

# National Catholic Safeguarding Standards

## Implementation Guide Standard 1



AUSTRALIAN CATHOLIC SAFEGUARDING LTD

*A safe Church for everyone*

**EDITION ONE - 2019**

**Australian Catholic Safeguarding Ltd acknowledges the lifelong trauma of abuse victims, survivors and their families, the failure of the Catholic Church to protect, believe and respond justly to children and vulnerable adults, and the consequent breaches of community trust.**

**Australian Catholic Safeguarding Ltd is committed to fostering a culture of safety and care for children and adults at risk.**

This is the first edition of the ***National Catholic Safeguarding Standards – Implementation Guide Standard 1*** produced by Australian Catholic Safeguarding Ltd (formerly Catholic Professional Standards Ltd.)

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Available at [www.acsltd.org.au](http://www.acsltd.org.au)

Australian Catholic Safeguarding Ltd  
278 Victoria Parade  
East Melbourne Victoria 3002

Phone: 1300 603 411  
Email: [info@acsltd.org.au](mailto:info@acsltd.org.au)  
[www.acsltd.org.au](http://www.acsltd.org.au)



*A safe Church for everyone*

ACSL respectfully acknowledges the Traditional Custodians of the land and waters on which we work. We pay respect to their Elders, past and present, and young leaders of today and the future. ACSL commits itself to the ongoing work of reconciliation with our Aboriginal families and communities.

# STANDARD 1



## Committed leadership, governance and culture

Child safeguarding is embedded in the entity's leadership, governance and culture

A child safe entity is committed to child safety. This commitment is supported at all levels and is embedded in the entity's leadership, governance and culture, and all aspects of the entity's business and practice.

The culture consists of the collective values and practices that guide the attitudes and behaviour of all personnel within the entity. It guides the way things are done and the way issues are managed, dealt with and responded to. A positive child-focused culture can help protect children from sexual abuse and facilitate the identification and proper response to child sexual abuse.<sup>1</sup>

A culture of openness encourages and supports all persons to safely disclose risks of harm to children.

Having a culture of child safety is more than having a set of policies and procedures in place. It's an attitude that is built into everyday thinking and practice and one that:

- prioritises the safety and best interests of the children it works with;
- understands the nature and risks of child abuse and takes deliberate steps to protect children; and
- is committed to removing all barriers to reporting child abuse.

### 1.1 The entity publicly commits to child safeguarding and takes a zero-tolerance approach to child abuse.

#### How could your entity implement this criterion?

- Leaders model and regularly reinforce attitudes and behaviours that value children and take a zero-tolerance approach to child abuse.
- Have a **Child Safeguarding Commitment Statement** that:
  - explains how the entity meets its commitment to child safeguarding and welcomes feedback;
  - is publicised in a child-friendly format;
  - is communicated using a variety of digital and printed formats (for example: websites, mobile applications, newsletter and posters);
  - is available in user-friendly versions for different stakeholder groups (for example: parents/carers);
  - raises awareness about obligations to safeguard children within the broader context of understanding and upholding children's rights;
  - is referenced and/or included in safeguarding and other related policies. It may also be referenced in role descriptions, display posters, job advertisements, codes of conducts and employment/volunteer contracts; and
  - is easily accessible and promoted regularly.
- Ensure that the Child Safeguarding Commitment Statement is backed up by clearly articulated processes in the entity's Safeguarding Policy.
- Have a **Child Safeguarding Policy** that:
  - is specific to your context. It should be a living document that ensures practice is consistent with policy;
  - has a requirement that all personnel must comply with the policy;

<sup>1</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6, Making institutions child safe*, p 413, 2017

- defines child abuse;
  - cites relevant legislation and ensures legislative requirements are met;
  - has documented accountabilities and responsibilities of personnel in enacting the policy;
  - confirms that the policy applies to all the different aspects of Church work (for example: within a Church building, community work, pilgrimages, camps, home visiting, trips and holidays);
  - has reporting requirements - including that all current child protection concerns must be reported to the civil authorities without delay and in accordance with relevant state or territory legislation (for example: police reporting, reportable conduct schemes, mandatory reporting to child protection authorities);
  - clearly articulates consequences for breaches of the policy (for example: dismissal, suspension or transfer to other duties);
  - is regularly reviewed (at least every three years), including out-of-cycle review whenever there are significant changes in the entity or legislation; and
  - is approved and signed off by the Church Authority and/or relevant leadership body of the entity.
- Publicly communicate your entity's position on child safety in, for example, your website, newsletters, annual reports and recruitment advertisements.
  - Commit to continuous improvement through reviews and updating all relevant policies and practices.

## ACSL Tools

### 1.1.2 Safeguarding Commitment Statement

What is a child-safe institution? – video resource

## Aligned with

National Principles for Child Safe Organisations - National Principle 1.1

Royal Commission Child Safe Standard 1 (a)

## 1.2 A child safeguarding culture is championed and modelled at all levels of the entity from the top down and bottom up.

Creating a child-safe culture is about creating a culture where all personnel share the responsibility for promoting and ensuring child safety and feel empowered to do so. Preventing abuse should be seen as the ordinary responsibility of all adults.

### Leaders

Whilst safeguarding is a shared responsibility, leaders have a critical role to play in creating and maintaining an organisational culture where children's best interests are at the heart of the organisation and the way it operates.<sup>2</sup>

A culture of safeguarding requires the commitment of the entity's leaders. By demonstrating their commitment to safeguarding in actions and words, they will influence and guide the thinking and behaviour of all personnel as well as children, parents and carers.

The commitment of an entity's leaders will also ensure that the positive changes it makes will be sustained over time. It is vital that an entity adopts an ongoing review and continuous improvement approach to meeting the National Catholic Safeguarding Standards.

### Safeguarding Committee

It is a requirement of the Standards that Church Authorities form a Safeguarding Committee to advise and support them on all matters relating to safeguarding, including the development of a Safeguarding Implementation Plan and co-ordination of annual self-audits at a local level.

The Committee should be comprised of members with relevant and varied professional expertise in different fields such as safeguarding, child protection, organisational culture and governance, risk management and policy development. The Committee should include lay men and women.

### Safeguarding Co-ordinator

Whilst acknowledging that safeguarding is a shared responsibility, having a dedicated safeguarding co-ordinator with the specialised knowledge and expertise required to develop, promote and manage the entity's safeguarding policies and procedures reflects best practice. Whilst roles may vary depending on the entity, responsibilities of this role include:

- providing advice and counsel to the Church Authority and leaders on all matters relating to safeguarding;
- being conversant with relevant legislative requirements and ensuring the entity is compliant;
- managing or having oversight of the entity's complaints handling procedures;
- developing the entity's Safeguarding Policy and procedures, in consultation with leadership;
- providing or co-ordinating training and education to all personnel;
- being proactive in safeguarding initiatives;
- providing verbal and written reports to leadership about the entity's child safe performance; and
- has access to ongoing professional development and supervision.

A Safeguarding Co-ordinator(s) may also be appointed at a local level (for example, within a parish or within a specific ministry/agency) to support the on-the-ground implementation of safeguarding strategies.

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<sup>2</sup> Commission for Children and Young People, *A Guide for Creating a Child Safe Organisation*, p 21, Victorian Government, 2018

## How could your entity implement this criterion?

- Promote and support safeguarding through allocation of resources, including appointing a Safeguarding Co-ordinator(s) and establishing a Safeguarding Committee (see above).
- Build responsibility for embedding an organisational culture of safety into position descriptions and performance requirements of all personnel within the entity.
- Model and foster a commitment to child safe practices within the written statements of the entity's values and principles, including the Child Safeguarding Commitment Statement.
- Set accountabilities for compliance with National Catholic Safeguarding Standards at all levels of the entity's governance structure.
- Include an organisation chart which shows lines of authority, reporting and accountability in relation to safeguarding in Child Safeguarding Policies and procedural documents. This should be accessible and promoted to all personnel.
- Foster a culture and enact strategies that encourage, protect and support persons who bring forward any child safety concerns.
- Include child safety as a standing meeting agenda item at all leadership meetings.
- Put mechanisms in place to facilitate open discussion, allowing for personnel to voice concerns, views and opinions and to influence decision making, for example, through representative attendance at an open forum or committee.
- Provide child safeguarding training, including induction training and ongoing refresher training.

### ACSL Tools

- 1.2.2 Safeguarding Committee - Terms of Reference
- 1.2.3 Safeguarding Co-ordinator - Position Description
- 1.2.3 Parish Safeguarding Volunteer – Position Description
- What is a child-safe institution? – video resource
- Why safeguards? – video resource
- Leadership – video resource
- What does a child-safe parish look like? – video resource

### Aligned with

- National Principles for Child Safe Organisations - National Principle 1.2
- Royal Commission Child Safe Standard 1 (b)
- Royal Commission Recommendation 16.37

## 1.3 Governance arrangements facilitate implementation of a Child Safeguarding Policy across the entity's activities.

### Governance

Integrity, transparency and accountability, risk management, culture and ethics are important elements of good governance and can help an institution to meet its objectives.<sup>3</sup> For every entity striving to be child safe, it is important that its governance arrangements support the implementation of the National Catholic Safeguarding Standards. It is also important that the entity's leaders set clear accountabilities for all levels of the entity's governance structure.

### Where an entity's governance includes countries other than Australia

Clear governance arrangements, including accountabilities and lines of reporting, also apply to offshore ministries where the entity's governance includes countries other than Australia.

The implementation of the Standards would apply all relevant international declarations and local legislation.

Depending on the ministry and overseas context, entities may consider a range of initiatives including the development of a local Safeguarding Commitment Statement with local personnel, establish liaison with similar entities to provide education and training to local personnel, and work in partnership with local community leaders, Church Authorities and civil authorities to promote awareness of children's rights.

### How could your entity implement this criterion?

- Have a clear and transparent organisational structure in relation to the entity's safeguarding roles and responsibilities. It should show lines of authority, responsibility and accountability. This structure does not have to be complex but must be easily understood and well communicated. What it will look like will depend on the size of the entity and the activities and ministries under its control.
- The organisational structure must include off-shore ministries under the entity's governance. These should show local roles and responsibilities in relation to safeguarding and must include the overarching canonical responsibility of the Australian Church Authority. This is of particular importance in relation to complaints handling.

#### ACSL Tools

Leadership – video resource

#### Aligned with

National Principles for Child Safe Organisations - National Principle 1.3

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<sup>3</sup> Australian Institute of Company Directors, *Good governance principles and guidance for not-for profit organisations*, Sydney, 2013

## 1.4 A Code of Conduct provides guidelines for personnel on expected behavioural standards and responsibilities.

An effective Code of Conduct provides direction about the behaviour, relationships, attitudes and responsibilities expected of all personnel and stipulates the process that will be followed if the code is not observed.

Good practice is to have a Code of Conduct that applies to all personnel, however, it is important that a Code of Conduct also reflects the entity's activities and any particular risks identified. For example, a Code of Conduct for an entity that provides personal care to children with disabilities will differ to an entity that is taking youth overseas on an immersion program. Sometimes additional, context-specific Codes of Conduct are required.

A Code of Conduct takes into account the needs of all children, paying particular attention to Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

Embedding exploration of the Code of Conduct into induction processes for all personnel is critical to build understanding and lay down clear expectations. Revisiting the Code of Conduct often through formal supervision, performance appraisals, team meetings and other initiatives keeps the Code 'alive' and reinforces and refreshes expectations.

A Code of Conduct should be expressed in simple language appropriate to the context, ensuring that examples reflect appropriate behaviour in specific activities. Where appropriate they may need to be produced in multiple languages.

A Code of Conduct needs to be communicated to all personnel, families and the broader community.

### How could your entity implement this criterion?

Develop and implement a Code of Conduct that:

- is developed in consultation with those involved and aims to build commitment not mere compliance;
- applies equally to all personnel;
- is specific to your context and activities;
- clearly describes acceptable and unacceptable behaviour (including when interacting with children through technology);
- is communicated to all personnel, families and the community;
- is published and publicly accessible;
- is translated and available in other languages as required;
- is communicated effectively during induction and requires signed acknowledgement by all personnel;
- sets out clear consequences if the Code of Conduct is breached, including responding to breaches through remedial education, counselling, suspension, termination and/or official reports to police and statutory agencies as required; and
- is regularly revised and updated.

#### Aligned with

National Principles for Child Safe Organisations - National Principle 1.4

Royal Commission Child Safe Standard 1 (d)

Royal Commission Recommendations 7.8 and 16.49



## 1.5 The entity has risk management strategies focusing on preventing, identifying and mitigating risks to children.

Risk management strategies should support a structured approach to identifying and assessing the characteristics of an entity that may heighten the risk of child abuse. They are an important tool to keep children safe.<sup>4</sup>

### How could your entity implement this criterion?

#### Risk management strategy

The entity has a safeguarding risk management strategy that:

- has a prevention focus that addresses child safety;
- is developed by understanding the overall risk profile within the entity's context including:
  - people,
  - ministries and activities, and
  - place (physical and online environments);
- is developed from a clear evidence-informed base that not only assesses the entity's specific settings, but also demonstrates appropriate consideration of the characteristics of abusers and victims, and how, when and where abuse tends to occur;
- attends more closely to risk in situations where personnel have roles that involve working:
  - alone with children or without supervision,
  - in private settings,
  - in intimate care routines with children (e.g. bathing, dressing, or counselling and guidance),
  - in overnight settings, and
  - in immersion programs or on overseas pilgrimages;
- considers increased risks with children with heightened vulnerability, but does not discourage positive relationships between adults and children, and healthy child development;
- covers all properties, locations, projects and activities which may give rise to contact with children;
- uses a robust and consistent methodology to identify, assess, mitigate or remove actual and potential risks;
- requires the reporting and monitoring of child safety risks at an organisational level, enabling effective leadership oversight of risks, treatment plans and mitigation strategies. This could be achieved through the incorporation of child safety risks into the entity risk register; and
- is regularly monitored and reviewed.

#### Participating in or receiving ministries off-shore, including cultural immersions, pilgrimages, solidarity campaigns and World Youth Days

The entity:

- ensures a documented risk assessment of the proposed activity has been conducted by the relevant personnel, including input and information from the host party regarding existing or proposed safeguarding practices;
- requires all participants involved in the cultural immersion program, overseas ministry or pilgrimage sign a code of conduct and attend child safeguarding training; and

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<sup>4</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6, Making institutions child safe*, p 416, 2017

- closely monitors the activity to ensure appropriate child safeguarding standards are consistently and continuously applied.

**Criterion 1.5** should be considered in conjunction with Standard 8, which requires risks in the Church entity's online and physical environment to be identified and mitigated.

### **Aligned with**

National Principles for Child Safe Organisations - National Principle 1.5

Royal Commission Child Safe Standard 1 (c)

## 1.6 Personnel understand their obligations on information sharing and record keeping.

The creation of detailed and accurate records and the exercise of good recordkeeping practices are important elements of good governance. They help build consistency of practice, retention of organisational memory and institutional accountability. They also help institutions to maintain descriptions of their processes, decisions, activities and responses to critical incidents, providing a level of transparency and evidence of practices that can be relied on in the future.<sup>5</sup>

### How could your entity implement this criterion?

#### Education

Leaders and personnel need to understand the requirements relevant to the appropriate sharing, treatment and protection of private, personal and sensitive information, particularly in relation to complaint handling and related investigative activities.

#### Policy

The entity must have a policy in relation to information sharing and record keeping which is underpinned by the Australian Privacy Principles (APPs) contained within the Privacy Act 1988 (Commonwealth) and other relevant state or territory legislation. There are some very specific legislative obligations on record-keeping and information sharing relating to the safety and well-being of children across different state and territory jurisdictions. It is important that the entity's policy articulates the correct legislation and ensuing procedures.

It should also take into consideration the principles for records and recordkeeping as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse (as listed below).

The policy should cover:

- requirements relating to data collection, confidentiality, use of information and data sharing;
- record storage, maintenance, security and access; and
- record retention requirements, including adherence with relevant legislation.

#### Royal Commission Recommendation 8.4

All institutions that engage in child-related work should implement the following principles for records and recordkeeping.

**Principle 1:** *Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.*

Institutions that care for or provide services to children must keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of accurate records are integral parts of the institution's operations and governance.

**Principle 2:** *Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.*

Institutions should ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.

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<sup>5</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 8, Recordkeeping and information sharing*, p 38, 2017

Records created by institutions should be clear, objective and thorough. They should be created at, or as close as possible to, the time the incidents occurred, and clearly show the author (whether individual or institutional) and the date created.

**Principle 3: *Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.***

Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained in an indexed, logical and secure manner. Associated records should be co-located or cross-referenced to ensure that people using those records are aware of all relevant information.

*[CPACSLSL further requires that records are titled, ordered and filed logically. A master copy of each record is formally maintained to ensure duplicate records or multiple copies of the same record are kept to a minimum. These records are treated as confidential, are appropriately secured and can only be accessed by nominated/approved personnel. Sharing or distribution of records is restricted to nominated personnel and is conducted in accordance with relevant legislative and statutory requirements, such as privacy law.]*

**Principle 4: *Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.***

Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or published institutional policies.

Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse.

*[ACSL further requires that records are maintained and disposed of in accordance with legislative and statutory requirements, or after a period of 50 years (refer to indicator 6.1.7), whichever is the longer.]*

**Principle 5: *Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.***

Individuals whose childhoods are documented in institutional records should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted.

Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.<sup>6</sup>

## ACSL Tools

### 1.6.1 Privacy Collection Statement

### Aligned with

National Principles for Child Safe Organisations - National Principle 1.6

Royal Commission Child Safe Standard 1 (e)

Royal Commission Recommendations 8.1 and 8.4

ISO 15489: Information and documentation – records management

<sup>6</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Recommendations*, p 22-23, 2017