

National Catholic Safeguarding Standards

Implementation Guide Standard 8



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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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 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

Entities should adopt a risk management approach by identifying and considering their child safety risks. This approach considers a range of factors including the nature of their activities with children, physical and online environments and the characteristics of children to whom they provide services.

Entities that have an active approach to their duty of care in protecting children tend to have a risk management approach and a commitment to continuous improvement. Additionally, implementation of a risk management approach is part of the entity's recognition of their legal responsibilities to ensure the safety of children.¹

8.1 Personnel identify and mitigate risks in online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities.

A child safe entity designs and adapts its physical environment to minimise opportunities for abuse to occur. It finds a balance between visibility and children's privacy and their capacity to engage in creative play and other activities.

Child safe entities address the potential risks posed in an online environment, educating children and adults about how to avoid harm and how to detect signs of online grooming. The entity articulates clear boundaries for online conduct, and monitors and responds to any breaches of these policies.²

How could your entity implement this criterion?

Develop and implement a Safeguarding Risk Management Plan

In line with Criterion 1.5, the entity requires a formalised and embedded safeguarding risk management plan. This plan should consider risks associated with the physical and online environments under the control of the entity. It also includes risks arising from child-to-child and adult-to-child interactions.

Effective safeguarding risk management plans need to be transparent and well understood. They will vary in scope and detail depending on the complexity and size of the entity, the type of activities or services provided for children and the age and vulnerabilities of the children engaged in those activities and services.

The plan should include clear lines of accountability and be monitored and updated on a regular basis.

All new activities should be subject to a formal risk assessment prior to commencement.

Key elements of a risk management plan include:

- identifying risks (including how they might happen);
- analysing risks (determine the likelihood and the magnitude of consequence/s);
- evaluating risks (e.g low, medium, high);
- implementing strategies to prevent and/or minimise risks (actions to be taken and by whom);
- reviewing and revising risks and preventative measures (detect and manage new risks); and
- communicating and consulting (to build commitment and increase compliance).

¹ Commission for Children and Young People, *A Guide for Creating a Child Safe Organisation*, p 54-58, Victorian Government, 2018

² Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6, Making institutions child safe*, p 431, 2017

Always review any child safety incidents or ‘near misses’. This will help identify areas of activity or risks that require new, different or improved controls.

Education

To best identify and respond to risk, it is important that all personnel have an understanding of child development and the nature of child abuse and grooming behaviours. In this way, positive and proactive steps can be taken to keep children safe.

Personnel need to develop skills in identifying and mitigating risks to children from all types of abuse including online abuse and harmful behaviours by a child towards another child. They need to understand the where, when, how and by whom child abuse can occur (Refer also to Criterion 7.2).

It is important that personnel understand that it is better to be proactive rather than reactive in identifying risks to children.

Policy for reconciliation for children (for dioceses and clerical religious institutes)

The entity develops and implements a policy that recommends the sacrament of penance for children be conducted in an open space within the clear line of sight of another adult, without impinging on the child’s right to privacy.³

Where the sacrament of reconciliation is celebrated using the first form of the Rite of Penance, that is, the Rite of Reconciliation for Individual Penitents, the policy may provide for this to occur in a chapel or other space within a which that is set apart for this purpose, so long as any physical contact between the penitent and the cleric is precluded.

Policy requirements should be embedded in practice and role modelled by those in leadership.

Aligned with

National Principles for Child Safe Organisations - National Principle 8.1

Royal Commission Child Safe Standard 8 (a)

Royal Commission Recommendation 16.48

³ Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 16, Religious institutions Book 3*, Recommendation 16.48, p 376, 2017

8.2 The online environment is used in accordance with the entity's Code of Conduct and safeguarding policies and practices.

Technology provides valuable tools in education, communication and help-seeking, however, technology can be misused and present risks to the safety of children. Risks should be minimised through all necessary means, including educating children, parents and personnel about expectations of online behaviour; applying safety filters; and having communication protocols.

How could your entity implement this criterion?

To minimise online risks, the entity would have the following features.

Education

- A strong prevention and awareness focus, through educating children, parents and personnel about online safety and security, including cyberbullying and online grooming.
- Education and training provided about the online environment is consistent with the entity's Code of Conduct and safeguarding and other relevant policies and addresses the use of mobile phones and social media.

Code of Conduct

In line with Indicator 1.4.1, the Church entity provides guidance on appropriate and expected standards of behaviour of personnel through a documented Code of Conduct. The Code of Conduct needs to include requirements in relation to personnel interacting appropriately with children via technology.

Policy for acceptable use of information and communications technologies

The entity develops and implements a policy on the acceptable use of information and communication technologies. This policy includes, but is not limited to:

- the articulation of clear boundaries for online conduct between adults and children, as well as between children;
- guidelines for taking, storing and using images of children;
- guidelines for personnel on appropriate online communication with children including via personal phones, emails and social media; and
- strategies to enable children, families, carers, communities and personnel to report issues or concerns in relation to the entity's online platforms.

Monitoring, reporting and responding to breaches of the Code of Conduct and related policies

The entity:

- routinely monitors the online environment, reporting breaches of its Code of Conduct and safeguarding policies in accordance with the entity's complaint handling processes;
- reports online offences to police in accordance with legislative reporting obligations;
- has clear processes in relation to search filters and firewalls; and
- is proactive in keeping up to date with current online safety issues and avails themselves of expert information, education and resources from specialist government and non-government bodies, including:
 - the Office of the e-Safety Commissioner: www.esafety.gov.au
 - Think U Know: www.thinkuknow.org.au

Aligned with

National Principles for Child Safe Organisations - National Principle 8.2

Royal Commission Child Safe Standard 8 (b)

8.3 Risk management plans [refer to Indicator 1.5.1] consider risks posed by the entity's settings, activities and physical environments.

Each entity is in the best position to know where the vulnerabilities and risks are located within its own settings, activities and physical environments.

How could your entity implement this criterion?

Consider a range of factors when developing Safeguarding Risk Management Plans including, but not limited to, the following.

Physical environment

- Ensuring effective natural surveillance with few out-of-the-way places, taking into account children's right to privacy.
- Conducting routine movements of responsible adults to provide formal and informal line-of-sight supervision.
- Implementing a 'no closed door' policy.
- Installing bright lighting in dark areas.
- Having rooms with large, unobstructed windows or observation panels (including for spaces such as principals', chaplains' or counselling rooms).
- Installing surveillance equipment (e.g. CCTV) in high-risk environments where natural surveillance is not feasible, taking into account children's right to privacy and complying with sector standards.
- Conducting random checks of obstructed and out-of-the-way locations (e.g. dressing rooms, first-aid rooms or sporting grounds away from main buildings).

Activities

- Rostering appropriate personnel with experience and qualifications to manage high risk environments.
- Having guidelines to clarify expectations for 1:1 interactions with children (e.g. counselling, reconciliation, tutoring).
- Having guidelines to reduce the risk of inappropriate or harmful contact between adults and children or between children, during activities such as toileting, showering or changing clothes.
- Having increased supervision and support for children with greater needs.
- Monitoring who is present at all times, including people from outside the entity and under what circumstances.
- Having guidelines for transportation including:
 - personnel driving with child/children; and
 - pick-up procedures at the end of an activity.
- Consider location and settings:
 - having higher adult-to-child ratios for settings such as excursions, overnight camps and pilgrimages; and
 - ensuring a gender balance of adults supervising children in settings such as excursions, overnight camps and pilgrimages. As much as possible, the gender balance of adults should reflect the gender of the participating children.
- Ensuring that the entity's activities and ministries with children are not conducted in the homes of personnel.
- Clergy and religious' living arrangements are included in the application of child safeguarding standards. Living areas for clergy and religious must be clearly separated or delineated from publicly accessible areas such as offices and meeting rooms.

- Ensuring that the entity’s activities and ministries with children are not conducted in the sleeping quarters or bedrooms of the community house or of the presbytery/parish house.⁴

Age, vulnerability and special needs of children

- Consider the age, gender mix and vulnerabilities of children in each activity or setting.
- Give particular attention to the safety and diverse needs of children in closed or segregated environments, such as out-of-home care, boarding schools, specialist education facilities and disability support settings.

Person of risk

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 must implement a risk management process for assessing and managing risks posed to children by the person’s inclusion or ongoing involvement in the services or activity.

This specific risk management process is not meant to isolate or discriminate against any individual but to set in place protective boundaries within the entity for the safety of all, most especially children. Nor is it intended that a parish priest or ministry coordinator asks every individual about their background – when information does become known to the parish priest or coordinator, however, there is a duty to act to protect children.

To assist in providing a safe environment for all, the risk assessment and management 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.

In many instances parole conditions may prohibit the person from attending the entity’s services or activities.

The written agreement of the person to freely commit themselves to abide by the provisions of the specific safeguarding risk management plan is essential. The agreed plan may include restrictions such as:

- having an ‘accountability partner’ accompany them to mass and/or liturgies (to support them);
- attending an agreed mass time (one where children are less likely to be participating);
- not attending school masses or liturgies;
- sitting in an assigned seat or area in the church;
- not holding any voluntary position in the parish (e.g. altar server, children’s liturgy, youth leader, sacramental program);
- not holding any leadership position in the parish (e.g. parish council, music or liturgical co-ordination); and
- not attending any parish-related social activities (e.g. socials, picnics, retreats, fetes, fundraisers).

If an agreement is not able to be put in place, consideration should be given to other alternatives outside of public services such as receiving the sacraments at home or attending masses and liturgies where children are not present.

The protection of children must always take priority over the inclusion of such persons in the entity’s services or activities.

It is important to be aware that 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 or territory legislation regarding working with children checks).

⁴ National Committee for Professional Standards, *Integrity in Ministry. A Document of Principles and Standards for Catholic Clergy & Religious in Australia*, p 3, 2010.

Please note: new and changing legislation

As a result of previous parliamentary inquiries and recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse, new criminal offences of ‘Failure to Protect’ have either passed into legislation or are in the process of becoming legislation across the states and territories in Australia.

In summary, these offences encourage organisations to actively manage the risks of sexual offences being committed against children in their care to protect them from harm. A person in a position of authority in the organisation will be committing the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

ACSL Tools

8.3.2 Guidelines for managing high risk individuals

Aligned with

National Principles for Child Safe Organisations - National Principle 8.3

Royal Commission Recommendation 16.57

8.4 Entities that contract facilities and services to and from third parties have procurement policies that ensure safeguarding of children.

How could your entity implement this criterion?

Ensure due diligence is conducted that considers the risks posed to children by either:

- third parties engaged by the Church entity to provide facilities or services; or
- third parties who use the entity's facilities.

This due diligence would take the form of:

- a written agreement articulating the entity's expectations on safeguarding and their zero-tolerance approach to child abuse;
- the third party providing surety to the entity that they have policies and procedures in relation to safeguarding children;
- any third party wishing to use the entity's facilities on a regular basis but does not have its own policy, must be required to adhere to the entity's policies and procedures. The third party would be asked to provide a written agreement that they would fully comply with the entity's safeguarding policy;
- a letter of compliance from the management of the third party stating that all personnel have current Working with Children Checks; or
- records kept of any third parties using the entity's facilities, either regularly or occasionally.

Where Church entity premises are used for one-off, private or single-use events, such as a private birthday party or family gathering, a written agreement (e.g. Hall Booking Form) must indicate that it is a private booking and that the organiser will be responsible for keeping attendees safe. The organiser must be named on the booking form.

ACSL Tools

8.4.2 Agreement – Use of Church entity premises

Aligned with

National Principles for Child Safe Organisations - National Principle 8.4