

- 1. Title:** **Child Protection Policy**
- 2. Applies to:** All personnel and volunteers of the Christian Brothers Oceania Province
- 3. Geographical Application:** Province wide unless otherwise stated
- 4. Legislation/Regulation:** All applicable legislation/regulation
- 5. Policy Content:**

5.1 Commitment to Children and Young Persons

The Christian Brothers Oceania Province is committed to the care, development and wellbeing of children and young persons.

This commitment arises from the dignity of each person, young or old, created in the image of God. It expresses a professional relationship of pastoral care, personal well-being and respect for every child and young person entrusted to the care of our ministries. There is a corresponding passion for justice and fairness to all, especially for children and young persons who have been abused.

5.2 Safe and Supportive Relationships and Environment

The Province seeks to establish and maintain a safe and supportive relationships and environment for all children and young persons under its responsibility.

This, in practice, means that Christian Brothers Oceania Province is committed to implementing the legislative requirements of the various jurisdictions (national, state and territory) which relate to child protection.

5.3 Child-related Employment

As part of normal recruitment processes, all 'employees' (here understood as including brothers, paid employees and volunteers) who are engaged in working with children or young persons will be required to undergo Child-related Employment Screening.

This screening of prospective paid 'employees' will generally involve:

- A relevant jurisdictional criminal record check (child related offences);
- A check of relevant Apprehended Violence Orders (involving children);
- A review of relevant employment disciplinary proceedings completed by a previous employer and more general reference checking; and
- Completion of a risk assessment, if relevant information is disclosed through screening.

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| Date Approved: | May 2013 | Version: | 1.2 |
| Author: | Tony Whelan | Author's Position: | |
| Approval Body: | Oceania Leadership Team | File Ref: | OP1.5 |
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In addition, each 'employee' is required to complete a prohibited person declaration stating whether or not she/he is a 'prohibited person' in respect to working with children or young persons.

5.4 Mandatory Notification and Investigation of Complaints of Child Abuse

Any 'employee' who has reasonable grounds to suspect a child or young person may have been sexually abused, arising from a disclosure from a child or young person, must report in the first instance to the 'line manager', who in turn on behalf of the 'employee' will notify the Child Protection Authority (ies) and/or Police.

The formal notification to the civil authority will be in written or electronic format, as set out by that jurisdiction. The Province Child Protection (CP) Officer is to be notified in writing.

Any 'employee' involved in receiving a disclosure from a child or young person must NOT investigate such a disclosure or complaint. The Province Child Protection (CP) Officer works with the civil authority to ensure professionally trained persons conduct an investigation.

5.5 Formal Investigation of Child Protection Reportable Complaint

The 'line manager' is required to initiate the processes with the Province CP Officer for the appointment of a suitable, accessible investigator. Where the jurisdiction through the Child Protection Authority or Police takes over the investigation, all other investigation is suspended.

An allegation of 'reportable conduct' may include:

- a) Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence);
- b) Any assault, ill-treatment or neglect of a child; or
- c) Any behaviour that causes psychological harm to a child, with or without the consent of the child.

Conduct that is exempt from reportable conduct involves conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children. The Code of Conduct for the relevant ministry is a guide.

5.6 Risk Management including Risk of Harm

Where a complaint arises against any 'employee', jurisdictions may require also separate mandatory notification if there is a likely ongoing risk or harm to any child or young person.

The 'line manager' is required to initiate the implementation of the Risk Assessment and Management as set out by the Province guidelines.

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5.7 Code of Conduct

The Christian Brothers Oceania Province has developed for its 'employees' a Code of Conduct for Interacting with Children and Young People.

Each Province ministry is to align its Code of Conduct with the Province Code of Conduct. The ministry may specify and then issue its approved Code.

5.8 Responsibilities of Christian Brothers Oceania Province

In addition to this Policy statement, the Province will provide Guidelines, Procedures and Support material as necessary. These will define responsibilities for 'line managers' and 'employees'.

The Province undertakes to organise professional development and training for 'employees', 'line managers'.

The Province will establish reporting arrangements and monitor the Policy and Procedures.

The Province will arrange independent Auditing processes on a regular basis.

6. Other Relevant Oceania Policies and Guidelines:

Privacy Policy

Resource Document re Child Protection Policy and Guidelines

7. Context:

Policies and guidelines of the Christian Brothers Oceania Province are the reasonable attempt by the Christian Brothers Oceania Province to interpret the legal and moral requirements applying to the matter they address. Where there is any discrepancy between legislation and any policies or guidelines of the Christian Brothers Oceania Province, the legislation will prevail to the extent of any inconsistency.

The Christian Brothers Oceania Province also reserves a right of discretion in relation to the implementation of policies or guidelines as the Christian Brothers Oceania Province may deem appropriate. The Christian Brothers Oceania Province will act reasonably in applying such discretion. In the event there is any dispute in relation to the use, or otherwise, of such discretion the Province Leader retains the ultimate right to decide on such matter.

The Christian Brothers Oceania Province confirms that its policies and guidelines are not incorporated into any employment agreement/contract, and as such the terms of the Christian Brothers Oceania Province's policies and guidelines do not form terms of employment.

Members of the Christian Brothers Oceania Province community are expected to take reasonable steps to inform themselves of the Christian Brothers Oceania Province's policies and guidelines, and ensure that conduct is appropriate as required by these policies and guidelines. Failure to abide by the Christian Brothers Oceania Province's policies or guidelines may result in the Christian Brothers Oceania Province taking relevant action for misconduct.

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8. Definitions:

Christian Brothers Oceania Province is an organisational and administrative structure established by the Congregation Leadership Team to facilitate the mission and ministries of the Congregation in Australia, East Timor, New Zealand, The Philippines and Papua New Guinea, and to form and nurture those who constitute its membership.

Child or Young Person refers to any person under the age of 18 years unless an earlier age of majority is recognised by a country’s law.

Line manager means the manager within the Christian Brothers Oceania Province to whom the personnel are accountable for the performance of their role.

Employees include brothers, paid employees and volunteers.

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