

POLICY FOR SAFEGUARDING CHILDREN AND ADULTS-AT-RISK



Presentation Sisters Wagga Wagga



December 2021



Safeguarding Policy

Presentation Sisters Wagga Wagga

Welcome to the Congregations' revised Safeguarding Policy document.

Like many other religious communities, the Congregation, and its staff, may encounter children and adults at risk throughout the course of their Mission. Therefore, it was essential that, considering the findings of The Royal Commission into Institutional Responses to Child Abuse (15 December, 2017), this Policy and its related procedures were developed and first published (23 July, 2019).

While many of us rightly associate safeguarding with children, there are other members of society who need to be reassured that their safety, wellbeing and happiness matter too. This revised document strengthens our policies around *Adults-at-Risk*. Those adults-at-risk include those with disabilities, the elderly and anyone who is unable to protect themselves against abuse or neglect. They require just as much protection as children.

While the Congregation acknowledges the lifelong trauma of abuse victims, survivors and their families, the failure of the Catholic Church to believe, protect and respond appropriately and justly to children and adults-at-risk, this Congregation continues to commit itself to *"...do what we can to heal the wounds of abuse and make the Church a safer place for all"* (CRA and ACBC response to the Royal Commission). This is why we are implementing this revised policy document—promoting a safe and positive environment for children, Sisters, adults at risk, volunteers and staff.

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Presentation Sisters Wagga Wagga

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POLICY FOR SAFEGUARDING CHILDREN AND ADULTS AT RISK

PRESENTATION SISTERS WAGGA WAGGA

**“There can be no keener revelation of a society’s soul
than the way in which it treats its children.”**

Nelson Mandela – Former President of South Africa

Preamble

In carrying out the mission of responding to the needs of the time, particularly in relation to the poor and disadvantaged, the Presentation Sisters Wagga Wagga, employees and volunteers may have contact with children and adults-at-risk.

Each Sister, the Administration, and each ministry, programme and activity conducted under the responsibility of the Presentation Sisters, fosters the wellbeing of all children and adults-at-risk in their care, respects their dignity and human rights, provides for their safety and protects them from harm and abuse in a way that is inclusive and responsive to diverse needs.

Any report or suspicion of harm or abuse is handled promptly, with compassion and integrity.

All who are involved with children and adults-at-risk in any ministry, whether administrator, staff member, Sister or volunteer, have a duty to ensure their safety and protection. The Presentation Sisters actively promote “zero tolerance” in all their safeguarding policies and procedures.

A number of years ago each Sister has received a copy of *Integrity in Ministry and Towards Healing*. In-services on these documents have been held. Sisters in schools in the past twenty years have also attended in-services in their school community. Our *Safeguarding Policy* was distributed in September 2016. Each person must be familiar with this policy (revised in 2021), be aware of other professional and legal requirements and know how to respond when there is knowledge or suspicion of harm to a child or adult-at-risk.

We endorse the response of the Catholic Church who wrote “The ACBC and CRA are grateful to the Royal Commission for the service it has rendered to both the country and Catholic Church, and we thank especially the survivors of abuse who showed such courage in coming forward to bear witness to their suffering. To them and their families we offer our sincere and unreserved apology, and we commit anew to doing whatever we can to heal the wounds of abuse and to make the Church a safe place for all.” *ACBC and CRA Response to the Royal Commission into Institutional Responses to Child Sexual Abuse*. August 2018 p, 5.

Commitments

The Presentation Sisters Wagga Wagga are committed to these principles:

- at all times the safety, well-being and protection from any form of harm or abuse of children and adults-at-risk are paramount;
- all Sisters and other Presentation Sisters' employees and volunteers have a duty of care to support and protect children and adults-at-risk;
- our recruitment, employment and supervision processes to be of high quality in order to select and engage suitable people to work with children and adults-at-risk;
- education and training in recognising abuse, responding to a disclosure and reporting an allegation is provided for all engaged in working with children and adults-at-risk. either directly or indirectly.
- if there is suspicion that a child or adult-at-risk is subject to some form of harm or abuse there will be immediate intervention ensuring the person is protected and supported;
- a prompt, compassionate and just response is made on receiving any complaint or notification of harm or abuse (current or historic);
- care is offered to the family of the child or person who may have suffered harm;
- persons involved in an allegation of abuse will be treated with justice and compassion and have appropriate confidentiality maintained.

Legal Obligations and the Relevant Acts

The Children's Guardian Act 2019 consolidates the functions of the Children and Young Persons (Care and Protection) Act 1998 and the Child Protection (Working with Children) Act 2012. Its paramount consideration is the safety, welfare and wellbeing of children including protection from child abuse.

As mandatory reporters of child abuse, we are required to report to the Department of Communities and Justice (through the Child Protection Helpline on 132111) or the police if we have reasonable grounds to believe that a child is 'at risk of significant harm'. (Appendix 1)

The Trustees of the Presentation Sisters Wagga Wagga are required to notify the Office of the Children's Guardian of any reportable allegations or convictions against a Sister, employee or volunteer within seven business days. These matters would already be with the police or Community Services. (Appendices 4, 6 and 8)

Reportable conduct includes any sexual offence or sexual misconduct (including grooming and pornography), any assault, ill treatment or neglect of a child, and any behaviour that causes psychological harm to a child. We will report findings to the Office of the Children's Guardian and retain the records for at least 30 years. (Appendix 8)

The needs of **adults-at-risk** are cared for through the Ageing and Disability Commissioner Act 2019 and the Aged Care Act 1997 and other related aged care legislation. These acts protect and promote the rights of adults with disabilities and older adults and protect them

from abuse, neglect and exploitation. We are not mandatory reporters of abuse of adults-at-risk. However, we must ensure that our relationships with adults-at-risk are respectful, inclusive and ensure all people's right to quality of life. Matters of abuse can be reported to the police and the NSW Ageing and Disability Abuse Helpline.

The Congregation Leader is responsible for assessing if a concern about the safety of an adult-at-risk should be reported to an external agency. The assessment will have regard to whether the alleged offender is employed or engaged by the Congregation, the views and wishes of the adult involved, the capacity of the adult involved to make an informed decision, the seriousness of the concern and the potential or actual risk to other children or adults. (Appendices 2, 5)

Church Protocols

The Trustees of the Presentation Sisters Wagga Wagga will ensure that we fully comply with all relevant government legislation and all requirements of the Roman Catholic Church in respect of safeguarding children and adults-at-risk in accord with the following protocols adopted by the Australian Catholic Bishops Conference, namely:

- *Integrity in Ministry (reprinted 2010)* (Principles and Standards for Catholic Clergy and Religious Australia);
- *Integrity in the Service of the Church (September 2011)* (Principles and Standards for Lay Workers in the Catholic Church in Australia);
- *The National Response Protocol (January/February 2021)*
- *National Catholic Professional Standards (2018 and 2020)*
- *National Principles for Child Safe Organisations – National Framework for Protecting Australia's Children 2009 -2020*

In accord with the legislation and the protocols above, the Trustees of the Presentation Sisters Wagga Wagga (i.e. the current Leadership Team), will make full disclosure of any allegations of abuse to the appropriate bodies. If the matter is of a criminal nature the police will be informed immediately. (Appendices 6, 7)

Authority

This Policy (2021) has been approved by the Congregation Leader and Congregation Leadership Team, the members of which are at the same time the Trustees of the Presentation Sisters Wagga Wagga. Unless required sooner, the Policy will be reviewed regularly and after the appointment of a new Congregation Leader following the General Chapter.

Definitions

A child is defined as someone who is under the age of 18 years.

An adult-at-risk is defined as someone who is aged 18 and over who is at increased risk of abuse or exploitation because they are elderly; have a disability; have a mental illness; have diminished capacity; have cognitive impairment; experience transient risks, e.g. bereavement, relationship breakdown, domestic or family violence, homelessness; are a

survivor of sexual or child abuse; are Aboriginal or Torres Strait Islander, refugee or migrant, or of diverse gender or sexuality; speak a first language other than English; are an ex-prisoner or ex-addict.

Application of Policy

This policy applies to each Sister, employee or volunteer who works directly or indirectly in any Presentation Sisters' ministry and to all other personnel of any Presentation Sisters Congregation Ministry. Each Sister or person working with children must have a current NSW *Working with Children Check* number that has been verified and kept on record. Catholic Religious Australia (CRA) now recommend that all Sisters to obtain a *Working with Children Check*.

Each Congregation Ministry working directly or indirectly with children and adults-at-risk is required to develop its own specific set of safeguarding guidelines. These guidelines are supplementary to the Congregation Policy and will be approved by the Congregation Leader and Leadership Team.

Currently, the Congregation has responsibility for one ministry that may involve children – Mount Erin Heritage Centre Wagga Wagga. The primary Safeguarding Policy will be from the Diocese of Wagga Wagga. As the Presentation Sisters currently have the governance of the Heritage Centre, the Manager will also abide by our Safeguarding Policy and Procedures.

We recognise that any ministry where we may work with children or adults-at-risk has potential risks. We are proactive in assessing and minimising risks so that each child or adult-at-risk feels welcomed, safe and included. The employed manager of the Mount Erin Heritage Centre will undertake annual workshops/seminars related to Safeguarding and Child Protection.

We endeavour to maintain a professional role in all issues concerning children and adults-at-risk. The management of professional boundaries will ensure that everyone is protected from misunderstandings and we will promote transparency and accountability in working with everyone involved in our ministries.

Our *Code of Conduct for our Sisters, employees and volunteers* reflects a comprehensive approach in our care of children and adults-at-risk. It also reflects our commitment to develop 'Right Relationships' in our everyday lives. (Appendices 3, 7)

Procedures

Distribution of responsibility

The Congregation Leader and Leadership Team have responsibility for:

- developing, approving and disseminating this policy;
- appointing a person to take responsibility for Safeguarding matters and in implementing the policy;
- evaluating and updating the policy as appropriate or required by changes in legislation; and

- keeping abreast with the latest literature and policies disseminated by Australian Catholic Safeguarding Limited (ACSL).

The Congregation Leader, as the designated Church Authority, has responsibility to ensure that she:

- supports the Safeguarding Officer to provide the most appropriate intervention when there is suspicion, allegation or disclosure of harm or abuse to a child or adult-at-risk
- has a written procedure in place to ensure that the requirements of the relevant civil authority in relation to child protection/safeguarding are met;
- seeks advice as needed; and
- co-operates with any investigation.

The Safeguarding Officer oversees the day-to-day implementation and management of the policy and answers directly to the Congregation Leader.

The Safeguarding Officer has an obligation:

- to have a knowledge and understanding of all current statutory and church requirements pertaining to safeguarding children and adults-at-risk;
 - to ensure that Sisters, employees and volunteers are provided with training and are familiar with our *Safeguarding* policies;
 - to ensure that those working with children have completed the applicable screening procedures and checks and that training and ongoing professional development is provided;
 - to maintain employment screening and training records;
 - to work with the Congregation Leader in response to suspicion, allegation or disclosure of harm to a child or adult-at-risk;
 - to inform the Leadership Team about any changes in legislation and then work with the Leadership Team to inform the Sisters about any changes to the *Safeguarding* policies;
 - to implement the relevant changes recommended by the Royal Commission and ACSL and
 - to manage a process of continuous improvement and keep annual records.
- (Appendix 1)

Management of Safeguarding at Congregation Level

Roles and Responsibilities of the Safeguarding Officer

The Safeguarding Officer will oversee the *Safeguarding Policy* and ensure safe recruitment processes are in place. Training and education will be a priority and records are kept at the Congregation office at Berala. Risk Management policies will be reviewed and personnel will know how to respond to concerns about any allegations of professional misconduct.

Safe recruitment and screening process

All aspects of the recruitment of staff and volunteers emphasise the Presentation Sisters' commitment to safeguarding of children and adults-at-risk. Recruitment documentation and

employment contracts have specific reference to safeguarding. Positions are assessed for the level of contact with children and adults-at-risk. There will be a vigorous and vigilant process in the screening of candidates interested in working with us.

Where applicable, a Working with Children Check (WWCC) will be required of candidates who will need to demonstrate that they recognise the importance of boundaries, have an understanding of the needs of children and adults-at-risk and are able to respond appropriately to a variety of scenarios which include consideration of power imbalances in relationships. Several references would be required. Ongoing support, supervision and training will be required for those who hold a management position. A National Police Check is required for all employees of the Congregation.

Working with Children Checks

The Safeguarding Officer makes sure that an employee or volunteer whose work may involve contact with children has a *Working with Children Check* number that is verified at the Congregation office at Berala. The data base will include the full name of each person, their date of birth, the WWCC number, when the next check is due, who verified the WWCC on line, the date and the outcome of the verification. Sisters will maintain a WWCC number unless they are over 80 years of age and not directly involved in working with children or are residents in aged care facilities. The Safeguarding Officer will contact each Sister before her WWCC is due to expire (Leadership Team decision, March 2021). An organisation must not employ prohibited, suspended, or disqualified people in child-related work as this is a 'failure to protect' offence. Therefore, any employee or volunteer whose WWCC status has been revoked will be removed from the workplace. Further action will follow the process for dealing with an allegation of misconduct.

Code of Conduct

Sisters, employees and volunteers must comply with the Presentation Sisters Wagga Wagga *Code of Conduct*. The code provides clear information about the Congregation's expectations of ethical and professional behavior, compliance and the handling of breaches of the Code of Conduct. When the Code of Conduct is reviewed and changed, all personnel will be informed and invited to sign the new document. Employees and volunteers who join the staff after any changes take effect will be required to sign the *Code of Conduct*. (Appendix 3)

Use of Computers and Internet

We are aware of the many benefits of being part of the digital age. Communication, information and research are integral to our Mission.

As Sisters, work colleagues and volunteers we have a duty of care to use all electronic equipment and the internet responsibly. This includes being aware of on-line risks arising from interactions between children, adults and adult-to-child and the potential for abuse of power in these interactions. Assistance will be provided as needed to ensure the use of safe online applications for learning, communicating and seeking help. Privacy with personal information will be upheld as well as confidentiality with work related matters. Software will be in place to monitor nominated devices used by all staff and the current Leadership Team for any inappropriate use.

Our technology usage will always promote human dignity and respectful relationships.

Mount Erin Heritage Centre

The Safeguarding Officer will also review the *Safeguarding* procedures/Risk Assessments for the Mount Erin Heritage Centre, Wagga Wagga. Their primary policy will be aligned with the Safeguarding Policy for the Diocese of Wagga Wagga. All staff and volunteers must have a current Working with Children Check number.

Induction of volunteers (MEHC)

New volunteers will be inducted by the program coordinator and sign a “Code of Conduct” form. An employee/volunteer will not be involved in any ministry until they have undertaken a training program. The program manager at MEHC will take responsibility for supervising any volunteer in their program and ensure that appropriate ongoing training is available to deal with an issue involving the safety and wellbeing of a child or adult-at-risk.

Congregational Archives

The Congregation’s Archives are on Kildare College grounds. Therefore, the Archivist and any volunteers must comply with the Safeguarding Policy for the Diocese of Wagga Wagga as well as for Presentation Sisters Wagga Wagga. They must have a current Working With Children Check number.

Mandatory Reporting

All those involved as employees/co-workers working with children are mandatory reporters of abuse (www.keepthemsafe.nsw.gov.au). The safety of any child is paramount. If a Sister, an employee or volunteer has an allegation made against him or her, he/she will be withdrawn from active duty immediately. The protection of the victim is the most important consideration. The Leadership Team has a written policy on *Responding to an Allegation of Abuse*. (Appendix 6)

The Office of the Children’s Guardian is responsible for monitoring the handling of reportable allegations and convictions against employees of all government and certain non-government agencies in NSW. (Appendices 4, 6, 8)

Safeguarding and Risk Management

The Presentation Sisters provide a preventative and responsive approach to protecting children and adults-at-risk by ensuring that risks are identified and managed and are clearly set out in the Risk Management Policy. All personnel share day to day responsibility for identifying and minimising risks to the safety of children and adults-at-risk.

The process includes identifying a risk, analysing it, ranking and recording steps to reduce that risk and then monitoring (see *Safer Organisations Safer Children* www.checkwwc.wa.gov.au). A ministry that involves working with children and adults-at-risk will require a risk assessment that is documented, filed, reviewed regularly and made publicly available. (Appendices 11, 12)

Responding to Complaints

Any complaint received by the Presentation Sisters Wagga Wagga will be taken very seriously and will be responded to promptly. The safety, care and concern for the complainant is paramount. "Complaint" is a broad term which can include expressions of dissatisfaction related to our services or dealings with individuals or organisations; allegations about the conduct of staff, volunteers or others engaged by the Congregation; the handling of a prior concern; any concern, report, allegation or disclosure whether current or historic; current or former personnel.

Anonymous complaints will be accepted because they are important although they are challenging to deal with. Every effort will be made to let the "anonymous complainant" know that their concern will be heard but the Congregation's response may not satisfy them since verifying relevant facts will be difficult. Difficulties in affording fairness to all involved will be an issue where the identity of the complainant is a central issue.

The Congregation Leader will notify the appropriate authorities so that the investigation can be carried out with objectivity and fairness. In the case of a criminal investigation, the police will be informed immediately. Depending on the nature of the complaint and risk assessment, the person against whom the allegation has been made may be "stood aside" during the investigation.

In accordance with the ACSL Guidelines, clear information about the investigative process will be given to the respondent with outcomes given in writing. A respondent also has a right to a review.

The Congregation Leader will ensure that all those involved in a Safeguarding Matter, a breach of the Code of Conduct or any other complaint will be given support.

Records of any notifications and action plan will be completed as part of the process and be filed at our office at Berala in the safe. Confidentiality is paramount. (Appendices 4, 5, 6, 7, 9, 10)

Reporting process for historic cases of alleged abuse

If a Sister, employee, co-worker or volunteer receives a complaint about alleged historic abuse, it is important that the Congregation Leader is informed immediately and will respond according to any legislative requirements. Depending on the nature of the complaint, the Congregation Leader would offer a pastoral meeting to listen to the complaint and a response would depend on the needs of the person. The Congregation has joined the National Redress Scheme (2020). (Appendices 4, 6)

Understanding and recognising abuse and harm, and the risks

All Sisters and personnel working with us need to understand what is meant by "abuse, harm and risk of harm." Employees and volunteers will be trained bi-annually about Safeguarding matters. (Appendices 1, 2)

Confidentiality

The person who is involved in the allegation will also receive support and their right to privacy will be protected. The matter will be dealt with by the Congregation Leader in consultation with appropriate personnel.

If a staff member makes an allegation about another person, that staff member must not disclose or make use of that information except with the authorised personnel as stated within the policy.

The person making the report of alleged abuse will be advised that the report will be investigated and dealt with by appropriate authorities. (Appendix 10)

General Training

There will be annual training/awareness sessions for Sisters. The content and names of those attending will be recorded.

There will be training/awareness sessions for employees and volunteers at least bi-annually or when changes to policies and procedures occur. Employees and volunteers will be required to attend. The content and names of those attending will be recorded. (Appendices 2, 13)

References

1. Child Protection polices :
 - Marist Brothers Province of Australia;
 - Australian Province of the Society of Jesus; and
 - Catholic Diocese of Wollongong.
2. www.dhs.vic.gov.au, “Good Leadership and Governance in Child Safe Organisations”, *Child safe standards toolkit: resource one*, August 2016.
3. www.moores.com.au, “For the Cause, Strategy, Law & Governance for Charities, NFPs & Social Enterprises”, *Child Protection Toolkit*, 2 February 2016.
4. NSW State Legislation and Reporting
www.childwise.org.au/page/41/state-legislation-reporting-nsw
5. Relevant Acts as they apply in NSW:
 - The Children’s Guardian Act 2019
 - Ageing and Disability Commissioner Act 2019
 - Aged Care Act 1997

| Policy Evaluation Map | |
|-----------------------|-----------------------|
| Date | Action |
| 2016 | Policy launch |
| 2019, February | Policy Review |
| 2019, June | Policy Review |
| 2021, December | Policy Review |
| 2022, March | Revised Policy launch |

This policy was launched in 2016; reviewed in February/June 2019 and again in December 2021, with acknowledgement of Child Protection Policies published by the Marist Brothers Province of Australia, The Australian Province of the Society of Jesus and the Catholic Diocese of Wollongong.