CHRISTIAN BROTHERS

CHILD PROTECTION

POLICY AND GUIDELINES

and

CODE OF PROFESSIONAL CONDUCT

Guidelines for:

- Principals and Staff of Christian Brothers Schools in NSW and ACT;

- Staff and Volunteers Working in Ministries Involving Children Under 16 Years of Age;

- Response to and Notification of Allegations of Child Sexual Abuse.

May, 1998
This Protocol is followed by Schools and Ministries directly under the governance of the Trustees of the Christian Brothers.

Brothers engaged in Schools and Ministries conducted by non-Christian Brother agencies should abide by the guidelines and procedures specific to those agencies.
"The child shall enjoy protection
and
shall be given opportunities and facilities,
by law and by other means,
to enable him/her
to develop
physically, mentally, morally, spiritually and socially
in a healthy, normal manner
and in conditions of
freedom and dignity"

United Nations Declaration of the Rights of the Child (1954) - Principle 2
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NOTE: This Policy and Guidelines document contains the Christian Brothers’ approach to handling child abuse allegations and the Statutory Provisions for the reporting of such.

Principals and teachers are referred to the excellent Sydney CEO, “Child Protection Guidelines” or similar documents from other CEOs for the following important information:-

[ ] Principal Checklists for

- Making a notification
- DCS request to interview a student
- DCS removal of a student from school

[ ] Proformas for Documentation

The document: “Guidelines for Catholic School Personnel to Effect the Identification and Notification of Child Abuse”.

Issued by the Catholic Education Commission, NSW, on 10 March, 1998 is also recommended as a helpful reference.
PREAMBLE

The care of children in our schools is a sacred trust and all our students have a right to be treated with dignity and respect.

The prevalence of child abuse in society is a sad and distressing fact. It involves an abuse of power and trust by adults. Vulnerable children become victims to satisfy the abuser’s needs. Such abuse is indefensible.

The General Chapter of the Christian Brothers held in Rome in April 1990 reminded Christian Brothers and all those with whom they collaborated in ministry that our fundamental concern is:

...the welfare of the young people we serve. This concern springs from our ecclesial mission of evangelisation of youth, of bringing to the young the ennobling power of the Gospel. It springs from our charism which inspires in us a particular concern for the poor and oppressed. With the young people we serve, we have a special relationship of trust and responsibility.

(Child Protection General Chapter, April 1990)

The General Chapter of the Congregation held in South Africa in 1996 also addressed the issue of child abuse and

...committed the Congregation, through its educational institutions and youth centres, to the implementation of appropriate programmes designed:

- to heighten awareness of the evil of child abuse
- to promote the rights and protection of the child in our society.

It likewise committed the Christian Brothers to address the evil of child abuse by placing the healing of victims and the protection of children at the centre of their concerns.

All Christian Brothers’ Schools and Ministries which focus on the young are dedicated to the physical, emotional, intellectual and spiritual growth and development of their clients. Indeed, it has been the quality of the pastoral care traditionally offered by the Christian Brothers’ Schools that has attracted parents to seek enrolment for their children.

An integral dimension of genuine pastoral care is the active promotion and provision of an environment which will give parents the comfort of knowing that the total well-being of their children is being addressed.
The increased awareness of the incidence of child abuse within NSW and ACT has led to the formulation of legislation specifically aimed at protecting children through increasing the responsibilities and obligations on teachers and schools.

The protection of children from abuse and neglect is a shared responsibility. No single person, group or agency has all the knowledge, skills or authority to safeguard a child or to deal with an allegation of abuse.

This document sets out for staff and administrators of Christian Brothers’ Schools and Colleges the guidelines and procedures to be followed in notifying incidents of child abuse, be it physical, emotional or sexual.

These guidelines and procedures have been formulated after studying relevant State and Territory Legislation and following consultation with the Christian Brothers’ Principals Group, various Catholic Education Offices, Centacare, the Department of Community Services and numerous Counsellors and Pastoral Carers.

They will have application in all Christian Brother works although some legislative provisions may technically only apply to school settings.

The guidelines and procedures referred to reflect our policy and the principles should be applied across the board.

We also include a personal/professional behaviours Code of Conduct for teachers and others involved in the care of children in our ministries. The protection of children in our care is the overwhelming priority. However, also of great importance is the need to ensure that our staff are afforded justice and proper ongoing professional support and continuing education in this important area. If a complaint or allegation is made, there are very serious short term and long term consequences for all concerned.

Compliance with the Code should help to avoid occasions of compromise or danger for a staff member and provide a practical guide if a staff member is placed in a position of ethical difficulty or uncertainty.

It is my belief that this document will assist in promoting the well-being and healthy development of the young people who are the focus of Christian Brothers’ Schools and Ministries. I am likewise confident that it will provide teachers, support staff and executives with the support and confidence they need to meet the demands of legislation designed to protect the rights of the young.

R. JULIAN McDONALD, cfc
Province Leader of the Christian Brothers
September, 1997
SECTION I

RATIONALE

While Child Protection has always been an important dimension of Christian Brother Education, it has received particular emphasis and attention following allegations of physical, emotional and sexual abuse of students by some Christian Brothers and by some lay staff in our schools. At the same time there has been in the wider society a similar increased awareness of the phenomenon of child abuse.

It has become increasingly apparent that the incidence of child abuse in our society is considerably higher than was realised. Consequently, there is a corresponding need for all those entrusted with the responsibility of caring for, and educating the young to be fully informed as to what constitutes child abuse and to how best to promote the proper protection of those in their care.

Moreover, it is essential that all who have been entrusted with the care of the young know how to respond when they become aware of incidents of abuse perpetrated on the young people in their care.

Whenever School personnel have reason to believe that child abuse is occurring, they are advised to consult with those professionals whose expertise equips them for recommending appropriate lines of action. Such professionals are available at the Professional Standards Resource Group, Centacare, through School Counselling services, Catholic Education Offices and the Department of Community Services. School Principals will be familiar with the support networks provided in the local area and Pastoral Care Providers in the School will likewise have access to such support.

It is imperative for all school personnel to be aware of the responsibility incumbent on them to protect the character and reputation of others. In this context it is to be noted that an allegation is a statement of something that is as yet unproven. There is therefore a serious obligation, whenever an allegation is made, to protect all who might in any way be at risk.

In recent years there has been a sharp increase in the number of reported incidents of child abuse. This may well reflect a heightened awareness of the seriousness of child abuse; it may indicate that people have acquired a greater freedom for addressing the matter or it may mean that child abuse is on the increase. It may in fact be a combination of all three. Whatever the situation, the fact remains that child abuse is a reality in our society and that it must be addressed responsibly by those who have a duty of care for young people. State and Territory Legislation sets out the obligations to be met by school personnel who become aware of abuse perpetrated on any young person in their care.
SECTION 2

THE ROLE OF THE SCHOOL

The role of the School in child protection is to assist in the recognition and notification of suspected child abuse and neglect and, where abuse has occurred, to offer support to the student within the school environment and within the normal duties of school staff.

Also, it is the role of the school, with the assistance of professional support agencies, to provide appropriate preventive programmes which aim to protect children from abuse and which will assist them to seek help effectively and to develop skills for positive, non-coercive relationships.

KEY RESPONSIBILITIES

The key responsibilities of the school are to:

- ensure all school staff are aware of the indicators of child abuse and neglect, their obligations to notify suspected child abuse and neglect, and procedures for notification;
- work with other agencies and if appropriate the family, to plan and provide protective services for the student including ongoing assistance to the student;
- develop and implement curriculum in the area of child protection and positive, non-coercive relationships.

EXCHANGING INFORMATION

The wider community is now sensitised to the fact that child abuse does occur in our society. Consequently it has legitimate expectations that schools and other institutions effectively protect children in their care. When child abuse is known to have occurred it is imperative that it be reported and expected that professional practitioners and agencies working to protect children share and exchange relevant information, while at the same time ensuring that the demands of confidentiality are respected.
CONFIDENTIALITY AND RECORD KEEPING

| Acknowledgement: | Professional Code of Practice  
Interim Resource Guide  
Good Samaritan Schools Draft 1997 |

The matters of confidentiality and record keeping are combined because of their essential importance in relation to the protection of our young persons, to alleged offenders and to the proper exercise of the law.

There are two aspects to confidentiality which are relevant to consider in relation to the protection of young persons. First, the state laws which protect young persons make provision for safeguarding the identity of a person reporting a suspected case of abuse or neglect.

The law provides that reporting shall not be held to be a breach of professional ethics nor is any liability incurred for defamation. The purpose behind the law is to encourage the community to come forward and reveal facts which relate to the abuse of the most vulnerable in our society.

Secondly, confidentiality is important in the protection of information which relates to possible criminal proceedings. Gossip and story-telling have no place in a situation where harm may be caused to innocent persons either as victim or offender. The legal process which is begun when an allegation of abuse arises may last for a long time. It may be twelve months or two years before a matter is finally determined by a court. During this time all persons connected with an allegation need to be caring in the way information which has come to them is contained by them and used solely for the proper authorities in the exercise of their responsibility.

This care of information is very relevant to the manner in which records are kept. Record keeping has a number of important aspects relevant to our professional role as educators. One aspect relates to the observations we make as to our belief that a young person may be suffering harm and another aspect relates to the method of retention of such observations. As we have examined above the legal process relies on the examination of facts. The more proficient we are in recording our observations the better we shall be in providing evidence to a court when the occasion demands.

As educators we are used to keeping details of examination results, attendances and a whole range of information. To extend this procedure further, it is pertinent to our professional responsibility as a protector of young persons that we continue to develop our ability to observe signs of harm and methods of recording confidentially those observations.
SECTION 3

GUIDELINES AND PROCEDURES

The following guidelines and procedures spell out the action to be adopted by school personnel when they have disclosed to them or have serious reason to suspect an incident or allegation of child abuse within the school community.

Accordingly, the following principles are the foundation of all procedures to be adopted in dealing with allegations and known occurrences of child abuse:-

- All adults have the responsibility to care for children and to protect them from all kind of abuse.

- In preventive and/or protective action related to child abuse, the total well-being of the child is the primary concern.

- The value of the family unit is to be respected, but not to the detriment of a child’s well-being.

- Before proceeding to action under the Children (Care and Protection) Act, 1987 and related statutes in New South Wales or under the Children’s Services Act 1986 in the ACT school personnel must honestly satisfy themselves that they are acting on reasonable grounds.

- All persons involved in situations where child abuse is suspected or disclosed are to be treated with sensitivity, dignity and respect.

- As the Principal is responsible for the administration and conduct of the school and all that relates to it, he/she is to be informed of all serious matters concerning the welfare of students, including suspected and disclosed incidents of child abuse.

- School personnel who are privy to information regarding suspected or disclosed child abuse have a serious obligation to maintain confidentiality in relation to the entire matter except for disclosure to the principal and/or any other person or agency as required under these guidelines and the law.

- It is the responsibility of the Principal to ensure that the child protection procedures followed in the school are in accord with the guidelines set out in this document.

- School personnel have a serious obligation to avoid false, distorted and unjustified assertions that may harm the good name and reputation of others.

- The school Principal has a responsibility to ensure that the pastoral care structures in place in the school address the problem of child abuse and make appropriate provision for the support of students, families and staff directly involved in this issue.
SECTION 4

DEFINITIONS AND INDICATORS OF CHILD ABUSE

For the purposes of this document, child abuse includes child sexual assault, physical abuse, emotional abuse and neglect.

(i) **Child Sexual Assault** occurs when an adult or another person uses his or her power or authority over the child or takes advantage of the child’s trust and respect to involve the child in sexual activity. Child Sexual Assault not only refers to sexual intercourse, although sexual intercourse is often involved. Child Sexual Assault includes fondling genitals, masturbation, oral sex, vaginal or anal penetration by a finger, penis or any object. Child Sexual Assault may also include exhibitionism and acts of indecency committed towards a child. In all cases the offender has more power than the child and misuses that power to take advantage of the child.

(ii) **Physical Abuse** is non accidental injury to any part of the body. It includes severe beatings, shaking, burns, human bite, grab marks or strangulation which may result in unexplained bruises or welts or lacerations or abrasions or fractures or dislocations or severe head or internal injuries or death.

(iii) **Emotional Abuse** involves excessive or unreasonable demands which put expectations on a child beyond her/his capabilities. Examples of emotional abuse include constant criticism, belittling, persistent teasing. Failure to provide the psychological nurturing necessary for a child’s physical and emotional growth and development is also a form of emotional harm.

(iv) **Neglect** is the failure to provide a child with the basic necessities of life - food, clothing, shelter, emotional security, medical and dental care and adequate supervision needed for the child’s optimal growth and development.

SOME INDICATORS OF ABUSE AND NEGLECT

☐ At this time, there is no requirement for mandatory reporting of physical and emotional abuse and neglect. However, given the commitment to providing a caring environment in Christian Brothers’ schools, Principals are encouraged to report to the Department of Community Services cases of abuse and neglect where there is strong evidence to suggest that such abuse is occurring.
The Intake Officer or Child Protection Specialist at the local Community Services Centre is the appropriate person to contact if the Principal or staff member would like to discuss concerns before making a formal notification. In consulting it is important not to identify the child or family concerned.

The Interagency *Guidelines for Child Protection Intervention* p. 44-45 identify the common behavioural indicators which may lead a member of staff to suspect that a child is the victim of some form of abuse. One indicator in isolation may not imply abuse or neglect. Any list of indicators cannot be considered exhaustive. Each indicator needs to be considered in the context of other indicators and the child’s personal circumstances.
SECTION 5

RESPONSIBILITY OF MANDATORY NOTIFICATION

(A) STATUTORY PROVISIONS - New South Wales

Sections 22 (3) and (4) of the Children (Care and Protection) Act 1987, together with Regulation 16 of the Children (Care and Protection) Regulation 1996 (*these provisions are reproduced in the appendix*) provide a mandatory reporting mechanism for case where suspicion upon reasonable grounds exist that sexual assault of a child under 16 years of age has occurred.

In respect of children aged 16 and 17 years, Section 22(1A) of the above Act (*see appendix*) provides for discretionary reporting where there are reasonable grounds to believe that a child aged between 16 and 18 years has been abused.

In light of the school’s responsibility of care for all students, it is required of members of staff that they report to the Province Leader or his delegate through the school principal matters relating to the abuse of 16 and 17 year old students.

In respect of suspected sexual assault of a child under 16 years of age, the above Act and Regulations make notification *mandatory* for persons occupying the following positions in our schools:

(a) Principal of a school;
(b) Deputy Principal of a school;
(c) Teacher at a school;
(d) Counsellor of a school;
(e) Social Worker at a school;
(f) Early Childhood Teacher at a school;

Any personnel occupying one of the above positions or performing those functions are required to comply with the provisions of Section 22 (3) and (4) together with Regulation 16 unless the person is also a Minister of Religion. A Minister of Religion includes priests but not brothers.

MANDATORY NOTIFICATION

a) Aims of Mandatory Notification

Notification is mandatory for any suspected sexual assault of a child under 16 years of age. If there is any suspected sexual assault of a student 16 years and over the notification may be
made to the Department of Community Services under S.22(1A) of the Act. In the case of a notification involving a student over the age of 16 years and under the age of 18 years, the resources of the Department of Community Services are available to help support the student.

Any allegations concerning a staff member are to be dealt with according to the procedures outlined on Page 13 of this document.

The aims of mandatory notification are:

- to stop assaults from occurring;
- to allow a process of investigation to be undertaken by the relevant Authority;
- to start a process to provide long term care for the victim, the family and the offender;
- to ensure all relevant workers and agencies co-operate in the best interest of the child;
- to make an attempt to restore the family to a level of functioning that will permit the child to be reared in a safe environment.

b) Responsibilities

School Personnel who have reasonable grounds to suspect that a child enrolled at the school has been sexually assaulted are responsible for notifying the appropriate authority.

This responsibility will be carried out as follows:-

(i) School Personnel shall report the concern to the Principal who shall then notify the Department of Community Services (DOCS.) (Refer to the agency closest to the child’s residential address);

(ii) The Principal shall immediately notify the Province Leader or a member of the Province Leadership Team, should the Province Leader be unavailable;

(iii) The Principal shall inform the person who reported the matter whether or not a notification has been made;
(iv) If the Principal fails to make notification, and the staff member suspects that reasonable grounds for notification do still exist, the staff member in consultation with the Province Leader or a member of the Province Leadership Team, must ensure that notification is properly made to DOCS.

(v) The Principal is responsible for ensuring that the following is adequately documented:

- reports made to the Principal by school personnel about possible child abuse;
- details of the notification;
- any actions within the school resulting from notifications;
- report of a notification to the Province Leader or to a member of the Province Leadership Team.
- report made to the appropriate diocesan authority when allegations are made against secular clergy in the school context.

When making a notification orally, the Principal should note the following:

- provide the name of the child and address
- the present whereabouts of the child, if known
- the age of the child and the school the child attends and whether there are other children in the household and their ages
- whether a language or sign interpreter may be required or an Aboriginal agency should be involved
- give all available information that is relevant to the safety and welfare of the child
- be prepared to discuss your concerns with an officer of the Department of Community Services
- record the events, conversations and observations which led to your concerns and have them available for reference when you notify by telephone
- provide your name and contact number.

(B) STATUTORY PROVISIONS - Australian Capital Territory

Section 103(2) of the Children Services Act 1986 (see appendix) obliges registered nurses, teachers and persons employed to counsel children in a school to notify to the Director of Family Services, or cause the Director to be notified, in the event that the person, on reasonable grounds, suspects that a child has suffered physical injury, otherwise than by accident or has been sexually abused.

A child is defined in the ACT as a person under the age of 18 years.

All such notifications are in the normal course to be conducted through the Office of the Headmaster.

(C) STATUTORY PROVISIONS - Papua New Guinea

The PNG criminal code creates a range of potential criminal offences for inappropriate behaviour between adults and children. Also under S.5 of the PNG Arrest Act a citizen has the right to arrest a person whom he believes on reasonable grounds is committing or has committed a criminal offence for which the penalty is imprisonment.

However there are not at this time statutory mandatory reporting requirements or protections as in New South Wales and the Australian Capital Territory. However as in Australia there are potential penalties for those who being aware of the commission of serious criminal offences fail to bring matters to the attention of the Police.
SECTION 6

PROCEDURES WHERE ALLEGATIONS INVOLVE A STAFF MEMBER

These procedures refer to allegations against a staff member of improper conduct of a sexual nature including suspected child sexual assault requiring mandatory notification. A complainant may be a parent, guardian, other adult or student.

In following these procedures the prime concern at all times needs to be the safety and care of all students in the school. It is not the intention of the guidelines to be punitive towards the staff member or to pre-judge the outcome of any legal processes.

Confidentiality must be contained to appropriate personnel and agencies to protect the identity and reputation of those involved.

AT ALL STAGES IT IS ESSENTIAL THAT:

(1) The anonymity of the student is protected
(2) The Province Leader and/or the Regional Director is kept informed.
(3) The anonymity of the notifier is maintained
(4) The rights of any suspected offender are respected

ACTION BY THE PRINCIPAL

1.0 When a complaint is received, the Principal shall document full details of the complaint from the complainant. If a student has initiated the complaint, the Principal shall not attempt to interview the student beyond ascertaining the precise nature of the allegation.

2.0 The Principal shall immediately inform the Province Leader and together they determine the next step to be taken. Following contact with the Province Leader the Principal may need to verify dates, places, personnel involved. This preliminary information gathering

2.1 shall not directly involve the person against whom the complaint is made

2.2 shall not involve in a direct manner any other persons possibly involved in the alleged behaviour or incidents
2.3 should take no longer than twenty-four (24) hours. If the Province Leader is not immediately available, the Principal will inform a member of the Province Leadership Team where practical.

3.0 The Principal and Province Leader will confer with a member of the Bishops Professional Standards Resource Group to determine the existence of 'reasonable grounds' (Refer to Section on Notification of Child Abuse).

4.0 The Principal will inform the staff member that the complaint has been made and that the Province Leader and DOCS-DOFS/Police have been informed. Paid employees should be encouraged to contact the Union if he/she is a member and/or seek legal advice if he/she so chooses. Brothers will be referred to independent legal advice.

5.0 In acting on a complaint the protection of young people will be the paramount consideration. In the case of an allegation in relation to an employee the Principal in close collaboration with any relevant trade union organisation will endeavour to reach an early outcome in relation to suspension or termination. In the case of an allegation in relation to a stipended member of staff a similar process will be promptly required in collaboration with the Congregational Leader of the staff member in question.

6.0 The Principal will inform the complainant of the action which will be followed and the importance of confidentiality during the process.

7.0 The Principal will advise the parent(s)/guardian of the student, that a complaint has been made, except where special circumstances make this inappropriate.

8.0 Immediately following the determination that reasonable grounds exist for the suspicion of child abuse, the Principal will advise the Department of Community Services (DOCS-DOFS) or, in appropriate cases, the Police.

8.1 The Principal will inform DOCS-DOFS/Police that the Christian Brothers’ may need to take immediate action in respect of the staff member which may involve informing him/her of the general nature of the complaint and the process for proceeding with suspension of duties.

8.2 The Principal will inform DOCS-DOFS/Police that the Christian Brothers’ contact while investigations are proceeding will be the Province Leader.
NOTE:
(i) If a complaint against a staff member is not made directly to the Principal but he/she becomes aware that a notification has been made to DOCS-DOFS/Police the Principal will inform the Province Leader immediately.

(ii) Any allegation that a Principal has engaged in improper conduct of a sexual nature with a student is to be reported directly to the Province Leader by the staff member to whom the allegation has been disclosed. The Province Leader shall then adopt the above procedures.

(iii) The information contained in the Interagency Guidelines for Child Protection published by the NSW Child Protection Council is relevant to this section. Refer to the section: “Exchanging Information” on page 34 ff.

ACTION BY THE PROVINCE LEADER

1. When a Principal has informed a member of the Province Leadership Team of alleged sexual misconduct by a staff member with a student, the Province Leader will be informed as soon as he can be contacted.

2. The Province Leader (or a Province Councillor delegated by the Province Leader for this purpose) will confirm with the Principal (or other reporting person if the allegation is against the Principal) that the Department of Community Services/Police have been notified.

3. The Province Leader or his delegate will confer with the Principal to determine the immediate work status of the staff member about whom the allegation has been made. Possible options would include
   
   a) immediate suspension with pay
   b) dismissal if justified.

4. The Province Leader or his delegate will seek confirmation of this work status from the Catholic Industrial Office.

5. The Principal will arrange an interview with the staff member. The Principal is to be accompanied by a witness from his School Executive (preferably the Assistant to the Principal). The staff member will be encouraged to bring a witness of his/her choice and consider obtaining legal advice prior to interview.

6. The Principal, with the consent of the staff member, will inform the Union of the decision regarding work status and also the date and time of the proposed interview.
7. At the interview, the Principal will inform the staff member of the allegations. The staff member will be invited to respond. The staff member will be informed of the decision regarding his/her work status for the duration of investigations.

8. The Principal and the Province Leader or his delegate will together determine when and how to inform other staff (and parents if appropriate) of the staff member’s change in status and/or absence from school.

9. While investigations are in progress the Province Leader or his delegate will continue to liaise with the Department of Community Services/Police.

10. The Province Leader or his delegate is to be fully briefed at all stages of these procedures.

11. The Province Leader or his delegate will likewise keep the school Principal briefed and appropriately involved.

12. On completion of investigations by the Department of Community Services/Police, the Province Leader will inform the Principal of decisions to be taken. If charges are laid there will be a decision to

   (i) suspend with pay, pending finalisation of proceedings [If charges are not upheld and the staff member may, but not necessarily will be, fully reinstated.] OR

   (ii) dismiss the staff member.

If charges are not laid, there will be a decision to

   (i) reinstate
      or
   (ii) redeploy
      or
   (iii) dismiss (while criminal charges are not laid, the investigation may reveal that the staff member’s behaviour was so inappropriate as to warrant dismissal)

The outcome of the decision will be relayed to the Staff Member by the Province Leader or his delegate in the presence of the Principal.

13. The Province Leader or his delegate will confer to determine follow-up procedures at school level.
This Document is taken from

Christian Brothers Child Protection Policy and
Guidelines
- copies of which are in the hands of all members of the
  Executive with several copies in the staff room.

Section 7

Code of Professional Conduct

All staff are asked to read this document
without delay and the Executive would value
any comments and discussion that may arise from it.

9 June, 1998
SECTION 7

CODE OF CONDUCT

INTRODUCTION

The charism and legacy of Edmund Rice is the care of children in our schools and ministries. This is a sacred trust and all our students have a right to be treated with dignity and respect.

The prevalence of child abuse in society is a sad and distressing fact. The trauma and damage which sexual abuse causes its victims are compounded when the abuser is one who holds a position of special trust and authority such as clergy, religious and teachers in Catholic Schools. Such abuse is indefensible.

Society is now more aware that relationships involving significant differentials of power can increase the risk of personal and systemic abuse. This understanding is further reason for developing policies and practices which will protect children from risk of abuse.

Responding to the call of the Gospel to be compassionate and strongly desirous of upholding the rights and dignity of every human person, the Christian Brothers wish to declare unequivocally that any physical, sexual or emotional abuse of a child or adult is unacceptable behaviour.

While we set about supporting victims and seeking a better understanding of the phenomenon of child abuse, we offer this Code of Conduct as one way of ensuring that our schools and other ministries to young people are places where they will always feel safe and respected as individuals.

This code has been produced in an attempt to:

(a) ensure that such abuse does not occur in any Christian Brothers’ school;

(b) to assist our staff in properly dealing with this complex issue and in avoiding situations that could give rise to allegations of abuse;

(c) and to offer a guide to practices that constitute good professional conduct for teachers in the various aspects of their work.
POLICY

Because the Christian Brothers are committed to the well-being of all persons, religious and lay co-workers will maintain appropriate boundaries in their ministerial and personal relationships.

The Province will exercise responsible intervention whenever any abuse occurs. The proper procedures for receiving and reporting allegations of child abuse will be followed (See Child Protection: Policy and Guidelines, Christian Brothers 1997). While honouring and respecting the need for confidentiality, the Province will be candid and truthful in responding to allegations.

The consequences for all concerned if a complaint of misconduct is made are extremely serious and it must be recognised that, in the event of such misconduct occurring, appropriate disciplinary steps may be taken which steps would lead to the removal or suspension or dismissal of a teacher.

This Code is not an exhaustive code of practice. All staff members are expected to be fully aware of:

♦ the relevant legal requirements;

♦ the requirements of all professional organisations to which they belong;

♦ the published requirements of any other agency or organisation within which the school operates.

As a consequence of accepting employment in a Christian Brothers Ministry, staff members accept responsibility for promoting the Mission of the Christian Brothers in general and, for furthering the mission of the particular enterprise in which they are employed.

Teachers and those working in other ministries will demonstrate the highest standard of professional behaviour and act in a courteous and sensitive manner when interacting with students, parents or care givers, colleagues and the public.

School Principals should ensure that staff are aware of their responsibilities under this code, and provide staff with the necessary professional and personal development and support to ensure implementation of the code.
Professional misconduct is behaviour which is inappropriate within a professional teacher/student relationship and which amounts to a breach of the position of trust/authority a teacher enjoys in respect of his or her students. In the exercise of the responsibilities all staff members put the welfare of students and clients as their first concern.

They pledge themselves to recognise the human dignity of all students and clients and to treat them with reverence and respect, irrespective of race, religious belief, age, gender and sexual preference.

Accordingly, staff commit themselves to work to enhance the welfare and growth of students and clients and to avoid anything that does not promote these ends. They pledge not to harm students or clients either physically, sexually or emotionally and to refrain from all form of verbal assault, sarcasm and ridicule. They refrain from any use of physical or emotional manipulation that endangers the physical or emotional well-being of students and clients.

In fulfilment of this commitment, staff members agree always to act in accord with the prescriptions and recommendations of this Code of Conduct and with decisions regarding its implementation made from time to time.
PERSONAL AND PROFESSIONAL RELATIONSHIPS

The relationship between a teacher or anyone who ministers to another is, by its very nature, unequal. He or she is not a peer in the true sense of the word because as a minister, he or she is a person with moral authority helping one who is in need. Implicit in this relationship is the commitment of the teacher or minister to care for and to nurture the other. If that relationship is reversed, and the teacher or minister allows the other to fill the teacher/minister’s needs, exploitation and abuse can follow.

While an element of trust between children and their teachers is required, and has in the past, been taken for granted, a teacher may be devastated by an allegation which arises out of a school practice which is based on trust.

Sound educational principles which cause a person to seek out a quiet space for after-school supervision or pastoral care interviews, is to be balanced against the need for some independent observation of that activity. Hence the need for a Code of Conduct as a guide to acceptable and unacceptable practice.

Acknowledgement for the content of this section is given to Standards Council of the Teaching Profession Victoria - Professional Code of Practice

BACKGROUND

A Code of Conduct is a statement which governs the relationships between teachers, their students and their colleagues, and which reaffirms teachers’ and ministers’ high standards of behaviour in school settings and other ministries to youth where autonomous professional practices and local initiatives are encouraged.

The relationship with students is one of special trust; it is one which is powerful and capable of violation. Young people have limited control over their lives. They are dependent, have underdeveloped skills and therefore, they are vulnerable.

Relationships with parents, the community and colleagues can sometimes create contradictory interests which may cause professional dilemmas and therefore call for the exercise of discretion and good judgement.

One’s personal opinions and beliefs can be challenged in the application of one’s professional code of conduct. It is important to remember that it is a guide to professional ethics rather than a statement of personal morality or private conscience.
As professionals, it is expected that teachers and ministry workers maintain positive and cooperative relationships with colleagues and their employers.

REDUCING THE RISK IN MINISTRY

In general, the risk of engaging in inappropriate behaviour is reduced if those engaged in ministries meet the criteria for that ministry and when practitioners are appropriately licensed or certified.

In addition, peer review in certain ministries, and professional supervision by suitably qualified professional persons will assist in maintaining a high level of professional conduct, and ensure adequate care for the individual in what is often stressful and complex situations.

PRINCIPLES

[Acknowledgement is made to Code of Ethical Standards of the Archdiocese of Milwaukee, USA and to the Standards Council of the Teaching Profession, Victoria - Professional Code of Practice for material contained in this section]

The professional ethics articulated in this Code of Conduct are governed by the principles of:

- **Commitment to the Spirit of the Gospel, the Church and to the Community**
- **Integrity**
- **Competence**
- **Respect for others' rights and dignity**

**Commitment to the Spirit of the Gospel and to the Charism of Edmund Rice**

Catholic teachers and those engaged in other ministries embrace the teachings of Jesus and work to promote the Gospel.

The material resources and spiritual energies of Edmund Rice were directed to raising the poor to a dignified manner of living.
The Christian Brothers call their lay co-workers to see the world through the eyes of the poor, the disadvantaged and the marginalised, and to accept that their involvement with the most disadvantaged in society is a call to faith in the person and faith-vision of Jesus.

In a Catholic school, teaching is a vocation, a call to contribute to the evangelisation of youth. Though not all staff members are engaged directly in the religious instruction in the school, teachers model Christ in the manner in which they relate to students.

The community in general holds the expectation that teachers, in their own lifestyles and in their practice of the natural virtues, should be role models for their students. If this is true of teachers in general, it is even more so for those in Catholic schools. In the areas of morality and ethical behaviour, for young people what matters most is what manner of person their teacher is.

INTEGRITY

Teachers and others who minister to children and young adults are expected to be persons of integrity. They must conduct themselves in an honest and impartial manner.

COMPETENCE

Teachers and others shall maintain a high level of professional competence in their ministries. Training, education and experience all contribute to make teachers and ministers competent and credible in their areas of expertise.

Teachers and carers shall not provide services in those areas in which they lack competence. Knowing one’s limitations is an indication of good judgement.

Teachers who are professional act in the belief that:

- education is a continuing process;
- all students should be given equal opportunity to develop to their maximum potential;
- individual differences should be responded to by providing learning opportunities consistent with developmental stages;
- students will be motivated, encouraged and challenged by the use of a variety of teaching strategies for learning tasks.
Teachers hold a position of trust. They must recognise that as influential role models they have a responsibility to:

- convey the culture and values of society;
- demonstrate values through personal integrity;
- develop exemplary relationships with students;
- respect other people's rights to hold different positions and views in our society;
- develop a commitment to the principles of tolerance, honesty, equity and respect for persons;
- display qualities of integrity, imagination, enthusiasm and dedication;
- ensure that assessment and reporting of learning experiences are fair and comprehensive.

Teachers have a responsibility to take opportunities for their own professional development by:

- reflecting critically on their own professional practices;
- seeking feedback and taking opportunities to update and improve their knowledge and skills;
- being thoroughly acquainted with their responsibilities;
- maintaining current knowledge of appropriate educational, social and environmental issues which affect their work;
- accepting the need for accountability for the exercise of their own professional practice.

RESPECT FOR OTHERS' RIGHTS AND DIGNITY

Teachers shall respect the rights, dignity and worth of each of their students. Teachers respect each of their students as a creation of God without regard for their economic status or their capacity to learn.

Teachers and other carers strive to be sensitive to the cultural differences among people and appreciate the opportunities that diversity brings to Australian society.
An honest, sensitive and constructive development of appropriate relationships between teachers and the parents, guardians and the community will be for the benefit of students.

Teachers enhance the standing of the profession by being:

- open, courteous and responsive in seeking cooperation and support from members of the school and the wider community;
- receptive and willing to seek the active cooperation and participation of parents and guardians in the students' welfare and educational development;
- respectful of parents’ and guardians’ roles and right to privacy;
- impartial in responding to students learning needs;
- avoiding all forms of discrimination;
- promoting the equality of women and men.

Working supportively and creatively with colleagues will ensure that teachers are developing professionally in their work. The role of the teacher is enhanced through:

- positive, effective and cooperative relationships with other staff;
- the sharing of good practices and materials will help maintain and improve the standard of education in schools;
- continued renewal and improvement of skills

In carrying out their professional responsibilities, teachers and ministers act within the framework of the law, lawful instructions of their employer, the limits of their authority and the resources available.

For most daily activities, teachers and ministers act with delegated authority from their employer.

It is important that teachers and ministers:

- recognise situations where personal and private interests may influence the performance of their duties or compromise their professional integrity;
- do not misuse information or school or other public resources for personal gain;
• avoid seeking or accepting gifts for personal gain;

• should seek advice and approval if a conflict of interest with respect to ownership of copyright, or financial benefit from one’s own workplace;

• accept a professional responsibility to use appropriate avenues to accomplish a change in practice they believe will effect a better educational service;

• are alert to their obligations to work conscientiously and to keep privileged information, to which they have been privy by virtue of their employment or position, confidential.

**Workplace Harassment - Sexual Harassment**

A policy concerning sexual harassment, and harassment on the basis of homosexuality, race and disability is to be developed in Christian Brothers’ schools. The principles of such a policy are to be informed by the advice of Catholic Education Commission and the Catholic Industrial Office. The wording of this policy in Staff Handbooks may vary from school to school.

Just as it is proper that teachers respect the rights, dignity and worth of their students, likewise it is proper for teachers to show respect for each of their colleagues. Staff must not discriminate against or harass their colleagues, students or members of the public on the grounds of sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual preference. Such harassment or discrimination may be prohibited under the Anti-discrimination Act. In addition, staff must not harass or discriminate on the grounds of political or religious conviction.

**Sexual Harassment** is any unwelcome behaviour of a sexual nature which is unwarranted, unininvited and unreciprocated. It may be repeated and persistent, but a single incident may also be deemed sexual harassment.

**Examples of Sexual Harassment**

• suggestive behaviour such as leering and gesturing;

• comments or insinuations about a person’s sex life or physical appearance;

• innuendo, sexual jokes or remarks;
• implicit or explicit demands for sexual activities;
• offensive telephone calls and e-mail or computer screen savers;
• body contact of an inappropriate sexual nature - patting, pinching;
• brushing up against another person;
• display of lewd or offensive materials.

■ Forms of sexual harassment which are commonly thought mild or trivial can be personally offensive, especially in staff/student and employer/employee relationships where the formal nature of the relationship involves authority of one person over another.

■ The Federal Sex Discrimination Act makes it unlawful to sexually harass another person in many circumstances. These include:
  • physical molestation or assault;
  • indecent exposure;
  • sexual assault;
  • stalking;
  • obscene communications (telephone calls, letters, etc.).

■ An important way of combating sexual harassment is to raise community awareness of what constitutes harassing behaviour. Principals should ensure that steps are taken to heighten awareness of sexual harassment issues.

Acknowledgement is given to Australian Catholic University for part of content in this section of the Code. The Human Rights and Equal Opportunity Commission can supply further useful information on Sexual Harassment issues.
THE MINISTRY OF TEACHING

Classroom Practice

♦ Before and after school never to be alone with a student unless in full view of other staff and/or students and/or clients. During school hours, a teacher who has special pastoral responsibilities for students needs to take particular precautions when the need arises to interview a student in some privacy.

♦ The place for student detentions is to be such as to be easily observed by other staff.

♦ Tutoring students, particularly after school hours or elsewhere than at the school itself, poses particular problems for the teacher. Having a third person somewhere in close proximity is a necessary protection.

♦ The locking of the doors from classrooms and offices when one is alone with a pupil would in all likelihood cause apprehension for a young student and would be an inappropriate action. Another staff member or senior pupil should, wherever possible, be present.

♦ Physically touching students during first aid instruction or physical education classes is normal behaviour for a teacher but the touching of students at other times is to be avoided. When situations such as personal bereavement, physical injury or emotional upset call for touch as an appropriate, healthy and natural response, the necessary care should be taken that such touching is not open to misinterpretation by the recipient.

♦ Classroom language must always be professional. Suggestive innuendos and coarse references are inappropriate. Sexual references and technical vocabulary in areas such as personal health and hygiene, morality and sex education, literature and drama, are to be used in a matter-of-fact way, and not nuanced by inappropriate gestures or expressions.

♦ Personal correspondence with a student in respect of a staff members’ sexual feelings for the student is entirely inappropriate.

♦ Teachers are to be watchful that their language outside the classroom does not cross the bounds of propriety when engaging children in conversation.
Teachers and carers must not give students or young people in their care alcohol or other drugs nor condone the use of alcohol or other drugs by students.

EXCURSIONS/SUPERVISION OF OUT OF SCHOOL ACTIVITIES

School excursions, particularly when they involve overnight stay, present teachers with a context in which the teacher-pupil relationship is quite different from the normal classroom environment. Younger students in particular can feel unsure of themselves and consequently are vulnerable emotionally.

Teachers are to guard against placing themselves in potentially compromising situations when children are going to bed or showering. An individual child should not be taken away from the group by a teacher.

Approved camps or excursions must have a minimum of two adult supervisors present for overnight stay. With mixed groups both male and female supervisors are necessary. Volunteer helpers, eg. parents and/or ex-students ought not to be seen as staff members with any specific duty of care.

Because the natural barriers to behaving inappropriately with children which exist in a classroom situation are often removed when a group moves out of school, teachers need to be especially sensitive to boundaries of proper conduct.

- It is inappropriate for a teacher to be alone with a pupil out of sight at some distance from the group.

- Some children have a heightened sense of modesty about undressing and bathing in public areas. Teachers must respect such feelings and keep a proper distance when supervising bathrooms, toilets and change-rooms.

- The possibility of a student’s parent not arriving to collect the student following a sporting or other co-curricular activity is predictable. A student is not to be left alone at the conclusion of an activity. Best practice would be to take two students together to a safe place and to notify the late parent of the child’s whereabouts.
Role of Parents and Volunteers

- Generous parents and volunteers give invaluable assistance to schools by tutoring, coaching and managing sports teams, billeting and accompanying groups on excursions. Situations where such people are likely to be alone with students should be identified and they are to be informed of the appropriate guidelines as laid down in this Code of Conduct.

TRANSPORT OF STUDENTS

- It is generally inappropriate for a teacher to offer to transport one student alone in a private vehicle. An example of circumstances where transporting one student might be permissible would be where a student is undertaking an extra-curricula late night activity with parental permission.

- In the case of an accident, and where prompt transportation is not necessary, teachers potentially leave themselves open to criticism, if a pupil is driven anywhere without parental permission.

SOCIAL ACTIVITIES WITH STUDENTS

Rightly or wrongly people seem to have a higher expectation of the demeanour and standards of behaviour of teachers than they do for the community generally.

- It is unwise for a teacher to attempt to enter on equal terms into the social activities of students. The customary social distance between teacher and student should be maintained. Drinking with students and dancing with them as social equals usually causes unease for the students and should be avoided.

- Drinking during school hours is unprofessional conduct on the part of teachers. In the eyes of students, teachers assume the role of carer and supervisor for the whole time of a school excursion. Therefore, the consumption of alcohol while on an excursion, is inappropriate for teachers.

INTERVIEWING STUDENTS

- Teachers and counsellors naturally desire to accord students and clients pastoral support together with confidentiality and anonymity. Unfortunately, in the current climate of suspicion and sensitivity over child abuse allegations, how counselling is conducted requires special care and circumspection.
As far as practicable, interviewing and counselling of a student alone needs to be done in a place that is open to view or in the general vicinity of at least some other staff member.

In comforting students who are obviously stressed and emotional, the 'hands off' dictum is wisest when a teacher and student are alone. Whereas in the case of very young children, a comforting hug might be appropriate, the same gesture is open to misinterpretation where teenagers are involved.

USE OF SCHOOL FACILITIES

Teachers would be wise to adhere to clear and precise arrangements if they have approval for the use of school facilities after school hours.

The use of specific areas of the school by teachers out of hours, and the precise times of that use should be clearly laid down and known to all parties. The method of access to the school facilities needs to be clear and adhered to by teachers.

PHYSICAL AGGRESSION BY STUDENTS

All students at the school will be advised and instructed that physical aggression by students upon other students will not be tolerated in any circumstances.

All teachers will be alert to the possibility of physical aggression in and outside the classroom, and on observing physical aggression shall take whatever steps are reasonable to prevent such behaviour continuing.

Depending on the nature, extent and frequency of the aggression, a teacher will in all appropriate circumstances, report instances of physical aggression to the Principal.

If a teacher believes that he or she is at risk of personal injury in attempting to prevent physical aggression, then the teacher shall seek immediate assistance and in all such instances the incident shall be reported to the Principal.

ACTING OUTSIDE THE CODE

When circumstances require a teacher to act outside the limitations of conduct as set out above, details of the teacher's behaviour and the circumstances should be reported in writing to the Principal at the earliest opportunity.
APPENDIX

The following documents provide important information on Child Abuse and Reporting. In referring to them, we need to be aware that some of these are supported by statutory enactments of parliament. Both Government and non-Government schools are subject to the provisions of Section 22 of the Children (Care and Protection) Act and Regulation 16 of the Children (Care and Protection) Regulation. To the extent that any other part of the documents referred to below do not strictly apply to non-government schools it would be prudent to follow these guidelines in Christian Brothers' schools.

¶ CATHOLIC EDUCATION OFFICE: SYDNEY
CHILD PROTECTION GUIDELINES, August 1997

¶ CHILD PROTECTION:
PROCEDURES FOR RECOGNISING AND NOTIFYING CHILD
ABUSE AND NEGLECT
DSE 10 March, 1997

¶ CHILD PROTECTION:
PROCEDURES TO BE FOLLOWED IN RESPONSE TO
ALLEGATIONS OF IMPROPER CONDUCT OF A SEXUAL
NATURE BY A STAFF MEMBER AGAINST A STUDENT.
DSE 10 March, 1997

¶ GUIDELINES FOR CATHOLIC SCHOOL PERSONNEL TO EFFECT
THE IDENTIFICATION AND NOTIFICATION OF CHILD ABUSE.
Catholic Education Commission, NSW, 10 March 1998.

[NOTE: cf. Similar documents by CEOs]

¶ For Sexual Harassment Information and Brochures
HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION
[GPO Box 5218, Sydney, NSW, 1942]

¶ INTEGRITY IN MINISTRY: Draft
A DOCUMENT OF ETHICAL STANDARDS FOR CATHOLIC
CLERGY AND RELIGIOUS IN AUSTRALIA
Australian Catholic Bishops’ Conference and the Australian

¶ INTERAGENCY GUIDELINES:
FOR CHILD PROTECTION INTERVENTION

A-1
LEGISLATION:
- NSW
  Section 22 Children (Care & Protection) Act 1987
  Regulation 16 Children (Care & Protection) Act 1987
- ACT
  Section 103 of the Children Services Act 1986

POLICY AND PROCEDURES FOR COMPLAINTS OF SEXUAL HARASSMENT

PROFESSIONAL CODE OF PRACTICE
Standards Council of the Teaching Profession, Victoria (undated)