

AUGUSTINIANS



PROVINCE OF OUR MOTHER OF GOOD COUNSEL AUSTRALASIA

AUGUSTINIAN SAFEGUARDING POLICY

'If one member suffers, all suffer together with it' – 1 Cor 12:26.

'A population that does not take care of the elderly, and of children and the young has no future, because it abuses both its memory and its promise' –

Pope Francis.

'Where is your brother or sister? What did you do? How did you defend him or her? In what way did you protect him or her? What was your response? The cry of the weak, used, and abused continues to cry out to heaven, and it resounds in our ears and in our soul' - Alejandro Moral Anton, Prior General OSA.

'The best results and the most effective resolution that we can offer to the victims, to the People of Holy Mother Church and to the entire world, are the commitment to personal and collective conversion, the humility of learning, listening, assisting and protecting the most vulnerable' Alejandro Moral Anton, Prior General OSA.

Table of Contents

1. Introduction	3
2. Safeguarding Commitment Statement	3
3. Purpose and Scope	4
4. Leading and Promoting a Safeguarding Culture	5
5. Identifying and Managing Risks	8
6. Recruiting Safe and Suitable People	8
7. Providing Safeguarding Training and Support.....	9
8. Requiring and Upholding Appropriate Standards of Behaviour	9
9. Identifying and Responding to Safety Concerns.....	10
10. Responding to Complaints	17
11. Record Keeping and Information Sharing	18
12. Confidentiality and Privacy	18
13. Review of Safeguarding Policy and Related Documents	18
Glossary	19

1. Introduction

The work of the Order of St Augustine in the Province of Australasia ('the Order') is underpinned by a love of Jesus Christ, a commitment to the Gospels, and an ongoing development of interiority and prayerfulness in community. We seek to live together in accordance with the charism of St Augustine 'in unity of heart and mind on the way to God'.

The Order is a religious order of priests and brothers within the Catholic Church. Our ministry extends to education, parishes, and justice and peace, and we are responsible for overseas ministry in Thailand, Korea and Vietnam.

The Order understands that it holds a privileged position of trust in the community. We are committed to providing a safe, inclusive and supportive environment which respects and upholds the human rights and dignity of all people.

The Order acknowledges that we are well placed to recognise people in our community who are particularly at risk and in need of care and support. We welcome them into our community.

2. Safeguarding Commitment Statement

The Order's 'Commitment to Safeguarding' is a document that is displayed in each Augustinian House and Community. It reads as follows.

'The Order of St Augustine in Australasia' is committed to fostering communities of safety and care for all people, especially for children and others in the community who are vulnerable. Our commitment is underscored by our faith in Jesus Christ who teaches the fundamental sanctity of each human person, and by our dedication to sustained education, practice, and conversation about our moral, legal, and spiritual obligation to safeguard all those within the community.

We seek to uphold the dignity of all children and vulnerable adults and this will be achieved through adherence to Gospel values, and the teachings of St Augustine as every member of our community strives to be a person who:

1. **Wants** our children to be safe, to grow and to flourish, and have zero tolerance to any attitude and activity that makes children less than safe;
2. **Acts** with integrity, humility and sincerity, being truthful and open-hearted, and accountable and transparent, throughout our community;
3. **Shows** care for the rights of all people who are supported by Augustinian policies, procedures and systems that are clear, accessible, and compliant;
4. **Leads** by a constant commitment to raising awareness, education, professional development, and supervision;
5. **Listens** to others with an open heart and mind, and responds well so that concerns and risks may be identified early and addressed;
6. **Reaches** out with compassion to all who have experienced hurt in our community, restoring relationships and building hope through support, acknowledgement and just redress;
7. **Communicates** openly and honestly so that there is a clear articulation and demonstration of expectations, standards, structures and processes for Safeguarding, and responds to complaints in an active and timely manner;
8. **Engages** the knowledge and experience of the wider community so that through dialogue and collaboration we can contribute to growth in the safety and wellbeing of our communities.

It is incumbent on each of us to help to protect one another. We are called to act and speak out for the protection of all.

Fr Peter Jones OSA
Prior Provincial
February 2020

Fr David Austin OSA
Co-ordinator, Professional Standards
February 2020

3. Purpose and Scope

The purpose of this policy is to provide information and guidance about how the Order will prevent, identify and respond to abuse and harm towards children and adults at risk. It is approved and endorsed by the Order's Provincial Council.

Definition of Children

Children are people under the age of 18. The Order does not provide services or activities that involve directly working with children but may have incidental contact with children through activities eg. home visiting, children accompanying parents to church services, visiting schools, youth programs etc.

Definition of Adults at Risk

Adults at risk are people aged 18 and over who are at increased risk of abuse, including those who:

- are elderly
- have a disability
- have a mental illness
- have diminished capacity
- have cognitive impairment
- are experiencing transient risks eg bereavement, relationship breakdown, domestic or family violence, homelessness
- have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation.

Whilst taking care to not make assumptions or generalisations about individuals, we recognise that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, eg:

- being Aboriginal or Torres Strait Islander
- being a refugee or migrant
- diverse gender or sexuality
- speaking a first language other than English
- the existence of a power imbalance
- experience of living in out-of-home care
- surviving sexual abuse or child abuse

The Order may have contact with adults at risk through its **parish**, pastoral, community outreach and justice and peace services.

The Safeguarding Policy applies to all personnel, including religious fathers and brothers, priests, interns and trainees, employees, volunteers, consultants, and contractors engaged by The Order. It covers all aspects of service provided by the Order in any location.

The policy complies with the Australian Catholic Safeguarding Limited Standards (the Standards), which outlines requirements for Catholic entities across Australia to promote the safety of children and adults at risk through implementing policies and activities to prevent, respond to and report concerns regarding abuse and harm.¹ The policy also reflects relevant safeguarding legislation in NSW, Qld and Vic.

The Safeguarding Policy is supported by and should be read together with the following related documents, which provide additional guidance, including procedural checklists and templates:

- Safeguarding Commitment Statement
- Code of Conduct (Edition 2)
- Risk Management Policy
- Complaint Handling Policy
- Privacy Policy
- Recruitment Policy

Nothing in this policy affects the expectations outlined in other relevant Church documents or in civil law.

4. Leading and Promoting a Safeguarding Culture

The Prior Provincial (reporting to the Provincial Council) is ultimately responsible for ensuring the Order is a safe environment for children and adults at risk. The Professional Standards and Administration Manager, reporting to the Prior Provincial, has governance and compliance responsibility.

The Prior Provincial has authority for handling child protection and adult safeguarding matters. Information sharing is encouraged amongst all in the Order for consistent promotion and standardisation of best practice approaches to safeguarding.

The Prior Provincial has established a Safeguarding Committee (appointed and approved by the Provincial Council) in accordance with the requirements of the Standards, comprising experts in safeguarding, organisational culture and structure, policy development, governance, compliance and reporting, which is responsible for overseeing the effective ongoing implementation of safeguarding practices, policies and procedures.

The day-to-day safeguarding work of the Order is led and managed by the Professional Standards and Administration Manager.

The Prior Provincial will lead and promote a safeguarding culture by:

- personally upholding and modelling a standard of behaviour consistent with relevant Church documents and civil law

¹ The Standards are based on the child safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse but include additional 'core components.'

- promoting the Australian Catholic Safeguarding Standards
- prominently publishing and displaying the Safeguarding Commitment Statement and making sure the Safeguarding Policy, Code of Conduct and Complaint Handling Policy are readily available to personnel and the broader community
- identifying and taking opportunities to promote whole of community awareness of the dignity and rights of children and adults at risk, and to champion and model safeguarding within the Order's community and more broadly (where appropriate)
- promoting an inclusive, respectful and responsive approach to the diverse needs of children and adults at risk
- paying particular attention to the needs of children and adults who may be at increased risk of abuse, discrimination or exploitation
- taking all possible steps to ensure that only people who are safe and suitable to have contact with children and adults at risk are engaged by the Order
- empowering all personnel to take responsibility for safeguarding and providing opportunities for them to have input into improving safeguarding practices
- encouraging people to bring forward concerns or complaints about the safety of children or adults at risk (including disclosures of current or historical abuse) and providing appropriate processes by which to do so, including processes that are suitable for children and people with diminished capacity and/or cognitive impairment
- responding to disclosures and complaints in a manner that is transparent, respectful, fair and accountable
- working with survivor advocacy and support groups, where appropriate, to recognise past wrongs where these have occurred and build a safe, inclusive and supportive faith environment
- welcoming and facilitating dialogue with and feedback from the Order's community, including children, adults at risk and outside experts, about our safeguarding approach, including when reviewing safeguarding policies and procedures
- ensuring the Order complies with all relevant statutory and legislative requirements
- actively monitoring compliance with the Safeguarding Policy and Australian Catholic Safeguarding Standards, undertaking annual local self-assessment checks and making publicly available the findings of any audits or reviews undertaken or validated by Australian Catholic Safeguarding Limited.

The Safeguarding Commitment Statement, Safeguarding Policy, Code of Conduct, Complaint Handling Policy, Risk Management Policy and Recruitment Policy will be published on the Order's website. At least once a year, the documents will be proactively communicated to all personnel involved in the Order via an email reminder. Safeguarding policies and procedures will be regularly reviewed and the findings of the reviews will be reported to stakeholders.

The Prior Provincial will ensure that the Order reports any safety concerns about children or adults at risk to the appropriate authorities. The processes by which safety concerns will be reported are outlined in section 9 of this policy and include:

- reporting possible criminal offences (including historical allegations of child abuse) to Police

- making a mandatory child protection report to the relevant state statutory authority – (in NSW – ‘Department of Communities and Justice’: in Qld ‘Department of Children, Youth Justice and Multicultural Affairs’: in Victoria ‘Department of Justice and Community Safety’).
- making a notification of reportable conduct to the relevant state statutory authority – (to the NSW Office of the Children’s Guardian; in Victoria The Commission for Children and Young People (CCYP)).
- reporting safety concerns for older people or people with disability to the Aged Care Quality and Safety Commission, NDIS Quality & Safeguards Commission, and to the relevant state statutory authority: (in NSW – the ‘NSW Ageing and Disability Commission’: in Queensland ‘Queensland Ageing and Disability Services’ (QAADS) and in Victoria ‘Disability Services Commissioner’).

Safeguarding Implementation Plan

The Order will monitor compliance with the Safeguarding Policy and continual improvement of its safeguarding practices through the Safeguarding Implementation Plan² constituted by the following:

- Safeguarding will be a standing agenda item of the Safeguarding Committee and the Provincial Council to ensure regular discussion of the following:
 - opportunities to promote safeguarding within the organisation
 - relevant legislative or statutory changes
 - reviewing/updating the Safeguarding Policy and/or related documents
 - safeguarding training and support for personnel
 - trends in complaints about the safety of children or adults at risk (without breaching privacy or jeopardising ongoing complaints), and
 - any other relevant matters related to safeguarding.
- The below safeguarding responsibilities are delegated to the Professional Standards and Administration Manager:
 - maintaining knowledge of current legislation, statutory and other guidance in relation to safeguarding and ensuring these are reflected in the Safeguarding Policy and related documents
 - acting as a contact person for anyone in the Augustinian community who has questions about safeguarding or concerns about the safety of children or adults at risk
 - ensuring the Safeguarding Policy, Code of Conduct, Risk Management Strategy and Complaint Handling Procedures are regularly reviewed by the Order according to the specified timeframes in each document
 - monitoring the currency of Working with Children Checks and other relevant background checks held by personnel

² The safeguarding implementation plans means a plan which articulates actions to be taken across the entity to ensure safeguarding practices are in place. It includes actions, strategies, responsibilities and delegations and tracks review and progress. It is overseen by the Safeguarding Committee.

- monitoring participation by personnel in safeguarding training according to the designated schedule
- regularly reviewing complaints to identify systemic issues related to safeguarding, and improving policies and practices as needed, and
- engaging with other relevant organisations and seeking specialist advice about safeguarding good practice, as necessary.

The Professional Standards and Administration Manager's contact details will be provided to families, carers and the Order's community.

The Professional Standards and Administration Manager retains overall responsibility for the Safeguarding Implementation Plan.

5. Identifying and Managing Risks

The Order has appropriate processes in place to identify and manage risks to the safety and wellbeing of children and adults at risk. These processes are documented in the Risk Management Policy Strategy.

The Risk Management Policy aims to ensure the realisation of its mission through an open, risk aware culture and compliance with all relevant statutory and best practice requirements in the following areas.

(a) Workplace health and safety (WH&S) and building and maintenance codes for all Order owned/occupied buildings.

(b) physical and mental welfare of members, lay staff, children and vulnerable persons involved with the Order's activities.

(c) Asset management, financial management, insurance programs, IT management and infrastructure and social media.

As part of their initial safeguarding induction and refresher training, personnel will be familiarised with the Risk Management Policy and their related responsibilities. The Professional Standards and Administration Manager (reporting to the Prior Provincial) has overall responsibility for ensuring implementation and compliance with the Risk Management Policy.

6. Recruiting Safe and Suitable People

The Order is committed to recruiting and engaging people who are safe and suitable to have contact with children and adults at risk. The Order is also committed to ensuring that existing personnel understand their safeguarding responsibilities and are safe and suitable to have contact with children and adults at risk. A 'Code of Conduct' is required to be signed by all Order personnel.

The processes in place to support safe recruitment and engagement of lay personnel is detailed in the Order's 'Recruitment Policy'. The Order's 'Ratio Institutional' and 'Plan of Formation' sets out the formation process for individuals seeking to be priests within the Augustinian Order.

7. Providing Safeguarding Training and Support

All Order personnel will participate in the Augustinian Training and Induction Course, as soon as possible after commencement. Following the induction, Members will undertake regular community safeguarding discussion arranged and organised by the Community Prior. In addition, Members working in either parishes or colleges will be required to undertake training provided by their Diocese or college.

As part of the Augustinian Training and Induction Course, all personnel will be provided with training that empowers them to understand and implement their safeguarding responsibilities. At a minimum, the training will cover:

- Safeguarding Policy and Code of Conduct
- providing a culturally safe environment in which diverse circumstances and experiences are respected
- the nature, factors and impact of institutional abuse of children and adults, including abuse of power, exploitation and grooming
- understanding risk factors and managing risks to children and adults
- understanding abusive behaviours by a child towards another child
- e-safety
- responding to disclosures of abuse
- civil (Commonwealth, state and territory) and Canonical reporting obligations
- complaint handling, and
- information sharing and record keeping.

Refresher safeguarding training will be provided to personnel at least every three years.

The Professional Standards and Administration Manager is responsible for keeping records of participation in initial and refresher safeguarding training.

8. Requiring and Upholding Appropriate Standards of Behaviour

The Order expects all personnel to uphold the human rights, dignity and well-being of all people and safeguard children and adults at risk from abuse and harm.

Personnel will be provided with ongoing supervision and support to meet their safeguarding responsibilities. Annual performance reviews for personnel will include responsibilities for safeguarding children and adults at risk relevant to their role.

Code of Conduct

All personnel must comply with the Order's 'Code of Conduct'. The Code provides clear information about the kinds of conduct towards children and adults at risk that are not acceptable, ranging from concerning behaviour that may be a breach of the Code, to behaviour that may also amount to a criminal offence if proven.

9. Identifying and Responding to Safety Concerns

The Order strives to effectively identify and respond to concerns about the safety of children or adults at risk at the earliest opportunity. While the Prior Provincial has ultimate responsibility for ensuring the Order identifies and responds to safety concerns, at a practical level this responsibility is shared across the organisation.

During initial and refresher safeguarding training, personnel will be provided with information and equipped with skills to identify safety concerns and potential indicators of abuse or harm; support children and adults at risk to express safety concerns; handle disclosures and meet their internal and external reporting obligations.

The Order's response to concerns about the safety of children or adults at risk will be decisive, timely and consistent with policy and legislative obligations. The safety and care of children and adults at risk will be the primary consideration. The principles of procedural fairness and natural justice will also be adhered to at all times.

Concerns About Children

Concerns about the safety of children may involve the following:³

- **Sexual abuse:** an offence of a sexual nature (under any state, territory or Commonwealth law) committed against, with or in the presence of a child.
- **Physical abuse:** a non-accidental injury or pattern of injuries to a child or young person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.
- **Emotional abuse or psychological harm:** behaviour (such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour) that damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma. In general, it is the frequency, persistence and duration of the behaviour that is instrumental in defining the consequences for the child or young person.
- **Neglect:** when a parent or caregiver cannot regularly give a child the basic things needed for his or her growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision, and enough parenting and care.
- **Ill-treatment:** when a parent or caregiver engages in conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel, eg making excessive or degrading demands, engaging in a pattern of hostile or degrading comments or behaviour, or using inappropriate forms of behaviour management.

Concerns About Adults

Identifying risks to the safety of adults can be challenging. An adult's vulnerability may not always be readily apparent, and indicators of abuse or harm towards adults at risk may be more difficult to recognise. The right of adults to make their own choices and decisions, and the circumstances in which they may have diminished capacity to do so, are also relevant considerations.

³ Adapted from <https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect> and https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Identifying_reportable_allegations.pdf.aspx?Embed=Y

An inclusive, compassionate approach to adults at risk can provide valuable opportunities not only to provide care and support, but also observe and identify any safety or other concerns and connect them with relevant professional services. Personnel will not be dissuaded from seeking to identify, engage and build connections with adults at risk, nor be too 'quick to judge' others who do so. However, personnel should be alert to risks and seek advice as required.

Concerns about the safety of adults at risk may relate to the following:⁴

- **Financial abuse**
 - threatening or coercing re: assets or wills
 - taking control of the person's finances against their wishes and denying access to their own money
 - abusing Powers of Attorney
 - stealing goods, eg. jewellery, credit cards, cash, food, and other possessions
 - unauthorised use of banking and financial documents
 - the recent addition of a signature on a bank account
- **Psychological abuse**
 - pressuring, intimidating or bullying
 - name calling, and verbal abuse
 - treating the adult person like a child
 - threatening to harm the person, other people or pets
 - threatening to exclude a person from an environment or a practice without just cause
 - engaging in emotional blackmail such as threatening to withdraw access to grandchildren, family, friends, services, telephone or placement in an aged care facility
 - preventing contact with family and friends, or denying access to the phone or computer
 - withholding mail
 - preventing a person from engaging in religious or cultural practices
 - moving the person far away from family or friends.
- **Neglect**
 - failure to provide basic needs, ie. food, adequate or clean clothing, heating, medicines
 - under- or over-medicating
 - exposure to danger or lack of supervision, such as leaving the person in an unsafe place or in isolation
 - refusal to permit others to provide appropriate care.
- **Physical abuse**
 - pushing, shoving, or rough handling

⁴ NSW Ageing and Disability Commission <https://www.ageingdisabilitycommission.nsw.gov.au/tools-and-resources>

- kicking, hitting, punching, slapping, biting, and/or burning
- restraining: physical or medical
- locking the person in a room or home or tying to a chair or bed
- intentional injury with a weapon or object
- overuse or misuse of medications.
- **Sexual abuse**
 - an offence of a sexual nature (under any state, territory or Commonwealth law) committed against an adult.

Concerns about adults at risk may also relate to ‘transient risks’ due to life circumstances or experiences such as:

- relationship breakdown
- bereavement
- experience of domestic or family violence
- homelessness
- mental illness
- unemployment
- dependency on alcohol or other substance
- pregnancy/early parenthood

Safeguarding training for personnel will include the identification of ‘transient risks’ and additional support needs.

Handling Disclosures

Disclosures of abuse or harm may be received directly or indirectly. A direct disclosure is one by a child or adult who discloses current or previous abuse or harm (including historical abuse experienced as a child). An indirect disclosure is when a third person (child or adult) discloses that a child or adult has experienced current or previous abuse or harm (including historical abuse experienced a child).

The Order will ensure that all personnel are advised what they should do if they receive a disclosure of abuse.

The majority of personnel such as a receptionist, administrative or financial staff, should write down the person’s name and contact details and advise them that a person will contact them shortly, providing a name if possible. The person then needs to contact the relevant person with, provide the information collected and ask them to contact the person who disclosed as soon as possible.

All personnel engaged to work directly with children or in leadership or in safeguarding of professional standards receives a disclosure of abuse or harm, they should:

- listen calmly, patiently and supportively, letting the person use their own words
- let the person know they are doing the right thing by speaking up
- address any concerns the person has about their safety, especially if they are worried about the consequences of disclosing

- explain what the next steps will be, including that they may need to tell certain other people about the disclosure to keep the person and others safe, but that the information will otherwise be treated confidentially, and
- ask the person what they need to feel safe and involved in the process for responding to their disclosure.⁵

Reporting Obligations

Any person engaged by the Order who becomes aware of a concern about the safety of a child or adult at risk, whether by a direct or indirect disclosure or any other means, must report it as soon as practical to the Prior Provincial.

If the concern relates to the Prior Provincial, it must be reported to the First Provincial Counsellor. Those required to make report under legislation, policy or pursuant to any other requirement (reporters) may also contact the National Executive Director, CRA, for general guidance.

The report should include all known information such as the nature of the allegation; when and where it occurred; the subject of the allegation and the alleged victim.

It is not the reporter's role to interview any person or investigate the concern. Under no circumstances should the reporter ask a person for further details or ask leading questions – this has the potential to interfere with the disclosure and may jeopardise any future criminal proceedings that may arise as a result of an investigation. However, the reporter should obtain basic details to assess the person's immediate safety.

Except for the purpose of meeting their reporting obligations, the reporter will treat the matter in strict confidence.

The Prior Provincial will provide advice and guidance on how the matter should be handled, including whether the conduct is 'reportable' and external authorities need to be notified (see below). The Prior Provincial may also contact the National Executive Director, CRA, the Order's lawyers, or persons connected to the Order with skills and experience in child abuse and safeguarding matters for general guidance about external reporting obligations.

Concerns About Children

Reporting criminal conduct to Police: Conduct towards a child/children which may be a criminal offence if proven will be reported to Police as soon as possible (and before making a mandatory child protection report). The Professional Standards and Administration Manager is responsible for ensuring that the Police report is made.

Criminal Offences

Criminal offences may include:

- **An offence of a sexual nature** (under any state, territory or Commonwealth law) committed against, with or in the presence of a child, eg:
 - sexual touching

⁵ Adapted from *Complaint Handling Guide: Upholding the rights of children and young people*, p40, National Office for Child Safety.

- sexual assault
- aggravated sexual assault sexual intercourse and attempted sexual intercourse
- production/dissemination/possession of child pornography using children to produce pornography
- filming the private parts of a person without their knowledge
- grooming or procuring children under the age of 16yrs for unlawful sexual activity
- sexual activity deemed non-consensual on the basis of special care relationships
- **Assault:**
 - the intentional or reckless application of physical force without lawful justification or excuse, or
 - any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence.
- **Neglect:** Failure by a person with a legal duty of care to provide the necessities of life that causes death, serious injury or the likelihood of serious injury.
- **Failing to protect a child from abuse:** An adult working in an organisation doing child-related work will commit an offence if they know another adult working there poses a serious risk of abusing a child (under 18 years), and they have the power to reduce or remove the risk, and they negligently fail to do so.
- **Concealing a child abuse offence:** All adults are required to report information to the Police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused, unless they have a 'reasonable excuse'. A 'reasonable excuse' is defined by the relevant criminal legislation.

Reporting Children at Risk of Harm: ~~[Adjust for relevant jurisdiction including reporting threshold]:~~ Where there are reasonable grounds to suspect that a child or young person or a 'class of children' is at '~~risk of harm~~' or '~~risk of significant harm~~' 'risk of harm' or 'risk of significant harm' a report will be made to the relevant state statutory child protection authority.

The Prior Provincial is responsible for determining if a child protection report is required and if so, ensuring that the report is made. However, this responsibility does not prevent any Order personnel from immediately making a child protection report.

A mandatory reporter has a duty to report, as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of harm. Mandatory reporters are legally protected against retribution for making or proposing to make a report.

Notifying Reportable Conduct:

The Prior Provincial must notify the relevant state statutory authorities if he receives a report or becomes aware of a reportable allegation or reportable conviction against any Order personnel [or relevant contractors] delivering services to children.

The notification must be made within 7 Business days of the Order becoming aware of the allegation.

The Church Authority must also investigate the reportable allegation and provide appropriate reports within the time frames set by relevant state statutory authority (in NSW Office the Children’s Guardian: in Victoria The Commission for Children and Young People (CCYP)).

Both the Prior Provincial and Professional Standards and Administration Manager are responsible for determining if a notification of reportable conduct is required and if so, ensuring the notification is made.

Definition of Reportable Allegation/Reportable Conviction

A reportable allegation is an allegation that a worker has engaged in conduct that may be reportable conduct as defined by relevant state statutory authorities.

Reportable conduct is:

- a sexual offence
- sexual misconduct
- ill-treatment of a child
- neglect of a child
- physical violence or an assault against a child
- an offence under section 43B or 316A or the Crimes Act 1900,
- behaviour that causes significant emotional or psychological harm to a child.⁶

NB: Reportable conduct covers the conduct of personnel towards children both in their personal and professional life.

The Prior Provincial must conduct an investigation or arrange for an investigation to be conducted. The Order’s report must be provided to the relevant state statutory authority within the state authorities time frames set after the Prior Provincial receiving the reportable allegation.

The investigation report must include information about the facts and circumstances of the reportable allegation, the findings made by the Prior Provincial, and an analysis of the evidence and the rationale for the findings.

The Prior Provincial can seek guidance from the National Executive Director, CRA, the Order’s lawyers or persons connected to the Order with skills and experience in child abuse and safeguarding matters about meeting their reportable conduct obligations, including the engagement of an independent investigator.

Historical Child Abuse

Where the Order becomes aware of an allegation of historical child abuse (abuse experienced by a child who is now an adult), it will take the following steps:

⁶ Definitions of ‘Reportable Conduct’ sourced from Part 4, *Children’s Guardian Act 2019* and ‘What is Reportable Conduct’ from Victorian Commission for Children and Young People website.

- A child protection/risk of harm report will be made to the relevant state statutory authority if there are grounds for suspecting that a child or class of children are at current risk of harm (eg. because an alleged offender has current access to children).
- A report will be made to Police in the following circumstances:
 - ⊖ If the Order knows or believes that a child under 18 years has been abused (sexual abuse, serious physical abuse or extreme neglect of a child) or knows or believes that they have information that might materially assist in securing the apprehension, prosecution or conviction of the offender, unless there is a 'reasonable excuse' for not reporting to Police. A (Refer 316A(1) and (2) of the Crimes Act 1990).
 - If the Order knows that an adult working at the Order poses a serious risk of abusing a child (sexual or serious physical abuse).

The Prior Provincial, or if delegated to, the Professional Standards and Administration Manager is responsible for ensuring that a child protection/risk of harm and/or Police report is made, if required, in response to a historical child abuse matter in accordance with legislative requirements.

Concerns About Adults at Risk

The Prior Provincial is responsible for assessing if a concern about the safety of an adult at risk should be reported to an external agency such as Police, a health service or adult safeguarding agency. The assessment will have regard to:

- legislative requirements
- whether an alleged offender is employed or engaged by the Order
- the views and wishes of the involved adult
- any diminished capacity on the part of the involved adult to make an informed decision
- the seriousness of the concerns, and
- any potential or actual risks to other children or adults.

NB: For information about how concerns are handled relating to the protection of adults at risk which are covered by independent oversight and regulatory arrangements, see the relevant agency's safeguarding procedures.

Criminal Offences

Where the concerns involve a potential criminal offence (eg. physical or sexual assault) by a person engaged by the Order, a report will be made to Police as soon as possible. Where the concerns involve a potential criminal offence by any other person, the Prior Provincial will offer to source the support for the alleged victim to report the matter to Police. In circumstances where we identify that the alleged victim has diminished capacity to make an informed decision about whether to report the matter to Police, the Order will do so on their behalf. The Prior Provincial is responsible for ensuring that the Police report is made.

Safety Concerns about Older People or People with Disability

Several cohorts of adults at risk are covered by legislative schemes and regulatory/oversight bodies, these include:

- Safety concerns for an adult in an aged care facility, respite and day care service or support services delivered in the home should be reported to the Aged Care Quality and Safety Commission
- Safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service should be reported to the NDIS Quality & Safeguards Commission
- Safety concerns that relate to the abuse, neglect or exploitation of an adult with disability or older person living in their home (conduct by a member of the person's family, other informal supports, or members known to them from the community) should be reported to state statutory authorities (refer Point 4). The Prior Provincial is responsible for ensuring that a report about the safety of an older person or person with a disability is made, if required.

Concern that an Adult at Risk May Harm Themselves or Any Other Person

In an emergency, the Order will contact Police if there is concern that an adult at risk may harm themselves or another person.

Other Concerns About Adults at Risk

Where appropriate, the Order may seek specialist advice and/or provide referrals to other agencies that can provide support to adults at risk.

Responding to Complaints

The Order seeks to empower people to communicate their concerns and complaints without fear of retribution. The Order understands that speaking up requires courage and will respond with respect and compassion. The Order will try to resolve concerns and complaints as efficiently and effectively as possible.

Complaint Handling Policy

The Order has a robust system for receiving, recording, managing, resolving and monitoring complaints, including disclosures or allegations of current or historical abuse towards children or adults. These processes are documented in the Complaint Management Policy.

The Order will ensure that the processes are communicated in ways that are appropriate and accessible to the diverse needs of our community, including children and adults with diminished capacity/cognitive impairment.

Complaints will be dealt with in a trauma-informed and victim-centred manner that is respectful to both complainant and respondent; prioritises the safety and wellbeing of children and adults at risk; and observes the principles of procedural fairness. Where necessary and appropriate, the Order will cooperate with other relevant organisations and seeks specialist advice in resolving complaints, including but not limited to Police, child protection authorities, and authorities responsible for safeguarding people with disability and/or older people.

As part of their initial and refresher safeguarding training, personnel will be familiarised with the Complaint Management Policy and their related responsibilities.

10. Record Keeping and Information Sharing

The Order is committed to appropriate and lawful record keeping, storage and sharing of information related to children and adults at risk. We recognise that record-keeping and information sharing is a key part of both risk management and privacy strategy – refer ‘Other Information-Safeguarding’ in the Order’s General Privacy Policy.

11. Confidentiality and Privacy

The Order will maintain current knowledge of, and comply with, our legislative obligations to maintain confidentiality and protect personal information and privacy.

Information and records relating to incidents, complaints, responses and decisions will be treated as confidential except where the sharing or distribution of information and/or records is mandated by statutory requirements or principles of natural justice. In this regard, if the complaint involves conduct that is serious and/or potentially criminal, any legal obligations to report relevant information to bodies such as the Police or child protection services will over-ride confidentiality, or to other prescribed bodies.

In addition, in certain circumstances the obligation to be fair to the subject of a complaint may completely or partially override confidentiality. The Order will seek to balance fairness and confidentiality requirements and, as far as possible, safeguard the interests of all parties.

When determining what information to release relating to a complaint record, the Order will be mindful of privacy and confidentiality obligations concerning the release of personal information about other individuals, such as a subject of the complaint.

12. Review of Safeguarding Policy and Related Documents

The Safeguarding Policy and related documents will be updated as required and reviewed at least every three years. The Order will consult stakeholders as part of reviewing the Safeguarding Policy and related documents. The outcomes of each review will be documented.

Relevant legislation

- Crimes Act/Code
- Child Protection Legislation
- Reportable Conduct legislation
- Working with Children Check legislation
- National Disability Insurance Scheme Act 2013 and related Rules,
- Aged Care Quality and Safety Commission Act 2018 and the Aged Care Act 1997

The content of the Safeguarding Policy will be reviewed whenever a breach is identified and at least every three years. The Professional Standards and Administration Manager is responsible for ensuring the review is completed.

Augustinian Professional Standards Policy	Provincial Council approval of 'Augustinian Professional Standards Policy' (for CPSL Audit in Nov '20).	PC March 2020
Safeguarding Policy reviewed	Implementation of 'CRA model' Safeguarding Policy' following release of ACSL standards Ed 2.	Oct '23

Glossary

Adults at risk	<p>Adults at risk are people aged 18 and over who are at increased risk of abuse, including those who:</p> <ul style="list-style-type: none"> ▪ are elderly ▪ have a disability ▪ have a mental illness ▪ have diminished capacity ▪ have cognitive impairment ▪ are experiencing transient risks, eg. bereavement, relationship breakdown, domestic or family violence, homelessness ▪ have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation. <p>Whilst taking care to not make assumptions or generalisations about individuals, we recognise that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm,</p>
Allegation	A complaint, still to be verified, claiming or asserting that someone has committed an act of abuse against a child. The term is used interchangeably and in combination with "complaint".
Child/ren	Individuals under 18 years of age.
Child abuse	There are different legal definitions of child abuse in Australia. Most commonly, the categories of child abuse include sexual, physical, psychological, neglect, ill-treatment, exploitation and exposure to family violence.
Clergy	The body of those ordained in sacred ministry in the Church. They are either deacons, priests or bishops.
Complainant	Any person who makes a complaint that may include any allegation, suspicion, concern, or report of a breach of the entity's Code of Conduct. It also includes disclosures made to an institution that may be about, or relate to, abuse in the entity's context.

Disability	Means those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. (<i>Article 2, United Nations Convention on the Rights of Persons with Disabilities</i>)
Diverse gender or sexuality	Diverse gender or sexuality refers to all the diversities of sex characteristics, sexual orientations and gender identities, without the need to specify each of the identities, behaviours, or characteristics that form this plurality.
Formation/formation program	A program preparing individuals for ordination or profession of vows as well as a life-long journey to the invitation of Christ to proclaim and live the Gospel message within the life of the Church (National Catholic Safeguarding Standards definition).
Leaders	Personnel who are responsible for important governance decisions within a Church entity and/or who lead and coordinate Church improvement initiatives.
Ministry	Any activity within, or delivered by, an entity that is designed to carry out the good works of the Catholic Church.
Personnel	This includes religious brothers, sisters and clergy, employees, volunteers, contractors (and others) engaged by the Church Authority to provide services to children and adults at risk.
Religious Institute	An institute of consecrated life, a secular institute or society of apostolic life, and their provinces or equivalent.
Safeguarding	Measures to protect the safety, human rights and well-being of individuals, which allow people – in this context children – to live free from abuse, harm and neglect.
Safeguarding Committee	A committee established to advise and support the Church Authority on all matters relating to safeguarding, including the development and implementation of a Safeguarding Implementation Plan and coordination of annual self-audits at a local level. Committee members need relevant and varied professional expertise in relation to, but not limited to safeguarding, child protection, organisational culture and structure, policy development, and need to include lay women and men.
Safeguarding Commitment Statement	A commitment statement describing an entity’s commitment to keep all, especially children and adults at risk, safe from harm. It informs the entity’s culture with respect to safeguarding.
Safeguarding Coordinator	An individual who champions safeguarding and co-ordinates the implementation of the National Catholic Safeguarding Standards within an entity.

<p>Safeguarding Implementation Plan</p>	<p>A documented plan which articulates actions to be taken across the entity to ensure safeguarding practices are in place. It includes actions, strategies, responsibilities and delegations and tracks review and progress. It is overseen by the Safeguarding Committee.</p>
<p>Seminary</p>	<p>A centre for the formation and education of candidates preparing for ordination.</p>
<p>Supervision</p>	<p>A forum for reflection and learning, an interactive dialogue between at least two people, one of whom is professionally trained as a supervisor. The dialogue shapes a process of review, reflection, critique and replenishment for personnel. Supervision is a professional activity in which personnel are engaged regardless of experience or qualification.</p> <p>Supervision assists personnel in their accountabilities for professional standards (including in relation to maintenance of professional boundaries), defined competencies for their role and understanding and implementation of organisational policy and procedures.</p> <p>For clerics and religious, professional/pastoral supervision assists in the maintenance of boundaries of the pastoral relationship and enhances the quality of their ministry. A cleric/ religious’ commitment to conscious and critical reflection on their ministry and ministry experiences is recognised as being important for the wellbeing of the cleric/religious, the people with whom they exercise ministry, the wider Church and the community.</p>
<p>Working with children check</p>	<p>Generic term used in the Standards to denote the statutory screening requirement for people who work or volunteer in child-related work. There is no single national framework setting out requirements for ‘working with children’ checks. Each state or territory in Australia has its own name, procedures and differences in scope regarding what this type of check entails. They are one part of a Church entity’s recruitment, selection and screening processes.</p>