

STANDARD 8



Safe physical and online environments

Physical and online environments promote safety and contain appropriate safeguards to minimise the opportunity for children to be harmed

8.3.2 Where an entity becomes aware that a person (other than personnel of that entity) attending any of its services or activities (including sacramental and liturgical celebrations) is the subject of a substantiated complaint of child abuse, or has been convicted of an offence relating to child sexual abuse, the entity has in place and implements a process for assessing and managing the risks posed to children by the person's ongoing involvement in the service or activity.

Draft guidelines for managing high risk individuals and those who have had a substantiated complaint of sexual abuse against a child.

Sexual Offenders and Parish Communities

The Catholic Church, following the example of Jesus Christ, welcomes all people. There is also an obligation for all of the faithful to attend the celebration of the Eucharist on Sundays.

However, there are some people who pose a risk to the safety of other parishioners, especially children and vulnerable adults.

“Sexual offenders often display addictive or repetitive behaviour towards children. For this reason, however repentant a sexual offender may appear to be, there are no cast iron guarantees that they will not reoffend. Even if the offender has undergone treatment or received prayer ministry, they should not be assumed to be safe.”

Help... Sexual Offenders and Church Attendance, Churches Child Protection Advisory Service, UK, 2005 (Revised 2010)

It is essential for Church Authorities to assist parish communities to put in place effective risk management strategies that protect their community whilst allowing the offender to maintain their right to worship and receive the sacraments.

These guidelines are intended to assist Church Authorities who face the situation where a known sex offender has expressed a wish to attend or continue to attend parish mass and/or liturgies. This includes home masses and liturgies.

The guidelines are not intended to isolate or discriminate against any individual but rather set in place protective boundaries in the parish environment for the safety of the whole parish congregation, especially children.

Key principles

- Church Authorities have a primary responsibility to provide an environment where all members of the parish congregation and visitors are safe and protected from harm.
- The protection of children and other vulnerable people should always take priority over the inclusion of known offenders in congregations.
- Only offenders assessed to have a low risk of recidivism should be considered for inclusion in the congregation.



- Effective risk assessment and management requires gaining the consent and full cooperation from offenders.
- Ultimately, the decision and responsibility for the inclusion of a known sex offender in a parish congregation rests with the Church Authority with the support of the Parish Priest.

The possible inclusion and supervision of known offenders who wish to join or rejoin a parish or church organisation raises the difficult question of how to balance the welfare of the offender with the needs of the wider church community, especially the welfare of children and primary and secondary victims of abuse. The response to and welfare of offenders needs to be secondary to the safety and wellbeing of children with a considered view of the risk offenders pose.

Those offenders who represent a low risk to children and/or vulnerable adults should be monitored closely and strict boundaries placed on their movements and behaviour within the church setting. As such, an individual risk assessment and safety agreement needs to be carefully undertaken and managed by the Church Authority with direction and support from professionals with expertise in child protection, risk management of offenders and knowledge of jurisdictional legislation.

Overview of Risk Management

1. Process for the Church Authority
2. Process for the parish priest
3. Safety Agreement - Sample

The *'Process for the Church Authority'* outlined in the following pages is considered to be a management plan to assist the Church Authority in assessing and mitigating risk. It is expected that the Church Authority would be guided by his safeguarding/professional standards/risk management officer and work in close collaboration with the parish priest.

In addition *'The Process for the parish priest'* outlines the specific roles and responsibilities of the parish priest when presented by a known sex offender wishing to attend mass in his parish.

The *'Safety Agreement - Sample'* provided in this document will need to be consistent with legislative requirements and any parole conditions placed on the offender. Where there is any conflict, the legislation and/or parole conditions will take precedence.

The Safety Agreement is not meant to be punitive but a commitment from both parties to ensure a safe church environment. By setting appropriate behavioural boundaries, the offender is assisted in mitigating risk of reoffending.



1. Process for Church Authority

(To be managed by the Church Authority with guidance from their Safeguarding/Professional Standards/Risk Management Manager)

Identification of a Known Sex Offender

The offender may self-disclose or this information may come from a variety of other sources (for example: parish priest, police, parole officer or family member).

For the purpose of these guidelines a 'known sex offender' includes:

- any person who has been convicted of a sexual offence, including grooming and child pornography;
- any person who is currently charged with a sexual offence;
- any person who is currently being investigated by Police for a sexual offence, although charges may not have been laid; and
- any person deemed to be a risk to the safety of children because of an adverse finding of sexual misconduct in a child-related workplace investigation. This finding has resulted in a 'bar' in a Working with Children Check.

Meetings

An initial meeting is organised between the offender, parish priest, parole officer (where applicable), Church Authority and/or the safeguarding/professional standards officer to explain the process and gain the person's consent and full co-operation. A diocesan nominated professional may also be nominated to provide expert guidance with regard to sex offenders.

If the offender is a member of a Religious Institute the meeting must also involve the Congregational Leader or their delegate.

Further meetings may be required to finalise safety arrangements and monitor progress.

Initial Risk Assessment

Sexual offenders often display addictive or repetitive behaviour towards children and for this reason a comprehensive risk assessment needs to be done that is individualised. It is multi-faceted and takes into account the:

- a) Individual's risk of re-offending. This takes into account the static risks which are historical and unchangeable and have to do with the person's history (past offences) and the characteristics of the offence situation (number of victims, presence of violence, etc) and dynamic risks which are changeable and relate to the current life circumstances of the individual (use of alcohol; relationship breakdown, etc.). It should be noted that even though an individual shows "a spirit filled" conversion they still may pose a risk.
- b) Situational risks of the church setting such as possible areas of proximity to children, number of children in the parish, meeting rooms for children's liturgy, etc. The Catholic Church, following the example of Jesus Christ, welcomes all people. There is also an obligation for all of the faithful to attend the celebration of the Eucharist on Sundays.
- c) Readiness of the parish and its ability to maintain a long-term plan. For example, if the risk is deemed unacceptable due to children in attendance then an alternative should be explored. This



could include seeking the help of a neighbouring church who may be in a better position to provide a safer environment. Alternatively, the parish priest may offer individual provision of the Eucharist.

In collaboration with the offender, this risk assessment should be conducted by an independent professional with expertise in risk management of known sex offenders. It may require a psychological assessment.

It is important to note risk assessment and management is a complex, dynamic and ongoing process but it cannot completely eliminate risk.

Individual Safety Agreement (Refer to sample provided)

An Individual Safety Agreement should be formed by the independent risk management professional. It will be written in accordance with the initial risk assessment and risk management strategies agreed upon by all relevant parties.

The agreement of the offender to freely commit themselves to abide by the provisions of the Safety Agreement is essential, otherwise the Church Authority has no alternative but to exclude the individual from parish property.

Risk mitigation strategies that may be considered in the Individual Safety Agreement:

- **Compliance with all Police reporting and Parole conditions**
- **Accountability partner:** an Accountability Partner accompanies him/her at all times during mass and/or liturgies
- **Onsite inspection:** delegated representative of the Church Authority inspects the site to identify and analyse the risks
- **Exclusion zones listed:** local and specific risk factors need to be considered and addressed (for example: access to sacristy, toilet or other isolated and/or secluded areas)
- **Parish priest specifies the mass time to attend:** this decision would be based on the mass that is likely to have the least number of children present. Generally, there would be no deviation to this regular mass time. If the accountability partner needs to deviate from the mass time specified for any reason the parish priest will be contacted to confirm alternative arrangements. The offender would not attend any school masses, liturgies or assemblies
- **Assigned seating:** assigned seating to be usually at the front or within view of the parish priest
- **Toilet plan:** a toilet plan needs to take into account the possibility of children being onsite during mass but not attending mass (for example: in parishes where children's liturgy is held in an outside school hall or the hall is used during mass for other children's activities)
- **Arrival and Departure:** be clear with the person about arrival and departure expectations, including agreed arrival times, not arriving early (maybe meeting the Accountability Partner offsite and arrive together), leaving the church and property at the conclusion of mass, etc
- **Voluntary positions:** the offender is not to hold any voluntary position in the parish or other ministries
- **Leadership positions:** the offender is not to hold any leadership position in the parish (for example: parish council, music co-ordination, school board, etc).



- **Parish social events:** the offender is not to attend any parish social activities (picnics, morning teas, parish/school fete), retreats, prayer groups, etc. In consultation with the parish priest and independent risk management advisor, arrangements may be made if an offender's family member is involved in the activity. Consideration would only be given if it was an adult activity where children were not present or likely to be present
- **Transport:** the offender will not provide transport to a child to and from mass or any other parish activity
- **Photographs:** the offender will not take photographs or videos of children using photographic equipment, smartphones or tablet devices on parish property.

The above list is not exhaustive and should be used only as a guide to consider possible risk mitigation strategies.

Identification of an Accountability Group

Once the offender's consent and full cooperation is gained it would be appropriate to appoint an accountability group within the parish.

An accountability group is a number of persons who agree to enter into a formalised voluntary relationship with a known sex offender and helps that person to adhere to specific agreed behaviours. The accountability group will help provide support and offer encouragement and maintain appropriate and agreed boundaries.

One of the accountability group will accompany the offender at all times during mass and/or liturgies and challenge risky behaviour.

Management by Safeguarding/Professional Standards/Risk Manager

(Including parish priest, accountability group, parish pastoral associate or appropriate parish council member)

- Regular review of Individual Safety Agreement (minimum of annually)
- This review should be conducted by the risk advisor in consultation with all relevant parties
- Report of Individual Safety Agreement review to Church Authority and parish priest
- Review meeting with offender by Church Authority, parish priest and accountability partner and risk advisor - the purpose of this meeting is to discuss applicable changes to the Individual Safety Agreement and potential concerns or breaches.

Confidentiality

In all areas there is a right to appropriate confidentiality. Although when dealing with the safety of children, it is always important to ensure open communication is available with the offender and if need be, sharing information with appropriate persons such as the police, parole officer or Church Authorities. Leaders within the parish should also be made aware of risk strategies in place to assist in ensuring boundaries are kept.

Carriage of Agreement

The original agreement is to be kept with the Church Authority (a copy will also be kept by the parish priest). On-going monitoring is essential and it is important that with any changes of parish leadership over time, knowledge of the offender and the existence of the Safety Agreement is passed on to the incoming parish priest.



Document retention

The complete file with all related documentation should be kept by the Church Authority in a secure and confidential file.

The parish priest should have copies of the documents relevant to his responsibilities, including the Safety Agreement. These should also be held in a secure and confidential file.

Legislative Restrictions

It is an offence for persons with criminal history in certain prescribed areas to apply for, or otherwise to obtain, undertake or remain in child-related employment in any capacity. This includes in a voluntary capacity (refer to relevant State/Territory legislation).

Liability

In many insurance policies, there is a 'known sexual offender exclusion clause' which results in no insurance coverage for the entity should a known offender reoffend.



2. Process for parish priest

1. Contact the Church Authority when it becomes known that an offender wishes to attend or continue to attend parish masses and/or liturgies. The offender may self-disclose, or this information may come from a variety of other sources, such as other parishioners, police, parole officer of family member.
2. Inform the offender and/or his/her family of the required process.
3. Work with the Church Authority and his delegate (Safeguarding/Professional Standards/Risk Manager) in a risk assessment that takes into account the static and dynamic risk factors.
4. Meet with the Church Authority in order to make a decision. This decision may be that the risks are deemed to be too high for others in the parish.
5. If the decision is to proceed, then follow the guidance of the Church Authority.
6. An initial meeting is organised between the offender, parish priest, parole officer (where applicable), Church Authority and/or the safeguarding/professional standards officer to explain the process and gain the person's consent and full co-operation with the Safety Agreement.
7. Organise an accountability group in the parish.
8. Discuss process of implementing plan with the accountability group.
9. Provide support and guidance for all involved in the management of the plan (including the offender).
10. Evaluate, along with the safeguarding/professional standards/risk manager the implementation of the plan.
11. Ensure the plan continues to operate whilst offender remains in the parish.
12. Monitor week-to-week compliance and report any non-compliance or concerns to the Church Authority immediately.
13. Provide regular feedback as required to Church Authority.
14. Work with safeguarding/professional standards officer to ensure handover when change of personnel are involved (for example: change of Parish Priest).
15. Ensure confidentiality of all parties concerned.
16. Ensure that all related documentation is forwarded to the safeguarding/professional standards officer as it becomes available. Maintain necessary documentation, as needed at the parish level, in a secure location.



3. Individual Safety Agreement

Archdiocese/Diocese of _____ Parish

This agreement concerns _____ activities within the Church and with respect to being a representative of the Church.

Introduction

- a) The Catholic Archdiocese/Diocese of _____, in-line with the requirements of the National Catholic Safeguarding Standards responds to the protection of children and those vulnerable with paramount importance. This emphasis has guided the Archdiocesan/Diocesan response to _____ and informed the risk management process.
- b) The Catholic Archdiocese/Diocese of _____, wishes to support _____ to participate safely in Mass, ensuring the care and pastoral needs.
- c) This Individual Safety Agreement will continue until updated following formal review or upon receiving advice from Statutory Authorities or the Church Authorities Management Panel.
- d) The Agreement management team (to be identified and as listed on the rear of this document) will support the implementation of this agreement, being mindful of the support needs of _____, being guided by the paramountcy principle.
- e) It should be noted that by _____ agreeing to an Individual Safety Agreement it is not an admission of guilt. It is a preventative control measure and a way of managing potential risks as a result of the concerns raised.

Contract Details Between _____ and the Catholic Archdiocese/Diocese of _____.

The Guidelines for Managing High Risk Individuals within the Diocese/Archdiocese of _____ have been clearly explained to me and I agree to comply with this agreement, in addition to any other parole conditions.

_____ Agrees:

- a) I will attend mass at the time specified by the parish priest or his delegate.
- b) I will sit in an assigned seat/area in Church and will not sit near children.
- c) I will not be alone with children on parish property.
- d) I understand that an Accountability Partner will support me during mass and/or liturgies.
- e) The sacristy or other isolated and/or secluded area (please name) are excluded, unless in the company of an Accountability Partner.
- f) I will not arrive to mass early. I will arrange with my Accountability Partner to ensure this. I will not stay around after mass and will leave the church and surrounds at the conclusion of mass.
- g) I will not hold any voluntary position in the parish e.g. altar server, children's liturgy, youth leader, sacramental program, pastoral visitor, Extraordinary Minister of Holy Communion (this is not an exhaustive list, it relates to any ministry role).
- h) I will not hold any leadership position in the parish e.g. Parish Council, Music Co-ordination, School Board.
- i) I will not attend any parish social activities/picnics/retreats/parish/school fetes, etc (unless in the company of an Accountability Partner).
- j) I will not provide transport to a child to any parish activity, including worship.
- k) I will report any instances of contact with children that is not incidental.



- l) I will advise of any intended travel and visitation to another church outside the parish of _____, prior to attending.
- m) I will not present myself as an authorised lay minister of the Catholic Church.
- n) I accept that *(list support personnel)* _____
_____ will provide me with pastoral care concerning the management of this agreement.
- o) I agree to inform a member of the Agreement management team in the event that I breach any of these conditions.

(The above is indicative only and should be specific to local circumstances)

Agreement Signing Block

Signed: _____
 Name: _____
 Date: _____

Parish Priest of _____ parish
 Signed: _____
 Name: _____
 Date: _____

The Agreement management team in relation to this matter is:

Parish Priest _____
 Parish Safeguarding Representative _____
 Other: _____
 Other: _____

Parish Safeguarding Representative
 Signed: _____
 Name: _____
 Date: _____

*Please return a signed copy of this agreement to the Church Authority

Adapted from *NCPS Guidelines for Managing Risk of Known Sex Offenders in Parish*
 (unpublished draft 2015)

