

Marist Youth Ministry Child Protection Policy

KEEPING CHILDREN SAFE



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

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1. POLICY

1.1 Policy Statement

Marist Youth Ministry (“MYM”) within the Province of Australia nurtures the wellbeing of all young people who participate in its programmes, 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 Description of Marist Youth Ministry (MYM)

MYM is an integrated and coordinated area of ministry across school-based and post-school youth and young adults across Australia. The school based ministry is delivered primarily through ‘Remar’ involving students in Years 10, 11 and 12. However, school ministry also involves other programmes and events organised by MYM.

MYM also engages in young adult ministry. This is done through a range of activities and events across Australia under the guidance of MYM Regional Coordinators, Assistants and volunteers, as well as in partnership with other Marist ministries.

1.3 Context

1.3.1 A shared responsibility

The safety and protection of children and young people engaged with MYM is the responsibility of everyone involved with them, whether as administrator, staff member, Brother, volunteer, or participant. Each person in MYM 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.

1.3.2 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 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. Young people can be quite vulnerable to victimisation, exploitation and abuse. MYM under the guidance of the Province is therefore committed to these principles:

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

1.3.3 State, Church, and Institute expectations – Province Leadership

MYM as a key ministry within 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).

1.3.4 Authority

This Policy has been approved by Executive Director of Marist Ministries. It is reviewed every five years, or more frequently if there are changes to law or relevant regulations.

1.3.5 Sources for this policy

This policy draws significantly on:

- Province ‘Child Protection Policy – Keeping Children safe’ – 6 June 2013;
- 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.

1.3 Scope

1.3.1 This policy applies to each Brother and to all other personnel (employees and volunteers) of MYM who work directly or indirectly with-young people.

1.3.2 This policy is in line with the Province Child protection policy and should be read in conjunction with other policies and procedures and with relevant legislation:

- Marist Youth Ministry Code of Conduct
- Marist Youth Ministry Risk Management Policy
- Marist Youth Ministry Social Networking Policy
- Province Human Resource Policy
- Province Work Health and Safety Policy

2. PROCEDURES

2.1 Distribution of responsibility

2.1.1 The MYM National Coordinator under the guidance of the Executive Director of Ministries and in collaboration with the MYM Council and the Mission Council, have responsibility for:

- development of this policy;
- effective dissemination of the policy;
- delegating appropriately the authority for the implementation of the policy in each State and Territory in which MYM situated;
- evaluating and amending the policy as appropriate or required by changes in legislation.

2.1.2 The MYM National Coordinator has direct personal responsibilities in regard to child protection legislative requirements. 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 Executive Director a policy and procedures document for child protection;¹
- 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 adhere to the Provinces' thorough employment screening procedures as directed by the Human Resource department;²
- 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;³
- 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 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;⁴
- 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.

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

2.3.1 MYM will use the services of the Province's *Ministries Professional Standards Committee* as its Professional Standards Committee. Its role covers:

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

2.3.2 MYM will have at least one person appointed and trained as a Child Protection Officer in each region. In MYM, this person will be the MYM Regional Coordinator who is responsible for MYM in the region and the Remar Coordinator who is responsible for Remar Ministry Team. The Child Protection Officer:

¹ See Appendix B

² See Appendix H and the Province's Recruitment and Selection Policy

³ See Appendix H and the Province's Recruitment and Selection Policy

⁴ See Appendix B and K

- 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 for the team they supervise;
- 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 MYM National Coordinator of any reported incident or suspicion of abuse, and provides advice to the MYM National Coordinator on recommended action;
- monitors the implementation of the local Child Protection Policy.

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 young people in MYM programmes and events all possible measures are taken through this policy to help minimise such dangers.

2.4.2 Key preventative strategies as outlined in 1.3.2.

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

2.5.1 All MYM 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.⁵

2.6 Responding and Reporting

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. MYM believes that reporting is also essential in order to protect the alleged victim and ensure that they are supported. Each MYM programme and event shall have in place clear and appropriate strategies for staff members and young people to report abuse and suspected abuse, and shall have instruction in how to follow these strategies.⁶

2.6.2 In the event of young person disclosing an incident of abuse to someone they trust, it is essential that it is dealt with sensitively and professionally.⁷

2.6.3 In the case of an allegation being made against 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.⁸ Steps are taken to ensure that the safety of the young person 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.

⁵ See Appendix D

⁶ See Appendices B, H and I

⁷ See Appendix C

⁸ See Appendix B

- 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.
- 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.
- 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 MYM 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 young person should prevail.

2.9 Provision of Advice and Support

- 2.9.1 For matters referred to the MYM National Coordinator, the National Coordinator shall collaborate with the Province Professional Standards Officer to 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.

2.10 Collaboration and case management

- 2.10.1 MYM will actively collaborate with police, government, Church and other agencies, and relevant professional bodies (such as teacher registration bodies) in the best interests of 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 MYM to the Province Professional Standards Officer.

2.11 Dissemination

- 2.11.1 All MYM Personnel need to be adequately conversant with the principles and procedures of the Province policy, and their pursuant responsibilities. Annual training sessions, with mandatory and recorded attendance, will be organised by the Province to ensure this.
- 2.11.2 It is the responsibility of the MYM National Coordinator 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. This will be in the form of a concise short summary of the policy.
- 2.11.3 Young people in each MYM programme or event need to be made aware of their rights and the means they have for reporting abuse and suspicion of abuse.

2.12 Policy oversight and review

- 2.12.1 Policies and practices are to be reviewed as and when the Province's Child Protection Policy is reviewed.
- 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 young people, of the Province Professional Standards Officer, of Province Ministry Leaders and Child Protection Officers, and of other staff members and volunteers.⁹

3.0 DEFINITIONS

<i>Allegation</i>	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.
<i>Brother</i>	A professed member of the Institute, for whom the Institute has responsibility under its Proper Law.
<i>Brothers Community</i>	refers to the group of Brothers appointed by the Provincial to reside in a particular place. Each community has an appointed leader.
<i>Child</i>	Anyone under the age of 18.
<i>Child Pornography</i>	Any activity which involves a graphic/visual depiction of a minor that is sexually explicit.
<i>Church</i>	The Roman Catholic Church.
<i>Church Authority</i>	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.
<i>Church Professional Standards Officer</i>	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.
<i>Confidential</i>	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.

⁹ See Appendix K for a self-audit tool that may be used.

<i>Credible allegation</i>	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.
<i>Duty of care</i>	A duty imposed by the law to take care to minimise the risk of harm to another.
<i>Employee</i>	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.
<i>Executive Director of Marist Ministries (EDMM)</i>	is the person appointed by the Provincial with the responsibility of oversight and management of Marist Ministries.
<i>Grooming</i>	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.
<i>Institute</i>	The religious Institute of the Marist Brothers.
<i>Marist Personnel</i>	An employee, paid workplace participant or volunteer.
<i>Province Ministry</i>	Includes schools and bodies corporate, organisations, associations or work groups, that exercise Ministry within, or on behalf of the Province.
<i>Province Ministry Leader</i>	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.
<i>Ministry</i>	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.
<i>Ministry Professional Standards Committee (MPSC)</i>	The group appointed by the Provincial and Mission Council for guidance and advice on current child protection matters in Province Ministries.
<i>Minor</i>	Anyone under the age of 18.
<i>Proper Law</i>	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.
<i>Province</i>	The normal administrative unit of the Institute, usually referring in this policy to the Province of Australia.
<i>Province Administration</i>	Those personnel who are employed by the Province to lead, serve and support Brothers' communities and Province Ministries.
<i>Province Professional Standards Officer</i>	The person delegated by the Provincial to manage the implementation of this policy and cases that pertain to it.
<i>Province Professional Standards Committee (PPSAC)</i>	The group appointed the Provincial and Provincial Council for guidance and advice on child protection, particularly matters concerning Brothers and Brothers' communities.

<i>Provincial</i>	The Brother appointed by the Superior General to be the leader and major superior of a Province of the Institute.
<i>Province Mission Council</i>	A group appointed by the Provincial and Council, to which it delegates certain responsibilities for advising the Provincial on governance of Province ministries.
<i>Marist Youth Ministry Council.</i>	A group appointed by the Mission Council to oversee Marist Youth Ministry
<i>Restricted person</i>	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.
<i>Rights</i>	Entitlements to which one has a just claim.
<i>Trustees</i>	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.
<i>Types of child abuse</i>	<p><i>Physical abuse:</i> 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><i>Emotional abuse:</i> This involves emotional ill-treatment of children and young people.</p> <p><i>Sexual abuse:</i> 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><i>Neglect:</i> This involves any omission where a child or young person suffers significant harm or impairment development.</p>
<i>Volunteer</i>	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 PEOPLE¹⁰

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 minors¹¹.
- 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 including inappropriate jokes.
- 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.
- o. Using Internet in an inappropriate manner, not in compliance with the MYM Social Networking Guidelines

2. Transportation and off-site events

- 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. If the situation arises, when minors are being transported and written permission has been previously sought then, notice should be given to another employee in youth ministry about this. It

¹⁰ This applies for staff members and Volunteers.

¹¹ 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.)

is recommended that more than one person (other than the driver) is being transported in the car at any one time.

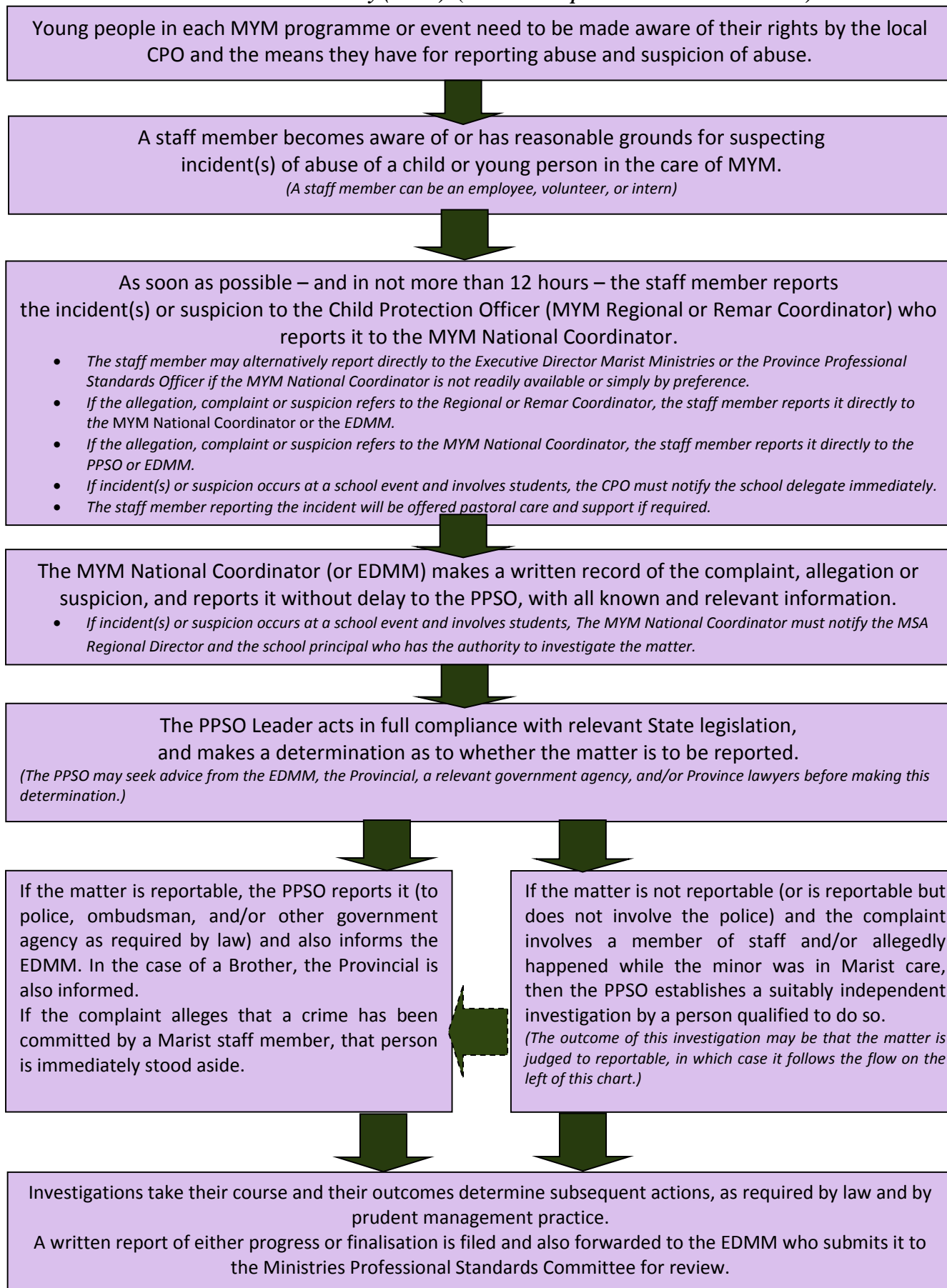
- c. It is prohibited to have unnecessary and/or inappropriate physical contact with minors while in vehicles.
- d. Minors should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops.
- e. It is prohibited to have minors spend the night at the residence of a staff member or Brothers' community without parental/guardian prior approval.
- f. 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:¹²
 - 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.

¹² Taken from the guidelines of the Western Australian Department of Education
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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 Marist Youth Ministry (MYM). (Unless State protocols demand otherwise)*

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

(unless State protocols demand otherwise)

- a. The Child Protection Officer (CPO; howsoever named) for MYM will be the MYM Regional Coordinator and in the case of Remar, this will be the Remar Coordinator.
- b. The CPO will make a written record of each complaint or concern. (See Appendix G).
- c. 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.
- d. The MYM National Coordinator must comply with State or Territory legislation in relation to the matter and decide on the next step. A report must be made to the EDMM and the PPSO. 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.
- e. 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.
- f. The MYM National Coordinator 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.
- g. The MYM National Coordinator (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.
- h. If a Brother is the accused, the EDMM will liaise with the PPSO in setting up the investigation.¹³
- i. Where there is a Child Protection matter of any sort reported that involves a Brother, the EDMM or the PPSO will inform the Provincial of the matter.
- j. If it is considered that there is a possibility of media exposure, the MYM National Coordinator will inform the Regional Director of Marist Schools Australia/EDMM who will in turn inform the Provincial and the PPSO.
- k. If the Police notify the MYM National Coordinator 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.
- l. When a matter is finalised, the MYM National Coordinator will forward a report to the EDMM for information and the information of the Ministries Professional Standards Committee.

2. The Steps to be followed by the PPSO for matters being dealt with at Province level are outlined in the Province Policy.

3. The process of dealing with the cases managed under the Towards Healing process is outlined in the Province Policy.

4. The process of dealing with a new complaint against a Brother process is outlined in the Province Policy.

¹³ The Provincial seeks advice from Province lawyers, the Province Professional Standards Officer and Province Professional Standards Advisory Committee on any action to be taken.

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.
- If complaint is reported in a small group situation, ask the person to stop and continue the conversation privately in the presence of another leader.
- 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

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;¹⁴
- 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.

¹⁴ 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
Policy direction and advice	Thorough understanding of: <ul style="list-style-type: none"> · statutory requirements of each State and Territory; · principles and processes of the Catholic Church; · Institute expectations and requirements.
	Drafting and ongoing review of the Province Child Protection Policy.
Preventative strategies and training	Compliance
	Quality Assurance
	Induction
	On-going training
	Management of restricted personnel
Management of professional standards matters for which the Province has liability	Management of individual cases
Relating with victims and complainants on behalf of the Province	Receiving complaints
	Support for complainants
Support for the Provincial, Province Administration personnel, Community Leaders, and Ministry Leaders in their respective responsibilities	Support and advice
	Public relations

APPENDIX G

REPORT OF ALLEGATIONS OF ABUSE

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): _____

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?*) *Please attach additional pages if required.*

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 school ? **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 H

EMPLOYMENT SCREENING

The Working with Children Check which involves a national police check and review of findings of misconduct involving children will be carried out by the Province's Human resource department. All employees and volunteers will be screened. A brief outline of NSW / VIC and QLD are below.

1- New South Wales

- The New Working With Children Check which involves a national police check and review of findings of misconduct involving children and the result is either a clearance to work with children for five years, or a bar against working with children. If the outcome is a clearance, the Check can be used for any child-related work (paid or voluntary) in NSW. A Check is a prerequisite for anyone in child-related work, but it is not the only resource available to organisations to keep children safe.
- If you are starting a new job in child-related work, you must apply for a Check before you start. If you are already in paid child-related work or you are a volunteer, you will be phased in over a five year period, according to your industry sector. The phase in schedule for Youth workers is from – 15 June – 31 December, 2013.
- All processes for the new Check are online and will be available from 15 June 2013. Fill in an online application form at www.newcheck.kids.nsw.gov.au. If you cannot access the online system, call a Customer Support Officer for assistance on (02) 9286 7219.
- Take your application number and proof of your identity to a NSW motor registry or NSW Council Agency that offers RMS services.
- If you are in paid work, you will also need to pay an \$80 application fee. The Check remains free for volunteers, students.
- Once your application has been processed, you will receive the outcome by email (or post if you do not have an email address). Most applications will be processed within 48 hours.
- There are only two outcomes of a Check – a clearance or a bar. If the outcome is a clearance, your Check will be valid for five years for any child-related work in NSW. If it is a volunteer-class Check, it may only be used for unpaid work. If a bar is being considered, you will be contacted in writing and asked to submit information which must be considered in the final decision. While a bar is in place it is an offence to engage

2- Victoria

- The Working with Children (WWC) Check helps protect children from physical and sexual harm. The scheme aims to prevent those who pose a risk to children from working or volunteering with them. If you are engaged in or intending to do child-related work and do not qualify for an exemption, you need a WWC Check (the Check).
- You must apply for a WWC Check before you start child-related work and pass the Check to continue this work.
- If you pass the Check, you will receive a WWC Check card enabling you to participate in child-related work for 5 years. If the Department of Justice believes that you should not pass the Check, you will have an opportunity to make a submission explaining why you believe you should pass the Check. If you do not pass the Check after your submission has been considered, you may appeal the department's decision through the Victorian Civil and Administrative Tribunal (VCAT).

3- Queensland

Blue card requirements for organisations¹⁵

The blue card requirements for employers, volunteers (including volunteer trainee students) and paid employees outlined in the Commission's Act. The Local Child Protection Officer in collaboration with the MYM National Coordinator will be responsible for:

- Developing policies and procedures about deciding who requires a blue card and who is exempt, as per the Commission's Act

The MYM National Coordinator delegates the responsibility to the Local Child Protection Officer (MYM Regional Coordinator – Brisbane) who is responsible for:

- Managing blue cards within your organisation; ¹⁶
- Ensure that all information in relation to blue card applications is kept confidential and passing the information on to the Human Resource department;
- Maintain a blue card register of all staff and volunteers;
- Notifying all applicants that by signing the application form they are consenting to the screening process under the Act;
- Be able to certify that the 'contact person' has sighted documents to confirm an employee's identity as prescribed under the Commission's Act;
- Carefully check through the application form to ensure all sections have been appropriately completed.
- Be aware that while paid employees can commence employment after an application form has been submitted to the Commission, volunteers and trainee students must not commence regulated employment until they hold a valid blue card and positive notice;
- Explicitly warn all potential staff (paid employees, volunteers and students) that it is an offence for a 'disqualified person' to sign a blue card application form or a renewal form. **It is an offence for an employer not to provide this warning.**
- Inform prospective employees who may be 'disqualified persons', that in certain circumstances, they may be able to apply for an 'Eligibility declaration' under the Act; and
- Send a completed 'Authorisation to confirm a valid blue card' form to the Commission to register your organisation as the applicant's current employer if a new employee has a current blue card.
- If your employees or volunteers advise you that they have had a change in their police or disciplinary information after being issued with a blue card (and during the application process if it is a paid employee who has already commenced working), you must not continue to employ the person unless you have submitted a 'Change in police information' form to the Commission.
- If an employee has had a blue card cancelled or suspended or receives a negative notice after a change in police information, MYM will ensure the employee does not continue to undertake child related work within your organisation (work that is regulated by the Commission's Act), and

It is important to note that:

- Blue cards are current for three years unless cancelled or suspended
- The blue card renewal process involves a new national police information check, a check of disciplinary information where applicable and a complete reassessment of an applicant's eligibility, and
- In order to continue working while a renewal application is being processed, blue card holders must submit their renewal application at least 30 days prior to their card's expiry date.

¹⁵ This this done through the Provinces' Human Resource department.

¹⁶ Refer to the table on P 29.

**Queensland
Marist Youth Ministry staff and Volunteers Register¹⁷
Marist Youth Ministry**

Name	DOB	Employment Type P=Paid V=Volunteer E=Executive Officer	Is a blue card/Exemption Card required?		Status 1. Holds valid blue card 2. Application being processed 3. Negative Notice 4. Blue card suspended 5. Application Withdrawn	Action If: · Negative Notice · Blue card suspended · Application withdrawn	Blue card Number (-----/--)	Expiry date of Blue card	Renewal due date for application
			Y/ N	If no, state reason					

Staff Register completed by: _____ Signature : _____ Date: _____

¹⁷ To be maintained and updated by local CPO.

**Victorian
Marist Youth Ministry staff and Volunteers Register¹⁸
Marist Youth Ministry**

Name	DOB	Employment Type P=Paid V=Volunteer E=Executive Officer	Is a WWC required?		Status	Action	WWC Card Number (-----/--)	Expiry date	Renewal due date for application
			Y/ N	If no, state reason					

Staff Register completed by: _____ Signature : _____ Date: _____

¹⁸ To be maintained and updated by local CPO.

*APPENDIX I***REPORTING LEGISLATIONS AND OBLIGATIONS****1- Reporting authorities NSW****1.1 Community Services** (*Formerly known as DOCS*)

- Any person who has reasonable grounds to believe that a child or young person is at risk of significant harm may report to DoCS. Phone 132 111 to report child abuse or neglect (24 hour service). Employees of the Province are considered 'mandatory reporters' and must report concerns about risk of significant harm to kids to DoCS.
<http://www.community.nsw.gov.au/>

1.2 NSW Police Service**2- Reporting authorities QLD**

2.1 Department of Communities (Child Safety Services)

2.2 Queensland Police Service.

3- Reporting authorities VIC

a. Department of Human Services

b. Victorian Police