

**Karen Larkman**  
**Director of Safeguarding and Ministerial Integrity**  
**Catholic Archdiocese of Sydney**

**6 February 2017**

**Panel 9.2 – Child Safety, complaint handling and risk management**

**1. *What engagement does the Archdiocese of Sydney have with children? For example, what services does it operate for or provide to children, including at a parish level?***

The Archdiocese of Sydney engages with children through the provision of education services, social welfare services and through the many aspects of parish life that involve children and families.

The statement of the Archbishop of Sydney, Archbishop Anthony Fisher, dated 25 November 2016 explained that Sydney Catholic Schools (**SCS**) and CatholicCare have the day-to-day oversight of the provision of education and social welfare services respectively. That statement also outlined the approach that SCS and CatholicCare take to ensuring the safety and wellbeing of the children entrusted to their care.

In terms of other engagement with children throughout the Archdiocese, in particular in parishes, these include:

- Sacraments, formal religious activities and instruction including:
  - Parish Mass
  - Sacraments including Baptism, Reconciliation, Communion
  - Liturgical functions (outdoor mass for Christmas and Easter services)
  - Altar servers
  - Choir groups
  - Catechism classes
  - Pastoral support when required
  - Chaplain to schools
  - Youth Groups
  - Catholic Youth Services
  - Retreats/World Youth Day
  - Camps and excursions for altar servers and volunteers
- Parish community activities often conducted by volunteers including:
  - Sporting and other activities during school holidays with children and young people
  - Clubs during and after school
  - Morning tea with under five year olds
  - BBQ's and fundraising events
- School activities including:

- School Mass [if the school is a parish school]
- School reconciliation
- School visits

**2. *In relation to that engagement with children, within the Archdiocese of Sydney, what bodies and which personnel are responsible for supervising the implementation of child safety, complaint handling and risk management policies? Does the Archdiocese of Sydney seek advice from any external bodies or professionals?***

The Archdiocese is committed to ensuring it promotes high quality practices by regularly seeking the views and advice of regulators and other experts in child safety, complaint handling and risk management. The Safeguarding Officer (see further below) and other staff involved in safeguarding across the Archdiocese (including at SCS and CatholicCare) regularly collaborate with and seek advice from the Office of the Children's Guardian, the NSW Ombudsman, the NSW Department of Family Community Services, appropriately qualified psychologists and other medical practitioners and the NSWPF Sex Crimes Squad and other enforcement agencies. The Archdiocese's Safeguarding Office personnel also regularly collaborate and share policies, knowledge and information with their counterparts at other Catholic dioceses both inside and outside NSW.

From time to time, the Archdiocese's General Counsel and external legal advisers provide legal advice, most commonly on matters of statutory interpretation not covered by regulator guidelines.

In addition, the Archdiocese has consulted with safeguarding experts in Ireland and the United Kingdom in relation to their practices, procedures and safeguarding experiences.

For engagement with children particularly at the parish level and in relation to smaller divisions of the Archdiocese, the Archbishop has established a Safeguarding Office with responsibility for, amongst other things:

- reviewing and updating policies and procedures for child safety, complaint handling and risk management;
- responding to and (where appropriate) reporting complaints and concerns relating to the safety and wellbeing of children arising other than in the schools and CatholicCare;
- training, educating and supporting parish priests and others within the Archdiocese with responsibilities in connection with child safety, complaint handling and risk management.

As noted above, SCS and CatholicCare have, respectively, day-to-day oversight of the provision of education and social welfare services within the Archdiocese and are

also responsible for supervising the implementation of child safety, complaint handling and risk management policies in the context of those services.

The Safeguarding Office plays an overarching role. It supports and collaborates with SCS and CatholicCare in relation to reportable conduct matters, training and compliance and also seeks to ensure consistency of approach and high quality practices across the Archdiocese. Examples include:

- Monthly meetings between the Safeguarding Office and SCS to review any reportable conduct matters and exempt matters arising in schools. Any other serious or complex complaints are also discussed during those meetings;
- The Safeguarding Office participated in a review and update of both SCS and CatholicCare safeguarding policies and training materials;
- Quarterly meetings between the Safeguarding Office and CatholicCare to review all reportable conduct matters and exempt matters arising in social services delivered by CatholicCare. Any other serious or complex complaints and safeguarding issues, in particular those arising in the context of Out of Home Care services, are also discussed during those meetings.

In the context of parishes:

- Parish priests receive training, education and support from the Safeguarding Office to ensure that they understand their responsibilities with respect to child safety, complaint handling and risk management;
- A community awareness strategy is being developed to raise awareness in parishes regarding safeguarding practices and ensuring that parishioners (both adults and children) are comfortable raising any complaints and concerns and understand their options for doing so. Informative materials are prepared by the Safeguarding Office for circulation when requested or on appropriate occasions, such as during Child Protection Week. The Safeguarding Office has also produced a booklet for parishes to provide to parishioners entitled, "Your right to be heard", providing information on making complaints or providing feedback;
- In accordance with the Archdiocese's child protection policies, parish priests are:
  - required to comply with, and implement, child safety and risk management policies within their parish;
  - responsible for reporting all allegations or concerns in relation to child safety to the Safeguarding Office and the Vicar General;
  - required to escalate reportable allegations under the *Ombudsman Act* to the Vicar General, and, through the Vicar General, the complaint is reported to the NSW Ombudsman;
  - required to report serious indictable offences to the police;
  - responsible for verifying the WWCCs of all persons who work with children at the parish, whether they are employed or volunteers;

The Archbishop's statement of 25 November 2016 annexes a flowchart for parishes and smaller divisions or agencies of the Archdiocese

showing the accountabilities and reporting lines in relation to child protection and safeguarding. See CTJH.400.90001.0023.

- Parish priests may directly receive complaints or concerns regarding child safety and wellbeing, but complaints and concerns can also be (and are) raised by parishioners with the Safeguarding Office or with the Archbishop;
- In addition to its work with parish priests and parish communities, the Safeguarding Office provides advice and support to smaller agencies within the Archdiocese to manage complaints and will monitor the progress of these matters;
- A new position within the Safeguarding Office has been developed with responsibility for implementing an audit process to monitor parishes' compliance with legislative requirements and with the Archdioceses policies and procedures. Audits will commence in the second half of 2017;
- The Safeguarding Office has developed, and is in the process of implementing, the Parish Safeguarding Officer initiative called "Spreading the Message", where each parish has an officer (either an employee of the parish or a volunteer) to support priests in ensuring compliance in terms of:
  - induction and training for new employees and all volunteers;
  - ensuring the Code of Conduct for Working with Children and Young People is understood and signed and thereafter reviewed annually by all employees and volunteers;
  - providing advice and support on risk assessments for all parish activities;
  - ensuring WWCC's are appropriately maintained for volunteers and employees;
  - ensuring the Visiting Clergy Register is maintained and all visiting clergy have the correct paperwork in place prior to visiting any parish;
  - raising community awareness of safeguarding policies and procedures and avenues to raise complaints and concerns;
  - directing and referring complaints to the Safeguarding Office; and
  - assisting with auditing compliance with safeguarding policies and procedures.

**3. How does the Archdiocese of Sydney manage any risks to children associated with the engagement that the Archdiocese of Sydney has with them including:**

- a. How is the Archdiocese of Sydney engagement with children supervised and/or overseen at a parish level?**
- b. What external child protection and safety regulations apply to your agency?**
- c. How does the Archdiocese of Sydney respond to any complaints of child sexual abuse?**

(a) The statement of Archbishop Anthony Fisher dated 25 November 2016 outlined the approach that SCS and CatholicCare take to ensuring the safety and

wellbeing of the children entrusted to their care. SCS and CatholicCare also have comprehensive risk management and control strategies that are deployed when a specific risk arises or for any activity involving children or vulnerable adults

In addition, and relevantly at parish level, the Archdiocese manages risk to children via a number of preventative strategies:

- The Archdiocese publically commits to child safety on its website with information regarding its policies and information regarding the Safeguarding and Ministerial Integrity Office;
- Mandatory training is provided for all priests and clergy with faculties within the Archdiocese as well as for parish staff;
- The Archdiocese seeks to ensure that the Code of Conduct (see CTJH.400.90001.0024) is signed by all staff, employees and volunteers that sets clear behavioural standards towards children;
- Safe recruitment processes including interview question templates, referee check templates, behavioural questions and evidence based recruitment;
- The Archdiocese has strict policies directed to ensuring that no one (including volunteers) works with children prior to their WWCC being verified;
- Risk management strategies focus on preventing, identifying and mitigating risks to children. Risk assessments are required for activities within the parish involving children and young people. Parish Priests and parish staff have been provided with training on preparing risk assessments as a component of their safeguarding training; and
- The Parish Safeguarding Officers initiative, "Spreading the Message", (mentioned above) is currently being established by the Safeguarding Office within parishes to support and promote high quality safeguarding and risk management practices within parishes.

(b) The following are key relevant legislative instruments the Archdiocese is required to comply with. The list is not exhaustive and does not include relevant regulations.

- The Crimes Act 1900 (NSW) – the Archdiocese is required to, and its policy is to, report allegations of criminal offences (including against or adverse to children) to the police.
- The Children and Young Persons (Care and Protection) Act 1998 which is supplemented by a range of other legislative and regulatory instruments. For example:
- Children and Young Persons (Care and Protection) Regulation 2000 also forms part of the framework for providing OOHC services, particularly the need for providers to be accredited as designated agencies through the NSW Children's Guardian
- The Community Welfare Act 1987 aims to ensure the provision, to the maximum extent possible, of services for and assistance to people disadvantaged due to lack of food, shelter or other basic necessities,

natural disasters (for example, floods), disability, age, ethnic group membership, lack of family support

- *Privacy and Personal Information Protection Act 1998* which sets out requirements for the collection, storage, access and accuracy, use and disclosure of personal information
- *Health Records and Information Privacy Act 2002* which sets out the requirements for the collection, storage, access and accuracy, use and disclosure of personal health information
- *Privacy Act 1998* (Commonwealth) which sets out the requirements for the collection, use and disclosure of personal information (including non-government agencies)
- *State Records Act 1998* directs each public office to maintain full and accurate records of the office's activities
- *Community Services (Complaints, Reviews and Monitoring) Act 1993* which provides the Ombudsman with the power to conduct systemic reviews of the deaths of children at risk of harm or those in care
- *Ombudsman Act 1974* which sets out the role of the Ombudsman in monitoring and reviewing the provision of community services, overseeing employer handling of allegations of reportable conduct against their employees and complaint handling.
- *Coroners Act 1980* which requires the Coroner or the Deputy Coroner to examine certain child deaths, including those of a child in care, a child in respect of whom a report was made under Part 2 of Chapter 3 of the *Children and Young Persons (Care and Protection) Act 1998* and a child whose death is or maybe due to abuse or neglect or that occurs in suspicious circumstances.
- *Victims Rights Act 1996* and *Victims Support and Rehabilitation Act 1996*. A child or young person who has experienced abuse may be eligible for compensation. Victims Services New South Wales runs the scheme, which also helps victims in other ways, such as with counselling, support and information.
- *Commission for Children and Young People Act 1998* which provides for conducting the Working with Children Check and also administering the Child Sex Offender Counsellor Accreditation Scheme

(c) The Archdiocese has a child focussed complaint handling policy which clearly articulates the process for responding to complaints of child sexual abuse. We are committed to ensuring that:

- all complaints are taken very seriously and responded to promptly and thoroughly;
- immediate steps are taken to address any ongoing risk to a child or children and any ongoing risk presented by the person the subject of the complaint;
- support, including counselling, is offered to victims and their families;
- all statutory reporting obligations are met promptly;
- any Archdiocesan investigation does not interfere with investigations by police and other state agencies and that investigators appointed by the Archdiocese are appropriately experienced, sensitive and skilled;

- notice of the complaint is given to those within the Archdiocese responsible for the care of any child or children affected or who may need to manage any ongoing risk associated with the offender; and
- our privacy and employment law obligations are met.

As noted, although the SCS and CatholicCare, respectively, are responsible for responding to complaints arising in schools and social services, their procedures include the elements outlined above and the Safeguarding Office supports and oversees their responses to ensure consistency and high quality practice.

The Archdiocese's Statement on Responding to Claims of Child Sexual Abuse by Clergy/Church Workers of the Archdiocese [CTJH.400.90001.0521] sets out how the Archdiocese responds to historical claims of child sexual abuse, whether these are pastoral or litigious. We try to resolve claims out of court and we offer to meet counselling costs while a complaint is being responded to.

All historic complaints that may involve criminal offences are reported to the NSWPF Sex Crimes Squad under the protocol for non-government organisations or to the Local Area Command. In cases where a complaint is received from a victim we encourage the victim to speak with the police immediately and will assist them to approach and contact the Local Area Command to speak with the Crime Manager.