

National Catholic Safeguarding Standards

Implementation Guide Standard 5



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.)

© Catholic Professional Standards Ltd 2019

© Australian Catholic Safeguarding Ltd 2021

Available at www.acsltd.org.au

Australian Catholic Safeguarding Ltd
278 Victoria Parade
East Melbourne Victoria 3002

Phone: 1300 603 411
Email: info@acsltd.org.au
www.acsltd.org.au



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 5



Robust human resource management

People working with children are suitable and supported to reflect child safeguarding values in practice

Human resource management, through screening, recruitment and ongoing performance review, can play an important role in protecting children from harm.

Child-focused human resource practices help screen out people unsuitable for working with children or discourage their application. Such practices make sure child safety is prioritised in advertising, recruiting, employment screening, and selecting and managing staff and volunteers.¹

5.1 Recruitment, including advertising, interview questions, referee checks and pre-employment screening, emphasises child safeguarding.

A zero-tolerance approach to child abuse should be evident in all aspects of the recruitment process.

How could your entity implement this criterion?

Advertising

Ensure that the advertisement includes your entity's commitment to child safety and informs the applicants that rigorous reference and background checking, including a WWCC and identity check, will be conducted.

Recruitment

The entity documents child safe recruitment procedures and processes and details the required advertising, screening and selection processes, including delegations and approval authorities.

Recruitment procedures and processes include requirements that:

- all relevant legislative requirements are met;
- job advertisements clearly articulate commitment to child safety and a zero-tolerance approach to child abuse and that screening requirements will reflect appropriate checks;
- specific selection criteria are applied as appropriate concerning attitudes to, and application of, child safeguarding measures to which applicants must respond;
- applicants are encouraged to read the entity's Statement of Commitment to Child Safety, Code of Conduct and Child Safe Policy as part of the application process;
- every position involving contact and engagement with children has a Position Description which sets clear expectations about safeguarding responsibilities including induction and ongoing training;
- applicants' proof of identity, qualifications and professional registration will be verified.

Interviews

- The interview process is a very important step in selecting the right person for the role and in identifying any person who may pose a risk to children.
- Form an interview panel with the right mix of experience and skills to carry out the interview.

¹ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6, Making institutions child safe*, p 423, 2017.

- Interviews should include:
 - open-ended style behavioural-based questioning that will give you an insight into the applicant’s values, attitudes and understanding of professional boundaries and accountability;
 - assessment of the applicant’s motivation for the position – that is, why are they leaving their current role, why do they want to work with children, why do they want to volunteer;
 - assessment of the applicant’s competence, professional experience and qualifications where relevant to work with children.

Working with Children Checks (See Criterion 5.2 below)

Referee checks

Stringent and strict reference checks should:

- include direct conversations with at least two (2) professional referees, including the applicant’s current/most recent employer;
- ask how long the applicant and referee worked together;
- ask about the specifics of the applicant’s previous role;
- ascertain the applicant’s attitudes and behaviours in previous child-related roles;
- ascertain if the applicant has ever had a child-related complaint made against him/her; and
- ask if the referee would employ the person again, particularly in a role working with children, and whether the person has any concerns about the applicant working or volunteering with children.

Position descriptions

Include clear expectations and responsibilities in relation to child safety in position descriptions.

Probation periods

Probation periods can help you assess a new person’s performance and suitability for the role before confirming their permanent employment. If you have any concerns about the person working with children, you can seriously consider whether you want them to remain in the role.

The length of probation periods can vary and are usually between three to six months.

ACSL Tools

- 5.1.1 Advertising text
- 5.1.4 Child Safe Applicant Declaration
- 5.1.4 Interview questions
- 5.1.4 Referee checks

Aligned with

- National Principles for Child Safe Organisations - National Principle 5.1
- Royal Commission Child Safe Standard 5 (a)

5.2 Relevant personnel (including all seminarians, clergy and religious) have current working with children checks or equivalent background checks.

Working with children checks

A working with children check (sometimes abbreviated to WWCC) or equivalent check, is one tool in a suite of screening tools that must be used to protect children from harm. It is a legal screening requirement for people who work or volunteer in child-related work. It screens people's criminal records and professional conduct and prevents people who pose an unjustifiable risk to children from working with or caring for them.

There is no single national framework setting out requirements for working with children checks. Each state and territory in Australia has its own name, procedures and variations in scope regarding what this type of check entails.

The Australian Capital Territory and Tasmania have implemented Working with Vulnerable People checks. They are similar to a WWCC and assess a person's suitability to work with disadvantaged adults and children in regulated activities.

For a general overview of the types of WWCC and police checks that operate in Australia, their requirements and contact information go to:

<https://aifs.gov.au/cfca/publications/pre-employment-screening>

All enquiries should be made to the relevant state or territory government department.

National police checks (also known as National Criminal History Checks)

A police check differs from a WWCC. It is a list, at a given point in time, of police history information which supports processes for assessing the suitability of people applying for employment, appointment to positions of trust, volunteering, or for various licensing or registration schemes².

Some entities may develop a policy requiring some, or all, of their personnel to undergo a national police check. This reflects a risk-based approach in assessing the individual's role/position and determining the appropriate checks which are required based on the child safety risk of the position. Police checks can be used when a person is not captured by the legislative requirement to have a WWCC.

How could your entity implement this criterion?

- Before an individual begins working or volunteering with children, ensure that they have a current, valid WWCC.
- The entity has a system that includes:
 - the name and position of each person in child-related work;
 - their WWCC number (or equivalent);
 - date of issue of check;
 - registration as the 'employer' with state or territory regulatory body (depending on the relevant state or territory regulations);
 - verification of the check by the 'employer' (if prescribed by regulation) before work with children begins;
 - the date of renewal of check;
 - a reminder/alert system to prompt regarding expiry/renewal dates;
 - the process for action if a check is found to be lapsed or otherwise invalid;
 - a process to seek, document and monitor exemptions under the relevant state or territory legislation where appropriate;
 - a process to identify and flag a change in status, including a change in role (e.g. if a volunteer becomes a paid employee, they need a new WWCC);
 - a process to inform the state or territory regulatory body of a change of status of an individual in relation to risk to children (e.g. barring offences, sustained reportable conduct findings);

² National Crime Check, www.nationalcrimecheck.com.au, accessed 26/11/2018.

- agreed and defined accepted alternatives to checks; and
- compliance with all applicable legislative and regulatory requirements.
- Records relating to all screening and checks are to be retained for at least 50 years.
- The entity has a policy and related procedure/s articulating the risk-based approach taken when assessing an individual's role and work. This may include, but is not limited to, implementing processes for periodic re-administration of police checks and requiring police checks to be administered in circumstances where a WWCC is not required by legislation.

Aligned with

National Principles for Child Safe Organisations - National Principle 5.2

Royal Commission Child Safe Standard 5 (b)

5.3 Personnel receive an appropriate induction and are aware of their child safeguarding responsibilities, including reporting obligations.

All personnel should receive an appropriate induction to make them aware of their child safeguarding responsibilities. It should occur immediately after appointment and ideally, before work with children begins.

How could your entity implement this criterion?

Induction

- The Safeguarding Induction Program for new personnel should include:
 - the entity's Code of Conduct and child safe policies and procedures;
 - children's rights;
 - respect for children, regardless of their individual characteristics, cultural backgrounds and abilities;
 - strategies to identify, assess and minimise risk of harm to children;
 - how to respond to a disclosure of harm from a child;
 - complaints processes, including how to respond to a complaint about inappropriate behaviour towards children;
 - reporting obligations, including reporting to police, child protection authorities, reportable conduct schemes and any other relevant agencies; and
 - e-safety training.
- The Induction Program should be appropriately tailored to meet the needs of different groups considering different roles and situations with higher risk.
- The Induction Program needs to be reviewed regularly to ensure it keeps pace with legislative reforms, increasing expertise and other contemporary requirements.
- Records of attendance need to be maintained in order to monitor and ensure that all personnel have participated in the Safeguarding Induction Program.

Church Authorities participate in the *National Catholic Safeguarding Standards Introductory Session for Leaders*

- All Church Authorities who are signatories to a Service Agreement with Australian Catholic Safeguarding Ltd are required to participate in an introductory information session that covers the following:
 - leadership responsibilities of the Church Authority in relation to safeguarding;
 - the National Catholic Safeguarding Standards; and
 - ACSL Audit and Reporting Framework, including preparation for audit.
- The Introductory Session for Leaders is to be undertaken by the Church Authority within four (4) months of commencement in that role.
- Leaders of entities include, but are not limited to:
 - Provincial/Leader/Superior of religious institutes along with their designated or elected leadership team, as well as, depending on context and circumstances, their business manager and safeguarding or professional standards coordinator;
 - Bishop/Archbishop (including when appointed to a new diocese) as well as, depending on context and circumstances, their vicar general, chancellor, diocesan finance administrator, episcopal vicar/s, safeguarding or professional standards coordinator; and
 - Trustees of Ministerial PJPs, boards of management, safeguarding or professional standards coordinators, and senior executives.
- Records of attendance need to be maintained on Church entity files.

- ACSL will provide a Certificate of Attendance to all attendees.

Aligned with

National Principles for Child Safe Organisations - National Principle 5.3

Royal Commission Child Safe Standard 5 (c)

Royal Commission Recommendation 16.36

5.4 Ongoing supervision and people management is focused on child safeguarding.

Support, mentoring, oversight and professional supervision of personnel needs to be managed in a way that protects children from abuse and improves accountability and performance.

Oversight, mentoring and support means providing clear expectations about roles and responsibilities and giving people access to support and training that can equip them to perform their roles as professionally as possible.

Professional supervision means 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. 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.

As a matter of good practice, new personnel should be monitored regularly (during their probation period – refer to 5.1 above) to ensure they understand their role, have the skills required for the role, understand policies and requirements and fit the culture, as well as to check that their behaviour towards children is appropriate.

How could your entity implement this criterion?

Support, mentoring and oversight

Processes may include:

- a probationary period for new employees and volunteers, to allow time to assess suitability to the position;
- tailored supervision and monitoring strategies for personnel working in isolated settings or remote locations;
- implementing a mentoring or 'buddy' system for all new personnel. Mentoring is where a senior or more experienced individual (the mentor) is assigned to act as an advisor or guide to a less experienced or new person. The mentor provides opportunities to share knowledge and foster the development of positive and supportive workplace relationships (refer also to 5.5 below);
- appropriate responses to concerns about performance in relation to the Code of Conduct and child safe policies and procedures; and
- opportunities for personnel to raise concerns formally or informally about harm or risk of harm to children.

Professional supervision

Professional supervision means 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. 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.

A structured process for professional supervision and support should be provided for personnel in key roles working with, or managing or supervising personnel working with, children. This should also include those personnel who respond to and manage complaints.

The professional supervision should be provided by a trained and skilled professional. It should be provided in a confidential, safe and supportive environment for supervisees.

A documented Supervision Agreement is recommended. A Supervision Agreement provides clarity as to the structure, timing, frequency and expectations of all parties, including clauses addressing situations where limitations

of confidentiality need to be exercised (including, but not limited to, disclosure of boundary violations, disclosure of abuse, reportable conduct behaviour and serious breaches of the Code of Conduct).

Annual performance reviews

A proactive approach to personnel performance reviews should be used to improve personnel's skill and knowledge, especially in relation to child safety. Performance should be measured against the Code of Conduct and child safe policies and procedures.

Feedback on the performance of personnel from children and/or families, particularly where the role is working directly with children, would be very appropriate.

Aligned with

National Principles for Child Safe Organisations - National Principle 5.4

Royal Commission Child Safe Standard 5 (d)

5.5 Robust processes exist for screening candidates before and during seminary and religious formation. Robust processes are implemented for ongoing formation, support and supervision of clergy and religious.

How could your entity implement this criterion?

Before and during seminary and religious formation

Robust selection and screening including broad-ranging professional advice

A best practice approach to selection and screening of candidates for the priesthood and religious life should include:

- a multi-disciplinary approach, including medical, psychological and spiritual elements;
- screening conducted by qualified professionals, including medical professionals;
- screening conducted both prior to admission and prior to ordination or profession of final vows;
- bishops or religious superiors take wide-ranging advice about whether a candidate should be admitted to a formation program and whether a candidate is ordained or invited to profess final vows. Advice should be sought from psychologists, senior clergy and religious, lay people, rectors and formation directors, children, and families and carers, as appropriate; and
- before a candidate commences initial formation, they have a current and valid working with children check.³

Where an applicant or candidate for seminary/formation programs does not continue to ordination/profession of vows, the Church Authority has a positive duty to disclose to other Church Authorities that the applicant or candidate has not continued in the formation program.

External psychological and psychosexual assessments

Seminaries and formation programs need to ensure that candidates undergo psychological, including psychosexual assessment, conducted by an appropriately registered professional practitioner, on a regular basis. These assessments, along with appropriate oversight, academic and other assessments, combine to assist in determining their suitability to be a person in religious ministry and to undertake work involving children.

‘External’ means an individual who is not directly connected to the person whom is the subject of the assessment or to the entity. This may be a professional who is contracted by the Church Authority/entity for this specific purpose, who has the contextual understanding to undertake the assessment. As much as possible, these assessments should be conducted by professional without actual or perceived bias or conflict of interest.

Ongoing formation, mentoring and support

Professional/pastoral supervision

Professional supervision means 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. 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.

³ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 16, Book 2*, p 786, 2017.

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 well-being of the cleric/religious, the people with whom they exercise ministry, the wider Church and the community.

Professional/pastoral supervision is distinct from spiritual accompaniment, counselling or line management.⁴

A structured process for professional/pastoral supervision and support is to be promoted as normative for all bishops, leaders of religious institutes, clergy and religious in active ministry. No less than six hours of professional/pastoral supervision per year is required. Professional/pastoral supervision requirements also apply to overseas clergy and religious engaged in active ministry in Australia [refer to Indicator 5.8.4].

Professional/pastoral supervision should be introduced and promoted as normative from an individual's commencement in seminary and religious formation programs and continue throughout their ministry life.

Professional/pastoral supervision should be provided by a professional who has training and experience as a supervisor and is also well attuned to matters including theology, missiology, ecclesiology, ministry, vocation and ministry.

Professional/pastoral supervision should be provided in a confidential, safe and supportive environment for the supervisee. It can be provided in a one-to-one context, or within a group setting. Ideally it is conducted face-to-face, however this is not a requirement (that is, supervision can be conducted using technology such as video or web conferencing or telephone).

A documented Supervision Agreement is recommended. A Supervision Agreement provides clarity as to the structure, timing, frequency and expectations of all parties, including clauses addressing situations where limitations of confidentiality need to be exercised (including, but not limited to, disclosure of boundary violations, disclosure of abuse, reportable conduct behaviour and serious breaches of the Code of Conduct).

Mentoring and support for newly ordained clergy and newly professed religious

A mentor is an experienced and trusted advisor or a person who gives a younger or less experienced person help and advice over a period of time.

All newly ordained clergy and newly professed religious are required to be supported by a suitable mentor for at least five (5) years post ordination or final profession of vows.

Suitable mentors may be from within the particular diocese or religious institute or from another diocese or religious institute. They may be in a similar role or ministry or have experience in that role or ministry. They may be ordained, vowed or a lay person.

Mentors would typically be proactive in seeking to engage regularly with the newly ordained clergy or newly professed religious.

Professional development

All clergy and religious in active ministry should be offered, and access, regular and ongoing professional development, especially in relation to safeguarding.

Annual performance appraisals

A proactive approach to performance reviews for all clergy and religious should be implemented to improve skills and knowledge, especially in relation to child safeguarding. Performance should be measured against the Code of Conduct and child safe policies and procedures.

⁴ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 16, Book 2*, p 811, 2017.

Feedback on the performance of clergy and religious, including bishops and leaders of religious institutes, from children and/or families, particularly where the role is directly working with children, would be appropriate.

Aligned with

Royal Commission Recommendations 16.21, 16.22, 16.25, 16.42, 16.44 and 16.45

5.6 Seminary and formation programs for clergy and religious have curriculum to build the knowledge and skills of candidates to understand and lead child safeguarding initiatives.

How could your entity implement this criterion?

Appropriate curriculum

All seminary and formation programs have a curriculum on child safeguarding and related matters, including training that educates candidates with an understanding of:

- the National Catholic Safeguarding Standards;
- professional responsibility and boundaries, ethics in ministry and child safeguarding;
- appropriate responses to allegations or complaints of child abuse and exploitation;
- how to work with children, including understanding childhood development and the rights of the child;
- identifying and understanding the nature, indicators and impacts of child abuse and exploitation;
- appropriate pastoral responses to victims and survivors of sexual abuse; and
- legislative obligations.

Seminary and initial formation programs should be delivered in such a way as to prevent the development and/or reinforcement of clericalist attitudes and behaviours.

It is recommended that there is regular engagement with external experts in the field to deliver different modules/curriculum.

The program should include appropriate, supervised and supported community placements relating to ministry with children to assess practical application of learning.

Aligned with

Royal Commission Recommendations 16.23 and 16.43

5.7 Credentialing and movement of seminarians, clergy and religious is appropriately managed.

How could your entity implement this criterion?

The entity implements or accesses a system that:

- requires dual declarations made by both the individual and the Church Authority;
- clearly defines 'good standing';
- verifies that an individual coming to exercise ministry in a new jurisdiction is currently in good standing;
- records visiting ministers in new jurisdictions (e.g. a sacristy register for visiting clergy to record the date, time and purpose of their attendance);
- records the movement of seminarians and candidates for formation across different seminaries or formation programs;
- updates immediately if there is a change in status; and
- has defined accountabilities, supported by education, to promote participation in the system.

Aligned with

Royal Commission Recommendation 16.58

5.8 Entities which receive overseas clergy and religious for work in ministry have targeted programs for the screening, induction, professional supervision and development of these individuals.

Ordained priests and professed religious from overseas may have a different cultural understanding of the rights of children and the problem of child sexual abuse from that prevalent in Australia today. They may also have different consciousness or expectations in respect to professional boundaries. Additionally, they may not have had training in their initial formation and ministry in relation to child protection and the prevention of child sexual abuse.⁵

How could your entity implement this criterion?

Pre-arrival selection and screening

In addition to applying the same selection and screening processes, as far as practicable, (outlined above in Criterion 5.1), selection and screening procedures for overseas clergy and religious may include:

- the Church Authority in Australia conducting selection and screening internationally, in the country of origin, by an appropriately trained professional/s with clear delegation from the Church Authority;
- personal interviews conducted via technology (where an in-country assessment is not possible);
- international criminal records checks and identity checks, as far as possible. It should be noted that international criminal records checks have inherent limitations and should not be solely relied upon;
- the Australian Church Authority conducting verbal referee checks with the overseas Church Authority. Questions should be frank and candid and include discussion on past behaviour and 'good standing';
- a written and signed document from the overseas Church Authority attesting to the 'good standing' of the applicant; and
- an equivalent written and signed document from the applicant attesting to their 'good standing'.

Term of appointment in Australia

It is recommended that agreements for pastoral ministry in Australia should initially be for a maximum of two (2) years, with an option to extend. This allows for the receiving Church Authority to assess performance and suitability before confirming a longer-term arrangement. It also allows for the individual to return home if the placement was unsuitable.

Targeted Induction

A comprehensive and targeted safeguarding induction program for overseas clergy and religious should be undertaken before work with children begins and must include the following:

- what constitutes child abuse and exploitation in Australia, including online abuse;
- the National Catholic Safeguarding Standards;
- professional responsibility and boundaries, ethics in ministry and child safeguarding;
- appropriate responses to allegations or complaints of child abuse and exploitation;
- how to work with children, including understanding childhood development and the rights of the child;
- identifying and understanding the nature, indicators and impacts of child abuse and exploitation;
- appropriate pastoral responses to victims/survivors of sexual abuse; and

⁵ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 16, Book 2*, p 846, 2017.

- legislative obligations.

Ongoing support and supervision of overseas clergy and religious

A mentor is an experienced and trusted advisor or a person who gives a younger or less experienced person help and advice over a period of time.

All clergy and religious from overseas are required to be supported by a suitable mentor for at least two (2) years (and up to five (5) if their term of appointment is longer than two (2) years).

Suitable mentors may be from within the particular diocese or religious institute or from another diocese or religious institute and they may be from a similar cultural background. They may be in a similar role or ministry or have experience in that role or ministry. They may be ordained, vowed or a lay person.

Mentors would typically be proactive in seeking to engage regularly with the clergy or religious from overseas.

Also refer to information provided in relation to Criterion 5.5.

Professional/pastoral supervision

Refer to information provided in relation to Criterion 5.5

Aligned with

Royal Commission Recommendation 16.46