CONGREGATION OF THE SISTERS OF NAZARETH

AUSTRALASIAN SAFEGUARDING POLICY

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1. History and Introduction

'If one member suffers, all suffer together with it' – 1 Cor 12:26.

'A population that does not take care of the elderly, and of children and the young, has no future, because it abuses both its memory and its promise' – Pope Francis[i]

'I have come so that they may have life and have it to the full' - John 10:10

The Congregation of the Sisters of Nazareth (CSN) can trace its roots back to 1851 when Victoire Larmenier, a young novice in Rennes, France was sent to England. Victoire was born on the 21st July 1827 at Liffre, near Rennes the capital of Brittany in France. Through the influence of the clergy and sisters of that area and their commitment to the poor Victoire joined up with the Little Sisters of the Poor and was soon sent to England. It was there in London that Victoire established her own religious Congregation under the title of the Sisters of Nazareth. The Congregation cared for poor and infirm children as well as poor elderly people. In June 1878 Victoire Larmenier died leaving behind her a wonderful legacy, Gospel based and values driven reflected through the Charism of the Sisters of Nazareth.

In 1888 the first house was opened in Ballarat, Australia and in 1905 the first house opened in Christchurch, New Zealand and both are still in operation. Today we have houses in Camberwell, Ballarat, Geraldton, Tamworth and Brisbane in Australia. All these Nazareth Houses provide care for adults at risk.

Around 2007, the Sisters recognised the necessity to involve lay staff more extensively in the management and operation of the houses and gradually Nazareth Care (NC) was established in partnership with the Sisters of Nazareth. This partnership is likened to the two sides of a coin! Nazareth Care is the operating company for the charitable ministry of the Sisters. It manages the houses and other services, handles finances and employs staff in the region. Indivisible in all aspects – its culture, its people, the quality of services, business practices and relationships; one Nazareth on the inside sharing the same mission, and on the outside the two faces, harmoniously displaying the Sisters and lay Staff.[ii]

We the Sisters of Nazareth understand that we hold a privileged position of trust in the community. We are committed to providing a safe, inclusive and supportive environment which respects and upholds the human rights and dignity of all people.

CSN acknowledges that we are well placed to recognise people in our community who are particularly at risk and in need of care and support. We welcome them into our community.

This policy has been approved by the Regional Council of the Australasian Region of the CSN

2. Safeguarding Commitment Statement

The Congregation of the Sisters of Nazareth's commitment to safeguarding is paramount and we insist upon a zero-tolerance approach to abuse and neglect by anyone connected to Nazareth. Our main client groups are vulnerable and therefore need to be protected. This means protecting adults at risk, children and everyone that we encounter, from abuse in our homes and advocating for them when we suspect abuse by others. Any form of abuse cannot, in any circumstances, be vindicated and all allegations or concerns must be acted on. There are no exceptions; the welfare of a vulnerable person is paramount.

Everyone should be able and feel safe to raise any concerns which should always be listened to and acted on. For today's service users and those in the future it is vital that we do everything possible to uphold and positively promote the reputation of Nazareth as a provider of compassionate, respectful, dignified personalised care.[iii]

CSN upholds the dignity of all and is committed to promoting and maintaining safe and supportive environments, particularly for children and adults at risk. All people have the right to be protected from sexual and other abuse. Inclusivity, which is at the heart of our values, shapes our relationship with children, adults at risk, their family and the community.

We encourage environments that empower children and adults at risk to speak up knowing they will be listened to. We recognise the role of families and community in safeguarding children and adults at risk and welcome their input on how to improve the way we relate to them. We are building a culture of care, accountability and transparency, upheld in our policies and processes including recruitment, induction, and daily operations. We are actively committed to building prevention and safeguarding practices into everyday practice and implementing governance reforms throughout our Congregation and its ministries.

We act appropriately with children and adults at risk with whom we have contact, including maintaining boundaries and exercising acceptable standards of behaviour at all times. All personnel, including religious brothers, sisters, aspirants, candidates, clergy, staff, volunteers, contractors and others engaged by the CSN or NC, are aware of their responsibilities in relation to the legislative requirements of relevant jurisdictions and our own complaints and safeguarding policies. Any concerns that are identified or brought forward in any way are acted on appropriately, sensitively and in a timely manner.

This commitment stems from our belief in the dignity of every person and the founding vision and Gospel values of the Congregation. Our Mission to share the love of God.

Signature of Regional Superior

Date: 11 January 2024

3. Policy Statement

Safeguarding is a duty that is rooted in the message of Jesus and in the mission of the Church. The Congregation of the Sisters of Nazareth (CSN) in partnership with Nazareth Care (NC) expects personnel to maintain the highest standards in providing culturally safe care and services for children and adults at risk in relation to safeguarding. We are committed to a zero-tolerance approach in regard to abuse and neglect by anyone who is connected to Nazareth. We will respond appropriately to all concerns and allegations that are raised by following civil and ecclesiastical requirements. CSN promotes this culture in safeguarding not only to our residents but all personnel, plus the wider community.

NC will acknowledge and link polices where applicable to the CSN overarching safeguarding policy.

Governance

The Congregation of the Sisters of Nazareth is approved by the Holy See and governed by its Canon Law. In civil law it is legally structured as a network of separate but connected entities i.e. The Congregation (CSN); Nazareth Care Houses (NC); and Retirement Villages and trading subsidiaries. The overall responsibility rests with the Superior General who is accountable for the ministries and works of the Congregation, irrespective of how each entity is constituted. The Regional branch of the Congregation is responsible for the delivery of the Mission and all that takes place in the region. The Regional Superior is supported by Regional Councillors and delegates the delivery of the main ministries of the Congregation to Nazareth Care which operates under the governance of the Nazareth Care Board whose members play a vital role in governing the work of Nazareth Care and protecting the Mission in the region. The Regional Superior is Chair of the Board which delegates to the Chief Executive the management of Nazareth Care. While Nazareth Care needs to adopt a business-like approach, it must always be guided by the Nazareth Spirit and the Charitable and legal parameters under which it operates.

4. Purpose and Scope

The purpose of this policy is to provide information and guidance about how CSN will prevent, identify and respond to abuse and harm towards children and adults at risk. It is approved and endorsed by the Regional Council of the Australasian Region.

The Safeguarding Policy applies to all personnel, including – religious, aspirants, candidates, clergy, employees, volunteers, contractors (and others) engaged by the Church Authority to provide services to children and adults at risk. It covers all aspects of service provided by CSN/ NC in any location.

This policy complies with the National Catholic Safeguarding Standards, which outline requirements for Catholic entities across Australia and New Zealand to promote safety of children and adults at risk through implementing policies and activities to prevent, respond to and report concerns regarding abuse and harm.[iv] The policy also reflects relevant safeguarding legislation in Victoria, New South Wales, Western Australia, Queensland and New Zealand.

The Safeguarding policy and procedures build on and incorporate responding to allegations of abuse. The CSN is committed to policy and practices which promote the welfare of

children and adults at risk and safeguard them from abuse. All policies and procedures aim to promote welfare, reflect inclusion and transparency and promote a culture of safeguarding. A core governance responsibility is to ensure that safeguarding policies and procedures are in place.

The Safeguarding Policy is supported by, and should be read together with the following related documents, which provide additional guidance, including procedural checklists and templates: *This policy is current, and remains a dynamic document, and will be continually reviewed and updated to reflect current safeguarding practices.*

- Safeguarding Commitment Statement
- CSN Code of Conduct
- CSN Risk Management Strategy
- CSN Complaint Handling Policy

Nothing in this policy affects the content in Church documents.

This policy also links to NC policies, and supports NC policy requirements to meet legislative requirements and the Aged Care Act, 1997.

Definition of Children

Children are people under the age of 18.

CSN and NC have children coming into their facilities. Some services or activities have incidental contact with children through: children accompanying parents to services, visiting family members in the aged care facility, groups of children coming to perform for the adults at risk in the facility or for special school activities.

Definition of Adults at Risk

Adults at risk are people aged 18 and over who are at increased risk of abuse, including those who:

- Are elderly
- Have a disability
- Have a mental illness
- Have diminished capacity
- Have cognitive impairment
- Are experiencing transient risks e.g. Bereavement, relationship breakdown, domestic or family violence, homelessness
- Have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation

Whilst taking care to not make assumptions or generalisations about individuals, we recognise that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm e.g.:

- Being Aboriginal or Torres Strait Islander
- Being a refugee or migrant
- Diverse gender or sexuality[v]
- Speaking a first language other than English

- The existence of a power imbalance
- Experiencing of living in our-of-home care
- Surviving sexual abuse or child abuse

CSN has contact with adults at risk through their specialised ministry in aged care, health and disability services.

5. Leading and Promoting a Safeguarding Culture

The Regional Superior with her council and the Nazareth Care Board are ultimately responsible for ensuring that the Congregation of the Sisters of Nazareth provide safe environments for children and adults at risk.

The Regional Superior has delegated the authority for handling child protection and adult safeguarding matters through the Safeguarding Committee and Safeguarding Coordinator. Collaboration across the CSN and NC and information sharing is essential for consistent promotion and standardisation of best-practice approaches to safeguarding.

All ministries remain directly accountable to the Regional Superior for their implementation of the National Catholic Safeguarding Standards.

The Regional Superior has established a Safeguarding Committee in accordance with the requirements of the Standards, comprising experts in relation to safeguarding, organisational culture and structure, and policy development, which is responsible for overseeing the effective ongoing implementation of safeguarding practices, policies and procedures.[vi]

The Standards are based on the child safe standards recommended by the Royal Commission into institutional Responses to Child Sexual Abuse but include additional 'core components.' NSS, Edition 2, December 2022, at 1.2.2.

The day-to-day safeguarding work of the Congregation of the Sisters of Nazareth is led and managed by the Safeguarding Coordinator appointed in the Region. This role also acts as the 'Safeguarding Coordinator' as required by the Standards.[vii]

The Regional Superior of the Congregation, the Nazareth Care Board, the CEO and senior personnel of Nazareth Care will lead and promote a safeguarding culture by:

- Personally, upholding and modelling a standard of behaviour consistent with relevant Church documents and civil law
- Promoting the National Catholic Safeguarding Standards
- Prominently publishing and displaying the Safeguarding Commitment Statement and ensuring the CSN Safeguarding Policy, CSN Code of Conduct and CSN Complaint Handling Policy are readily available to personnel and the broader community
- Identifying and taking opportunities to promote whole of community awareness of the dignity and rights of children and adults at risk, and to champion and model safeguarding with the CSN, community and more broadly (where appropriate)
- Promoting an inclusive, respectful and responsive approach to the diverse needs of children and adults at risk
- Paying particular attention to the needs of children and adults who may be at increased risk of abuse, discrimination or exploitation

- Taking all possible steps to ensure that only people who are safe and suitable to have contact with children and adults at risk are engaged by the CSN
- Empowering all personnel to take responsibility for safeguarding and providing opportunities for them to have input into improving safeguarding practices
- Encouraging people to bring forward concerns or complaints about the safety of children or adults at risk (including disclosures of current or historical abuse) and providing appropriate processes by which to do so, including processes that are suitable for children and people with diminished capacity and /or cognitive impairment
- Responding to disclosures and complaints in a manner that is transparent, respectful, fair and accountable
- Working with survivor advocacy and support groups, where appropriate, to recognise past wrongs where these have occurred and build a safe, inclusive and supportive faith environment
- Welcoming and facilitating dialogue with and feedback from CSN, the Australian Catholic Safeguarding Ltd team, community, including children, adults at risk and outside experts, about our safeguarding approach, including when reviewing safeguarding policies and procedures
- Ensuring CSN complies with all relevant statutory and legislative requirements
- Actively monitoring compliance with the Safeguarding Policy and National Catholic Safeguarding Standards, undertaking annual local self-assessments checks and making publicly available the findings of any audits or reviews undertaken or validated by Australian Catholic Safeguarding Limited.

The Safeguarding Commitment Statement, CSN Safeguarding Policy, CSN Code of Conduct and CSN Complaint Handling Policy will be published on the CSN/NC website. At least once a year, as a reminder, the documents will be proactively communicated, by email, to all personnel involved in the CSN community.

The Regional Superior will ensure that CSN reports any safety concerns about children or adults at risk to the appropriate authorities. The processes by which safety concerns will be reported are outlined in section 10 of this policy and include:

- Reporting possible criminal offences (including historical allegations of child abuse) to Police
- Making a mandatory child protection report to (insert relevant child protection authority)
- Making a notification of reportable conduct (insert relevant reportable conduct oversight body if relevant)
- Reporting safety concerns for older people or people with disability to the Aged Care Quality Commission, NDIS Quality & Safeguards Commission and other relevant reporting bodies

Safeguarding Implementation Plan

CSN will monitor compliance with the Safeguarding Policy and continual improvement of its safeguarding practices through the Safeguarding Implementation Plan[viii] constituted by the following:

- Safeguarding will be a standing agenda item of the Clinical, Governance & Risk Meeting to ensure regular discussion of the following:
    - Opportunities to promote safeguarding within the organisation
    - Relevant legislative or statutory changes
    - Reviewing/updating the Safeguarding Policy and/or related documents
    - Safeguarding training and support for personnel
    - Trends in complaints about the safety of children or adults at risk (without breaching privacy or jeopardising ongoing complaints), and
    - Any other relevant matters related to Safeguarding.

- The safeguarding responsibilities below are delegated to the Safeguarding Coordinator:
    - Maintaining knowledge of current legislation, statutory and other guidance in relation to safeguarding and ensuring these are reflected in the Safeguarding Policy and related documents
    - Providing a Safeguarding Report for the Board meeting
    - Acting as a contact person for anyone in a CSN community who has questions about safeguarding or concerns about the safety of children or adults at risk
    - Ensuring the Safeguarding Policy, Code of Conduct, Risk Management Strategy and Complaint Handling Procedures are regularly reviewed by CSN according to the specified timeframes in each document
    - Monitoring the currency of Working with Children Checks and other relevant background checks held by personnel
    - Monitoring participation by personnel in safeguarding training according to the designated schedule
    - Regularly reviewing complaints to identify systemic issues related to safeguarding, and improving policies and practices as needed, and
    - Engaging with other relevant organisations and seeking specialist advice about safeguarding good practice, as necessary.

The Safeguarding Coordinator's contact details our documented-on pg. 21 of the Safeguarding policy. The Regional Superior retains overall responsibility for the Safeguarding Implementation Plan.

6. Identifying and Managing Risks

CSN have appropriate processes in place to identify and manage risks to the safety and wellbeing of children and adults at risk. These processes are documented in the Risk Management Strategy.

As part of their initial safeguarding induction and refresher training, CSN personnel will be familiarised with the Risk Management Strategy and their related responsibilities. The Regional Superior has overall responsibility for ensuring implementation and compliance with the Risk Management Strategy.

7. Recruiting Safe and Suitable People

CSN is committed to recruiting and engaging people who are safe and suitable to have contact with children and adults at risk. CSN is also committed to ensuring that existing personnel understand their safeguarding responsibilities and are safe and suitable to have

contact with children and adults at risk. The processes in place to support safe recruitment and engagement forms part of the CSN Risk Management Strategy – see section 4 of the CSN Risk Management Strategy.

8. Providing Safeguarding Training and Support

Personnel will participate in the National Catholic Safeguarding Standards Introductory Session for Leaders, or another suitable course delivered by an individual with relevant expertise, as soon as possible after commencement.

As part of their induction, and as soon as possible after commencement, all personnel will be provided with training that empowers them to understand and implement their safeguarding responsibilities. At a minimum, the training will cover:

- CSN Safeguarding Policy and CSN Code of conduct
- Providing a culturally safe environment in which diverse circumstances and experiences are respected
- The nature, factors and impact of institutional abuse of children and adults, including abuse of power, exploitation and grooming
- Understanding risk factors and managing risks to children and adults
- Understanding abusive behaviours by a child towards another child
- E-safety
- Responding to disclosures of abuse
- Civil (Commonwealth, state and territory) and Canonical reporting obligations
- Complaint handling, and
- Information sharing and record keeping.

Refresher safeguarding training will be provided to personnel at least every three years.

The Safeguarding Coordinator is responsible for keeping records of participation in initial and refresher safeguarding training

For further details about ongoing professional development for leaders and members of religious institutes in active ministry, and suitability screening in relation to candidates for the religious life (both before and during times of initial formation prior to profession of vows), together with related training and mentoring – see section 5 of the CSN Risk Management Strategy.

9. Requiring and Upholding Appropriate Standards of Behaviour

The CSN expects all personnel to uphold the human rights, dignity and well-being of all people and safeguard children and adults at risk from abuse and harm.

Personnel will be provided with ongoing supervision and support to meet their safeguarding responsibilities. Annual performance reviews for personnel will include responsibilities for safeguarding children and adults at risk relevant to their role.

Code of Conduct

All personnel must comply with the CSN Code of Conduct. The Code provides clear information about the kinds of conduct towards children and adults at risk that are not acceptable, ranging from concerning behaviour that may be a breach of the Code, to behaviour that may also amount to a criminal offence if proven.

10. Identifying and Responding to Safety Concerns

The CSN strives to effectively identify and respond to concerns about the safety of children or adults at risk at the earliest opportunity. While the Regional Superior has ultimate responsibility for ensuring CSN identifies and responds to safety concerns, at a practical level this responsibility is shared across the organisation.

During initial and refresher safeguarding training, personnel will be provided with information and equipped with skills to identify safety concerns and potential indicators of abuse or harm; support children and adults at risk to express safety concerns; handle disclosures and meet their internal and external reporting obligations.

For the CSN response to concerns about the safety of children or adults at risk will be the primary consideration and its response to concerns about the safety of children or adults at risk will be decisive, timely and consistent with policy and legislative obligations. The principles of procedural fairness and natural justice will be adhered to at all times.

Concerns About Children

Concerns about the safety of children may involve the following:[ix]

- **Sexual abuse:** an offence of a sexual nature (under any state, territory or Commonwealth law) committed against, with or in the presence of a child.
- **Physical abuse:** a non-accidental injury or pattern of injuries to a child or young person including, but not limited to, injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.
- **Emotional abuse or psychological harm:** behaviour (such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour) that damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma. In general, it is the frequency, persistence and duration of the behaviour that is instrumental in defining the consequences for the child or young person.
- **Neglect:** when a parent or caregiver cannot regularly give a child the basic things needed for his or her growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision, and enough parenting and care.
- **Ill-treatment:** when a parent or caregiver engages in conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel, e.g. making excessive or degrading demands, engaging in a pattern of hostile or degrading comments or behaviour, or using inappropriate forms of behaviour management

Concerns About Adults

Identifying risks to the safety of adults can be challenging. An adult's vulnerability may not always be readily apparent, and indicators of abuse or harm towards adults at risk may be more difficult to recognise. The right of adults to make their own choices and decisions, and the circumstances in which they may have diminished capacity to do so, are also relevant considerations.

An inclusive, compassionate approach to adults at risk can provide valuable opportunities not only to provide care and support, but also observe and identify any safety or other concerns and connect them with relevant professional services. Personnel will not be dissuaded from seeking to identify, engage and build connections with adults at risk, nor be too 'quick to judge' others who do so. However, personnel should be alert to risks and seek advice as required.

Concerns about the safety of adults at risk may relate to the following:[x]

- **Financial abuse**
  - Threatening or coercing re: assets or wills
  - Taking control of the person's finances against their wishes and denying access to their own money
  - Abusing Powers of Attorney
  - Stealing goods, e.g. jewellery, credit cards, cash, food, and other possessions
  - Unauthorised use of banking, witnessing legal and financial documents
  - The recent addition of a signature on a bank account
- **Psychological abuse**
  - Pressuring, intimidating or bullying
  - Name calling, and verbal abuse
  - Treating the adult person like a child
  - Threatening to harm the person, other people or pets
  - Engaging in emotional blackmail such as threatening to withdraw access to grandchildren, family, friends, services, telephone or placement in an aged care facility
  - Preventing contact with family and friends, or denying access to the phone or computer
  - Withholding mail
  - Preventing a person from engaging in religious or cultural practices
  - Moving the person far away from family or friends

- **Spiritual abuse (Type of psychological abuse but in a spiritual or religious context)**
  - Using position of religious authority to control others e.g. priest, religious leader or any person where a situation of power imbalance exists
  - Using manipulation, coercion or shame to control the behaviour of others in relation to their religious practices and beliefs

- **Neglect**
  - Failure to provide basic needs, i.e. food, adequate or clean clothing, heating, medicines
  - Under – or - over – medicating
  - Exposure to danger or lack of supervision, such as leaving the person in an unsafe place or in isolation
  - Refusal to permit others to provide appropriate care.
- **Physical abuse**
  - Pushing, shoving, or rough handling
  - Kicking, hitting, punching, slapping, biting, and/or burning
  - Restraining: physical or medical

    - Locking the person in a room or home or tying to a chair or bed
    - Intentional injury with a weapon or object
    - Overuse or misuse of medications.
- **Sexual abuse**
    - An offence of a sexual nature (under any state, territory or Commonwealth law in Australia or New Zealand) committed against an adult.

Concerns about adults at risk may also relate to 'transient risks' due to life circumstances or experiences such as:

- Relationship breakdown
- Bereavement
- Experience of domestic or family violence
- Homelessness
- Mental illness
- Unemployment
- Dependency on alcohol or other substance
- Pregnancy/early parenthood

Safeguarding training for personnel will include the identification of 'transient risks' and additional support needs.

Handling Disclosures

Disclosures of abuse or harm may be received directly or indirectly. A **direct disclosure** is one by a child or adult who discloses current or previous abuse or harm (including historical abuse experienced as a child). An **indirect disclosure** is when a third person (child or adult) discloses that a child or adult has experienced current or previous abuse or harm (including historical abuse experienced as a child).

CSN will ensure that all personnel are advised what they should do if they receive a disclosure of abuse.

A holistic approach is applied to all victims and survivors of abuses in an environment where they feel welcome, heard, listened to and cherished.

If any person engaged by CSN receives a disclosure of abuse or harm, they should:

- Listen calmly, patiently and supportively, letting the person use their own words
- Let the person know they are doing the right thing by speaking up
- Address any concerns the person has about their safety, especially if they are worried about the consequences of disclosing
- Explain what the next steps will be, including that they may need to tell certain other people about the disclosure to keep the person and others safe, but that the information will otherwise be treated confidentially, and
- Ask the person what they need to feel safe and involved in the process for responding to their disclosure. [xi]

Reporting Obligations

Any person engaged by CSN who becomes aware of a concern about the safety of a child or adult at risk, whether by a direct or indirect disclosure or any other means, must report it as soon as practical to the Regional Superior/Safeguarding Coordinator.

Note: If the allegation is in relation to a NC staff member or a NC vulnerable adult (resident) it must be reported immediately to the CEO/General Manager. NC has legislative responsibilities to comply with vulnerable adults reporting within a strict time frame.

If the concern relates to the position normally responsible for receiving reports, it must be reported to the next most senior role or an external oversight agency.

The report should include all known information such as the nature of the allegation; when and where it occurred; the subject of the allegation and the alleged victim.

It is **not the reporter's role to interview any person or investigate the concern**. Under no circumstances should the reporter ask a person for further details or ask leading questions as this has the potential to interfere with the disclosure and may jeopardise any future proceedings that may arise as a result of an investigation. However**, the reporter should obtain basic details** to assess the person's immediate safety.

Except for the purpose of meeting their reporting obligations, the reporter will treat the matter in strict confidence.

The Regional Superior/CEO/Safeguarding Coordinator will provide advice and guidance on how the matter should be handled, including whether the conduct is 'reportable' and external authorities need to be notified (see below).

Concerns About Children

Reporting criminal conduct to Police: Conduct towards a child/ren which may be a criminal offence, if proven will be reported to Police as soon as possible (and before making a mandatory child protection report). The Safeguarding Coordinator is responsible for ensuring that the Police report is made and includes:

- reporting possible criminal offences (including historical allegations of child abuse) to Police
- making a mandatory child protection report to (https://www.cyjma.qld.gov.au/protecting-children/about-child-protection/mandatory-reporting https://www.dhhs.vic.gov.au/reporting-child-abuse-and-neglect https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines/reporting-and-responding-to-child-wellbeing-and-safety-concerns/chapters/mandatory-reporting. https://www.wa.gov.au/system/files/2021-11/Mandatory-Reporting-FAQs.pdf https://www.govt.nz/browse/law-crime-and-justice/abuse-harassment-domestic-violence/child-abuse/ *)*
- making notification of reportable conduct to CSN/NC and Safeguarding Committee.

Criminal Offences

Criminal offences may include:

- **An offence of a sexual nature** (under any state, territory or Commonwealth law Australia and New Zealand) committed against, with or in the presence of a child, e.g.:
    - Sexual touching
    - Sexual assault
    - Aggravated sexual assault, sexual intercourse and attempted sexual intercourse
    - Production/dissemination/possession of child pornography; using children to produce pornography
    - Filming the private parts of a person without their knowledge
    - Grooming or procuring children under the age of 16 years for unlawful sexual activity
    - Sexual activity deemed non-consensual on the basis of special care relationships

- **Assault**
    - The intentional or reckless application of physical force without lawful justification or excuse, or
    - Any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence.
- **Neglect:** Failure by a person with a legal duty of care to provide the necessities of life that causing death, serious injury or the likelihood of serious injury.
- **Failing to protect a child from abuse:** An adult working in an organisation doing child-related work will commit an offence if they know another adult working there poses a serious risk of abusing a child (under 18 years), and they have the power to reduce or remove the risk, and they negligently fail to do so.
- **Concealing a child abuse offence:** All adults are required to report information to the Police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused, unless they have a 'reasonable excuse' as defined by the relevant criminal legislation.

Reporting Children at Risk of Harm: Where there are reasonable grounds to suspect that a child or young person (or a 'class of children') is at risk of harm a report will be made to the relevant authority in Australia/New Zealand.[xii]

The Safeguarding Coordinator is responsible for determining if a child protection report is required and if so, ensuring that the report is made. However, this responsibility does not prevent personnel from immediately making a child protection report. [xiii]

Under new laws effective from 1 September 2019 ministers of **religion**, **religious** leaders and members of the clergy of a church or **religious** denomination are **mandated reporters**. The laws have been introduced in response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse.

CHANGES TO MANDATORY REPORTING **- ACT Government**

A mandated reporter has a duty to report, as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of harm. Mandatory reporters are legally protected against retribution for making or proposing to make a report. (Links for this come in ref xiii)

Notifying Reportable Conduct:

The Regional Superior for the CSN must notify the relevant body (Church or Civil Authority) in jurisdictions with a scheme in place [xiv] if she receives a report or becomes aware of a reportable allegation or reportable conviction against any personnel (or relevant contractors) delivering services to children. The Safeguarding Coordinator of the CSN is to be notified of reportable conduct so information can be noted for the Safeguarding Committee.

The notification must be made within 3 working days of the Regional Superior CSN becoming aware of the allegation.

Definition of Reportable Allegation/Reportable Conviction

A reportable allegation is an allegation that a worker has engaged in conduct that may be reportable conduct as per legislative scheme.

Reportable conduct is as per jurisdictions in place both in Australia and New Zealand. The one used is from the NSW jurisdiction, please refer to Ref: 14 for other jurisdictions.

- A sexual offence
- Sexual misconduct
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- An offence under section 43B or 316A or the Crimes Act 1900,
- Behaviour that causes significant emotional or psychological harm to a child.[xv]

NB: Reportable conduct covers the conduct of personnel, both in their personal and professional lives, towards children. (As per legislated scheme in both Australia and New Zealand).

The Head of the Church Authority must investigate or arrange for an investigation to be conducted. The Church Authority's report must be provided to the relevant oversight body… Bishop of the Diocese where alleged offending took place and Directors of Professional Standards Offices within 24 hours of receiving the reported allegation. *Follow the Vos Estis Lux Mundi procedure.*

The investigation report must, if mandated by the legislated scheme, include information about the facts and circumstances of the reportable allegation, the findings made by the head of the Church Authority, and an analysis of the evidence and the rationale for the findings.

Historical Child Abuse

Where the CSN becomes aware of an allegation of historical child abuse (abuse experienced by a child who is now an adult). It will take the following steps:

- A child protection/risk of harm report will be made to the relevant statutory child protection body –
  https://www.aihw.gov.au/reports-data/health-welfare-services/child-protection
  https://www.police.govt.nz/
  https://catholic.org.au/vosestisluxmundi
- if there are grounds for suspecting that a child or class of children are at current risk of harm (e.g. because an alleged offender has current access to children) as per legislated threshold.

- A report will be made to Police in the following circumstances:
  - If CSN authority knows or believes that a child under 18 years has been abused (sexual abuse, serious physical abuse or extreme neglect) or knows or believes that they have information that might materially assist in securing the apprehension, prosecution or conviction of the offender, unless there is a 'reasonable excuse' for not reporting to Police.

    Reasonable Excuse Law and Legal Definition. Generally speaking, reasonable excuse means an excuse that an ordinary and prudent member of the community would accept as **reasonable** in the circumstances. The failure to report something must not simply be a deliberate act of non-compliance.
  - If the CSN knows that an adult working at the CSN poses a serious risk of abusing a child (sexual or serious physical abuse).

If required, the Regional Superior, CSN is responsible for ensuring that a child protection/risk or harm and/or Police report is made in response to a historical child abuse matter in accordance with legislative requirements.

Concerns about Adults at Risk

The Regional Superior/CEO/Safeguarding Coordinator for the CSN is responsible for assessing if a concern about the safety of an adult at risk should be reported to an external agency such as Police, a health service or adult safeguarding agency. The assessment will have regard to:

- Legislative requirements
- Whether an alleged offender is employed or engaged by the CSN
- The views and wishes of the involved adult
- Any diminished capacity on the part of the involved adult to make an informed decision
- The seriousness of the concerns, and
- Any potential or actual risks to other children or adults.

NB: For information about how concerns are handled relating to the protection of adults at risk which are covered by independent oversight and regulatory arrangements, see the relevant agency's safeguarding procedures.

Criminal Offences

Where the concerns involve a potential criminal offence (e.g. physical or sexual assault) by a person engaged by CSN a report will be made to Police as soon as possible. Where the concerns involve potential criminal offence by any other person, the leader of the

CSN/Safeguarding Coordinator will offer to support the alleged victim to report the matter to Police. In circumstances where we identify that the alleged victim has diminished capacity to make an informed decision about whether to report the matter to Police, the CSN will do so on their behalf. The relevant leader of the CSN is responsible for ensuring that the Police report is made.

Safety Concerns about Older People or People with Disability

Several cohorts of adults at risk are covered by legislative schemes and regulatory/oversight bodies, these include:

- Safety concerns for an adult in an aged care facility, respite and day care service or support services delivered in the home, in the first instance to be reported to the General Manager/CEO, who reviews if the concern meets the criteria for reporting to the Aged Care Quality and Safety Commission.
- Safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service should in the first instance be reported to the General Manager/CEO, who reviews if the concern meets the criteria for reporting to the NSIS Quality & Safeguards Commission.

The relevant leader of either the CSN/NC is responsible for ensuring that a report about the safety of an older person or person with a disability is made.

Concern that an Adult at Risk May Harm Themselves or Any Other Person

In an emergency if a there is concern that an adult at risk may harm themselves or another person, the relevant person of the CSN will contact Police

Other Concerns About Adults at Risk

Where appropriate, the CSN may seek specialist advice and/or provide referrals to other agencies that can provide support to adults at risk. To facilitate this, we will ensure that we have access to community-based services, government agencies or other organisations that can offer information, advice and/or receive referrals.

11. Responding to Complaints

CSN seeks to empower people to communicate their concerns and complaints without fear of retribution. We understand that speaking up requires courage and will respond with respect and compassion to resolve concerns and complaints as efficiently and effectively as possible.

Complaint Handling Policy

CSN has a robust system for receiving, recording, managing, resolving and monitoring complaints, including disclosures or allegations of current or historical abuse towards children or adults. These processes are documented in the “Complaint Handing” - Policy.

CSN will ensure that the processes are communicated in ways that are appropriate and accessible to the diverse needs of our community, including children and adults with diminished capacity/cognitive impairment.

Complaints will be dealt with in a trauma-informed and victim-centred manner that is respectful to both complainant and respondent; prioritising the safety and wellbeing of children and adults at risk; and observing the principles of procedural fairness. Where necessary and appropriate, CSN will cooperate with other relevant organisations and seeks specialist advice in resolving complaints, including but not limited to Police, child protection authorities responsible for safeguarding people with disability and /or older people.

As part of their initial and refresher safeguarding training, personnel will be familiarised with the Complaint Handling Policy and their related responsibilities.

12. Record Keeping and Information Sharing

CSN is committed to appropriate and lawful record keeping, storage and sharing of information related to children and adults at risk recognising that record-keeping and information sharing are key risk management strategies – see section 9 of the CSN Risk Management Strategy.

13. Confidentiality and Privacy

CSN will maintain current knowledge of, and comply with, its legislative obligations to maintain confidentiality and protect personal information and privacy.

Information and records relating to incidents, complaints, responses and decisions will be treated as confidential except where the sharing or distribution of information and/or records is mandated by statutory requirements or principles of natural justice. In this regard, if the complaint involves conduct that is serious and/or potentially criminal, any legal obligations to report relevant information to bodies, e.g. the Police, child protection services, other prescribed bodies (references checks) will over-ride confidentiality, previously documented for xiii, xiv and xv, on page 21.

When determining what information to release relating to a complaint record, CSN will be mindful of privacy and confidentiality obligations concerning the release of personal information about other individuals, such as a subject of the complaint.

14. Review of Safeguarding Policy and Related Documents

The Safeguarding Policy and related documents will be updated as required and reviewed at least every three years. CSN will consult stakeholders as part of the Safeguarding Policy and related documents. The outcomes of each review will be documented.

Relevant legislation

Relevant safeguarding legislation for Australia and New Zealand

- Crimes Act/Code

www.legislation.gov.au/Details/C2020C00253

https://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html

- Child Protection Legislation

https://aifs.gov.au/cfca/publications/australian-child-protection-legislation

www.legislation.govt.nz/act/public/1989/0024/latest/DLM147088.html

- Reportable Conduct legislation

www.legislation.act.gov.au/a/2016-39/20160818-64491/pdf/2016-39.…

www.ombudsman.act.gov.au/improving-the-act/reportable-conduct

https://ccyp.vic.gov.au/reportable-conduct-scheme

https://www.police.govt.nz/

https://catholic.org.au/vosestisluxmundi

https://www.agedcarequality.gov.au/sirs

- Working with Children Check Legislation

www.australiannationalcharactercheck.com.au/working-with-children-checks.html

https://checkpoint.cvcheck.com/working-with-children-in-new-zealand

- National Disability Insurance Scheme Act 2013 and related Rules

www.legislation.gov.au/Details/F2013L01063

https://www.disabilityaids.co.nz/.../disability-benefits-in-new-zealand

- Aged Care Quality and Safety Commission Act 2018 and the Aged Care Act 1997

www.health.gov.au/contacts/aged-care-quality-and-safety-commission

https://www.legislation.gov.au/Details/C2020C00164

The Safeguarding Coordinator is responsible for ensuring the review is completed.

Safeguarding Policy **Approved**	Name: Sr Margaret O'Keefe Title: Regional Superior	Date: 11/07/2022
Safeguarding Policy **Reviewed**	Name: Title: Regional Superior	Date: 11/01/2024
	Name: Title: Regional Superior	Date:

Safeguarding Coordinator details:

Congregation of the Sisters of Nazareth (CSN)
Mobile: 043 901 1698
Email: auscsnsafeguarding@nazarethcare.com

REFERENCES

[i] https://www.catholicculture.org/culture/library/view.cfm?recnum=10334
[ii] References taken from the Congregation of the Sisters of Nazareth Governance Handbook
[iii] Reference taken from the Congregation of the Sisters of Nazareth Governance Handbook page 73

[iv] The Standards are based on the child safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse but include additional 'core components.'
[v] NCSS, Edition 2, defines term to mean 'all the diversities of sex characteristics, sexual orientations and gender identities, without the need to specify each of the identities, behaviours, or characteristics that form this plurality.'
[vi] NCSS second edition, the Safeguarding Committee means a committee established to advise and support the Church Authority on all matters relating to safeguarding, including the development and implementation of a Safeguarding Implementation Plan and coordination of annual self-audits at a local level. Committee members need relevant and varied professional expertise in relation to safeguarding, child protection, organisational culture and structure, policy development, etc and include lay women and men.
[vii] NCSS, second edition, the Safeguarding Coordinator is the individual who champions safeguarding and co-ordinates the implementation of the National Catholic Safeguarding Standards within an entity.

[viii] NCSS, second edition – The safeguarding implementation plans means a documented plan which articulates actions to be taken across the entity to ensure safeguarding practices are in place. It includes actions, strategies, responsibilities and delegations and tracks review and progress. It is overseen by the Safeguarding Committee

[ix] Adapted from https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect and https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Identifying_reportable_allegations.pdf.aspx?Embed=Y

[x] NSW Ageing and Disability Commission https://www.ageingdisabilitycommission.nsw.gov.au/tools-and-resources

[xi] Adapted from *Complaint Handling Guide: Upholding the rights of children and young people*, p40, National Office for Child Safety.

[xii] : https://aifs.gov.au/cfca/publications/cfca-resource-sheet/reporting-child-abuse-and-neglect#nsw https://www.justice.govt.nz/family/care-of-children/keep-children-safe aifs.gov.au/cfca/publications/australian-child-protection-legislation

[xiii] https://aifs.gov.au/resources/resource-sheets/mandatory-reporting-child-abuse-and-neglect.. Australia
https://www.orangatamariki.govt.nz - *New Zealand*
https://cathnews.co.nz/2018/07/26/childrens-commissioner-mandatory-reporting
Home - National Office for Professional Standards (catholic.org.nz)

[xiv] https://ocg.nsw.gov.au/
https://ocg.nsw.gov.au/
https://ccyp.vic.gov.au/reportable-conduct-scheme
https://www.ombudsman.wa.gov.au/youth/youth.html
https://www.cyjma.qld.gov.au/protecting-children/about-child-protection/mandatory-reporting
https://www.police.govt.nz/..
https://catholic.org.au/images/Vos_Estis_Lux_Mundi_--

[xv] Part 4, *Children's Guardian Act 2019*.

Glossary

Adults at risk	Adults at risk are people aged 18 years and over who are at increased risk of abuse, including those who : • are elderly • have a disability • have a mental illness • have diminished capacity • have cognitive impairment • are experiencing transient risks, eg. bereavement, relationship breakdown, domestic or family violence, homelessness • Who have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation. Whilst taking care to not make assumptions or generalisations about individuals, we recognise that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm.
Allegation	A complaint, still to be verified, claiming or asserting that someone has committed an act of abuse against a child or adult. The term is used interchangeably and in combination with "complaint".
Child/ren	Individuals under 18 years of age.
Child abuse	There are different legal definitions of child abuse in Australia. Definition sourced from the Australian Institute of Family Studies. https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect Most commonly, the categories of child abuse include: • Physical • Emotional/psychological abuse • Ill-treatment • Exploitation • Neglect • Sexual • Exposure to family violence Within the context of the Catholic Church and faith-based entities, it is also important to recognize spiritual abuse as an additional type of abuse.

Clergy	The body of those ordained in sacred ministry in the Church. They are either deacons, priests or bishops.
Complainant	Any person who makes a complaint that may include any allegation, suspicion, concern, or report of a breach of the entity's Code of Conduct. It also includes disclosures made to an institution that may be about, or relate to, abuse in the entity's context.
Disability (persons with)	Means those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. *(Article 2, United Nations Convention on the Rights of Persons with Disabilities*)
NDIS Worker Screening Check	The NDIS Worker Screening Check is an assessment of whether a person who works, or seeks to work, with people with disability poses a risk to them. The assessment determines whether a person is cleared or excluded from working in certain roles with people with disability. For further information see https://www.ndiscommission.gov.au/workers/worker-screening/ndis-worker-screening-check
Diverse gender or sexuality	Diverse gender or sexuality refers to all diversities of sex characteristics, sexual orientations and gender identities, without the need to specify each of the identities, behaviours, or characteristics that form this plurality.
Formation/formation program	A program preparing individuals for profession of vows as well as a life-long journey to the invitation of Christ to proclaim and live the Gospel message within the life of the Church. (National Catholic Safeguarding Standards definition).
Leaders	Personnel who are responsible for important governance decisions within a Church entity and/or who lead and coordinate Church improvement initiatives.
Ministry	Any activity within, or delivered by, an entity that is designed to carry out the works of the Catholic Church.

Personnel (entity personnel)	Means all engaged by the Congregation of the Sisters of Nazareth (CSN) and Nazareth Care (NC). CSN personnel includes sisters, novices, candidates, aspirants and those engaged by CSN e.g. on a contract, subcontract voluntary or unpaid basis. NC is responsible for employees, volunteers, contractors and others engaged by NC
Religious Institute	An institute of consecrated life, a secular institute or society of apostolic life, and their provinces or equivalent.
Safeguarding	Measures to protect the safety, human rights and well-being of individuals, which allow people – children and adults – to live free from abuse, harm and neglect. In promoting this culture, young people and adults at risk will understand they will be listened to, supported, and known action will be taken on their behalf.
Safeguarding Committee	A committee established to advise and support the Church Authority on all matters relating to safeguarding, including the development and implementation of a Safeguarding Implementation Plan and coordination of annual self-audits at a local level. Committee members need relevant and varied professional expertise in relation to, but not limited to safeguarding, child protection, organizational culture and structure, policy development, and need to include lay women and men.
Safeguarding Commitment Statement	A Commitment Statement describing an entity's commitment to keep all, especially children and adults at risk safe from harm. It informs the entity's culture with respect to safeguarding.
Safeguarding Coordinator	An individual who champions safeguarding and coordinates the implementation of the National Catholic Safeguarding Standards within an entity.
Safeguarding Implementation Plan	A documented plan which articulates actions to be taken across the entity to ensure safeguarding practices are in place. It includes actions, strategies, responsibilities, delegations, and tracks review and progress. It is overseen by the Safeguarding Committee.
Seminary	Means a centre for the formation and education of students preparing for ordination.

Supervision Professional/Pastoral	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 organizational policy and procedures. 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 religious' commitment to conscious and critical reflection on their ministry experiences is recognized as being important for the wellbeing of the religious, the people with whom they exercise ministry, the wider Church and the community.
Pastoral Care	Means when one person has responsibility for the wellbeing of another or for a faith community. It includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need. All work involving the supervision or education of children and adults is a work of pastoral care.
Working with Children Check	Generic term used in the Standards to denote the statutory screening requirement for people who work or volunteer in child-related work. There is no single national framework setting out requirements for 'working with children' checks. Each State/Territory in Australia and New Zealand has its own name, procedures and differences in scope regarding what this type of check entails. They are one part of a Church entity's recruitment, selection and screening processes.