

## National Office for Safeguarding Reference Group

09/07/2020

CPSL remains supportive of the plan to bring the work of CPSL, ACCPS and the IAG together and is pleased to provide this Briefing Paper as initial input to the Reference Group in relation to the proposed new model. CPSL looks forward to further detailed engagement as the work of the Reference Group continues. We provide here a succinct document in response to your Terms of the Reference on the expectation that the CEO and representatives of the Board will be engaged in further discussions with the Project Officer and Reference Group.

### **1. Incorporation status of the body [TOR 4(ii)]**

The Board strongly supports the maintenance of an incorporated structure as the basis for the new entity. The difference between an unincorporated body and a company is that the directors of a company are bound to carry forward the objects of the company. Although they are permitted to take other matters, such as the reputation of the Church, into account, the objects set out in the Constitution are to be given primacy. An unincorporated body can never be more than advisory. This is one of the reasons CPSL was created as it was.

When many entities in the Church in Australia are being transitioned to incorporated bodies (Caritas Australia, Catholic Social Services Australia, Catholic Education Diocese of Sale, Catholic Education Diocese of Sandhurst to name a few), it seems to be a regressive step to move away from incorporation of an entity with oversight of one of the most critical areas of the Church at a national level.

In CPSL's experience, effective governance of the company may be enhanced by the establishment of a small number of Advisory Committees to ensure the Board and senior staff can efficiently and effectively seek and receive appropriate and timely advice on matters which affect the service delivery of the company. A suggested Advisory Committee structure is provided in Appendix One.

CPSL also contends that clearer expectations of the role of the Member Representatives of the company would enhance governance and communication between the members and the company. There are a number of examples now with the value of hindsight where the Member Representatives made decisions which the Board then executed only to discover at a later time that those decisions were not able to be enacted by the member entities or were not communicated more broadly or were not in line with broader expectations of the members – we would be happy to provide more details on these instances if the Reference Group is interested.

### **2. Consults with Church organisations [TOR 4(iii)]**

CPSL has engaged with a range of Church organisations about the work of CPSL with a view to finding new funding sources. We recommend the Reference Group consult with:

**Ministerial PJPs** – CPSL has met with the Association of PJPs on a number of occasions and provided information (at their request) about the potentiality of AMPJP becoming a member of the CPSL Company. The Board advised Member Representatives of this initiative in May 2019. The Board understands that the Association as a whole has not resolved to join the Company. The Board has discussed with Member Representatives the potential for a different type of company membership which might see individual MPJPs enter into a formal arrangement in the company.

**St Vincent de Paul Society** – CPSL has been discussing with the St Vincent de Paul Society since CPSL's inception how the Society would likely participate in the services of CPSL. In February 2020, the National Council of the St

Vincent de Paul Society formally adopted the NCSS and CPSL is now working with the Society to support the roll out of a national approach to the protection of vulnerable persons and children.

**Catholic Church Insurance** – CPSL has worked with CCI on a number of practice initiatives (providing expert advice to CCI on the revision of their online safeguarding training modules and the development of a parish-friendly safeguarding risk assessment tool) as well as discussing a number of strategic initiatives.

**3. Indicative responsibilities of the national office [TOR 4(vii)]**

**(a) Complete the National Response Protocol, if required**

We understand that the ACBC has established a liaison group to work with the IAG to complete the drafting of the National Response Protocol. We also understand that the IAG was awaiting the drafting of the second edition of the NCSS to complete the NRP in terms of responding to adult complainants. The draft edition 2 of the NCSS incorporating safeguards for adults is now open for consultation and we expect that the IAG and liaison group will be able to expand the NRP to include adults prior to the end of 2020.

**(b) National coordination of the implementation and ongoing review of NCSS, NRP and code(s) of conduct**

The co-location of the conduct of audits and standards evolution provides assurance that major and emerging risks are quickly incorporated into training, audit and complaint handling practice. This has been integral to the design of CPSL’s services as depicted below:



CPSL is currently well advanced in the development of the second phase of the NCSS – the expansion of the framework to include safeguards for adults. The draft second edition of the NCSS has been published for consultation. The timeline for the finalisation of the second edition is provided below. We anticipate that the second edition of the Standards will be completed prior to the transition to the new entity.

*Schedule for consultation & finalisation of NCSS Ed 2*

1 July	Release consultation draft of NCSS Ed 2 Launch online survey for general feedback; invites sent for targeted consults
20 July – 28 Aug	Consultations – facilitated groups, individuals, email feedback
July – Sept	Pilot testing Revision of Implementation Guides
31 Aug – 21 Sept	Revising draft NCSS Edition 2 based on consultation feedback/input
24 Sept	Final draft NCSS Ed 2 distributed to ACBC & CRA Leaders for final consultation
1 Oct – 9 Oct	Briefings & final consultation open to bishops & CRA leaders (via Zoom)
22 Oct	CPSL Board consider & propose NCSS Ed 2 to Members
24 Oct Final	NCSS Ed 2 distributed to all bishops & CRA leaders
by 26 Nov	ACBC and CRA vote to approve NCSS Ed 2

TBC (late Nov/early Dec) CPSL Member Reps adopt the NCSS Ed 2 in accordance with clause 43.1(a) of the CPSL Constitution

**(c) National coordination of the Church’s ongoing response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse**

CPSL agrees that the new national body works with ACBC/CRA/AMPJP to coordinate the annual report of progress on behalf of the Church nationally.

Given the timing of the work of the Reference Group, it needs to be clarified as soon as practical how/who is coordinating the 2020 Report which is due in November 2020.

**(d) capacity-building, formation and training to foster a culture of safeguarding**

CPSL’s approach to capacity building and training was informed by an initial needs analysis conducted in 2018 alongside consultations on the draft first edition of the National Catholic Safeguarding Standards. This needs analysis fed into the CPSL Learning & Development Strategy (L&D Strategy) 2019-2021 which was published in January 2019.

The aim of the L&D Strategy is to strengthen awareness, knowledge, capability and capacity of Church entities to safeguard children and vulnerable adults. The L&D Strategy aimed to support and not replicate the work already being undertaken by Church entities in areas of safeguarding.

The L&D Strategy has three overarching strategies. Outlined below are the deliverables from January 2019 to early July 2020:

**1 Deliver a targeted approach to support Church leaders through training, guidance and resources in safeguarding that are flexible, accessible and meet the needs of a diverse number of Church entities**

As identified in the L&D Strategy, CPSL designed and delivered training has focused primarily on leaders and has provided the opportunity for leaders to come together with others, to explore issues of culture change, leadership and be briefed comprehensively on the NCSS in a consistent manner across the country and across the diverse entities that make up the Church.

500 Church leaders across the country have attended the Introductory Session for Leaders since January 2019.

464 people have attended the ‘Applying the NCSS’ workshops across the country.

More than 300 people have participated in targeted sessions within a range of organisations (refer to point 2 below).

More than 600 people have accessed topic-specific webinars and workshops, including safeguarding in international contexts, grooming awareness, seminary formation & safeguarding.

CPSL’s training has received consistently positive feedback. Across all training initiatives, 80% of participants have completed an evaluation. Average participant ratings are outlined below:

Topics covered were relevant to me	4.66 out of 5.0
The session met my expectations	4.7 out of 5.0
The content was understandable	4.28 out of 5.0
Objectives of the session met	4.66 out of 5.0
Training is interactive and engaging	4.83 out of 5.0
Overall rating of the session	4.89 out of 5.0

CPSL has successfully transitioned all training to an online methodology as a result of COVID-19. This has drastically reduced the costs of delivering this training. Participant feedback from online session has been as positive as feedback from participants from face-face sessions. CPSL strongly recommends the continuation on specialised training as a service of the new national office. We consistently receive feedback as to the value, appropriateness and quality of the training provided.

Importantly, evidence from a 6-month post training survey also suggests that participants implement learnings from the training back in their ministries, so the CPSL training has very practical application and meets needs that are not met via other providers. We urge that the new national body continue to focus on meeting knowledge and training gaps via the development and delivery of targeted training, formation and professional development opportunities.

**2 *Provide support and advice on training and professional development in safeguarding children and vulnerable people to all Church entities***

Since the beginning of 2019, CPSL has been invited by a range of Catholic entities to provide specific training and professional development within entities. These have ranged from 2-hour briefing sessions through to full-day professional development. Entities who have accessed this service offering have included dioceses (including Maitland Newcastle, Port Pirie, Hobart, Darwin, Maronites, Syro Malabar Eparchy, Toowoomba, Sale, ACBC, Clergy Life & Ministry Directors NSW, Catholic Schools NSW, Catholic Education Cairns), religious institutions (including ISMAPNG, Dominican Fathers, Resurrection Fathers, Salvatorians, Christian Brothers, Missionaries of God's Love, Augustinians, Marist Brothers, ACRATH, Divine Word Missionaries), Ministerial PJPs (including Dominican Education, EREA, Kildare Ministries, Little Company of Mary Healthcare) and other organisations (NATSICC, CSSA, ACU, Catholic Secondary Principals Association, Catholic Primary Principals Association)

**3 *Partner with organisations, groups and networks to share good safeguarding practices, training and undertake research where a gap is identified in skills and knowledge***

CPSL routinely promotes sharing of good practice as can be evidenced by the extensive range of support materials available on our website – refer to [Good Practice](#) for range of resources from Catholic entities across Australia and internationally; refer to [Resources](#) for range of Australian and international resources from a range of NGOs, government instrumentalities, universities and experts. We frequently receive calls and identify through audits gaps in appropriate templates, guidance or examples of practice. When a gap is identified, the CPSL team develop specific templates or guidance to support practice improvement – refer to [CPSL Tools & Guides](#). All of these resources are updated on a quarterly basis.

CPSL has partnered with a range of organisations to deliver strategies and resources identified as gaps for the Church nationally. Organisations include Catholic Church Insurance (parish risk tool), ACU ICPS (How to Guide for engaging with children about their safety; Ask Young People Survey – faith-based survey for young people; Child Safeguarding Competence Survey), National Council of Churches (targeted training for Church Leaders; webinar series on a range of specific topics identified as knowledge gaps in the sector).

CPSL website also promotes a range of training providers – refer to [Training & Events](#) – this acts as a 'clearing house' for a range of reputable and relevant training providers.

We urge the Reference Group to ensure that all of these materials are maintained through the transition to the new national office. These areas of the CPSL website are accessed frequently, with materials downloaded regularly – both across Australia and internationally.

***(e) framework for oversight of compliance and independent auditing against the NCSS***

CPSL's initial audit plan was to audit all Catholic entities (up to 300 entities) in a 3-year timeframe<sup>1</sup>. This would provide a clear benchmark across all the country of how all entities were progressing with implementing their safeguarding responsibilities. As the operational environment for CPSL changed (ie: financial uncertainty, debates regarding the functions of audit, etc), CPSL reviewed its timing of audits and had anticipated completing audits of ACBC and CRA members by the end of 2021.

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<sup>1</sup> As of 9 July 2020, CPSL has completed audits & reported on 9 entities, has 2 reports in draft and 2 audit fieldwork underway.

CPSL's approach has always included the use of contracted auditors – we have conducted a screening process with a small number of audit firms with capacity to conduct an audit against the NCSS across Australia. Two contracted firms have already been engaged in audit work undertaken to date.

The strategy has been to have a national network of preferred providers (at fixed cost across the country) to undertake the audits. CPSL's role as audit work increased was intended to shift to quality control of the audits, ensure consistency of approach and evidence, ensure there was a clear and transparent process for assessing and responding to Priority 1 findings, assurance to the Board of a consistent process and consistency of findings prior to publishing reports (refer to attached CPSL Audit Process).

As noted above in response to (b), CPSL contends it is vital that audit intelligence feeds directly into the policy and capacity building elements so it is a continuous improvement, evidence-informed model. A brief recent example – State regulators have been changing their approach to WWCC processes, which started to be raised with CPSL through training sessions where Church entities were very confused about changes in requirements, this was reinforced in audit fieldwork with 2 national entities. CPSL quickly mobilised to development nationally consistent advice, informed by engagement and clarification with eight regulatory bodies – the final guidance provided by CPSL built on a good practice model shared during an audit with the Brisbane Archdiocese.

CPSL's audit approach has focused on capacity building – we are currently asking those who have been audited to reflect on their experience and provide feedback (as we did with those who participated in pilot audits). Informal feedback from all who have been audited has been very positive.

The two key elements in an audit/compliance framework that CPSL urges the new national office retain are the appointment of an auditor and publication of the findings in order to ensure that people dealing with the Church have a consistent experience.

***(f) provide a policy, research and resourcing hub***

As noted above in response to (d), the resource hub created via the CPSL website is accessed frequently, is valued by users and needs to be maintained. Feedback from Catholic entities and others is that the blend of providing resources where gaps are identified, promoting and sharing good practice and sharing resources from civil society and internationally is significant. Feedback also suggests that the CPSL hub provides very practical, operational resources where other 'hubs' are more theoretical and not always as easy for people to translate into practice.

***(g) serve as a national consistent point of reference for safeguarding and professional standards matters***

It is clear that the multiplicity of entities at local, state and national levels has been and remains confusing for many both within and external to the Church.

This is a very important aspect that CPSL has been supportive of very important – current arrangements, including naming ACCPS, make it extremely confusing for people within and external to the Church to know where to go for what.

***(h) arranging for reviews of decisions by Church Authorities or safeguarding and professional standards offices in accordance with the NRP; and support for the implementation of Vos estis lux mundi***

CPSL agrees that the new national body arranges for reviews of decisions by Church Authorities or safeguarding and professional standards offices in accordance with the NRP and support the implementation of Vos estis lux mundi on a national level to ensure consistency and effectiveness. Careful transition of the handling of current matters into the new entity will be critical.

**5. Model for the national office [TOR 4 (ix)]**

***(a) Alternative Funding Structure – 'Capacity to Pay'***

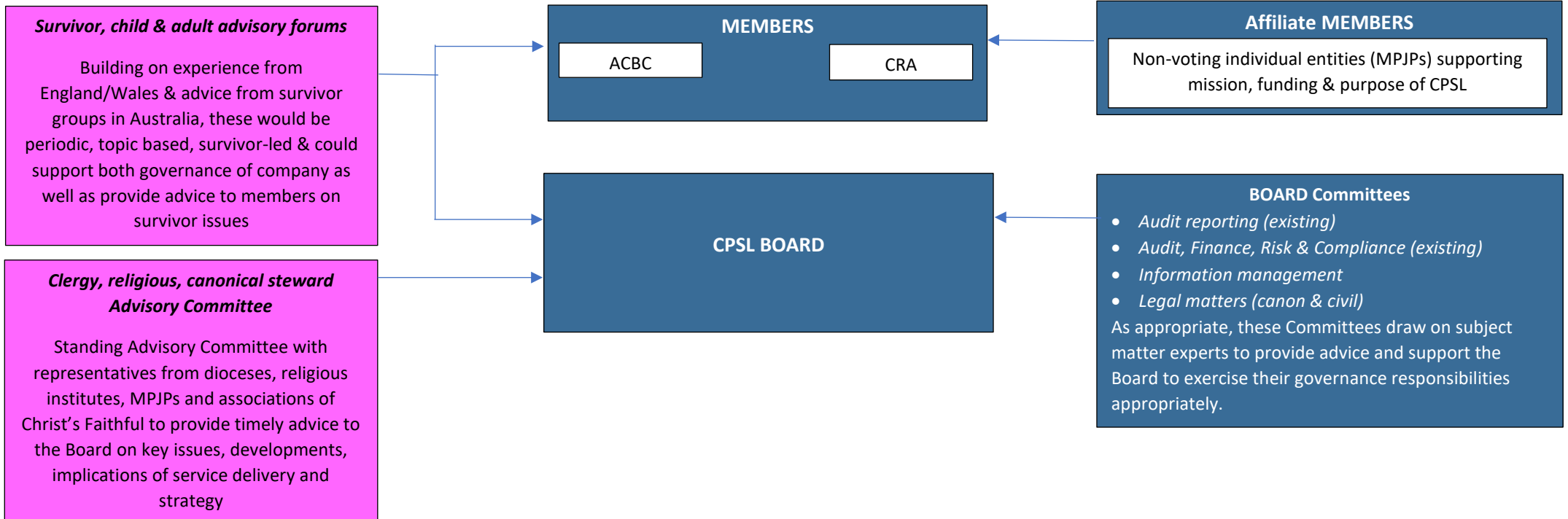
CPSL is happy to discuss this funding structure further.

***(b) Functions at national, state/regional and local levels***

In CPSL's submission to the Steering Committee in October 2019, we contended that the range of functions currently undertaken at the various State PSO level could be relatively easily and efficiently integrated into a national body. We provide again for the Reference Group's consideration our functional analysis of safeguarding and response requirements and how these might best be met at National, State/Province and Church Authority levels (refer to Appendix Four).

## APPENDIX ONE

# GOVERNANCE



**APPENDICES TWO & THREE HAVE BEEN REMOVED**

*Commercial-in-Confidence*



APPENDIX FOUR

**FUNCTIONAL ANALYSIS OF SAFEGUARDING & RESPONSE REQUIREMENTS**

<b>NATIONAL FUNCTIONS</b>		
<p align="center"><b>SAFEGUARDING &amp; IMPROVEMENT</b> <b>Strategy, development &amp; implementation</b></p> <ul style="list-style-type: none"> <li>▪ Safeguarding Standards</li> <li>▪ Learning &amp; development                             <ul style="list-style-type: none"> <li>▪ Resource development</li> <li>▪ Good practice</li> <li>▪ Training development/webinars/conference</li> </ul> </li> <li>▪ Research &amp; policy                             <ul style="list-style-type: none"> <li>▪ ACU/Notre Dame/BBI/PRO</li> <li>▪ National policy/practice guidance (evidence driven)</li> </ul> </li> <li>▪ Engagement                             <ul style="list-style-type: none"> <li>▪ National Healing Service (modelled on Towards Peace in Ireland)</li> <li>▪ Mechanisms for engaging with children, adults &amp; survivors</li> </ul> </li> <li>▪ Advocacy                             <ul style="list-style-type: none"> <li>▪ Social policy (eg: commentary on full implementation of RC recommendations across governments; roll-out of Reportable Conduct Schemes across all jurisdictions; harmonisation of WWCCs across jurisdictions, etc)</li> </ul> </li> </ul>	<p align="center"><b>COMPLIANCE</b> <b>Strategy &amp; implementation</b></p> <ul style="list-style-type: none"> <li>▪ Audits</li> <li>▪ Reporting</li> <li>▪ Relationships with regulators; co-regulation if appropriate</li> </ul>	<p align="center"><b>COMPLAINTS RESPONSE</b> <b>Oversight &amp; strategy</b></p> <ul style="list-style-type: none"> <li>▪ National complaint line                             <ul style="list-style-type: none"> <li>▪ referral to relevant CA/Police/statutory authority – ‘no wrong door’ for those wanting to raise concerns with Church</li> </ul> </li> <li>▪ Oversight of national complaint process                             <ul style="list-style-type: none"> <li>▪ all matters reported for entry to national database</li> <li>▪ records management</li> <li>▪ all matters triaged &amp; support provided on a flexible basis from milestone reporting through to intensive support</li> </ul> </li> <li>▪ Appeals/reviews of complaint handling by CA</li> <li>▪ Support &amp; reporting in accordance with Australian implementation of Vos estis lux mundi</li> <li>▪ Periodic reporting to CAs on complaint data – trends, hot spots</li> <li>▪ Australian Catholic Ministry Register</li> <li>▪ Redress – support/resource sharing with ACRL, &amp; peer support where entities are participating directly with Redress Scheme</li> <li>▪ Managing respondents (advice on specific matters)</li> </ul>
<b>LOCAL SUPPORT FROM NATIONAL BODY</b>		
<ul style="list-style-type: none"> <li>▪ Province safeguarding networks (dioceses, RIs, MPJPs, ACFs, education, social services, etc)                             <ul style="list-style-type: none"> <li>▪ Identifying &amp; sharing good practice</li> <li>▪ Providing local training/in-services</li> <li>▪ Advice/guidance from CPSL and peers</li> </ul> </li> <li>▪ Resourcing small entities or those with minimal resources</li> <li>▪ Facilitating joint initiatives (eg: shared Safeguarding Committees, procedures, etc)</li> </ul>		<ul style="list-style-type: none"> <li>▪ Fee for Service complaint management where a CA is not able to do this themselves or where there may be a conflict of interest or particularly complex matter</li> </ul>
<b>CHURCH AUTHORITY RESPONSIBILITY</b>		
<ul style="list-style-type: none"> <li>▪ Implementing NCSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Participation in audit program</li> </ul>	<ul style="list-style-type: none"> <li>▪ Responding to concerns, allegations &amp; complaints in line with NCSS</li> <li>▪ Reporting all matters to national body for entry into national database</li> </ul>