

INSTITUTE POLICY AND PRACTICE IN RELATION TO CHILDREN AND VULNERABLE ADULTS

Introduction

This document outlines the policy and practice adopted by the Institute of the Sisters of Mercy ('ISMAPNG' or 'the Institute') in relation to children and vulnerable adults.

Formation of ISMAPNG

ISMAPNG was formed by the union of fourteen autonomous Australian congregations of Sisters of Mercy and the Autonomous Region of Papua New Guinea on 12 December 2011 ("the former congregations"). Each of these congregations is now suppressed. (See Attachment 1).

Determination of Responsibility

Prior to the commencement of ISMAPNG the leaders of the former congregations determined that the new Institute would take responsibility, among other things, for:

- Canonical and civil governance of ministries of the former congregations, several of which provide services for children or vulnerable adults. (See Attachment 2).
- Claims against any of the former congregations which were known about at the time of foundation of the Institute or which might arise in the future including claims arising out of ministries current or former. (See Attachment 3)
However, it should be noted that this list might not include all former boarding schools as historically the Sisters of Mercy conducted many small rural boarding schools throughout Australia.

Adoption of Policy

In anticipation of the establishment of ISMAPNG, the leaders of the former congregations proposed a Professional Standards policy which was formally adopted upon the establishment of ISMAPNG. This policy underpins the practice and response of ISMAPNG as further described in this paper. (See Attachment 4).



Scope of Claims

ISMAPNG responds to professional standards claims alleging:

- Physical, emotional and sexual abuse of children in care (homes, schools and boarding schools) and
- Forced adoptions.

Claims are usually addressed through the *Towards Healing* process, although more recently, some claimants approach ISMAPNG through lawyers.

Building on established processes

In determining to continue the former congregations' positive responses to complaints as they were received, ISMAPNG has continued existing processes and adopted several new initiatives as follows:

- The role of Professional Standards Coordinator (PSC) was created to which a Sister of Mercy was appointed in November 2012. The PSC is the main complaint response person for ISMAPNG and is available to participate in mediations whenever possible.
- In early 2012, arrangements were made for a member of the inhouse Institute Legal Team to be involved in responses to complaints, as necessary. As a Sister of Mercy, the Legal Officer also participates in mediations whenever desirable.
- In dealing with complaints, particularly at the time of mediated meetings with complainants for the provision of ongoing pastoral care, the PSC is assisted by a support group of sisters from around Australia who are familiar with the former congregations and their works.

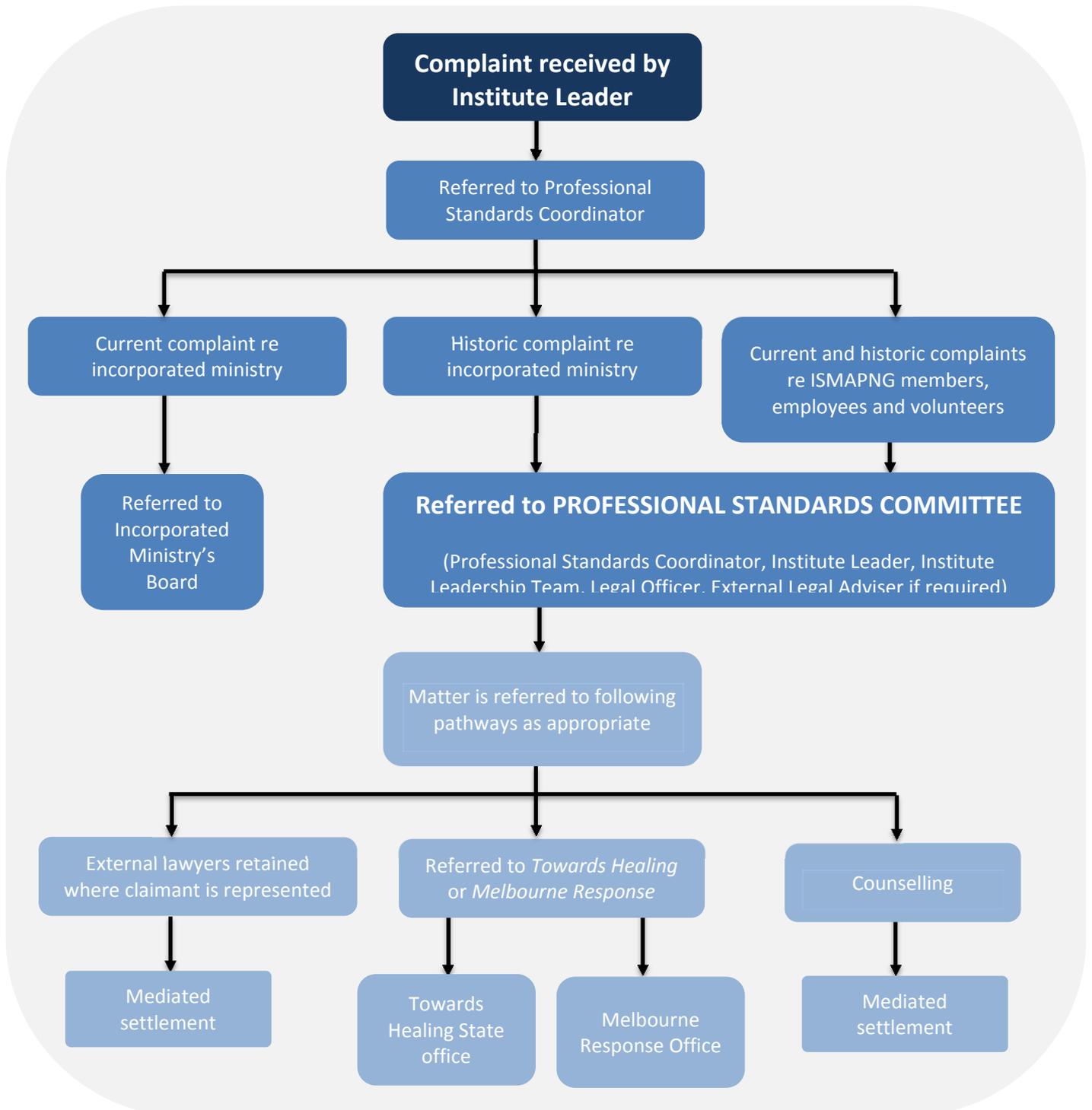
Current Complaint Response process – *Towards Healing*

- Complaints received through *Towards Healing* follow its established process which is the responsibility of the particular State Professional Standards Director. Where allegations are of a criminal nature, all complainants are strongly encouraged to inform the police.

Current Complaint Response process – direct complaints to ISMAPNG

- Complaints received directly by ISMAPNG are responded to in accordance with the process outlined in the flowchart below. Where allegations are of a criminal nature, all complainants are strongly encouraged to inform the police.

Current Complaint Response process – direct complaints to ISMAPNG



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1. Complaints are directed to the PSC who determines a way of proceeding in consultation with the Professional Standards Committee (PSC, Institute Leader and her Council (Institute Leadership Team), Legal Officer and external legal advisor, as required).
2. Where a complainant is legally represented, a representation from a legal firm on behalf of a complainant is referred to an external legal firm acting on behalf of ISMAPNG.
3. Current complaints concerning an incorporated ministry are directed to the relevant Board for attention. Ministries are required to provide written reports in relation to critical incidents to ISMAPNG.
4. For matters referred to *Towards Healing*, the PSC works collaboratively with the State and National Professional Standards Offices and responds to their requests for information and action.

Responses/Assistance Offered

1. **Reporting:** All employees of ISMAPNG are aware that any complaints are referred to the leadership of ISMAPNG for attention. Directors of ISMAPNG ministries are aware that any historic complaints of abuse are referred to the Institute Leadership, who refers then to PSC.
2. **Apologies:** The Institute Leader is always prepared to offer an apology or statement of regret as appropriate. The practice is to write the apology or expression of regret to address the particular circumstances and even to respond to the particular wishes of the complainant. 'Form letters' are not used.
3. **Pastoral Presence:** In mediations arising out of complaint processes, ISMAPNG is represented by at least one Sister of Mercy as well as legal personnel if required.
4. **Funding for support and counselling:** It is often helpful to offer some counselling as a first level response to the complainant. It can help the complainant through a difficult and stressful time and sometimes establish a setting in which healing is possible. This offer is usually for between 10 and 20 sessions at the normal professional rate. Complainants choose their own practitioner. In particular cases further counselling or therapy costs are sometimes an element of settlement.
5. **Mediated Settlements:** Legal firms acting on behalf of ISMAPNG understand that ISMAPNG prefers to arrive at settlement through mediation rather than formal legal proceedings. Legal advisors are prepared to recommend interventions such as the offer of counselling services which might promote healing and resolution. The complainant's approval of the particular mediator to be engaged is always obtained.
6. **The relationship between pastoral support or gifts, and settlements:** When attempting to reach a settlement it is the practice of ISMAPNG to consider an offer of pastoral support, a monetary gift or services in kind. Where only a moderate amount is involved, the only documentation is usually a letter accompanying the response.

Where settlement involves a considerable sum, a Deed of Settlement is negotiated. In such instances, the complainant is advised to obtain independent legal advice (at ISMAPNG's cost). When required, 10 percent of the settlement amount is remitted to Medicare.

7. **Taking account of previous payments made:** Where an alleged victim has already been the recipient of payments relating to the matter currently under consideration or re-consideration, ISMAPNG will consider the previous amount paid when arriving at a decision as to what can be offered.
8. **ISMAPNG's position with regard to reopening past settlements:** Please see guidelines attached as adapted from the work of the Truth, Justice and Healing Council. (See Attachment 5).

Specific Regional Responses

ISMAPNG has continued a number of existing processes adopted by Former Congregations in response to specific regional issues:

- The Pastoral Response Office set up by the former Rockhampton Congregation, mainly to respond to the needs of former residents of Neerkol, continues to be funded by ISMAPNG. Pastoral care and practical assistance are provided through this service. The Pastoral Response Office continues to have a dedicated phone number for past residents of Neerkol who wish to communicate with the Pastoral Response Officer.
- MacKillop Family Services in Melbourne for which ISMAPNG shares canonical responsibility with the Christian Brothers and the Sisters of St Joseph, also has a very good service (access to records, pastoral care etc) for past residents of care homes, several of which were run by the former Congregation of Sisters of Mercy, Melbourne. ISMAPNG contributes to the cost of this service.
- Tuart Place in Fremantle, Western Australia, founded by the Christian Brothers but now a separate entity, was contracted by the former Congregation of Sisters of Mercy, Perth to provide services for past residents of its homes. ISMAPNG currently funds Tuart Place at a cost of \$50,000 per annum, both on account of past residents of Mercy facilities presenting for its services and as a contribution to the support of other clients who were in care as children.
- ISMAPNG has several archival holdings and provision is made for past residents of homes to access information held about them. Note however, that more often than not, the records are not comprehensive, and may only include dates of admission and discharge. Furthermore, the records of some child care facilities which were conducted by the Sisters of Mercy on behalf of particular dioceses are held by diocesan offices of Catholic Care.
- An extensive Restorative Justice programme was made available by the former Adelaide Congregation in partnership with other church entities. Sisters are available to continue to support those who accessed this service.

Prevention Activities

- All sisters and staff are aware of the ISMAPNG policy on Professional Standards and conversant with *Towards Healing* and *Integrity in Ministry* documents.



- The orientation of newly engaged staff and new entrants to the Sisters of Mercy includes a compulsory unit on Professional Standards.
- In the formation programmes of candidates for the Sisters of Mercy, including those in Papua New Guinea, experiences are provided to promote their psycho-emotional maturation, and to understand the importance of correct professional behaviour.
- The Executive Officer Ministries of ISMAPNG has, as part of his responsibility, the need to ensure that Chairs of Boards are aware of their responsibilities in relation to Professional Standards. The Executive Officer ensures that all those responsible for ministries are educated in matters of Professional Standards.

Ongoing Considerations

IMSAPNG considers the following require ongoing consideration:

- how to determine fair levels of monetary restitution;
- maintaining compliance with civil and Church authorities in the matter of protection of children and vulnerable adults;
- strengthening the separation of Education and Prevention activities from Complaint and Response processes in order to address both effectively and
- integrating existing responses and specific regional responses into a uniform and comprehensive national response by ISMPANG.

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