration and case management**

- 2.10.1 The Province will actively collaborate with police, government, Church and other agencies, and relevant professional bodies (such as teacher registration bodies) in the best interests of children and young people.
- 2.10.2 In all cases of reportable behaviour or suspicion, the relevant agencies will be informed. All reportable behaviour is also communicated by the Province Professional Standards Officer to the relevant Catholic Church Professional Standards Office.
- 2.10.3 The Province will cooperate with relevant Church and statutory authorities as required by the policies, principles and standards used by the Australian Catholic Bishops Conference and Catholic Religious Australia. (See 1.2.5)

## **2.11 Dissemination**

- 2.11.1 All Brothers and other Marist Personnel need to be adequately conversant with the principles and procedures of this policy, and their pursuant responsibilities. Annual training sessions, with mandatory and recorded attendance, will be organised to ensure this.
- 2.11.2 It is the responsibility of the Province Professional Standards Officer to oversee the communications procedure to ensure this for Brothers and other Marist Personnel.

At the level of each Province Ministry, it is the responsibility of the Leader to ensure that staff and volunteers are aware of the structures, policies and procedures for child protection, and that all information on this is readily accessible.

2.11.3 Children and young people in the care of each Province-governed ministry need to be made aware of their rights and the means they have for reporting abuse and suspicion of abuse.

2.11.4 Information that needs to be easily accessible in each ministry includes

- to whom and how to make a report
- contact details for child protection agencies, police and relevant government agencies, emergency medical help, relevant help-lines
- contact details of parents and guardians

To be “easily accessible”, information needs to be in a language and a format that can be readily found and understood.

## 2.12 Policy oversight and review

2.12.1 The implementation of this policy is overseen by the Province Professional Standards Advisory Committee and the Ministries Professional Standards Committee, and managed by the Province Professional Standards Officer.<sup>20</sup> All incidents and reports are recorded, and an ongoing audit of them is done by the relevant committee.

2.12.2 Policies and practices are to be reviewed at the beginning of the Provincial’s mandate and revised, based on changes in needs, legislation, guidance and experience.

2.12.3 The views of all stakeholders in the ongoing revision of policies and practices are to be sought. This includes collecting the views of children and young people, of the Province Professional Standards Officer, of Province Ministry Leaders and Child Protection Officers, of Community Leaders, of Brothers generally, and of other staff members and volunteers.<sup>21</sup>

## 3.0 DEFINITIONS

***Allegation*** A first-person accusation of abuse of a minor brought against a current Member, former Member, or deceased Member which is reported to the Institute through any form of communication, including any that are anonymous.

***Brother*** A professed member of the Institute, for whom the Institute has responsibility under its Proper Law.

***Brothers Community*** refers to the group of Brothers appointed by the Provincial to reside in a particular place. Each community has an appointed leader.

***Candidate*** An individual who is applying to be a Brother.

***Child or Young Person*** Anyone under the age of 18.

<sup>20</sup> See Appendices E and F

<sup>21</sup> See Appendix K for a self-audit tool that may be used.

<b>Child Pornography</b>	Any activity which involves a graphic/visual depiction of a minor that is sexually explicit.
<b>Church</b>	The Roman Catholic Church.
<b>Church Authority</b>	Within the Catholic Church each entity has a leader as defined by Church law. In the case of a Religious Institute, this is the Provincial or Superior General.
<b>Church Professional Standards Officer</b>	The person engaged by the Church to manage reports of abuse of children and young people in the care of a Church agency or member, according to Church policies and protocols, and relevant statutory requirements.
<b>Cleric</b>	is an ordained priest or deacon of the Church.
<b>Confidential</b>	Private information which shall be kept restricted from others and only be disclosed to an authorised person for legitimate reasons of the Institute or because the disclosure is legally required.
<b>Credible allegation</b>	Based upon the facts and the circumstances, it appears that the accusation has substance and it is likely that an incident of abuse of a minor has occurred.
<b>Duty of care</b>	A duty imposed by the law to take care to minimise the risk of harm to another.
<b>Employee</b>	This term includes a paid workplace participant and any other person who is engaged to carry out work at a Province Ministry for financial reward. In the way used in this document, the term includes any Cleric and any Brother appointed to a role at a Province Ministry.
<b>Executive Director of Marist Ministries (EDMM)</b>	is the person appointed by the Provincial with the responsibility of oversight and management of Marist Ministries.
<b>Grooming</b>	An act or behaviour which intended to win the trust or allegiance of a child in order to make them vulnerable or less alert to potential abuse.
<b>Institute</b>	The religious Institute of the Marist Brothers.
<b>Marist Personnel</b>	An employee, paid workplace participant or volunteer.
<b>Province Ministry</b>	Includes schools and bodies corporate, organisations, associations or work groups, that exercise Ministry within, or on behalf of the Province.
<b>Province Ministry Leader</b>	is the person appointed by the Province to be the leader of a Province Ministry and who has the delegated authority to administer and manage the Ministry; otherwise the person who has the authority to act in the position of Province Ministry Leader from time to time.

- Marist Schools Australia (MSA)** the collective of Catholic schools which shape their identity and mission through the spirituality and educational approach that was introduced into the Church by St Marcellin Champagnat. MSA provides its member schools with leadership, support and, where applicable, governance.
- Marist Youth Care (MYC)** An incorporated entity operating a range of services for disadvantaged children and youth, with headquarters at Blacktown, Sydney.
- Ministry** the work involved or the situation which exists when one person has responsibility for the well-being of another. All work involved with the supervision or education of children and young people is a Ministry and, where the context allows in this Policy, so is an institution, agency, project or programme conducted by the Province corporately, or by Brothers or Marist Personnel individually.
- Ministry Professional Standards Committee (MPSC)** The group appointed by the Provincial and Mission Council for guidance and advice on current child protection matters in Province Ministries.
- Minor** Anyone under the age of 18.
- Paid workplace participant** is any person who is employed by the Province on a casual, fixed term or continuing basis, either pursuant to a contract of employment, or appointed to a role at an Province Ministry by the Province.
- Proper Law** The canonical statutes under which the Institute operates within the Church. They include Constitutions of the Marist Brothers and other regulations that may from time to time be promulgated.
- Province** The normal administrative unit of the Institute, usually referring in this policy to the Province of Australia.
- Province Administration** Those personnel who are employed by the Province to lead, serve and support Brothers' communities and Province Ministries.
- Province Professional Standards Officer** The person delegated by the Provincial to manage the implementation of this policy and cases that pertain to it.
- Province Professional Standards Committee (PPSAC)** The group appointed the Provincial and Provincial Council for guidance and advice on child protection, particularly matters concerning Brothers and Brothers' communities.
- Provincial** The Brother appointed by the Superior General to be the leader and major superior of a Province of the Institute.
- Provincial Council** The group of Brothers elected by other Brothers of the Province, and required by the Institute's Proper Law, to advise the Provincial on certain matters. The Provincial and Provincial Council, for the time being, also constitute the Trustees of the Marist Brothers in civil law.

<b><i>Province Mission Council</i></b>	A group appointed by the Provincial and Council, to which it delegates certain responsibilities for advising the Provincial on governance of Province ministries.
<b><i>Restricted person</i></b>	Someone who, through some charge or investigative process regarding children and young people are considered in need of supervision or limitation of ministry, and for whom the Institute retains responsibility.
<b><i>Rights</i></b>	Entitlements to which one has a just claim.
<b><i>Safety plan</i></b>	A formal, written supervision program for an individual who, it has been established, has abused a minor.
<b><i>Superior General</i></b>	is the Brother who leads the Institute internationally.
<b><i>Trustees</i></b>	The Trustees of the Marist Brothers, a body corporate under the Roman Catholic Church Communities' Lands Act (NSW) 1942, comprising the Provincial and Provincial Council for the time being.
<b><i>Types of child abuse</i></b>	<p><b><i>Physical abuse:</i></b> This includes any actions that cause harm to children and young people. It also involves the failure to act to protect children and young people.</p> <p><b><i>Emotional abuse:</i></b> This involves emotional ill-treatment of children and young people.</p> <p><b><i>Sexual abuse:</i></b> This involves contact or interaction between a minor and an adult when the minor is being used for sexual stimulation of the adult. This occurs when an adult engages a minor in any sexual activity, including direct sexual contact, as well as sexual non-contact, such as frottage, exhibitionism, and the distribution, downloading, and/or intentional viewing of child pornography.</p> <p><b><i>Neglect:</i></b> This involves any omission where a child or young person suffers significant harm or impairment development.</p>
<b><i>Volunteer</i></b>	is any person who gives freely of his or her time and experience to participate in activities and perform work for the Province. The relationship between the volunteer and the Province is not bound by a contract of employment and no payment is made by the Province to the volunteer or anybody on their behalf, for the work performed.

## 4.0 APPENDICES

### APPENDIX A

#### SOME MARIST PROTOCOLS OF CONDUCT FOR MINISTRY WITH CHILDREN AND YOUNG PEOPLE

Any form of abusive, harmful, discriminatory, prejudiced or intimidating behaviour or language by adults towards children and young people, or young people towards other young people, are not acceptable. Any action that may be hurtful or risk being interpreted by a reasonable observer as grooming behaviour is unacceptable. Comments or actions that are negatively and unreasonably critical of a person's culture, ethnicity, language, gender, disability, sexuality or age, are unacceptable.

In their interactions with children and young people, Marist Personnel must not confuse characteristic Marist style with behaviours and dispositions that are inappropriate. While Marists are encouraged to conduct their ministry in ways that see them actively present in the lives of the young, and with a style that is unaffected and proximate, they should never lose sight of the imperative for them always to act as the adults and the educators in the relationship.

The following list of behaviours includes examples of what is acceptable and not acceptable behaviour.

#### 1. Unacceptable behaviours

- a. Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
- b. Using, possessing, or being under the influence of alcohol while supervising minors<sup>22</sup>.
- c. Providing or allowing minors to consume alcohol or illegal drugs.
- d. Swearing in the presence of minors.
- e. Yelling at a minor, except in an emergency situation where the minor's safety may be in danger.
- f. Speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- g. Dealing with a minor while the adult is angry with the minor.
- h. Use of hurtful sarcasm.
- i. Discussing sexual activities with minors unless it is a specific job requirement and the person is trained to discuss these matters.
- j. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimately arranged instructional activity dealing with human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics.
- k. Being nude in the presence of minors.
- l. Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
- m. Sleeping in the same beds, sleeping bags or small tents with minors.
- n. Engaging in sexual contact with minors. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person.

#### 2. Transportation and off-site events

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<sup>22</sup> This does not include situations where it is reasonable for the person to possess alcohol (e.g. for a presentation at a formal occasion) or use it moderately (e.g. at a dinner or formal occasion which the person may be attending and at which the person is not directly responsible for the care of the child or young person.)

- a. Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport minors without written permission of their parent or guardian.
- b. It is prohibited to have unnecessary and/or inappropriate physical contact with minors while in vehicles.
- c. Minors should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops.
- d. It is prohibited to have minors spend the night at the residence of a staff member or Brothers' community without parental/guardian prior approval.
- e. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.

### 3. Physical Contact and general guidelines

- a. Staff members are prohibited from using physical discipline in any way for behaviour management of minors. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by minors.
- b. Physical contact may be required in an emergency situation to remove minors quickly from danger or threat of danger.
- c. Appropriate contact between staff members and minors is part of normal human relationships. Some considerations and guidelines include the following:<sup>23</sup>
  - i. Consider the child's age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child.
  - ii. Work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access. Exceptions apply for professions with strict confidentiality requirements.
  - iii. Be alert to cues from minors about how comfortable they are in your proximity and respect their need for personal space.
  - iv. Be sensitive when interacting with minors who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex.
  - v. Be aware of cultural norms that may influence the interpretation of your behaviour.
  - vi. Be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance.
  - vii. Physical contact should be made in a way that makes minors feel comfortable, for example, shaking hands, a congratulatory pat on the back or with young children by gently guiding them or holding their hand for reassurance. Massaging a minor or allowing a minor to massage you is inappropriate physical contact.
  - viii. The use of images of minors as screen savers or backgrounds on personal electronic devices is not appropriate. The collection and storage of photographs of minors must be for educational or professional purposes.
  - ix. Be aware that the giving and receiving of gifts, giving extra attention, accepting a different standard of behaviour from a child or having 'special time' with a child must be appropriate and justified as a strategy to meet teaching and learning outcomes.
  - x. Obtain permission from school authorities and parents when meeting with students for activities outside of school hours.
  - xi. The provision of your personal contact details should be justified in terms of educational or professional purpose.

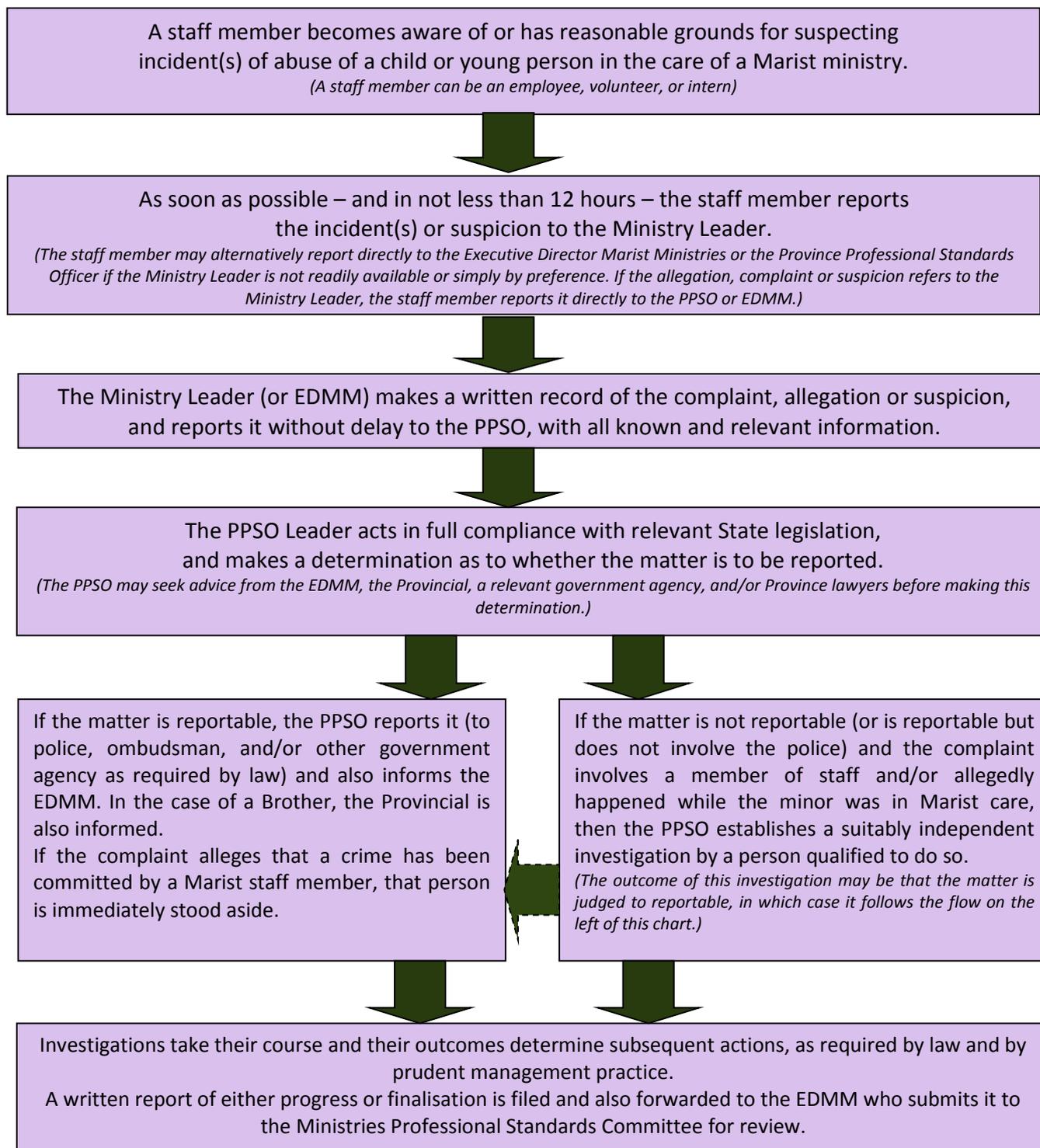
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<sup>23</sup> Taken from the guidelines of the Western Australian Department of Education

## APPENDIX B

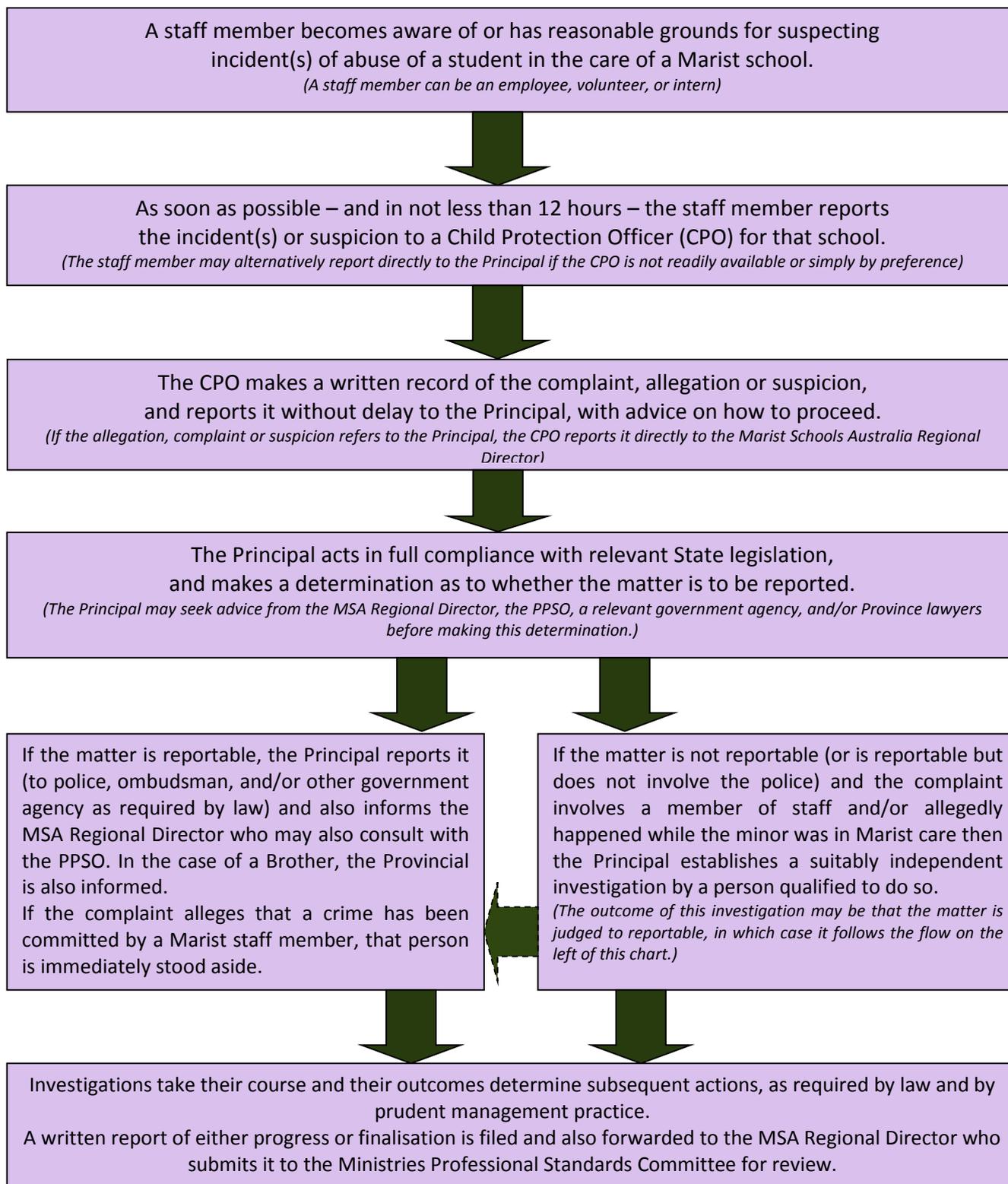
## PROTOCOLS AND PROCESSES FOR RESPONDING TO REPORTS OF ABUSE OR RISK OF ABUSE

**Flow Chart for Responding to Suspicions, Reports and/or Allegations of Abuse of Children in Ministries governed by the Marist Province of Australia (other than schools and MYC)<sup>24</sup>**  
(unless State protocols demand otherwise)



<sup>24</sup> i.e. Marist Youth Ministry (including Remar), Marist Solidarity (including Marist Volunteers), The Hermitage at Mittagong, Vocations Ministry, any other event or programme that may from time to time be conducted by the Province.

**Flow Chart for Responding to Suspicions, Reports and/or Allegations of Abuse of Children  
in Schools governed by the Marist Province of Australia  
(unless State protocols demand otherwise)**



**1. Further explanation of the processes in the foregoing flowcharts:**

*(unless State protocols demand otherwise)*

- a. There will be at least one Child Protection Officer (CPO; howsoever named) appointed for each ministry, who is appropriately trained in relation to child protection, bullying and sexual harassment matters, to whom people can refer complaints or concerns. Where a particular ministry or programme is small, the Ministry Leader may fulfil this role.
- b. The CPO will make a written record of each complaint or concern.
- c. The CPO will in the first instance refer the complaint to the local Ministry Leader (unless for reasons of preference or expediency the report was made directly to Ministry Leader or to the Province Professional Standards Officer).
- d. Where staff or students at a school or college are involved and a complaint or concern relates to the actions of the local Principal, the referral should be made to the Regional Director of Marist Schools Australia to pass on to the PPSO and Provincial for action.
- e. The Ministry Leader must comply with State or Territory legislation in relation to the matter and decide on the next step. This may involve mandatory notification to the Police, Ombudsman's Office, Teachers' Registration unit, Child Protection authority or like authorities in a particular State or Territory. It may also involve the accused standing aside from normal duties while the matter is resolved.
- f. Where a complaint or concern involves the leader of a non-school Province ministry, the CPO will refer the matter to the PPSO and Provincial for action.
- g. Schools/colleges: The Principal will immediately inform the Regional Director of Marist Schools Australia for information and advice on a matter of sexual abuse. The RD will immediately inform the PPSO if it involves a Brother.
- h. Other ministries: The Ministry Leader will inform the PPSO for information and advice on a matter of sexual abuse. The PPSO will immediately inform the Provincial if it involves a Brother, and in all cases will advise the Executive Director Marist Ministries.
- i. The Ministry Leader (or the PPSO in the case of non-institutional ministries, in liaison with the EDMM) is responsible for a sufficiently independent investigation of the matter by a qualified person, where police are not involved.
- j. If a Brother is the accused, the Principal/EDMM will liaise with the PPSO in setting up the investigation. The Principal/EDMM and the Provincial will decide together on any action after the investigation.<sup>25</sup>
- k. Where there is a Child Protection matter of any sort reported that involves a Brother, the EDEMM or the PPSO will inform the Provincial of the matter.

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<sup>25</sup> The Provincial seeks advice from Province lawyers, the Province Professional Standards Officer and Province Professional Standards Advisory Committee on any action to be taken.

- l. If it is considered that there is a possibility of media exposure, the local ministry leader will inform the Regional Director of Marist Schools Australia/EDMM who will in turn inform the Provincial and the PPSO.
- m. If the Police notify the local ministry leader of an investigation, he or she will inform the Regional Director of Marist Schools Australia or the EDMM. The Province Professional Standards Officer and Provincial will be informed if a Brother is involved.
- n. Schools/colleges - When a matter is finalised, the Principal will forward a report to the Regional Director of Marist Schools Australia for his information and the information of the Ministries Professional Standards Committee.
- o. Other ministries – When a matter is finalised, the Ministry Leader will forward a report to the EDMM for information and the information of the Ministries Professional Standards Committee.

**2. Steps to be followed by the PPSO for matters being dealt with at Province level:**

- a. Using the dedicated form, create a Child Protection case file for every referral that includes a log of actions, and information received. Entries should be made as soon as possible after the event but before the end of the day. They must be timed, dated, and signed by the author.
- b. Take possession of any written records made by any person in connection with the case, and place them in the Child Protection Case file. This includes e-mail communications.
- c. Explain the procedures for addressing the allegations of abuse to the person who has raised the issue. Note that consent may not be required to make referrals to the authorities.
- d. Ensure support structures are put in place to protect the victim. A support person may be appointed to accompany the victim, professional counselling may be offered. Ensure the victim is kept informed of what is happening as the investigation continues and record these times.
- e. Ensure the accused person is informed of the details of the allegation, and record the content of his/her response. This record should be agreed with the person accused, and then signed and dated. If the person accused does not agree, then write your own notes for filing.
- f. When the PPSO seeks advice from the police or another statutory authority whether to make a referral or not, he should keep a written record of the outcome of the consultation with the authorities.
- g. Maintain a dialogue with the person conducting an independent investigation to monitor the progress of the case. Details of contacts made should be recorded chronologically on the Child Protection Case file.
- h. Ask in writing for an update from the police or other statutory authority about the outcome of their investigations.
- i. Detailed records should be kept of the progress of the investigation and this should be supplied to the person accused to avoid leaving him/her in limbo.
- j. All paper-based records created or received are retained in a secure location, and all electronic files are backed up on more than one server in more than one location. These are only accessible to assigned personnel.

**3. For cases to be managed under the Towards Healing process**

- a. The PPSO and the Church Professional Standards Office (CPSO) will liaise to formulate a response and determine responsibility.
- b. The PPSO advises the Provincial immediately as to how the matter might be managed.
- c. The PPSO and the CPSO will determine who might make direct contact with the complainant.
- d. Should an assessment or independent investigation be deemed necessary then the CPSO will appoint the investigator(s).
- e. The PPSO will discuss the appointment of a facilitator and liaise with the Provincial over any apology to be given. Issues of reparation in response to damages claim will be discussed with the Provincial.
- f. The PPSO will liaise with the lawyers of the Marist Brothers and Catholic Church Insurance as required.
- g. The PPSO will liaise with police as necessary. The CPSO provides relevant information to police.
- h. Where a Brother may need to be represented personally the PPSO will engage an independent solicitor to represent the Brother.

**4. For a new complaint about a Brother**

- a. Where a complaint has been made against a Brother who is living, the PPSO will inform the Provincial immediately.
- b. If it is a criminal matter, the PPSO and the CPSO will liaise to advise the police according to mandatory reporting legislation or as intelligence.
- c. If it is a criminal matter, the PPSO will seek police advice regarding what appropriate enquiries can be carried out by the Province.
- d. The PPSO will take action as required with the Marist lawyers or independent lawyers who may be involved and the police.
- e. The well-being of the complainant is to be considered in all such matters.
- f. Appropriate documentation for the media to be prepared. If a Brother is charged or under investigation, the matter is *sub judice*.

## APPENDIX C

### PRACTICAL ADVICE ON LISTENING TO A COMPLAINANT

In the event of someone disclosing an incident of abuse or making a report to someone they trust, 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, a colleague.

- React calmly.
- Listen carefully and attentively. Take the person seriously.
- 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.
- Do not express any opinions about the alleged abuser personally, but you may affirm your position and that of the Marist Brothers towards child abuse in general.
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record (use the recording form contained in this Policy).
- Ensure that the person understands the procedures which will follow.
- Pass the information to the Child Protection Officer or Head of Ministry (as appropriate). Do not attempt to deal with the problem alone.
- Treat the information confidentially.
- Be aware that in some cases, mandatory reporting may apply e.g reporting to police.

## APPENDIX D

## RECOGNISING CHILD ABUSE

## 1. Possible Physical and Behavioural Indicators of Child Abuse

## a. Physical

Physical abuse is any form of non-accidental physical injury or injury which results from wilful or neglectful failure to protect a child or young person. Possible indicators of this type of abuse are:

- Frequent bruising, fractures, cuts, burns and other injuries
- Torn clothing
- Bite marks, burns or welts
- Bruises in places difficult to mark e.g. behind ears, groin
- Undue or unnecessary fear
- Aggressiveness or withdrawn
- Absconding frequently from home

## b. Sexual

Sexual abuse occurs when a child or young person is used by another person for his or her gratification or sexual arousal or for that of others. Possible indicators of this type of abuse are:

- Over affectionate or inappropriate sexual behaviour
- Age inappropriate sexual knowledge given the child or young person's age, which is often demonstrated in language, play or drawings
- Fondling or exposure of genital areas
- Hints about sexual activity
- Unusual reluctance to join in normal activities which involve undressing, e.g. games, swimming

## c. Emotional

Emotional abuse is normally to be found in the relationship between a care-giver and a child or young person rather than in a specific event or pattern of events. It occurs when a child or young person's need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Possible indicators of this type of abuse are:

- Unreasonable mood and/or behavioural changes
- Aggression, withdrawal or an "I don't care attitude"
- Lack of attachment
- Low self esteem
- Attention seeking
- Depression or suicide attempts
- Persistent nightmares, disturbed sleep, bedwetting, reluctance to go to bed
- A fear of adults or particular individuals e.g. family member, baby-sitter or indeed excessive clinginess to parents/carers
- Panic attacks

## d. Neglect

Neglect can be defined in terms of an omission, where the child or young person suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from

adults, medical care. Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. Possible indicators of this type of abuse are:

- Frequent minor or serious injuries
- Untreated illness
- Hunger, lack of nutrition
- Tiredness
- Inadequate and inappropriate clothing
- Lack of supervision
- Low self esteem
- Lack of peer relationships

## **2. Indicators of Abuse are Not Facts**

It is important to stress that no one indicator should be seen as conclusive in itself of abuse; it may indeed indicate conditions other than child abuse. A cluster or pattern of signs is likely to be more indicative of abuse. Signs must also be considered in the child or young person's social and family context as child abuse is not restricted to any socio economic group, gender or culture. It is important to always be open to alternative explanations for possible physical or behavioural signs of abuse.

## **3. Reasonable Grounds for Concern**

The statutory authorities should always be informed when a person has reasonable grounds for concern that a child or young person may have been abused, or is being abused, or is at risk of abuse. A suspicion that is not supported by any objective indicator of abuse or neglect would not constitute reasonable grounds for concern. The following examples would constitute reasonable grounds for concern:

- specific indication from the child or young person that s/he was abused;
- an account by the person who saw the child or young person being abused;
- evidence such as injury or behaviour which is consistent with abuse and unlikely to be caused in any other way;
- an injury or behaviour, which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour;
- consistent indication, over a period of time, that a child or young person is suffering from emotional or physical neglect.

A suspicion, not supported by any objective indication of abuse or neglect, does not constitute a reasonable suspicion or reasonable grounds for concern.

## APPENDIX E

### THE PROVINCE'S PROFESSIONAL STANDARDS REFERENCE COMMITTEES

There are two standing committees in the Province to guide and to advise on professional standards, including child protection: Province Professional Standards Advisory Committee, and the Ministries Professional Standards Committee. The Province Professional Standards Officer is a member of both committees:

#### 1. Province Professional Standards Advisory Committee (PPSAC)

The PPSAC provides general advice to the Provincial and Council on:

- i. development of the Province Child Protection Policy;
- ii. support for people with accusations of abuse from Brothers;
- iii. legal matters in relation to child protection that are the responsibility of the Province, including those referred to it by the Ministries Professional Standards Committee;
- iv. "Towards Healing" cases – cases responded to under the Towards Healing Protocol;
- v. cases involving Brothers;
- vi. historical cases in Province-governed ministries;
- vii. risk assessment of accused Brothers;
- viii. supervision of restricted Brothers;
- ix. public relations;
- x. formation of Brothers regarding the Province Child Protection Policy and Integrity in Ministry;
- xi. the work of the Province Professional Standards Officer.

The PPSAC supports and guides the work of the PPSO in relation to the above matters.

#### 2. Ministries Professional Standards Committee (MPSC)

On behalf of the Provincial and Council, the MPSC:

- i. ensures that the local policies and practices of Province Ministries are consistent with Province policies in relation to child protection, bullying, harassment and other areas of professional standards;
- ii. receives regular summaries of progress/resolution of all professional standards matters in Province Ministries;<sup>26</sup>
- iii. audits the compliance of Province Ministries with this policy and other professional standards matters;
- iv. provides advice, as required, to the relevant Province person (e.g. Executive Director Marist Ministries, Marist Schools Australia Regional Directors, Principals, Ministry Leaders) on current matters involving lay people in relation to professional standards: protocols, notifications, investigations, legal proceedings, terminations;
- v. provides advice to the Provincial on current matters involving Brothers in relation to bullying and sexual harassment: protocols, notifications, investigations, legal proceedings, sanctions;
- vi. ensures that appropriate staff training is in place in all ministries in relation to child protection, bullying, sexual harassment.

<sup>26</sup> Marist Youth Care (MYC), a youth welfare agency owned by the Province, has separate processes for child protection matters. The CEO reports on these to the Board of Directors. The Provincial and Council requires annual written assurance and documentary evidence from the Board that MYC is compliant in regard to Child Protection obligations and appropriate audits.

## APPENDIX F

### THE ROLE OF THE PROVINCE PROFESSIONAL STANDARDS OFFICER

The Province Professional Standards Officer (PPSO) is appointed by the Provincial and is accountable to him. The PPSO's other key working relationships are with:

- The Province Professional Standards Advisory Committee and the Ministries Professional Standards Committee, for both of which he/she is the Executive Officer.
- Senior members of the Province Administration, including: the Executive Director of Ministries, the MSA Regional Directors, the MYM National Coordinator, the Executive Director of Australian Marist Solidarity, the Director of Business Services as well as the Board Chair of Marist Youth Care.
- The Provincial and Provincial and Mission Councils.

The PPSO has these five key areas of responsibility in the area of child protection and professional standards:

- Policy direction and advice;
- Preventative strategies and training;
- Management of cases for which the Province has liability;
- Relating with victims and complainants on behalf of the Province;
- Support for the Provincial, Province personnel, Community Leaders, and heads of ministry areas in their respective responsibilities.

Key Responsibility	Sub-responsibility	Specific duties
Policy direction and advice	Thorough understanding of: <ul style="list-style-type: none"> <li>· statutory requirements of each State and Territory;</li> <li>· principles and processes of the Catholic Church;</li> <li>· Institute expectations and requirements.</li> </ul>	<ul style="list-style-type: none"> <li>· Personal reading and training in relevant legislation, documents and procedures.</li> <li>· Attendance at relevant in-services, conferences, seminars.</li> </ul>
	Drafting and ongoing review of the Province Child Protection Policy.	<ul style="list-style-type: none"> <li>· Targeted surveying of stakeholders at regular intervals.</li> <li>· Policy formulation and review at PPSAC and MPSC meetings.</li> </ul>
Preventative strategies and training	Compliance	<ul style="list-style-type: none"> <li>· Provision of accurate and timely advice on the compliance of Province policy and procedures.</li> <li>· Regular audit<sup>27</sup> of policies operating in each Province-governed ministry to ensure they are compliant with relevant State, Province and Church requirements.</li> <li>· Retention of each policy on file.<sup>28</sup></li> <li>· Regular audit of a representative sample of ministry-level, case-management records to be assured of compliance.</li> <li>· Ensuring appropriate employment screening and</li> </ul>

<sup>27</sup> Where an individual ministry, such as a school, is regularly and comprehensively audited on these matters as part of another process (e.g. school registration and accreditation), it is sufficient for the PPSO to have evidence that the ministry has satisfactorily met the requirements of the audit. This proviso applies to other applicable duties of the PPSO.

<sup>28</sup> For matters to do with MSA schools, the PPSO normally discharges his duty in this and similar matters through the MSA Regional Director.

		<p>police checks are done for Province personnel, for people engaged by Brothers' communities, and that appropriate processes are in place in individual ministries.</p>
	Quality Assurance	<ul style="list-style-type: none"> <li>· Collection of regular reports from all Province-governed ministries, and present to MPSC for review.</li> <li>· Audit of representative sample of case-management in individual ministries.</li> </ul>
	Induction	<ul style="list-style-type: none"> <li>· Ensuring that induction in child protection, bullying, harassment and discrimination takes place for all new Province personnel.</li> <li>· Audit the quality and content of induction programmes for new staff in individual ministries.</li> <li>· Ensure that Brothers' initial formation programmes include appropriate education in child protection, bullying, harassment and discrimination.</li> </ul>
	On-going training	<ul style="list-style-type: none"> <li>· Dissemination of information on professional standards to Province-personnel, heads of ministry areas, and Brothers' communities.</li> <li>· Organisation of annual training for Province-level personnel.</li> <li>· Liaison with the Provincial to organise annual training for the Brothers' communities.</li> </ul>
	Management of restricted personnel	<ul style="list-style-type: none"> <li>· Risk assessments for each restricted person.</li> <li>· Development, with the Provincial, of safety plans for all Brothers with credible complaints against them.</li> <li>· Assessments as directed in the Safety Plan. e.g. visit the Brother and residence.</li> <li>· Ensuring that the Brother and Provincial or his delegate have signed an agreement relating to restrictions.</li> <li>· For a restricted Brother residing in another Province, organisation of a signed agreement between Provincials prior to the restricted Brother leaving Australia. (The overseas Provincial to be fully informed of the restrictions which would be placed on the Brother by legislation if he remained domiciled in his State/Territory in Australia.)</li> </ul>
Management of professional standards matters for which the Province has liability	Management of individual cases	<ul style="list-style-type: none"> <li>· Follow steps as outlined in the Province Child Protection Policy.</li> <li>· Take all reasonable steps to safeguard the well-being of both complainants and those accused.</li> <li>· For an accused Brother, liaison with the Provincial to provide support.</li> <li>· Ensure that all complaint matters are reported to the appropriate Church Professional Standards Officer as detailed in the <i>Towards Healing</i> protocol for further consideration and possible referral to police.</li> <li>· Liaise with the Church Professional Standards Office as required by the Province policy.</li> <li>· Liaise with the Province lawyers and other legal</li> </ul>

		<p>practitioners as required by the Province Policy.</p> <ul style="list-style-type: none"> <li>· Ensuring that records are made and kept securely.</li> </ul>
Relating with victims and complainants on behalf of the Province	Receiving complaints	<ul style="list-style-type: none"> <li>· Be available to receive and process complaints and allegations in person, and relate directly with complainants and those making reports.</li> <li>· Ensure that such people are treated with attentiveness and respect, and are given timely and relevant information for their complaints to be progressed.</li> </ul>
	Support for complainants	<ul style="list-style-type: none"> <li>· Organise counselling or other services as required.</li> </ul>
Support for the Provincial, Province Administration personnel, Community Leaders, and Ministry Leaders in their respective responsibilities	Support and advice	<ul style="list-style-type: none"> <li>· Where needed, provision of guidance to Province ministries on reporting and management processes.</li> <li>· Provision of advice to relevant personnel [e.g. Executive Director of Ministries (EDMM) (as delegate of the Provincial), RDs, principals] on current matters involving lay people in relation to child protection, bullying, sexual harassment, protocols, screening, notifications, investigations, legal proceedings, terminations.</li> <li>· Provision of advice to the Provincial on current matters involving Brothers in relation to bullying, sexual harassment, protocols, notifications, investigations, legal proceedings, sanctions.</li> <li>· Provision of advice and practical support to Community Leaders who are managing restricted Brothers.</li> </ul>
	Public relations	<ul style="list-style-type: none"> <li>· Drafting of media releases to be on hand if required.</li> <li>· Working with the PPSAC and the MPSC on appropriate media strategies for the Province and for ministries.</li> </ul>

## APPENDIX G

STAFF APPLICATION FORM<sup>29</sup>

## Paid and Voluntary Staff in the Ministries of the Marist Brothers Province of Australia

Ministry Centre: \_\_\_\_\_

Surname: \_\_\_\_\_ First Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

Are you (please tick):

 Employed    Unemployed    Student    Homemaker    Retired    Other

Previous Work Experience in recent years: \_\_\_\_\_

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Have you previously been involved in voluntary work?    Yes    No

If yes, please give details: \_\_\_\_\_

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Why do you want to get involved with this ministry? \_\_\_\_\_

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Have you previously received any training for working with children and young people?

Yes       No 

If yes, please give details: \_\_\_\_\_

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<sup>29</sup> It is recognised and accepted that many schools and ministries would have application forms that may be more detailed and in a different format from this one. Use of this form is not mandatory, but any application process should elicit at least information equivalent to that which this form seeks.

Adapted from: *Our duty to Care: the Principles of Good Practice for the Protection of Children and Young People.* (Dept. Of Health and Children, Dublin, Stationary Office 2001)

Any other relevant information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is there any medical or other reason why you may be deemed unsuitable to work with children or young people? **Yes**  **No**

If yes, please give details: \_\_\_\_\_

\_\_\_\_\_

Please provide the names and addresses of two people (not relatives) whom we could contact for a reference, preferably people who are familiar with your work with children and young people.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

*I declare that the above information is true and that I am fit to serve in paid employment or as a volunteer in this ministry. I agree to abide by and accept the terms and conditions of participation and accept and abide by the policies of the Marist Brothers Province of Australia. I will also provide photo ID and comply with Police requirements for working with children and young people.*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

APPENDIX H

**CONFIDENTIAL REFERENCE CHECK<sup>30</sup>**

\_\_\_\_\_ has expressed an interest in working in the \_\_\_\_\_ School/Ministry Centre, and he/she has nominated you as a referee.

The position involves unsupervised access to children and young people and as an organisation committed to the welfare and protection of children and young people, we want to know if you have any reason to be concerned about this person’s suitability to work with children and/or young people. **Yes**  **No**  If you have answered **Yes**, we will contact you in confidence.

If you complete this reference, the contents will remain confidential to the selection panel.

How long have you known this person? \_\_\_\_\_ In what capacity?

\_\_\_\_\_

List the applicant’s attributes which makes you consider him/her suitable for the position:

\_\_\_\_\_

Describe the Applicant’s personality: \_\_\_\_\_

Do you have any reservations about the Applicant for this work? (if so, please comment):

\_\_\_\_\_

\_\_\_\_\_

Please rate this person on the following:

	Poor	Average	Good	Very Good	Excellent
<b>Responsibility</b>					
<b>Maturity</b>					
<b>Self-motivation</b>					
<b>Ability to motivate</b>					
<b>Energy</b>					
<b>Trustworthiness</b>					
<b>Reliability</b>					

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Position: \_\_\_\_\_

<sup>30</sup> It is recognised and accepted that many schools and ministries would have application forms that may be in a different format from this one and/or elicit information that is more specific to the particular position being sought. Use of this form is not mandatory, but a process of checking with referees (including past employers) is required, and should elicit at least information equivalent to that which this form seeks.

APPENDIX I

STAFF DECLARATION FORM

To be completed by Brothers, Staff and Volunteers<sup>31</sup>

Surname: \_\_\_\_\_ First Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Previous addresses in the last 3 years:

\_\_\_\_\_  
\_\_\_\_\_

Any other name by which you are/have been known: \_\_\_\_\_

Have you been charged with or convicted of any, and if so what, criminal offences? YES / NO

If yes, please give details:

\_\_\_\_\_  
\_\_\_\_\_

Do you hold a current Working with Children Check (or equivalent)? YES / NO

Have you ever been denied, or had cancelled a Working with Children Check? YES / NO

If yes, please give details:

\_\_\_\_\_  
\_\_\_\_\_

Do you have any prosecutions pending, or have been subject of any police investigation, or have been ever convicted of a criminal offence? YES / NO

If Yes, please state below the nature and date(s) of the offence(s), the court responsible for dealing with the matter, and the approximate date of the court hearing.

Nature of offence: \_\_\_\_\_

Date of offence: \_\_\_\_\_ Court: \_\_\_\_\_ Court Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

<sup>31</sup> It is recognised and accepted that many schools and ministries would have declaration forms that may be in a different format from this one or that they may need to use forms that are set by statutory requirements. Use of this form is not mandatory, but an equivalent process of formal employment screening is.

APPENDIX J

REPORT OF ALLEGATIONS OF ABUSE<sup>32</sup>

1. About the disclosure/concern

Date of disclosure/concern: \_\_\_\_\_ Time of disclosure/concern: \_\_\_\_\_

How was information received? (attach any written information to this form)

Telephone     Letter     Email     In person

2. Details of person making disclosure/raising concern

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship to child/young person or alleged victim: \_\_\_\_\_

3. Details of child/young person or alleged victim

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address : \_\_\_\_\_

Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

Language (is interpreter/ signer needed): \_\_\_\_\_

Disability: \_\_\_\_\_

Special needs: \_\_\_\_\_

Parish/Religious Institute (if applicable): \_\_\_\_\_

4. Parent / Guardian details (where appropriate)

Name: \_\_\_\_\_

Address (if different from above): \_\_\_\_\_

<sup>32</sup> It is recognised and accepted that a Province-governed ministry or school may have a different form for recording reports, in order to accommodate local Church or civil requirements. It is mandatory for such a ministry that the equivalent information elicited by this form is included in a locally-developed form.

Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

Are they aware of the allegation, suspicion or complaint? **Yes**  **No**

**5. Details of alleged perpetrator**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship to child (*parent/Religious Brother/teacher, etc*) \_\_\_\_\_

Position : \_\_\_\_\_

Address at time of incident(s): \_\_\_\_\_

Current contact with children or young people if known

\_\_\_\_\_

Any other relevant information:

\_\_\_\_\_

\_\_\_\_\_

**6. Details of concern, allegation or complaint** (*Include dates/times and location, the incident(s) occurred, witnesses, if known. Does the child or young person/victim know this referral is being made?)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. Action taken**

Has the matter been referred to civil authorities? **Yes**  **No**

If yes, date: \_\_\_\_\_ Time: \_\_\_\_\_

If no, explain why:

\_\_\_\_\_

\_\_\_\_\_  
To whom was it referred: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Address: \_\_\_\_\_

Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

Has the matter been referred to the Province?: **Yes**  **No**

If yes date: \_\_\_\_\_ Time: \_\_\_\_\_

If no, explain why: \_\_\_\_\_

\_\_\_\_\_  
To whom was it referred to : \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Address: \_\_\_\_\_

Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

**8. Next Steps**

What actions were agreed to and by whom when the matter was referred onto civil / Province authority?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Are there any immediate child protection concerns? If so, please record what they are and state what actions have been taken by whom to address them:***

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9. Province Professional Standards Officer details:**

Date form sent to the PPSO: \_\_\_\_\_

**10. Details of person completing the form**

Name: \_\_\_\_\_

Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

Position: \_\_\_\_\_

Date Form completed: \_\_\_\_\_ Time: \_\_\_\_\_

Signed: \_\_\_\_\_

*(A copy must be retained by the local ministry/school and filed in a secure location, and a copy must be sent to the Province and civil authorities, where appropriate)*

## APPENDIX K

### SELF-AUDIT TOOL<sup>33</sup>

This self-audit tool is an ideal way to measure the alignment of your organisation with the standards on making children and young people safe, and where you may need to improve.

#### Using Checkpoints

The checkpoint questions below are designed to draw out the minimum requirements (criteria) that all agencies committed to protecting children and young people should be striving to meet. However, depending on the nature of your organisation's work with children and young people and the context, environment and conditions you work in, some of the checkpoints may seem more relevant than others. This self-audit tool will be a useful guide and you may wish to delete or add criteria to ensure relevance to your particular activity.

Before you start, take a copy of the questionnaire, date the copy and then follow the steps outlined below. You can then keep a record in order to review your progress at a later date.

The self-audit tool asks you to think about six different areas of your organisation:

1. children and young people and the organisation
2. policies and procedures
3. preventing harm to children and young people
4. implementation and training
5. information and communication
6. monitoring and review

#### SELF AUDIT CHECK LIST

There are six statements/standards within each area. Read each statement and decide whether each statement is:

A: in place

B: partially done

C: not in place

*Tick the A, B or C box as appropriate.*

Children and young people and the organization		A	B	C
1.	The organisation is very clear about its responsibility to protect children and young people and makes this known to all who come into contact with it.			
2.	The way staff and other representatives behave towards children and young people, suggests that they are committed to protecting children from abuse.			
3.	There is good awareness of the UN Convention of the Rights of the Child (UNCRC) or other children and young people's rights instruments and this is seen as a basis for child protection in the organization.			
4.	Managers and senior staff ensure that children and young people are listened to and consulted and that their rights are met.			

<sup>33</sup> The approach is based on the work of George Varnava with the former Forum on Children and Violence, NCB (National Children's Bureau). With permission from the authors, the NSPCC has adapted the material for use as an audit tool for child protection.

5.	The organization makes it clear that all children and young people have equal rights to protection.			
6.	The organization manages children and young people's behaviour in ways which are non-violent and do not degrade or humiliate children and young people.			

<b>Policies and procedures that help keep children and young people safe</b>		<b>A</b>	<b>B</b>	<b>C</b>
1.	The organization has a written child protection policy or has some clear arrangements to make sure that children and young people are kept safe from harm.			
2.	The policy or arrangements are approved and endorsed by the relevant province authority (e.g., senior management board, executive, committee).			
3.	The policy or arrangements have to be followed by everyone.			
4.	There are clear child protection procedures in place that provide step-by-step guidance on what action to take if there are concerns about a child or young person's safety or welfare.			
5.	There is a named child protection person/s with clearly defined role and responsibilities.			
6.	The child protection procedures also take account of local circumstances.			

<b>Preventing harm to children and young people</b>		<b>A</b>	<b>B</b>	<b>C</b>
1.	There are policies and procedures or agreed ways of recruiting staff/volunteers and for assessing their suitability to work with children and young people, including, where possible, police and reference checks.			
2.	There are written guidelines for behaviour or some way of describing to staff and volunteers what behaviour is acceptable and unacceptable, especially when it comes to contact with children and young people.			
3.	The consequences of breaking the guidelines on behaviour are clear and linked to the organization's disciplinary procedures.			
4.	Guidance exists on appropriate use of information technology such as the internet, websites, digital cameras, mobile phones, etc to ensure that children and young people are not put at risk.			
5.	Where there is direct responsibility for running/providing activities, including residential care, children and young people are adequately supervised and protected at all times.			
6.	There are well-publicised ways in which staff/ volunteers can raise concerns, confidentially if necessary, about unacceptable behaviour by other staff or volunteers.			

<b>Implementation and training</b>		<b>A</b>	<b>B</b>	<b>C</b>
1.	There is clear guidance to staff and volunteers on how children and young people will be kept safe.			
2.	Child protection must be applied in ways that are culturally			

	sensitive but without condoning acts that are harmful to children and young people.			
3.	There is a written plan showing what steps will be taken to keep children and young people safe.			
4.	All members of staff and volunteers have training on child protection when they join the organization which includes an introduction to the organization's child protection policy and procedures where these exist.			
5.	All members of staff and volunteers are provided with opportunities to learn about how to recognise and respond to concerns about child abuse.			
6.	Work has been undertaken with other relevant organizations (e.g. diocesan authorities) to agree on good practice and expectations based on these standards.			

<b>Information and communication</b>		<b>A</b>	<b>B</b>	<b>C</b>
1.	Children and young people are made aware of their right to be safe from abuse.			
2.	Everyone in the organisation knows which named staff member has special responsibilities for keeping children and young people safe and how to contact them.			
3.	Contact details are readily available for local child protection resources, safe places, national authorities and emergency medical help – where they exist.			
4.	Children and young people are provided with information on where to go to for help and advice in relation to abuse, harassment, bullying or other forms of harm.			
5.	Contacts are established at a national and/or local level with the relevant child protection/welfare agencies as appropriate.			
6.	Staff members with special responsibilities for keeping children and young people safe have access to specialist advice, support and information.			

<b>Monitoring and review</b>		<b>A</b>	<b>B</b>	<b>C</b>
1.	Arrangements are in place to monitor compliance with child protection measures put in place by the organization.			
2.	Steps are taken to regularly ask children and young people and parents/carers their views on policies and practices aimed at keeping children and young people safe and the effectiveness of these.			
3.	The organisation uses the experience of operating child protection systems to influence policy and practice development.			
4.	All incidents, allegations of abuse and complaints are recorded and monitored.			
5.	Policies and practices are reviewed at regular intervals, ideally at least every three years.			
6.	Children, young people and parents/carers are consulted as part of a review of safeguarding policies and practices.			