

## ST COLUMBANS MISSION SOCIETY (AUSTRALIA) - SAFEGUARDING POLICY

Policy Title:	St Columbans Mission Society – Safeguarding Policy
Responsibility for this Policy:	The Columban Leader in Australia & Safeguarding Coordinator
Effective as at:	23 NOVEMBER 2019
Last Revised:	27 MARCH 2021
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### 1. Preamble – Safeguarding as Ministry:

- 11 *‘Safeguarding, in a spirit of Christ-like pastoral service, is a ministry integral to our mission and not just a response to a current and hopefully passing crisis which distracts us from our real mission. Along with fostering a culture of safeguarding, we need training and professional help if we are to be effective safeguarding ministers today. Greater understanding of the nature, effects, causes and signs of the abuse of children and vulnerable adults is also necessary. The Society policy needs to be based on best practice and aligned to good Church policies which in recent years have emerged in places where we minister. We need to work closely with local diocesan and other ecclesial offices, as well as with other religious congregations.*
- 12 *A ministry of safeguarding requires a familiarity with our Society Safeguarding Policy, ecclesial policies at local and national levels, and civil law. Furthermore, effective communication and a commitment to follow established procedures are essential to the ministry of safeguarding.’*

***Society Manual of Policies and Procedures, Revised 2018, (20)***

*‘As ministers of communion, we must commit ourselves unreservedly to protect minors and vulnerable adults from abuse and to heal the brokenness of the victims of abuse’*  
***Society Manual of Policies and Procedures, Revised 2018, (19)***

## 2. Background:

- 2.1 St Columbans Mission Society (the Society) is a pontifical Society of Apostolic Life with its headquarters in Hong Kong. Globally the Society is committed to the safety and wellbeing of children and vulnerable adults;
- 2.2 In Australia the Society is active in all states and territories each with their own legal framework. Members (Members) and their associates<sup>1</sup> have child safety obligations within each of these respective jurisdictions;
- 2.3 Also, local church authorities both nationally and at diocesan level will also have expectations for promoting and protecting the welfare of children and vulnerable people.

*“You are the light of the world. A city set on a hill cannot be hidden” (Mt 5:14). Our Lord Jesus Christ calls every believer to be a shining example of virtue, integrity and holiness. All of us, in fact, are called to give concrete witness of faith in Christ in our lives and, in particular, in our relationship with others.’*

***Vos Estis Lux Mundi***

## 3. Policy:

- 3.1 The Society through its policy and related procedures is totally committed to the care and protection of children, young and vulnerable people.
- 3.2 In all its work and interactions with children and young people the Society will regard the ‘best interest of the child’ as paramount in its decision-making.
- 3.3 Members and their associates will fully comply with the relevant child protection and vulnerable people legislation as enacted in the jurisdictions in which they work and live.
- 3.4 This policy applies to Members and their associates both within Australia and while traveling or representing the Society overseas.
- 3.5 In order to support and contribute to a safe church the Society in Australia will adopt the *National Catholic Safeguarding Standards 2019*.
- 3.6 For the purpose of the protection of children and vulnerable people the Society will adopt policy and procedures representing best practice. Along with this Safeguarding Policy the Society will have a Code of Ethical Responsibility, a Risk Management Procedure a Grievance and Complaints procedure.
- 3.7 Ensuring all members and associates who require employment screening and background checking due to their role and ongoing contact with children comply with the relevant law in their jurisdictions.

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<sup>1</sup> The term ‘associate’ is in use throughout the Society to refer to students, lay missionaries, paid employees, volunteers, contractors and other people who participate in the life, work and mission of the Society.

- 3.8 The Society will ensure that all members and associates have access to these policies and are supported by appropriate training and professional development.
- 3.9 Members and associates are required to be familiar with the Code of Practice (Appendix 1) outlining protective behaviours when dealing with children, young people and vulnerable adults.<sup>2</sup>
- 3.10 As a component of that training Members and associates will be required to indicate that they are aware of all Society safeguarding policies and are in acceptance of them;
- 3.11 The Society appoints a Safeguarding Coordinator supported by a Safeguarding Committee. Members will be appointed from both the Society and the broader community.

*'Our conduct as church leaders has the potential to inspire and motivate people but also to scandalize and weaken their faith'*  
**Society Manual of Policies and Procedures, Revised 2018: Code of Ethical Responsibility (11)**

#### **4. The Society's Commitment – A Statement of Principles:**

- 4.1 All children and vulnerable people have a right to safety and freedom from abuse of any kind.
- 4.2 The Society is committed to creating a safe environment and instituting procedures to promote the wellbeing of all those with whom its Members and associates work and interact.
- 4.3 The Society will respond promptly and thoroughly to allegations and disclosures of abuse.
- 4.4 When any action is taken by the Society to prevent or respond to any type of abuse, the welfare and wellbeing of the child or vulnerable person is the primary concern.
- 4.5 The dignity of persons involved in situations where abuse is suspected or disclosed will be respected; they will be treated with fairness, sensitivity, dignity and respect.
- 4.6 In the interests of justice, appropriate confidentiality will be maintained, with information that relates to suspected or disclosed abuse being provided only to those who have a right or a need to be informed.

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<sup>2</sup> Guidelines for Policy Development for Preventing and dealing with the abuse of Minors and Vulnerable Adults in the Missionary Society of Saint Columban 2015

## **5. Scope of this policy:**

5.1 This policy applies to all workers and associates:

- Members in Australia, active, retired and semi-retired;
- Members of the Society visiting Australia from overseas while on leave, holiday, study or short-term appointment;
- Students, lay missionaries and paid employees working for the Society;
- Volunteers working alongside the Society in parishes, groups and committees;
- Contractors working for the Society.

## **6. When does this policy apply?**

6.1 This policy applies at all times to both Members and associates. It extends beyond what might normally be understood as formal working hours.

## **7. Definitions**

7.1 Child: For the purpose of this policy, a child is defined as a person being under the age of 18 years.

7.2 Vulnerable Persons: For the purpose of this policy, a vulnerable person is an individual aged 18 years and above who is unable to protect themselves against harm or exploitation by reason of age, illness, trauma, or disability, or any other reason.

7.3 Volunteers: A volunteer is considered to be any person engaging in activities on Society premises or active in Society activities where they are likely to come into contact with children or vulnerable persons. This includes visiting family members of children, volunteering in and for religious organisations or groups as well as speakers, performers, adjudicators, and assessors.

7.4 Abuse: Notwithstanding any formal legal definition operating in the constituent jurisdictions within which the Society operates, abuse for the purpose of this policy is understood as any behaviour that has the potential to disadvantage or cause significant actual harm to a child, young or vulnerable person. Abuse may be physical, sexual, psychological, financial or economic.

## **8. Legal Obligations & Criminal Conduct:**

8.1 Members and associates are reminded that when travelling overseas, Australian citizens remain bound by Australian law in regard to sexual conduct with children and may be prosecuted in an Australian Court for criminal behavior towards children.

8.2 Members and associates **must not commit a sexual offence against a child**. In this context the term 'sexual offence' encompasses all criminal offences involving a sexual element that are committed against, with or in the presence of a child. These offences include (but are not limited to) the following<sup>3</sup>:

- a. Indecent assault;
- b. Sexual assault;
- c. Aggravated sexual assault;
- d. Possession/ dissemination/ production of child pornography or child abuse material;
- e. Using children to produce pornography; or
- f. Sexual activity with a young person above 16 years of age deemed non-consensual sexual activity on the basis of special care relationships.<sup>4</sup>

8.3 Members and associates must not engage in **grooming**<sup>5</sup> behaviour. Grooming behaviour involves a pattern of conduct that is consistent with grooming a child for sexual activity, where there is no other reasonable explanation for it. Examples of grooming behaviour include:

- a. Persuading a child or group of children that they have a 'special' relationship, for example, by spending inappropriate special time with a child, inappropriately giving gifts or showing special favours to them but not other children, inappropriately allowing the child to overstep rules, or asking the child to keep this relationship to themselves;
- b. Testing boundaries, for example, by undressing in front of a child, encouraging inappropriate physical contact (even where it is not overtly sexual), talking about sex, or 'accidental' intimate touching.
- c. Inappropriately extending a relationship outside of work.
- d. Inappropriate personal communication (including emails, telephone calls, letters, text messages, social media and web forums of a sexual nature).

8.4 **Physical contact and assault**<sup>6</sup>: Members and associates must not engage in inappropriate physical contact with children, or act in ways that may cause a child to reasonably fear that unjustified force will be used against them. Examples of inappropriate physical contact include but are not limited to:

- a. Intentional and unjustified use of physical force;
- b. Throwing an object to gain a child's attention in a hostile way;
- c. Restraining a child (unless as part of an approved behaviour management plan); or
- d. Pushing, pulling, shoving, grabbing, pinching, poking, shaking or throwing a child.

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<sup>3</sup> All Australian jurisdictions criminalize these behaviours involving children.

<sup>4</sup> There is some variation in the age of consent for special care relationships across the various states and territories. For example, in NSW the NSW Crimes Act 1900 – SECT 73 makes sexual intercourse an offence for persons in relationships of special care with persons above the age of consent (16) but below the age of 18. Criminal penalties apply.

<sup>5</sup> The majority of Australian jurisdictions have criminalized this behaviour or are considering doing so. Where grooming is not criminal behaviour it would be regarded as professional misconduct;

<sup>6</sup> All Australian jurisdictions will criminalise this type of behaviour involving a child.

## 9. Maintaining Professional Relationships and Boundaries:

- 9.1 Members and associates must act professionally and appropriately when dealing with children and others they come into contact with as part of their ministry and engagement with Society activities. This obligation also extends to relationships associates have with children outside of their formal work with the Society. This includes:
- a. Using appropriate language and tone toward children and others. Rude or insulting behaviour, including verbal aggression; abusive, threatening or derogatory language or conduct; or intimidating words or actions towards children is unacceptable;
  - b. It is also unacceptable to engage in such conduct towards others in the presence of children;
  - c. Members and associates must not behave in a way that could reasonably be construed as involving an inappropriate relationship with a child or a group of children;
  - d. Members must not invite children to join their personal social networking or messaging sites or accept children's invitations to join theirs;
  - e. Members and associates must not attend a child's home without an appropriate professional reason and without the parent's or carer's consent and presence in the home. They must not enter the bedroom areas of a home.
- 9.2 Members and associates should not put themselves in a position that may create a risk of an allegation of a child protection nature. For example, they must not:
- a. Transport a child or children in a car alone.
  - b. Otherwise, be alone with a child, unless they are in the view of others and/or there is a reasonable requirement to do so.
- 9.3 Where there are existing personal relationships, such as a family relationship or close friendships that involve a Member or associates and a child, Members and associates need to take care to be transparent, prudent and behave appropriately.

## 10. Crossing Professional Boundaries – Sexual Misconduct

- 10.1 Members and associates must not engage in sexual misconduct;
- 10.2 The term 'sexual misconduct' includes conduct that does not necessarily equate to a criminal offence. However, in many cases sexual misconduct constitutes reportable conduct to a relevant state or church professional standards body. For conduct to be reportable it must have been committed against, with or in the presence of a child;
- 10.3 There are two broad categories of sexual misconduct and both are to be avoided by Members and associates - crossing professional boundaries, and sexually explicit comments/other overtly sexual behaviour:
- a. **Crossing Professional boundaries:** is understood as sexual misconduct that can reasonably be construed as involving an inappropriate and overly physical, personal or intimate relationship

with; conduct towards; or focus on a child or young person, or a group of children or young persons;

b. **Sexually explicit comments** and other overtly **sexual behaviour** towards a child, young person or group of young persons. This conduct may include:

- Inappropriate conversations of a sexual nature;
- Comments that express a desire to act in a sexual manner;
- Unwarranted and inappropriate touching;
- Sexual exhibitionism;
- Personal correspondence (including electronic communications) with a child or young person in relation to the adult's sexual feelings for a child or young person;
- Exposure of children and young people to sexual behaviour of others including displays of pornography; or
- Watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

## **11. Avoiding Psychological Harm**

11.1 Members and associates must avoid behaviours that are likely to cause significant emotional harm or trauma to a child. In all Australian jurisdictions this will be regarded as misconduct and reportable to a relevant state or church professional body;

11.2 Members and associates are not mandatory reporters of psychological harm in all Australian jurisdictions. However, it is a requirement of this Safeguarding Policy that Members and associates who in the course of their work or ministry form a reasonable suspicion that a child or young person is the victim of psychological harm is required in consultation with the Society Safeguarding Coordinator to notify the relevant state child protection body;

11.3 Members and associates who are in doubt as to report a suspicion of psychological harm should seek advice from the Society Safeguarding Coordinator.

## **12. Avoiding ill-treatment and neglect**

12.1 Ill-treatment occurs where a person treats a child or young person in an obviously or very clearly improper manner. Ill-treatment can include disciplining or correcting a child in an obviously unreasonable way; making excessive and unreasonable demands on a child; malevolent acts towards a child; and inappropriate and hostile use of force against a child;

12.2 Neglect is either an action or inaction by a person who has care responsibilities towards a child. It is understood as grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter;

- 12.3 Members and associates are not mandatory reporters of ill treatment or neglect in all Australian jurisdictions. However, it is a requirement of this Safeguarding Policy that Members and associates who in the course of their work or ministry form a reasonable suspicion that a child or young person is the victim of ill-treatment or neglect is required to notify the relevant state child protection body.
- 12.4 Members and associates who are in doubt as to report a suspicion of ill-treatment or neglect should seek advice from the Society Safeguarding Coordinator.

### **13. Working with Children Check Clearances**

- 13.1 The Society must ensure that verified working with children check clearances are in place for all Members and associates deemed to be in child related work;
- 13.2 Working with Children check clearances vary across Australian jurisdictions, consequently Members and associates deemed to be involved in child related ministry will be required to obtain a clearance in the state where they reside and/or where their ministry is conducted;
- 13.3 Pre-employment screening for associates will include reference checking and may require a National Police Background Check in addition to, or in place of a working with children check clearance.

### **14. Notification and Reporting**

- 14.1 Conduct by a Member, an associate or other person that on face value constitutes what may be regarded as a criminal offence, or constitutes a risk of significant harm to a child or young person, will be immediately reported to the relevant Police Service;
- 14.2 A Member or an associate with concerns in regard to inappropriate behaviour by any associate or Member that involves a child or children, including behaviour that has occurred either inside or outside of formal work hours, must inform the Society Safeguarding Coordinator. Inappropriate behaviour includes behaviour which is inconsistent with this policy or with the Society Code of Ethical Responsibility as it relates to children or young people;
- 14.3 The Safeguarding Coordinator will ensure all persons who notify or report a safeguarding concern to the Society or to the civil authority are provided with the pastoral and professional support to do so.

- 14.4 Depending on the severity of the allegation the Society may notify relevant Police and Professional bodies prior to commencing any internal enquiry or investigation of its own;
- 14.5 Civil reporting protocols vary across Australian jurisdictions and have been included in the appendix to this Safeguarding Policy;
- 14.6 Some canonical crimes against the sixth commandment are to be reported according to the requirements of *Vos Estis Lux Mundi* using the Report for Canonical Crime Form prepared by the Australian Catholic Bishops Conference.<sup>7</sup>
- 14.7 Where required at an appropriate stage in an investigation, and in accordance with canonical norms, a matter should be reported by the Society Leader to the Congregation of Doctrine and Faith. See also *National Catholic Safeguarding Standards Edition 1, 2019: Standard 6, Indicator 6.3.8 and 6.3.9*

## **15. Confidentiality**

- 15.1 Members and associates must maintain confidentiality in relation to any matters of a child protection nature and only discuss the matter with those required to be notified or reported to.

## **16. The Conduct of Workplace Investigations or Misconduct Proceedings**

- 16.1 Investigations of allegations against Members or associates will be managed by the Safeguarding Coordinator according to sections 7 to 10 of the *Society Grievance Policy and Procedure*.
- 16.2 Members subject to an allegation whilst working for other church jurisdictions will be investigated under that authority. The Society will develop formal agreements with church authorities in the jurisdictions in which its members are professionally active.
- 16.3 Allegations against other persons not considered associates will be referred to the appropriate external agency.
- 16.4 The Society will work to ensure all persons bringing forward allegations as well as those subject to allegation are provided with appropriate pastoral support and due process.

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<sup>7</sup> Refer to Missionary Society of St Columban (Australia) – Complaints Handling Policy: Annexure 1 par.2. cf. <https://www.columban.org.au/about-us/safeguarding/>

## 17. Related Documents

- The National Catholic Safeguarding Standards (2019)
- Columban Manual of Policies & Procedures (2015) (Section 304, pages 14-21)
- The Society Safeguarding Commitment Statement (2020)
- The Society Complaints Handling Policy (2021)
- The Society Grievance Policy & Procedure (2021)
- Risk Management Strategy (2021) and supporting templates
- The Society Workplace Bullying & Anti-Discrimination Policy (2021)
- Model Code of Conduct (Catholic Religious Australia 2020)
- Integrity in Ministry (2010)
- Integrity in the Service of the Church (2011)
- The National Response Protocol (ACBC, Feb 2021)

## 18. Relevant Legislation

- State Crimes Act(s)
- State Child Protection Legislation
- State Reportable Conduct Legislation
- State Working with Children Check legislation

DOCUMENT HISTORY			
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1	AUSTRALIA REGIONAL GATHERING	23 NOVEMBER 2019	2022
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