

Policy for Safeguarding Children & Vulnerable Adults

PREAMBLE

This policy sets out practice and procedure to safeguard from abuse children and vulnerable adults who are in the care of or in contact with the Missionaries of God's Love (MGL).

Children, young people and vulnerable adults have a fundamental right to be respected, nurtured and safeguarded by all. The Missionaries of God's Love is firmly committed to ensuring that all members and personnel value, nurture and safeguard children and vulnerable adults. To achieve this commitment it is necessary that anyone in the care of or involved with the Missionaries of God's Love be provided a safe and supportive environment. It is particularly important to provide such an environment for children and young people and protect them from all forms of abuse and neglect, notably sexual and/or physical abuse.

Child abuse is a terrible crime, which causes long lasting, sometimes lifelong, psychological trauma for the individual, abused, and can severely diminish their life chances. It has been observed that clerical child abuse in the Church has often been kept hidden due to a culture of clericalism, secrecy and self-protection. The Missionaries of God's love has a zero tolerance for child abuse by its members and seeks to do everything possible to avoid clericalism and elitism, seeking rather to encourage a healthy culture of transparency and collaboration with the laity. The MGL also actively works to foster a culture of transparency where, in the context of an accepting brotherhood, members are able to be appropriately vulnerable with one another about their struggles in life.

It is essential to have in place best practice in terms of policy and procedures to minimise the possibility of abuse occurring in the first place. However, in the event of a complaint or allegation of child abuse against one of its members, Missionaries of God's Love must assist the victim in all ways possible. This includes ensuring that victims always feel listened to and that their needs have been responded to. The MGLs recognise that there is also a responsibility to provide pastoral care for any alleged perpetrators in circumstances where an allegation is made, and that due process and the rule of law are adhered to when investigating complaints.

MGL SAFEGUARDING COMMITTEE

The Safeguarding Committee oversees and monitors policies, procedures and practices, which safeguard children engaging with the Missionaries of God's Love. It ensures safeguarding functions are embedded in the governance structures and practices of the Missionaries of God's Love (see Safeguarding Committee, pg 50).

DEFINITIONS

Definitions relevant to this policy, such as the definition of "child sexual abuse" are contained in the Glossary.

LEGISLATION AND CHURCH

PROTOCOLS

The MGLs are committed to ensuring that all MGL members and personnel comply with all relevant state and territory government legislation (see Appendix A), the *MGL Child Safeguarding Code of Conduct* as well as all requirements of the Catholic Church in Australia in respect of safeguarding children and vulnerable adults (see Appendix B).

COMMITMENTS

This policy aims to optimise a safe and nurturing culture for all children, young people and vulnerable adults and rests on the Missionaries of God's Love commitment to:

- 1) The primacy of the welfare of the vulnerable, especially children
- 2) The creation of a safe and nurturing culture in MGL communities and ministries
- 3) Thorough and rigorous appointment, employment and formation practices
- 4) Best practice training for all MGL members and personnel in relation to safeguarding of children, young people and vulnerable adults
- 5) Proper and prompt disclosure to the relevant authorities, and timely discourse to the Missionaries of God's Love and wider community

Commitment 1

THE PRIMACY OF THE WELFARE OF THE VULNERABLE, ESPECIALLY CHILDREN

At all times, the ongoing safety and wellbeing of the child or vulnerable adult must be the primary focus of care and decision-making

Protocol

Acting in the best interests of the vulnerable

Acting in the best interests of children and vulnerable adults requires all MGL members and personnel to act to protect them from harm, protect their rights and, in the case of children, promote their development in ways appropriate to their gender, age and culture. For the purpose of this Policy, acting in the best interests of the child includes:

- Reporting all allegations or disclosures of sexual, physical and emotional abuse and neglect – as set out in Commitment 5;
- Reporting to the appropriate authority when a belief is formed that a child has been harmed or is at risk of being harmed;
- Making the child's ongoing safety and wellbeing the primary focus of decision-making;
- Sharing appropriate information, expertise and resources with other service providers supporting the child
- Protecting and promoting the cultural and spiritual identity of a child and maintaining their connection to their family or community of origin; and
- Enabling the child and the child's family to access appropriate services in order to reduce the long-term effects of abuse or neglect

Diversity

The Aboriginal and Torres Strait Islander people have had a painful history of oppressive, interventionist and paternalistic policies and actions into their communities, families and children by non- Aboriginal government and non- government agencies. Many continue to suffer intergenerational trauma. Poverty,

social disadvantage, incarceration, racism are just a few factors which has the consequence of children and young people experiencing discrimination, exclusion and isolation. Aboriginal and Torres Strait Islander children and young people may be targeted for abuse and other forms of maltreatment as a result of their marginalisation. The mistrust and fear of authority common in Aboriginal and Torres Strait Islander communities also means that children and young people experience additional barriers to reporting abuse to the authorities such as police or child protection services. Therefore, we must work with the Aboriginal leaders, and under their direction with their children (see Appendix C).

Children with a disability or from culturally and linguistically diverse backgrounds, or sexually diverse are particularly vulnerable to abuse and exploitation.

Duty of Care

MGL members and personnel have a moral duty of care to support and protect vulnerable persons, including children and young people, with whom they are professionally involved or are in contact. In most circumstances, they will also owe those children and young persons a legal duty of care.

If an MGL member believes a child or vulnerable adult has been harmed or is at risk of harm, that person is morally bound, and, generally has a legal duty to take action to protect the safety and wellbeing of that child or vulnerable adult. In some cases, MGL members and personnel have an obligation to report such a belief to authorities, and criminal penalties apply for breaching that obligation (see Commitment 5).

Duty of care is breached if an MGL member:

- Fails to do something that a reasonable person in their position would do in the circumstances; or
- Acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care

In the event of suspicion of harm or grooming

Where an MGL member suspects that a child or young person is being or likely to be harmed physically, sexually or emotionally, by another MGL member,

volunteer or employee, that person must raise the matter with the Moderator of the Missionaries of God's Love. If the Moderator is the suspected perpetrator, or not available, then the MGL Safeguarding Coordinator (SC) should be contacted.

The Moderator, who is notified of such a suspicion must, in consultation with the MGL Safeguarding Coordinator, in triage with the MGL Professional Standards Unit (PSU), the reporter and other appropriate MGL members in the relevant community or ministry:

- Determine what, if any, direct protective action needs to be taken;
- Determine whether there is an applicable mandatory reporting obligation;
- Determine whether, independent of whether there is a mandatory reporting obligation, it is appropriate to report the suspicion to authorities; and
- Document the decision and decision-making process



Commitment 2

THE CREATION OF A SAFE AND NURTURING CULTURE IN MGL COMMUNITIES AND MINISTRIES

All MGL members and personnel must adhere to this policy, which regulates interactions between them, children and vulnerable adults.

Protocol

General Principles

MGL members and personnel should treat all people in a manner that fully respects their dignity and rights. They must avoid actions or behaviours that are, or could be construed as, potentially abusive or poor practice. This applies particularly to children and vulnerable adults. MGL members and personnel should:

- Provide, by their own behaviour, an example of good conduct at all times;
- Operate within MGL principles, and any specific procedures and practices their ministry may have in place;
- Respect each person's personal boundaries;
- Help children and young people with information as to how, where and from whom they can seek help if they are experiencing serious problems;
- Challenge and report behaviour that is abusive or potentially abusive;
- Develop a culture where children and young people can talk openly about their interactions with adults and others.

The Two Adult Rule

General safe practice in all activities recommends the application of the Two Adult Rule, which serves to keep children and vulnerable adults safe, as well as the adults serving them. Wherever practical no fewer than two adults should be present at all times during any program, event or ministry involving children and vulnerable adults. It is best that these two adults not be related.

Adherence to this rule:

- Drastically reduces the risk of an incident of abuse, as any potential abuser will lose interest if constantly in sight of another adult;
- Protects the adults against false allegations;
- Reduces the possibility of a claim of negligence;
- Encourages volunteer participation since potential volunteers will be less fearful of false accusations;
- Sends a clear statement that children are important and valued.

Exceptions to the Two Adult Rule

- Counselling, one-to-one tuition, coaching or spiritual direction, or comparable ministries. In these cases, the interaction between adult and child should be conducted in an open and visible space, or within the clear line of sight of another adult. This can be achieved by leaving doors to offices and interview rooms open and/or putting glass windows in the doors.
- Priest hearing confessions. In this case, the interaction can take place in a public space far enough away for privacy. It may also take place within a church in a space set aside for that purpose. However, the reconciliation room should be designed so that glass windows allow for visibility from the outside, and physical contact between the penitent and the priest is precluded.

Specific Protocols

Each major ministry in which MGL are engaged will have its own protocols specific to that ministry. The following are protocols applicable to all ministry situations:

- Do not develop relationships with children that could be deemed to be in any way exploitative or abusive;
- Do not engage in grooming and / or sexual contact with a child;
- Be careful when touching children or young people; avoid any behaviour that could be misconstrued. Be mindful of whose needs are being served by the touching. Avoid any touch that is sexually suggestive or could be interpreted that way;

- When praying with young people in ministry situations always have another person present with you. Avoid males only praying with females;
- Do not go home with or stay at home with a minor, where you would be together alone. Do not bring a minor home to your residence;
- When staying in a family home never share a bedroom with a minor, even in situations with relatives or close friends;
- If assigned to care for children at any time make sure at least one other adult is present. Always have a woman present if there are female youth;
- If a young person wants to speak with you personally do so in a place that is visible to adults;
- Avoid spending time alone with a minor (including wandering off alone with a child), even if the parents seem not to mind;
- Avoid being alone with a minor in sleeping, dressing or bathing areas;
- Avoid joining in physical contact with young people when swimming;
- Do not make jokes with sexual innuendo, make inappropriate remarks, or use language that is coarse;
- Do not engage in conversation on Facebook, Instagram, or other social media platforms or email with minors; do not accept a minor as a “friend” on Facebook or Instagram or other social media platforms. Relating with minors may happen for pastoral reasons through the MGL social media platforms but only with the consent of parents;
- Do not engage in conversation with children or minors about sexual matters, unless in a controlled lecture or seminar situation, or in a sharing group on a weekend in which another adult is present;
- Do not hit, otherwise physically assault, or verbally abuse a child.

Professional conduct and a culture of awareness

All MGL members and personnel are responsible for their professional conduct with children and vulnerable adults. This means establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of professional relationship.

Abuse and/or grooming of a child or vulnerable adult is harmful and often results in long lasting consequences, primarily for the child or vulnerable person affected. If this occurs, it can potentially affect the wider community of people who are aware of the violation, and diminish the integrity of the MGLs contribution to the Church’s mission.

MGL members and personnel must be careful not to attempt to move beyond the responsibilities of their role and their expertise. Children and vulnerable adults who raise significant personal problems must be referred, preferably with their knowledge, to a person with specialised skills, such as a counsellor, a pastoral care coordinator, or a competent priest.

Good practice in managing professional conduct

The following self-assessment questions may assist MGL members in assessing their application of professional boundaries:

- Am I dealing in a different manner with a particular child, young person or vulnerable adult than with others under the same circumstances?
- Is my dress/availability/language different from normal with a particular child, young person or vulnerable adult?
- Would I do or say this to a child, young person or vulnerable adult if a colleague was present?
- Would I condone my conduct if I observed it in another adult?
- Are the consequences of my actions likely to have negative outcomes for the child, young person or vulnerable adult?

Commitment 3

THOROUGH AND RIGOROUS

RECRUITMENT AND FORMATION

PRACTICES

While the vast majority of people who seek admission to MGL or offer services as volunteers in our ministries are well motivated, good recruitment and selection procedures will help screen out those who are not suitable. In order to develop a culture of guardianship over children, young people and vulnerable adults it is crucial to do all that is possible to prevent those who pose a risk to children, young people and vulnerable adults from joining the MGL congregation or working with the MGL ministries, whether as employees or volunteers. This involves thorough application processes for candidates to the MGL followed by good formation processes for those who are accepted. Likewise, for all personnel working with the MGL there should be robust appointment and employment practices.

Protocol

Selection of MGL candidates and formation of MGL

The MGL see it as a high priority to support the formation of all members in psychosexual development. This begins with careful selection of candidates for the pre-novitiate and the novitiate and ongoing formation programs. In all of these formation processes, it is vital that men are supported to grow into the vocation of celibacy. Those who are formators both before initial vows and after initial vows will be adequately trained for this important area of human development.

The document entitled *General Norms for the Formation of the Missionaries of God's Love* together with its accompanying *Directives* include sections relevant

to the commitment to screening and psychosexual development. See in particular 125-155, 193-194, 209, 231-235, 242-267.

The document entitled *Admission of Candidates to the Pre-novitiate* also gives the criteria of selection for candidates to the MGL. After each step, pre-novitiate, novitiate, initial vows, renewal of vows, perpetual vows the candidate is assessed on suitability, and in particular on psychosexual development and capacity to live the celibate way of life.

All MGL members will hold the necessary Working with Children/ Vulnerable people Cards for the region in which they are working.

Recruitment and selection of volunteers/ employees

While the MGL have a limited number of employees, we do rely upon volunteers in our administration and ministries. When recruiting personnel the MGL will ensure safe practices by the following recommended steps:

- Having task descriptions for each of the roles
- Ensuring the person completes an application and declaration form
- Asking appropriate interview questions
- Undertaking detailed reference and referee checks with previous employers
- Insisting on possession of a working with children clearance
- Presenting the selected person with a letter of engagement
- Completing the new employee/volunteer engagement form
- Completing an induction process with the new person and providing appropriate and ongoing training/ professional development
- Entering the volunteer details into a volunteer register

Commitment 4

BEST PRACTICE TRAINING FOR ALL MGL MEMBERS AND PERSONNEL IN RELATION TO SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS

An effective safeguarding framework can only be maintained through the understanding and commitment to best practices by all MGL members and personnel, working together to minimise risks and create a safe and caring environment for children and vulnerable adults. Best practice needs to be embedded in the culture of the MGL as an organisation and be reflected across all its operations.

Training will be provided to all MGL members and personnel to form an important part of the induction to MGL ministries. Training will be reviewed regularly and refresher training will become part of annual professional development programs. A register of completion of these programs will be part of the annual reporting requirements to the Moderator. It will be the responsibility of the MGL Compliance Manager (MCM) to oversee this registration process.

Protocol

Everyone who comes into contact with children, young people and vulnerable adults has a role to play in their protection. To carry out this role confidently and effectively they need to be aware of safeguarding issues and to have the necessary knowledge, attitude and skills to keep children and vulnerable adults safe.

Training in early years of formation

During the time of initial orientation of MGL candidates to the pre-novitiate, they will receive an overview of the *MGL Safeguarding Children and Vulnerable Adults Policy*. They will be particularly made aware of the protocols for good practice and have their rationale clearly explained to them.

This initial orientation will be followed up by another seminar later in the year to reinforce understanding

and deepen awareness of the issues involved in child protection.

In the Novitiate year, there will be a seminar early in the year for further training in child protection policies and procedures, and then another seminar in the second part of the year.

Any pre-novice or novice who is working in ministries directly relating to children or young people will also be inducted into the specific protocols of those ministries.

Training in post-novitiate years of formation

Each year every member in formation will be expected to undertake various seminars and training sessions either conducted by Diocesan authorities, inter-Seminary staff or by the Missionaries of God's Love formators. Each member in formation should have at least eight hours of training each year.

Training of those engaged in Ministry

All members will receive regular training in child protection policies and procedures. Those in full-time ministry are expected to avail themselves of this training annually, through what is offered either by the diocese in which they work or through training sessions provided by the MGL. This training will include safeguarding procedures, but also how to respond to suspicions and allegations of child abuse.

The Heads of Missions are to keep a written record of each member's attendance at these training sessions. Every MGL member is to be held accountable for ongoing training in this crucial area of professional development. Each member is required to register at least eight hours of training or updating each year.

Training of Volunteers/Employees

The leaders of ministries who have volunteers/employees working with them are responsible for ensuring that the volunteers/employees are fully familiar with the *MGL Safeguarding Children and Vulnerable Adults Policy*. They should also make them aware of the specific protocols associated with the particular ministry in which they are engaged.

Commitment 5

PROPER AND PROMPT DISCLOSURE TO THE RELEVANT AUTHORITIES AND TIMELY DISCLOSURE TO THE MGL

Incidents or allegations involving MGL Members or employees/volunteers

If MGL members or personnel come to suspect that abuse of children or vulnerable adults involving present or former members or personnel is occurring or has occurred in the past, the matter must be reported to the Moderator, who will immediately assess the situation in consultation with the MGL Safeguarding Coordinator.

If the allegation is a criminal matter, it should be reported to the police. Where there is reasonable apprehension that a child or vulnerable adult is in imminent danger of abuse or serious harm, there should be no delay in reporting this to the relevant authority for protection of Children and Vulnerable People. Where the State jurisdiction requires reporting to an ombudsman this should be done.

Regardless of any statutory requirement (that is, the legal obligation imposed on persons who are “mandated to report”), all MGL members and personnel are obliged to report any belief or perception of inappropriate abusive behaviour by another MGL member or volunteer/employee to the Moderator. If in doubt, they can consult the MGL Safeguarding Coordinator. In any event, the Moderator will consult with the MGL Professional Standards Officer himself.

All Heads of Mission, and others in responsible positions, must be aware of and comply with state and national legislation and other statutory requirements pertaining to child protection and reporting disclosures.

The Role the MGL Professional Standards Unit

- When a complaint or an incident is reported to the Moderator concerning the actions of a member of the MGL, the Moderator together with the MGL Safeguarding Coordinator and the reporter will initially ascertain the seriousness of the matter.
- The MGL Professional Standards Unit (PSU) consists of the MGL Safeguarding Coordinator and three other persons with expertise in protection of children and vulnerable adults. The Moderator consults with the PSU to aid in assessing complaints concerning abuse of children and of vulnerable adults, and coordinating the appropriate response to these complaints.
- All child protection related complaints and complaints concerning vulnerable adults involving a member of the MGL will be processed through the PSU.
- The Moderator will report the incident, situation, or issue to the PSU.
- After receiving this information, the PSU will triage issues in consultation with the Moderator.
- A mutual decision will be made in regard to who does the initial interview of the MGL member concerned and who is the decision-maker.
- The Moderator will be advised by the PSU in regard to any necessary investigation into the complaint seeking to establish its veracity, and to ascertain what boundary violations have occurred.
- The pastoral care and wellbeing of the victim of alleged abuse must be paramount. However, the investigation must not presume guilt on the part of the alleged offender until this is admitted and/or proven.
- In matters where the allegation is not criminal but requires a judgment of veracity the Moderator in conjunction with the PSU will engage an independent professional investigator so that the issues can be explored by an external entity. This will ensure that an objective investigation and assessment is undertaken.

Disclosure of abusive behaviour by someone other than MGL members or volunteers/employees

If a disclosure is made to an MGL member concerning abusive behaviour by someone other than MGL members or volunteers/employees, the MGL member should follow the protocols of the particular ministry within which the disclosure was made.

If the disclosure was made during a ministry under the jurisdiction of the Disciples of Jesus Community (e.g. Light to the Nations, Summer School, Disciples School of Mission, Youth Mission Team etc.) the member should follow the procedures outlined by the Community.

If the disclosure was made within an MGL parish ministry the MGL member should follow the protocols of the diocese, whereby the parish priest is first contacted and diocesan procedures followed.

If the disclosure was made during a ministry under the jurisdiction of the MGL, apart from a parish, then the MGL member should report the matter to the Head of that MGL mission. If it is a criminal matter, the Head of Mission will contact the police. Where there is possibility of the child or vulnerable adult being in imminent danger of abuse the Head of Mission will contact the relevant State authority for Protection of children and Vulnerable People. Where in the particular State jurisdiction there is mandatory reporting to an ombudsman, the Head of Mission will fulfil this requirement within the time frame given.

If no child is currently at risk then the matter should still be referred to relevant Church authorities, in particular the Diocesan child protection office, for further investigation, advice and pastoral counselling and support. If further investigation by the Diocesan child protection office, concludes that suspected criminal activity has taken place this should be immediately reported to the police.

Forming a belief on reasonable grounds

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing

is at risk and the child's parents/carers/guardians are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:

- A child or young person states that they have been physically or sexually abused
- A child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- Someone who knows the child or young person states that the child or young person has been physically or sexually abused
- A child shows signs of being physically or sexually abused
- The person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development
- The person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision

Disclosures and transparency

The MGL will continue to develop and implement protocols that promote a culture of openness and transparency. The MGL acknowledges, however, that this needs to be tempered with a commitment to natural justice and procedural fairness. The reputations of accused people must be taken into consideration, particularly in the early stages of an allegation when the information may be piecemeal and require investigation. The commitment to justice must be firstly to the victim, but also to the alleged perpetrator.

Consequences of breach

If investigation of an allegation of child abuse against a member of MGL is substantiated or a member has been convicted of child abuse the member would be dismissed from the MGL and the canonical process for this dismissal would be followed.

Review of Policy

This policy is a living document and is subject to review at a minimum every three years. In addition, this policy will be reviewed at other times, when/if significant changes occur in the MGLs or in legislation, that affects safeguarding and child protection obligations.

Glossary

Child means a person under the age of 18 years.

Child abuse

The definition of “child abuse” referenced in the National Catholic Safeguarding Standards, is adopted for the purposes of this policy document, and includes the following components:

- **Physical abuse** refers to any non-accidental physically aggressive act towards a child. Physical abuse may be intentional or may be the inadvertent result of physical punishment. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking;
- **Sexual abuse** refers to a person who uses power, force or authority to involve a child or young person in any form of unwanted or illegal sexual activity. This can involve touching or no contact at all. This may take the form of taking sexually explicit photographs or videos of children, forcing children to watch or take part in sexual acts and forcing or coercing children to have sex or engage in sexual acts with other children or adults;
- **Neglect** refers to a failure by a caregiver to provide the basic requirements for meeting the physical and emotional developmental needs of a child. Physically neglectful behaviours include a failure to provide adequate food, shelter, clothing, supervision, hygiene or medical attention;
- **Psychological abuse** refers to inappropriate verbal or symbolic acts and a failure to provide adequate non-physical nurture or emotional availability. Psychologically abusive behaviours include rejecting, ignoring, isolating, terrorising, corrupting, verbal abuse and belittlement;

- **Exposure to family violence** is generally considered to be a form of psychologically abusive behaviour, where a child is present (hearing or seeing) while a parent or sibling is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by a family member's violent behaviour; and
- **Grooming** refers to a pattern of behaviour aimed at engaging a child as a precursor to sexual abuse. It includes establishing a ‘special’ friendship/relationship with the child. Grooming can include the conditioning of parents and other adults to think that the relationship with the child is ‘normal’ and positive. The process can take as little as a few days or as long as months or even years.

Personnel means a cleric, member of a religious institute or other person who is employed by the entity or engaged on a contract, subcontract, voluntary or unpaid basis.

Vulnerable adult or vulnerable person

The definition of vulnerable adult or vulnerable person is taken from the Church's document *Towards Healing*, and means “a person who has recently suffered bereavement, marriage breakdown or other such adversity making them in particular need of pastoral support, or a person with an intellectual disability, mental illness or other impairment that makes it difficult for that person to protect themselves from abuse or exploitation.”