

from Box 352/5

GOOD SAMARITAN SCHOOLS

INTERIM CODE OF PRACTICE

FOR

RESPONSIBLE INTERVENTION

IN RELATION TO

THE CARE AND PROTECTION

OF

STUDENTS

FOREWORD

In July 1997 at the Good Samaritan Principals' Conference, the Principals requested that a code of conduct be produced to assist Good Samaritan incorporated schools and associated services (hereinafter referred to as "schools") in handling issues related to abuse and to sexual abuse, in particular.

On behalf of the Sisters of the Good Samaritan, I commissioned a *Code of Conduct* Project with a brief to undertake this task in collaboration with the Principals.

To understand something of the mission and ethos of Good Samaritan schools we need to go back to our Founder, John Bede Polding. To understand Polding we must turn to the Wisdom of Benedict of Nursia. To understand Benedict we must take up the Scriptures. At the heart of the Good Samaritan ministry of education is the parable of the Good Samaritan. The inspiration and wisdom of Scripture, Benedict and Polding weave through the story of all those who have lived our way of life since the foundation on 2 February 1857. Together, they form the basis for the mission and ethos of Good Samaritan schools on the brink of the new millennium.

Good Samaritan educators today walk in the paths made by those who have gone before them. The challenge is essentially the same: to provide care and protection for the young persons enrolled in the school, to provide a learning and teaching environment that respects the dignity of each individual within the school community and to challenge each of us to make the world a better place.

We, Good Samaritan Sisters, share in the Benedictine heritage that has enriched the life and mission of the Church since the time of Benedict of Nursia in the sixth century. As I present this document to you who share with us in the richness of this tradition, I am reminded of the words of Esther de Waal (from her 1991 Australian lecture tour): *Benedict looked at the world around him and saw crisis. There were two possible reactions. One was to ignore it. The other, by conscious commitment to the word, to ask the critical questions, to discern the needs and to try to respond in a way that was honest and life giving, which expressed the Gospel answers to the questions of his day in a radical way.*

With these thoughts in mind, then, I offer this *Interim Code of Practice* to all involved today in Good Samaritan schools. I commend it strongly and feel confident that it will be of use at all levels. My hope is that it will contribute to the quality of life, of the learning and teaching environment, as we strive, together, to establish each school community as a 'school for the Lord's service' (Rule of Benedict, Prologue 45). Let us set out in the footsteps of Polding, with the wisdom of Benedict and with the Gospel for our guide. (Rule of Benedict, Prologue 21).

Sonia Wagner sgs, Superior

INTRODUCTION

The Sisters of the Good Samaritan have contributed to the educational mission of the Church in Australia since the early 1860's. They seek to continue this mission through the ten schools they own in Australia, each of which is now incorporated under the Corporations Law.

The way of understanding the educational mission of the Church today is based on the teachings of the Second Vatican Council 1963-1965. The Council's document *The Church* speaks of the Church as the people of God gathered in communion with each other and with Christ who is the light of all nations. The particular ethos of a Good Samaritan school reflects on this gathering of the people of God in the context of the Parable of the Good Samaritan (Luke, 10:25-36).

In recent times evidence has shown that some persons, who occupied various positions of trust within this Christian community, have failed to provide care and protection for young persons entrusted to them.

These events, and the response of the Church through its documents *Towards Healing, 1996*, and *Integrity in Ministry, 1997* (draft), bring home to us the responsibility we have to develop various strategies that will guide the way we exercise our ministry of care, protection and education of young persons.

The aim of this *Interim Code of Practice* (hereinafter referred to as *Interim Code*) is to provide a framework in the spirit of *Towards Healing* and *Integrity in Ministry* for each school to develop policies, practices and procedures for responsible intervention in the care and protection of students.

It is the desire of the Sisters of the Good Samaritan to work in partnership with the Board of Directors of each school to give high priority to the care and protection of young persons enrolled in the schools, and to give support and encouragement to personnel involved in this work, including employees, volunteers and other associated persons.

SECTION ONE

EMPLOYING AUTHORITY

▪ BACKGROUND

Since the early 1860s, education has been an essential part of the ministry of the Sisters of the Good Samaritan (the Congregation). In the 1970s the Congregation reviewed the governance structures of the schools it owned, taking account of the identity of each school in both civil and canon law. This resulted in the Congregation incorporating the ten schools it owned in New South Wales, Victoria and Queensland under the Corporations Law as companies limited by guarantee.

▪ PARTNERSHIP MODEL

The spirit underpinning this new model of governance is one of partnership between each school and the Congregation, particularly in the developing understanding of the mission and ethos of a Good Samaritan school, and the methods by which this ethos is reflected in the policies, procedures and practices within the school.

▪ EMPLOYING AUTHORITY

In the spirit of this partnership model of governance, the Congregation understands that:

- legal liability in civil law rests with the Members and Board of Directors of each school in accordance with each company's Memorandum and Articles of Association;
- the Congregation has the right and responsibility in canon law to be involved in key decisions affecting the life of the school, namely in matters such as the appointment of the principal and the maintenance of the mission and ethos of the school.

▪ ROLE OF THE CONGREGATION IN CARE AND PROTECTION MATTERS

The Congregation believes that it is critical for policies, practices and procedures in relation to the care and protection of students to reflect the ethos and mission of a Good Samaritan school.

Notification of all past or present allegations of abuse of students by personnel will be made to the Congregation through the Good Samaritan Education Officer.

SECTION TWO

POLICY OF STUDENT CARE AND PROTECTION

The Superior and Council of the Congregation of the Sisters of the Good Samaritan (hereinafter referred to as the "Superior and Council") have determined that this *Interim Code* establishes the foundation for the policy of each school in relation to responsible intervention in the care and protection of students.

KEY ELEMENTS

The main focus of this policy is the care and protection of students in relation to all forms of abuse as revealed in the school environment and includes the following key elements:

- **LOCAL LAWS AND GUIDELINES** -
each school will comply with the relevant child protection laws as amended from time to time and will adopt local diocesan guidelines in intervening responsibly in matters of student care and protection.
- **DISPARITY** -
where there is disparity between local diocesan guidelines and the policy of the Superior and Council the latter shall apply.
- **DUE PROCESS** -
the policy aims to provide for due process for all persons when dealing with allegations of abuse of students as revealed in the school environment.
- **APPLICATION** -
this policy applies whenever a student reports a matter of abuse.
- **POLICIES, PRACTICES, AND PROCEDURES** -
each school is required to formulate its own policies, practices and procedures that are consistent with this *Interim Code*.
- **SCHOOL PERSONNEL** -
in 1998 each school will initiate a process of introducing this *Interim Code* to school personnel.

- **BOARD OF DIRECTORS** -
in 1998 each principal will introduce this *Interim Code* to the Board for its use as a core document in the development of Board policy in relation to the care and protection of students.
- **GOOD SAMARITAN PRINCIPAL'S CONFERENCE** -
from 1998 and until this *Interim Code* is reviewed the conference agenda will include the item *Student Care and Protection* to provide mutual support for Principals and to provide a forum for the discussion and evaluation of issues arising from the implementation of the *Interim Code*.
- **ANNUAL GENERAL MEETING OF MEMBERS** -
at the 1999 and 2000 annual general meetings, the Directors will report on the implementation of this *Interim Code*.
- **REPORT TO SUPERIOR AND COUNCIL** -
the Principal and/or the Chairperson of the Board of Directors will inform the Superior and Council, through the Good Samaritan Education Officer, of all allegations of abuse of students by school personnel.

SECTION THREE

PRINCIPLES OF STUDENT CARE AND PROTECTION

Responsible intervention in student care and protection is based on the following principles:

- the exercise of justice and compassion is at the heart of all responsible intervention by personnel.
- account is taken of due process in handling the care and protection of students.
- where an allegation of abuse of a student arises, timely and responsible intervention will occur to enable the young person and any alleged perpetrator to be treated with care by the school community and all relevant authorities.
- the Principal will ensure that personnel are aware of the current law and local agencies which are capable of providing care and protection for students who suffer abuse.
- where allegations of abuse arise which require mandatory notification to relevant authorities, the Principal is to ensure that personnel are aware of their responsibilities under the law and that they have access to appropriate support and guidance.
- where allegations of abuse arise which do not require mandatory notification or which are **not clear** on the facts, the Principal is to ensure that advice and support is sought from persons who are experienced in confidential matters of care and protection.
- each school is to enact appropriate policies, practices and procedures where issues of abuse arise in which the alleged offender is a member of personnel.
- the Principal is to ensure, as reasonably as possible, that no member of personnel has been convicted of an offence connected with the abuse of young persons nor disciplined for misconduct related to the abuse of young persons.

SECTION FOUR

PRACTICE OF STUDENT CARE AND PROTECTION

The Superior and Council require that each school adopt the following practices:

- **CONTACT PERSON** -
the Principal will appoint a person within the school community as the contact person for student care and protection. This person is required to have knowledge and experience in managing matters of abuse.

- **PERSONNEL AWARENESS AND DEVELOPMENT** -
personnel will be made aware on a continuing basis of this *Interim Code*. Principals will develop appropriate procedures to be followed by personnel and these will be discussed and made available to all personnel so that all categories of personnel are informed as reasonably as possible of this *Interim Code*.

- **SUPPORT GROUP** -
the Principal will establish a Student Care and Protection Support Group and will determine its membership and duties.
 - The main purpose of this Group is to ensure the implementation of this *Interim Code* at the local level and to assist as necessary in the handling of abuse allegations involving personnel.
 - Any member of this Group who is subject to an allegation will be required to stand aside.
 - Where there is an allegation against a principal, the chairperson of the Board of Directors, or the chairperson's delegate, will become a member of the Support Group.
 - The Support Group will meet at least twice per year and whenever occasion demands. It will be a vehicle through which each school reports to its Board of Directors and the Good Samaritan Education Officer in relation to the care and protection of students in accordance with this *Interim Code*.

- **RESOURCE PERSONS** -
the Principal will maintain a current list of resource persons able to offer guidance, support and mentoring in matters of student care and protection.

SECTION FIVE

PERSONNEL RESPONSIBILITY

In establishing policies, practices and procedures for responsible intervention in the care and protection of students, each school and associated service is to use a collaborative approach to ensure that personnel have information and awareness of the following:

- **RESPONSIBILITY OF PERSONNEL**

Schools are an important link in partnership with family for students to grow in dignity and respect. No code of ethics, conduct, protocol or guidelines will ever replace the fact that personnel are in a responsible position of trust with students.

 - Within the learning and teaching environment, personnel are observers of students and hence have a responsibility to develop methods of observing relevant signs of abuse so that students are cared for and protected.
- **ARENAS OF SAFETY**

Responsible intervention in the care and protection of young persons means that personnel connected with the school will receive ongoing training to provide information on those situations which may put them and students at risk.

 - By using information received from this training, personnel will begin to develop positive plans of best practices which display mature personnel-student relations while at the same time ensuring safety for students in the learning and teaching environment.
- **LAWS OF EVIDENCE**

It is not the function of this document to detail the complexity of the laws of evidence. By understanding some of the background to such laws, personnel will become more aware of developing sound practice in recording facts which may be useful in the conviction of offenders.
- **DISCRETIONARY AND MANDATORY REPORTING**

Laws in each State in relation to the care and protection of children place various reporting requirements on different categories of personnel. The Principal is to ensure that personnel training programmes identify the current law applicable to the school's locality and relevant categories of reporting.

- **CONFIDENTIALITY AND RECORD KEEPING**

These two items require specific clarification in relation to the manner in which personnel handle any allegation in relation to abuse. The Principal is to ensure that personnel are aware of the sensitivity of each allegation and, in particular, the possible effects on the victim and alleged offender. Justice requires that personnel exercise compassionate vigilance without presumption of guilt until any investigation and consequent action is completed.

- **SEXUAL OFFENDERS**

The Principal is to ensure that personnel receive current information on the known aberrant behaviour of sexual offenders so that they may be vigilant in their observation of students and persons who may take advantage of them.

SECTION SIX

ALLEGATION AGAINST PERSONNEL

All allegations made against personnel require timely and responsible intervention and are to take account of the following:

- the Principal will ensure that all personnel are aware of the procedures to be followed if any allegation of abuse is made by a student against personnel. These procedures will include details of plans to be followed if an allegation is made against the Principal.
- the Principal will develop local plans which take account of relevant employment practices and ensure accurate recording and confidentiality.
- where an allegation is made which requires mandatory reporting the Principal will ensure that relevant personnel are supported appropriately in making the mandatory report to local authorities.
- where an allegation is made which does not require mandatory reporting or is not clear on the facts, the Principal will ensure that a timely investigation takes place so that the employing authority makes compassionate and responsible decisions which could include reporting the matter to local authorities, disciplinary action or further investigation.
- the Principal will be guided by local authorities, local diocesan practice and support persons experienced in investigative reporting and assessment. Whatever action is taken will be reflective of the demands of justice and compassion.
- where personnel dispute the decision of the Principal, the Principal will inform the Good Samaritan Education Officer. This person in consultation with the Principal will convene an ad hoc committee with persons skilled in dispute resolution to determine the dispute.

SECTION SEVEN

CONCLUSION

This *Interim Code of Practice* represents the Congregation's commitment to ensuring students in all Good Samaritan schools and associated services enjoy a safe and caring environment. The learning and teaching environment will be enhanced the more that personnel are compassionately vigilant in student care and protection.

It is expected that the development of each schools' policies, practices and procedures will take time. The laws in each state are changing significantly and there has been much debate in relation to a national system of teacher registration.

Whatever policy is in place currently will be subject to change. It is incumbent on each school and associated service to develop and keep current its plan of action for responsible intervention in relation to the care and protection of students.

A period of implementation of this *Interim Code* will now follow. This will enable each school to prepare documentation and relevant induction and training programmes for its personnel.

Review of this Interim Code will be initiated by the Superior and Council, in consultation with the schools, no later than July 2001.

AUTHORISATION

As a sign of witness to the agreement to implement this *Interim Code of Practice for Responsible Intervention in relation to the Care and Protection of Students* the parties to this agreement have hereunder placed their signature and seal by their authorised representatives.

For the purposes of implementation the Superior and Council have determined that this *Interim Code* is effective on and from theday of one thousand nine hundred and ninety-eight and shall remain effective until reviewed.

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Sonia Wagner sgs
Superior

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Trustee of the Congregation
of the Sisters of the Good
Samaritan

For the purposes of implementation the Board of Directors of has determined that the *Interim Code of Practice* as authorised by the Superior and Council is effective on and from theday of one thousand nine hundred and ninety-eight and shall remain effective until reviewed.

.....
Chairperson of the
Board of Directors

.....
Director or Company Secretary

ACKNOWLEDGEMENT

I am grateful to all who have contributed to the development of this document for use in our Incorporated Colleges from the 1998 school year. In particular, my gratitude goes to our Project Consultant, Peter Robinson (Pamcomp Pty Ltd) to Mary Ronayne, sgs Convenor of the Reference Group and to the Principals who formed that Group, Sue Dixon, Kay Herse and Margaret Leahy and to all those persons who have provided excellent commentary throughout the drafting process.

A period of implementation of this Interim Code of Practice will now follow. This time will allow all schools to prepare documentation and relevant induction and training procedures for all persons connected with Good Samaritan Schools.

Sonia Wagner sgs
Superior