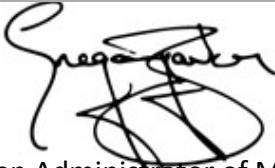


DOCUMENT ID	PD22/0014
APPLICABLE TO	The policies, procedures, protocols and practices of the parishes and agencies of the Diocese of Maitland-Newcastle.
DOCUMENT OWNER	Office of the Director of Safeguarding
APPROVAL DATE	18 October 2022
APPROVED BY	 Gregory Barker Diocesan Administrator of Maitland-Newcastle
LAST REVIEW DATE/S	January 2023
NEXT REVIEW DATE/S	October 2024
RELATED DOCUMENTS	<ul style="list-style-type: none"> <li>• Policies and procedures related to:               <ul style="list-style-type: none"> <li>○ managing complaints</li> <li>○ reporting concerns for children or abuse of vulnerable persons</li> <li>○ conducting administrative inquiries</li> <li>○ assessment and management of 'Person Related Risks'</li> <li>○ conflict resolution</li> </ul> </li> <li>• Policies and procedures promoting safety in:               <ul style="list-style-type: none"> <li>○ the design and refurbishment of diocesan facilities</li> <li>○ the development and implementation of diocesan programmes and ministries</li> </ul> </li> <li>• Policies and procedures related to diocesan workers, including:               <ul style="list-style-type: none"> <li>○ recruitment and selection</li> <li>○ pre-employment screening</li> <li>○ codes of conduct</li> <li>○ supervision and management</li> <li>○ appraisal and assessment</li> <li>○ counselling and disciplinary actions</li> <li>○ safeguarding knowledge and training</li> </ul> </li> </ul>

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# 1. Purpose

Catholicism is an inclusive faith, the word Catholic is derived from Greek ‘katholikos’ (universal). The Diocese of Maitland-Newcastle (‘Diocese’) is committed to promoting the safeguarding of children and vulnerable persons in all its communities and all the ministries and activities which it undertakes. The safeguarding of children and vulnerable persons occurs in an open and welcoming Church that is also accountable and transparent.

The Australian Children’s Commissioners and Guardians defines a child-safe institution as one that consciously and systematically:

- creates conditions that reduce the likelihood of harm to children
- creates conditions that increase the likelihood of identifying and reporting harm
- responds appropriately to disclosures, allegations or suspicions of harm.

The Diocese’s understanding of the term ‘safeguarding’ is derived from the United Kingdom and is global in its understanding. Safeguarding refers to the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully. The Diocese strives to inculcate the safeguarding of children as a core practice in all its parishes and faith communities as well as all the services and programmes offered by the Diocese.

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The Diocesan Safeguarding Framework Policy ('Framework') is designed to:

- support diocesan workers to meet their safeguarding obligations
- provide diocesan leadership with guidance on what needs to be incorporated into individual parishes' and agencies' policies, procedures and operational norms to achieve compliance with achieve compliance with state and Church legislation, obligations and expectations
- assist the Diocese in being a 'child-safe organisation'.

The Framework is designed to promote and support the Diocese's primary mission, to seek first the Kingdom of God:

*To evangelise – to proclaim Christ, the Good News of God's love for all. All our pastoral activities must, therefore, flow from our personal response to Christ and be carried out in the spirit of the Gospel.*

## 2. Scope

On 29 April 2022 Pope Francis addressed the plenary session of the *Pontifical Commission for the Protection of Minors*, saying:

*Abuse in any form is unacceptable. The sexual abuse of children is particularly grave, as an offence against a life that is just beginning to flower...*

*This is the road that all of us must take: bishops, religious superiors, priests, deacons, consecrated persons, catechists and lay faithful. Each member of the Church, in accord with his or her proper state, is called to assume responsibility for preventing cases of abuse and to work for justice and for healing.*

The Framework applies to the whole Diocese of Maitland-Newcastle [refer section 4, Definitions], specifically, the policies, procedures, protocols and practices of diocesan parishes and agencies that relate to or otherwise effect children and vulnerable persons who are part of the Diocese's faith communities or in receipt of diocesan services.

The Framework is subservient to civil and canonical laws.

Diocesan parishes and agencies must support the Diocese's compliance with:

- the National Principles for Child Safe Organisations
- NSW Child Safe Standards
- the National Catholic Safeguarding Standards ('Standards')

- as applicable to the parishes' or services' particular ministry, areas of responsibility, provisions of service and expertise.

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Diocesan parishes and agencies will work to achieve compliance in consultation with the Office of Safeguarding.

Diocesan workers [refer section 4, Definitions] are required to promote the safeguarding of children and vulnerable persons and comply, where applicable, with the Framework. Diocesan workers’ obligations are summarised in the Diocesan Safeguarding Commitment Statement [refer Appendix A].

Should this Framework be or come into conflict with other diocesan policies, the requirements and obligations imposed by the Framework takes precedence, until such time as the conflict is resolved.

### 3. Breaching the Framework

The Diocese considers abuse committed against children or vulnerable persons, or failure to protect children and vulnerable persons, as a serious breach of this Framework that will be addressed at a level commensurate with the seriousness of the conduct or failure to act.

The Office of Safeguarding will undertake inquiries to ascertain whether a diocesan worker, other than the Director of Safeguarding, is in breach of the Framework. A third-party investigator, will conduct inquiries into the Director of Safeguarding, answering to the Bishop or his delegate.

Where the Diocese has established that there has been a breach of the Framework, the range of potential consequences that the diocesan worker may experience, is dependent on the nature of the sustained allegations, the nature of the work undertaken by the worker or their role in ministry and the nature of their engagement with the Diocese. Breaches of this Framework by senior leaders in the Diocese is considered particularly serious.

The Diocese’s Human Resources Service is responsible for the oversight of formal disciplinary proceedings for employees and volunteers. Disciplinary action will be taken in accordance with the Diocese’s Counselling and Disciplinary Policy (2020). Issues related to clergy and religious are the responsibility of the Bishop’s Office and management of contractors rest with Property Service.

#### *Clergy and religious*

Review of a clerics or religious’ ministry which may include:

- counselling on acceptable conduct
- assessment of suitability to the current or future ecclesiastic appointments
- restriction, suspension or withdrawal of faculties.

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*Contractors*                      Review of the Diocese’s engagement with the contractor, including:

- counselling on acceptable conduct and breaches of policy
- issuing a warning letter (breach of contract)
- cancellation of contract(s)
- temporary or permanent refusal by the Diocese to re-engage with the contractor.

*Employees*                      Disciplinary action which may include:

- counselling on acceptable conduct
- formal warning
- transfer to another, more appropriate position
- suspension or termination of employment.

*Volunteers and student placements*                      Review of the person’s continued engagement with the Diocese, which may include:

- counselling on acceptable conduct
- changes of role and responsibility
- cessation of their placement or engagement as a volunteer.

## 4. Definitions

The following definitions are relevant for the purposes of the Framework and related policies and procedures of the Office of Safeguarding. These definitions do not necessarily apply to other diocesan policies and procedures.

*Bishop of Maitland-Newcastle*                      For the purposes of this policy and related documents the following words or expressions are defined as set out in this clause.

*(Bishop)*                      The Bishop of Maitland-Newcastle (“Bishop”) means the diocesan bishop who has taken canonical possession of the Diocese in accordance with the Code of Canon Law in force (“the Code”).

If the episcopal see comprising the Diocese is either impeded or vacant as set out in the Code, then the Bishop of Maitland-Newcastle shall be inclusive of the person properly empowered to undertake the governance of the impeded or vacant see of Maitland-Newcastle in accordance with the Code, including:

- a coadjutor bishop
- an auxiliary bishop

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- the diocesan administrator
- an apostolic administrator.

**Child abuse** Or maltreatment was defined in 1999 by the World Health Organisation (WHO) as “all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.” The Standards have adopted a more detailed definition which is available on the Office of Safeguarding website, alongside a detailed discussion on what constitutes the various forms of child abuse and neglect [[Reporting child abuse](#)].

**Children** Refers to people under the age of 18 years.<sup>1</sup>

**Complaint** A complaint is an expression of dissatisfaction made to or about the Diocese, the services the Diocese offers, a diocesan worker or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint is not a request for service, an expression of concern, opinion or feedback where a response is not explicitly or implicitly expected.

There are particular subsets of complaints that are specifically classified and are subject by the Diocese to differing responses and resolution processes.

**Complainant** The complainant is the person who makes the complaint. The complainant may be the person who suffered the alleged inappropriate conduct or poor service or a person acting on another person’s behalf for example, the responsible person for a child (e.g. parent) or vulnerable person (e.g. appointed guardian).

**1** Under the Children and Young Persons (Care and Protection) Act 1998, there is a differentiation between children (0-15 yrs) and young people (16-17 yrs). However, the Crimes Act 1900 and the Child Protection (Working with Children) Act 2012 define children as any person less than 18 years of age. The Children’s Guardian Act 2019, other than for purposes of Part 6 Child Employment, also defines children as persons under 18 years of age. The National Catholic Safeguarding Standards defines children as “individuals under 18 years of age”.

The definition recognises that there is a graduation towards independence that begins for children prior to their 18<sup>th</sup> birthday, through adolescence increasing independence and self-determination is afforded a child, e.g. making some medical decisions independent of their parents etc.

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**Contractors** The Diocese classifies contractors into one of five categories which are detailed in ‘Appendix A’ of this document.

Unless otherwise stipulated in specific sections or paragraphs, this Framework applies to those contractors deemed to be in ‘child-related work’. The categories are:-

Cat.2b Prequalified and Approved Contractors:

- Provision of general services within diocesan facilities
- In child-related work

E.g. cleaners

Cat.4 Contractors engaged by the local service (e.g. school) or parish to provide specialised child-related work (e.g. music tutors, sports coaches). Includes locally contracted cleaners.

Cat.5 Contractors engaged by third parties to provide child-related services to children whilst in the care of a diocesan agency. Specifically, a parent engaging a speech pathologist to provide a service to their child whilst at school (student in a diocesan school).

**Diocese of Maitland-Newcastle**

Is inclusive of all parishes and agencies, communities, ministries and works that are under the authority of the Bishop of Maitland-Newcastle. The Bishop takes his authority from Canon Law (canons 375-402).

The Diocese is not wholly geographic in nature. There are elements of the Catholic Church operating within the physical boundaries of the Diocese that do not fall under the authority of the Bishop, do not have him as ‘head of agency’ and are not a part of the Diocese of Maitland-Newcastle. Equally, particular diocesan ministries occur within external institutions (e.g. Prison Chaplaincy, Hospital Chaplaincy).

**Diocesan agencies**

May also be referred to as ‘directorates’. Diocesan agencies are intra-diocesan organisational structures that have been established and developed in the life of the church, to undertake good works on behalf of the Diocese and the provision of tertiary support to those services.

Diocesan agencies include:

- CatholicCare Social Services Hunter-Manning including the Development and Relief Agency (DARA)
- Catholic Development Fund
- Catholic Schools Office and the diocesan systemic schools
- Office of Safeguarding
- Pastoral Ministries

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- St Nicholas services including Early Education centres, Out of School Hours Care (OOSH) and Pathways programme
- Shared Services, which is inclusive of multiple specialist service providers to diocesan parishes and agencies, that forms part of the Diocesan Curia.

<b>Diocesan leaders</b>	A term that refers to the whole leadership group of the Diocese of Maitland-Newcastle, which is a combination of <i>‘local leaders’</i> and <i>‘senior leaders’</i> .
<b>Diocesan workers</b>	<p>A worker is a person who carries out work in any capacity for an employer or ‘Person Conducting a Business Undertaking’. This includes employees, clergy, religious, trainees, apprentices, student placements, volunteers and contractors.</p> <p>In the Diocese of Maitland-Newcastle, ‘Worker’ includes those who carry out work in parishes within the Diocese, within diocesan agencies and the diocesan curia.</p>
<b>Findings</b>	<p>A decision based on fact, whether there is sufficiently compelling inculpatory evidence to determine that a complaint has merit or is ‘sustained’.</p> <p>Alternatively, the finding is that the complaint does not have merit or is ‘not sustained’.</p>
<b>Local leaders</b>	<p>Refers to the diocesan worker or workers whose authority is localised, i.e. specific to a particular service or parish, and may refer to:</p> <ul style="list-style-type: none"> <li>• a director of an early education centre</li> <li>• a head of service</li> <li>• a manager</li> <li>• a school principal</li> <li>• parish leaders, inclusive of assistant parish priests and appointed lay leadership</li> <li>• the nominated supervisor in an OOSH service.</li> </ul>
<b>Outcomes</b>	<p>Those consequences or actions that stem from the findings and reflect the seriousness of the allegations and address any unresolved risks. Outcomes tend to fall within two classes:</p> <ul style="list-style-type: none"> <li>• the future roles and responsibilities of the respondent as a diocesan worker</li> <li>• issues related to the Diocese of Maitland-Newcastle’s current operational or systemic practices.</li> </ul>

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**Parishes** “... is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (parochus) as its proper pastor (pastor) under the authority of the diocesan bishop.” (Can. 515§1)

**Programmes** Are the particular operational activities that are related and often interrelated and interdependent that collectively work towards a shared outcome or purpose. Programmes are often defined by funding and/or governance arrangements. Programmes must be accountable to or an integral part of a diocesan parish or agency.

**Refugees** Australia is a signatory to the UN Refugee Convention<sup>2</sup> which defines a refugee as a person who is outside their own country and is unable or unwilling to return due to a well-founded fear of being persecuted because of their:

- race
- religion
- nationality
- membership of a particular social group or
- political opinion.

**Respondent** The person who is the subject or focus of the complaint, i.e. the person who undertook the action or was responsible for the provision of service that triggered the complaint.

**Senior leaders** Refers to those positions and roles that constitute canonical offices, report or relate directly to the Bishop, are members of the Diocesan Leadership Group or are otherwise specified as such by the Bishop.

The roles and offices that form part of the diocesan senior leadership include:

- Chancellor
- Chief Executive Officer
- Chief Operating Officer
- Directors of services
- Parish Priest
- Vicar-General.

<sup>2</sup> *The United Nations Convention and Protocol Relating to the Status of Refugees (1951 Convention and 1967 Protocol)*

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## Unpaid helpers

Is a term used to capture the spectrum of people who provide services and support to the many ministries and activities of the Diocese without remuneration. There are a number of classifications for unpaid helpers to assist in differentiating the degrees of engagement and oversight that are applied.

There are three classifications of unpaid helpers who are not considered ‘diocesan workers’:

- Incidental Helper
- Parishioner Helper
- Visitor.

There are three classifications of ‘volunteers’ in the Diocese who are considered ‘diocesan workers’ and, unless otherwise stipulated in specific sections or paragraphs, to which this Framework applies:

- Volunteer (Close family member)
- Volunteer (General)
- Volunteer (Spiritual Officer).

## Vulnerable persons

Is a complex construct inclusive of a person 18 years of age or older who:

- has a physical disability of sufficient severity as to make them dependent on another for assistance in everyday activities and self-care
- has a chronic or persistent mental illness that significantly impedes their competence
- has a developmental delay or other cognitive disability to a moderate or profound degree
- becomes physically or mentally frail as a result of advanced years.

In 2019 the Pope made laws for the special protection of **vulnerable persons** in the Vatican from exploitative relationships, using the following definition:

*“A person is vulnerable when in a state of infirmity, of physical or mental deficiency, or deprived of personal liberty, which, in fact, even if occasionally, limits their ability to understand or to want or otherwise resist the offence.”<sup>3</sup>*

Whilst a person may have a medical diagnosis or a statutory or other classification which evidences that person’s vulnerability; it is not a prerequisite. The assessment of the diocesan worker that a person meets

3 [Law No. CCXCVII. On the Protection of Minors and Vulnerable Persons](#)

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one or more of the criteria, based on credible evidence, is sufficient to determine that a person is vulnerable, for the purposes of this policy.

Individuals and families (including children) or other relationship groups who are classified as *refugees* or *asylum seekers* by the Australian Government are also considered vulnerable.

An asylum seeker is a person who has fled their own country and applied for protection as a refugee.

(Abuse of) vulnerable persons

Is highly complex. Unlike children who have a presumptive right to age-appropriate levels of protection and safety, adults are free to make poor, even self-destructive choices. However, where there is an established incapacity or identifiable loss of capacity to make genuinely informed and independent choices, the situation becomes much more complex. The Diocese recognises that vulnerable persons should have additional consideration and support to maintain their safety and dignity.

Currently there are two principal sources of understanding abuse of vulnerable persons:

- abuse of people with disability
  - elder abuse
- both of which are subject of Royal Commissions into past and current systemic failures to protect vulnerable persons.

The Office of Safeguarding website provides a detailed discussion on what constitutes the various forms of abuse of vulnerable persons [[Reporting abuse of a vulnerable person](#)].

## 5. Principal instruments informing the Framework

No one can safeguard children and vulnerable persons alone, it requires a shared and collectively applied determination. There are multiple acts and associated regulations, conventions, principles and guidelines that form the foundations and inform the nature of the Diocese’s ongoing work in strengthening a safeguarding culture. The Framework is dependent on and informed by international, national, state and church instruments.

Of lasting and eminent importance in informing the ongoing development of safeguarding in Australia is the *Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (2017)*. Of relevance to the Framework are Volumes 2-10, 12, 13, 16[Books. 1-2] and 17.

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## 5.1 UNITED NATIONS

The international treaties, conventions, protocols and other agreements entered into by the Commonwealth of Australia, notably:

- Universal Declaration of Human Rights (1948)
- Convention on the Rights of the Child (1989)
- Principles for Older Persons (1991)
- Convention on the Rights of Persons with Disabilities (2006)

## 5.2 COMMONWEALTH

The laws and associated statutory instruments enacted and otherwise endorsed by the parliament and government of the Commonwealth of Australia, notably:

- Family Law Act 1975
- Australian Human Rights Commission Act 1986
- Privacy Act 1988 (Australian Privacy Principles)
- Criminal Code Act 1995
- Modern Slavery Act 2018
- National Principles for Child Safe Organisations (2019)
- National Strategy to Prevent and Respond to Child Sexual Abuse [2021–2030]
- Safe and Supported: The National Framework for Protecting Australia’s Children [2021-2031]

## 5.3 NEW SOUTH WALES

The acts and associated statutory instruments, schemes, standards, protocols and procedures enacted and otherwise endorsed by the parliament and government of NSW, notably:

- Crimes Act 1900
- Children and Young Persons (Care and Protection) Act 1998
- Child Protection (Working with Children) Act 2012
- Children’s Guardian Act 2019
- Office of the Children’s Guardian: Guide to the Child Safe Standards (2020)
- Office of the Children’s Guardian Child Safe Handbooks:
  - Child Safe Action Plans
  - Reporting Obligations and Processes
  - Understanding and Developing a Child safe Policy
  - Risk management and the Child Safe Standards (Parts 1 and 2)
  - Empowerment and participation: A guide for organisations working with children
  - Child Safe Codes of Conduct
  - Engaging sensitively with survivors of abuse

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## 5.4 CATHOLIC CHURCH

Drawing on natural and divine law, and church dogmas, and the oral and codified traditions of the universal Catholic Church, and the particular laws and traditions of the Catholic Church in Australia and the Diocese of Maitland-Newcastle, the principal Church instruments include:

- Code of Canon Law (1987)
- Sacramentorum Sanctitatis Tutela (2001)
- Integrity in Ministry (2004)
- Normae de Gravioribus Delictis (2010 revisions)
- Integrity in the Service of the Church (2013)
- Apostolic letter to the People of God “If one member suffers...” (20 August 2018)
- National Catholic Safeguarding Standards (Version 1, 2019)
- Law No. CCXCVII. On the Protection of Minors and Vulnerable Persons (26 March 2019)
- Vos Estis Lux Mundi (7 May 2019)
- Decree 06/2019 of the Bishop of Maitland-Newcastle establishing the Ecclesiastical Office of Director of Safeguarding Children and Vulnerable Adults (24 May 2019)
- Rescriptum ex Audientia Ss.mi and instructions (December 2019)
- The National Response Protocol (February 2021)
- Revisions of the Code of Canon Law, Book VI: Penal Sanctions in the Church (8 December 2021)
- Vademecum: On certain points of procedure in treating cases of sexual abuse of minors committed by clerics (Version 2.0, 5 June 2022)

## 6. Promoting safeguarding

### 6.1 DIOCESAN SAFEGUARDING COMMITMENT STATEMENT

To clearly articulate the Diocese of Maitland-Newcastle’s abiding commitment to safeguarding children and vulnerable persons, the Diocese has formulated a ‘Statement’ that provides a brief overview of and guidance to each diocesan worker, on the expectations and obligations placed on them by the Diocese to assist in safeguarding children and vulnerable persons.

Each diocesan worker will be required to personally evidence their commitment to the Statement [refer Appendix A]. The Statement will either form a part of the workers’ code of conduct or be a standalone document for those workers whose roles are not subject to a codes of conduct, e.g. clergy.

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## 6.2 PERPETUAL DAY OF REMEMBRANCE

*... sometimes what is horrible to recall also needs to be remembered.*  
*Bishop William Wright (Dec.)*

On 15 August 2020 then Bishop of Maitland-Newcastle, William Wright, issued a canonical decree that established “A Perpetual Day of Remembrance Sunday, a Feast Day, is to be inscribed into the Diocesan Liturgical Calendar to be held on the Sunday on or prior to the 15th of September”.

Bishop Wright explained that the purpose and importance of the Perpetual Day of Remembrance is:

*... about remembering those who were abused, living and dead, in our prayers and our ministries. Secondly, it is about resolving that we will do all in our power to keep children safe now and in the future by being on guard against the sorts of attitudes that enabled abuse in the past. Yes, we have put elaborate safeguarding measures in place, but they need to be underpinned by a culture of care for children, and that requires awareness, and that is where an annual Remembrance Day contributes to the future.*

## 6.3 NATIONAL CHILD PROTECTION WEEK

National Child Protection Week is an annual awareness and promotional campaign that was commenced in 1990 and has been coordinated and promoted by NAPCAN across Australia for that time, other than in Queensland.

National Child Protection Week:

*... aims to engage, educate and empower Australians to understand the complexity of child abuse and neglect and work together to prevent it. The campaign does this through sharing evidence through webinars and events as well as creating resources in order to empower communities to have conversations regarding children’s safety and wellbeing.*

The Diocese of Maitland-Newcastle is committed to the promotion and celebration of National Child Protection Week.

## 6.4 RESPONSIBILITIES OF DIOCESAN LEADERS

As part of promoting a safeguarding culture across the Diocese, diocesan leadership will:

- demonstrate active and overt support for and commitment to the Diocese’s *Safeguarding Commitment Statement*
- ensure that those diocesan workers for whom they are directly responsible, are aware of and act in accordance with the Diocese’s *Safeguarding Commitment Statement*
- promote awareness of the *Perpetual Day of Remembrance* and *National Child Protection Week* with those diocesan workers for whom they are directly responsible
- encourage participation in the local parish’s and faith community’s services and activities,

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held as part of the *Perpetual Day of Remembrance*

- support activities undertaken as part of the Diocese’s celebration of *National Child Protection Week*.

## 7. Attracting, assessing and supporting diocesan workers

The processes used to recruit and engage with new diocesan workers will integrate contemporary safeguarding philosophy and practices. The particulars of these processes are dependent on the nature of the worker and their future or intended relationship with the Diocese. Recruitment of and engagement with diocesan workers is a collaborative effort with specific responsibilities being completed by personnel expert in their specific fields. This may include personnel expert in:

- the role for which the person is being recruited or engaged (e.g. members of a recruitment panel)
- recruiting and pre-engagement screening of applicants (Human Resource personnel)
- undertaking risk assessments of applicants when risk factors are identified (e.g. Office of Safeguarding personnel).

The Diocese believes that its most important and valued resource is its people. To facilitate the best from its workers, the Diocese is committed to investing in the individual, commensurate with the nature of the worker and the levels of responsibility and authority entrusted to the individual.

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## 7.1 RECRUITMENT

<p>The applicant for the seminary undertakes a period of inquiry prior to the Diocese agreeing to sponsor them to attend the seminary, which includes:</p> <ul style="list-style-type: none"> <li>• statutory screening processes (WWCC, NPC)</li> <li>• submission of references</li> <li>• a psychological assessment</li> <li>• a pastoral placement under the supervision of clerical and lay diocesan workers.</li> </ul>	<p><b>Relevant to all categories of contractors [Refer Appendix B]</b></p> <p>Release of tender guideline documents, expressions of interest etc. will include requirements for the contractor to be compliant with the Statement, i.e.:</p> <ul style="list-style-type: none"> <li>• safeguarding requirements applicable to Cat 2b ‘contractors in child-related work’</li> <li>• application of CPTED principles when undertaking major building works (ref. section 13.1, p. 26).</li> </ul>	<p>The importance of safeguarding will be highlighted in the recruitment / advertising process by provision of the Statement as part of their initial provision of information from the Diocese (i.e. as part of the job application).</p> <p>One of the essential criteria in diocesan position descriptions will relate to promoting the safeguarding of children and vulnerable persons.</p> <p>The prospective employee is required to:</p> <ul style="list-style-type: none"> <li>• submit identifying information</li> <li>• undergo a statutory screening process (WWCC and/or NPC) where relevant to the position.</li> </ul>	<p>On expressing an interest to become a volunteer in the Diocese, the prospective volunteer receives safeguarding information, including:</p> <ul style="list-style-type: none"> <li>• a brief overview of safeguarding for volunteers</li> <li>• the Statement</li> <li>• Volunteer Policy.</li> </ul> <p>The prospective volunteer is required to:</p> <ul style="list-style-type: none"> <li>• submit identifying information</li> <li>• undergo a statutory screening process (WWCC and/or NPC).</li> </ul>
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Clergy	Contractors	Employees	Volunteers
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## 7.2 ENGAGEMENT

<p>As part of the candidate for orders ('candidate') progress towards ordination, the candidate will undertake placements in ministry, supervised by appropriately experienced and skilled clergy and undertake the Diocese's safeguarding training relevant for their role.</p> <p>There will be formal reviews of the candidate's progress towards and suitability for ordination including consideration of their understanding and commitment to safeguarding of children and vulnerable persons.</p> <p>A panel of persons with appropriate expertise and who provide individual written advice to the Bishop as to the candidate's suitability to progress.</p>	<p><b>Relevant to contractors in 'child-related work' Categories [2b] and [4]</b></p> <p>Contractors will:</p> <ul style="list-style-type: none"> <li>• submit a Working with Children Check Clearance Number<sup>4</sup></li> <li>• submit a signed Safeguarding Commitment Statement</li> <li>• complete Safeguarding induction module for contractors.</li> </ul> <p><b>Relevant to contractors in 'child-related work' Category [5]</b></p> <p>Contractors engaged by external, third parties to provide services to specific children within diocesan facilities.</p> <p>Prior to the contractor being afforded access to the diocesan facility:</p>	<p><b>For applicants to 'child-related work'</b></p> <p>All applicants must complete a set of <i>safeguarding screening questions</i> (SSQ) [refer Appendix C] as part of their application for employment.</p> <p>The applicant's responses to the SSQ are confidential and are only considered if the applicant is identified as the preferred applicant.</p> <p>The preferred applicant's referees are asked to comment on the applicant's conduct towards children and demonstrated expertise in safeguarding. The applicant's answers to the SSQ are verified with the applicant's referees.</p>	<p>Within agreed timeframes, newly commenced volunteers:</p> <ul style="list-style-type: none"> <li>• are inducted into their local school, parish or programme</li> <li>• undertake the Diocese's safeguarding training relevant for their role.</li> </ul>
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<sup>4</sup> Contractors' WWCC number undergo verification and recording in accordance with s.9A Child Protection (Working with Children) Act 2012

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<p>At each stage of a person’s progress towards ordination, the person will be required to renew their commitment to safeguarding.</p> <p>All clergy newly incardinated or appointed to minister in the Diocese must complete the Diocese’s formal safeguarding training course within 6 months of incardination or appointment [refer subsection 8.1].</p>	<ul style="list-style-type: none"> <li>the parent/guardian of the child to receive services from the contractor must have submitted an <i>Application for a Category 5 Contractor to Provide Services to a Student in a Diocesan School</i></li> <li>the school has agreed to the application</li> <li>the contractor is able to evidence that they hold a current WWCC.</li> </ul>	<p><b>For all new employees</b></p> <p>The successful applicant (new employee) will undertake an ‘on boarding’ process that includes:</p> <ul style="list-style-type: none"> <li>signing the Statement embedded in the Diocese’s Code of Conduct</li> <li>attending the diocesan induction for new employees which includes a specific safeguarding module.</li> </ul> <p>All new employees in ‘<i>child related work</i>’ must complete the Diocese’s formal safeguarding training course within 6 months of appointment [refer subsection 8.1].</p>	

### 7.3 SUPERVISION AND SUPPORT

<p>Clergy who are recently ordained or those recently arrived from overseas, undertake a formal mentoring programme.</p> <p>Diocesan clergy undertake a continuous professional development model,</p>	<p>Local leaders are responsible for the oversight of contractors when undertaking work in their facilities.</p>	<p>New employees will undergo a formal probationary period when they are first employed by the Diocese to allow both parties (new employee and local leadership) to ensure the suitability of the new employee to the role. This period will include one or more reviews</p>	<p>Volunteers may be afforded confidential counselling through EAP if deemed appropriate by a local leader. For example, where a volunteer is subject to a reportable conduct investigation.</p>
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<p>involving prescribed numbers of hours per annum to undertake:</p> <ul style="list-style-type: none"> <li>professional supervision</li> <li>practice of ministry activities (professional development)</li> <li>faith and ongoing formation.</li> <li>Clergy are eligible to access confidential counselling through EAP.</li> </ul>		<p>between the new employee and their local leader.</p> <p>Post probationary period, employees will participate in a cycle of supervision, the nature of which is determined by the norms of the profession or business in which the employee works.</p> <p>Employees are eligible to access confidential counselling through EAP.</p>	

#### 7.4 DEVELOPMENT AND APPRAISAL

<p>Clergy will be assessed by an advisory panel to the Bishop of Maitland-Newcastle prior to appointment or reappointment to a canonical office (e.g. parish priest). The advisory panel will assess the cleric's completion of their continuous professional development obligations.</p>	<p>A 'Prequalified and Approved Contractor' or a contractor engaged by diocesan agencies to provide services that constitute child-related work are subject to performance reviews based on 'customer feedback' from parishes and diocesan agencies that have engaged the contractor.</p> <p>The 'outcome' of the performance review will contribute to determining</p>	<p>Employees will undertake a cycle of performance appraisal and, informed by this process, access professional development opportunities as part of a professional development plan, the details of which will vary between the differing roles and professions employed by the Diocese.</p>	<p>Volunteers will receive informal advice and feedback from their local leaders.</p>
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Clergy	Contractors	Employees	Volunteers
	whether the contractor will remain engaged with the Diocese.	Employees will be the subject of counselling and discipline when warranted by poor performance, in accordance with diocesan policy and procedure.	

### 7.5 RESPONSIBLE AUTHORITY

Bishop of Maitland-Newcastle.	Signatory of the contractor’s contract acting on behalf of the trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle.	Local leader acting on behalf of the trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle.	Relevant diocesan leader (e.g. School Principal).
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### 7.6 SUPPORTING SERVICE<sup>5</sup>

Chancellor’s Office	Property Service	Human Resources	Human Resources
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<sup>5</sup> Support service’ refers to the management and ongoing development of the policies, procedures and processes that underpin the recruitment, engagement, supervision, support, development and appraisal of diocesan workers. The undertaking of these processes is the responsibility of multiple offices and services within the Diocese. For example, H.R. establishes the framework for the supervision of employees, however it is the employee’s local leader who is responsible for conducting the supervision.

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## 8. Training for diocesan workers

Promoting a safe environment for children and vulnerable persons in diocesan parishes and agencies is dependent on ensuring an appropriately trained and aware workforce. The Office of Safeguarding is responsible for the ongoing review and development of Safeguarding training standards and packages for the whole of Diocese.

### 8.1 SAFEGUARDING TRAINING

Diocesan workers must be aware of the importance of safeguarding in the Diocese and have a basic understanding of their safeguarding obligations, including their reporting obligations.

Diocesan workers in child-related work will have a detailed understanding of their safeguarding obligations, including:

- the Diocese’s safeguarding infrastructure including the Office of Safeguarding and related policies and procedures
- indicators of abuse and neglect
- e-safety awareness
- responding to disclosures of abuse and neglect
- reporting obligations
- indicators and management of risks to the safety, welfare and wellbeing of children and vulnerable persons
- supporting inquiries of alleged misconduct by diocesan workers against children and vulnerable persons
- complaints handling
- information sharing and record keeping
- contributing to the ongoing development of a child-safe culture within the Diocese.

The diocesan safeguarding training standards will recognise and support the importance of specialised training for particular roles, including:

- educators in diocesan systemic schools and early education centres
- workers in parishes and otherwise engaged in diocesan ministries
- workers in social services
- diocesan clergy
- authorised carers [s.137 Children and Young Persons (Care and Protection) Act 1998].

#### Roles and responsibilities of the Office of Safeguarding

The Office of Safeguarding is responsible for developing and maintaining the relevance of the Diocese’s safeguarding training material and has the primary responsibility to deliver face-to-face or host online training.

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Diocesan workers are able to request recognised prior learning (RPL) for a limited number of safeguarding training modules or courses, however it is at the discretion of Office of Safeguarding leadership whether RPL is approved.

There are three distinct classes of safeguarding training offered:

<b>Information modules</b>	Relatively brief training opportunities that may be delivered live by local leaders or as online training. Modules are largely passive presentations of information, in written form presented through PowerPoint and audio-visual material.
<b>Training Courses</b>	More in-depth training packages, presented live in face-to-face or online venues by Office of Safeguarding staff. Training courses are interactive, including audio-visual material with written information presented through PowerPoint, worksheets, activities and analysis and discussion of practice scenarios reinforcing key learning.
<b>Bespoke Training Packages</b>	Ad hoc or opportunistic training packages developed to meet specific identified safeguarding training needs within a parish, school, St Nicholas Centre or diocesan programme. Requests for bespoke training may arise as a result of an Office of Safeguarding inquiry.

### Diocesan workers and leaders' obligations to undertake and support training

All new diocesan employees and all newly approved contractors engaged to undertake child-related work, receive an introductory safeguarding information module as part of their induction.

All newly appointed clergy and all new diocesan employees and volunteers in child-related work, must complete a safeguarding training course within the first six months of commencing working for the Diocese.

Diocesan leaders:

- are expected to lead by example and fulfil their safeguarding training obligations
- will facilitate and, if necessary, direct their workers to complete their mandatory safeguarding obligations
- are empowered to direct one, some or all their workers who are not in child-related work, to undertake safeguarding training if they believe it warranted.

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## 8.2 CULTURAL COMPETENCY TRAINING

Separate from the core safeguarding training, promoting an understanding of and commitment to cultural awareness, acceptance and inclusion is an integral part of promoting a safeguarding environment within the Diocese.

Diocesan employees, clergy and religious are required to undertake cultural competency training as part of the diocesan safeguarding training standards.

The Diocese will make opportunities available to diocesan volunteers to access the training as is reasonably possible based on resourcing constraints.

## 9. Feedback to the Diocese

Feedback is communication from an individual or group to the Diocese or part thereof. Feedback may be a compliment, advice, a comment or observation or a complaint.

For the most part, the Diocese is committed to considering people's feedback and responding in a timely and respectful manner. However, some feedback is not appropriate to respond to, including feedback that is:

- highly or personally abusive
- aggressive or threatening towards one or more diocesan worker
- presented as a statement not seeking a response
- submitted anonymously or without any contact details.

The Diocese is committed to encouraging feedback from all people who have involvement with the Diocese, particularly children and vulnerable persons. Individual parishes and diocesan agencies are responsible for providing options for parishioners, people in receipt of diocesan services or members of the public to provide feedback. Particular provision should be made to encourage children and vulnerable persons offering feedback.

Feedback should be responded to by the recipient of the feedback, unless:

- the feedback constitutes:
  - a '*concern for children*' [refer subsection 10.1]
  - an allegation of abuse against a vulnerable person [refer subsection 10.2]
  - an allegation of a crime or serious breach of professional standards having been committed
- the recipient is subject to a conflict of interest in responding to the feedback
- the subject of the feedback is outside the recipient's competence to respond to on behalf of the Diocese

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- in which case, the feedback needs to be accurately recorded and passed onto the recipient’s local leader.

## 9.1 COMPLAINTS MANAGEMENT

This section does not relate to ‘*concerns for children*’ [refer subsection 10.1] or allegations of abuse of vulnerable persons [refer subsection 10.2].

The Diocese endeavours to respond to complaints in a constructive and efficient way, promoting the likelihood of achieving a resolution acceptable to all ‘*interested parties*’. As with feedback, most complaints are an opportunity to learn and assess the quality of people’s experiences living their faith in and receiving services from the Diocese and the quality of interaction with diocesan workers.

The Diocese’s Governance Service is responsible for:

- the development, implementation, review and support for the practice of the Diocese’s *Complaints Resolution* policies and procedures
- provision of specialist complaints management and conflict resolution services in support of local resolution of complaints at the agency or parish level and when options for a local have been exhausted.

The complainant should be the person who had the adverse experience or poor service.

The Diocese recognises that not all complaints can be resolved to all parties satisfaction. It is important to be honest and establish reasonable boundaries and expectations about what may result from a person’s complaint.

For the most part, complaints should not be escalated past the local level prior to the respondent being advised of the complaint and local leadership being given all reasonable opportunity to resolve it. The exceptions to this expectation include complaints where:

- there is a sufficiently serious actual or perceived conflict of interest involving the local leadership
- the complainant has a reasonable basis to be concerned about possible reprisal or belief that the complaint will not be properly addressed
- the complaint is about the conduct of a senior diocesan leader.

A grievance is a specific type of complaint that involves a statement (written or oral) raised by a diocesan worker regarding a genuine work-related concern and is subject to particular industrial relations laws and norms not applicable to other forms of complaint. The Diocese’s Human Resources Service is responsible for:

- the development, implementation and review of the Diocese’s *Workplace Grievance* policies and procedures

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- provision of specialist human resource management services, including the resolution of workplace grievances.

### Unreasonable complainant

When people behave unreasonably in their dealings with the Diocese, their conduct can significantly affect the unity of faith communities and the efficient provision of services by diocesan agencies. A complainant’s conduct is considered unreasonable when the complainant is unreasonably:

- persistent:* in promoting their grievance despite the Diocese’s response having been finalised or refusing to accept the outcomes of the process
- demanding:* for outcomes that are unattainable or having their complaint reassessed
- uncooperative:* refusing to accept alternate perspectives or define their desired outcomes
- argumentative:* promoting unsupported theories and irrational interpretations and refusing to accept informed advice
- emotional:* exhibiting extreme emotional responses, aggression, threats or other threatening or violent conduct.

The Diocese will not persist in attempting to resolve complaints when the complainant is assessed as unreasonable, nor agree to further reviews of the complaint or appeals against a finalised complaints resolution process.

## 10. Reporting to the Diocese

Not all complaints are of equal merit, some are of greater significance and require more than a local response. Allegations of conduct by a diocesan worker that constitutes a ‘*concern for children*’ or constitutes *abuse of a vulnerable person*, are dealt with through a more prescriptive and interventionist process than other complaints.

Diocesan workers have obligations to report concerns for children and allegations of abuse of vulnerable persons.

Diocesan leaders will:

- actively encourage workers to report concerns for children or allegations of abuse of vulnerable persons
- endeavour to ensure that workers who report in good faith do not suffer any adverse consequences for reporting their allegations or concerns.

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Concerns for children and alleged abuse of vulnerable persons contain *sensitive information*<sup>6</sup> that must be treated in strict confidence. Diocesan workers will restrict their discussions of their concerns for children or allegations of abuse to:

- officers of relevant statutory authorities (e.g. Police, Dept. Communities and Justice)
- Office of Safeguarding staff
- relevant diocesan leaders (e.g. the worker’s supervisor).

## 10.1 REPORTING CONCERNS FOR CHILDREN

A cornerstone for safeguarding children is the readiness of the adults in their lives to report any concerns that they have for a child’s safety, welfare and wellbeing.

### Concerns for Children

Concerns for children is a term used to capture a wide range of possible situations or issues that directly involve a child or class of children and will likely adversely affect their safety, welfare or wellbeing. Concerns for children includes those matters that may:

- involve a criminal act
- constitute ‘risk of significant harm’ (*ROSH*)
- constitute reportable conduct under Part 4 Children's Guardian Act 2019
- constitute a more serious delict under Article 1 *Vos Estis Lux Mundi*
- constitute a ‘serious incident’ or ‘prescribed information’, reportable under Children (Education and Care Services) National Law (NSW)
- involve a breach of professional standards by a diocesan worker, which may constitute a breach of:
  - the diocesan or related codes of conduct
  - codified standards established by a professional body, e.g. APS Code of Ethics
  - *Integrity in Ministry*, for clergy and religious
  - *Integrity in the Service of the Church*, for laity
- involve a person being engaged in child-related work without a validated working with children check (WWCC).

There is detailed assistance online at the Office of Safeguarding website to assist in determining whether there are genuine concerns for children, including:

- [indicators of abuse and neglect of children](#)
- [what constitutes child abuse and how to report it](#)
- [what forms of conduct by diocesan workers are reportable and how to report.](#)

<sup>6</sup> *Sensitive information is afforded added protections under the Commonwealth’s Privacy Act 1988 and the Australian Privacy Principals*

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## Statutory Obligations to Report

Each diocesan worker has a personal obligation, imposed by this policy, to report allegations of abuse against children and concerns for children, in accordance with the protocols approved by the Australian Catholic Bishops Conference and the procedures established by the Diocese.

Many diocesan workers are subject to legal obligations to report matters that fall, wholly or in part, in the scope of child protection concerns, to statutory authorities. The Diocese supports and expects its workers to fulfil all of their statutory reporting obligations.

All adult diocesan workers are subject to [section 316A, Crimes Act 1900](#). It is an offence if an adult knows, believes or reasonably ought to know that a child abuse offence has been committed and they have information that might be of material assistance in apprehending, prosecuting or convicting an offender and they fail to report that information to NSW Police as soon as is practical.

Diocesan workers in Catholic schools, CatholicCare, St Nicholas Early Education and OOSH Services, clergy and laity in children’s ministry are mandatory reporters under [section 27 Children and Young Persons \(Care and Protection\) Act 1998](#). If a mandatory reporter has reasonable grounds to suspect that a child is at ROSH, they have a duty to report their concerns to the Department of Communities and Justice (DCJ) in accordance with the advice from the *ChildStory* website [Mandatory Reporter Guide](#).

[Section 27, Children’s Guardian Act 2019](#) requires diocesan workers in Catholic schools, CatholicCare, St Nicholas Early Education and OOSH Services, clergy and lay workers in parishes who are in child-related work (i.e. they are required to hold a WWCC) and who are the ‘first person’ to become aware of a reportable allegation or conviction, to report the allegation to the Office of Safeguarding (as the delegate for the ‘head of the relevant agency’) as soon as practicable. If the alleged reportable conduct is about the Bishop of Maitland-Newcastle, the ‘first person’ must report to the allegations to the Office of the Children’s Guardian as soon as practicable.

The Children (Education and Care Services) National Law (NSW) requires that an ‘approved provider, of St Nicholas Early Education and OOSH Services notify the [NSW Department of Education Early Childhood Education Directorate](#) within twenty four hours or seven days if:

- a [‘serious incident’](#) occurs
- [‘prescribed information’](#) arise
- [‘certain circumstances’](#) arise
- [‘certain information’](#) arise whether the approved provider is a fit and proper person to be involved in the provision of an education and care service.

[Vos Estis Lux Mundi](#) requires clergy and religious (members of Institutes of Consecrated Life or Societies of Apostolic Life) who know or have *“well founded motives to believe”* that a child is being

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sexually abused by a cleric or religious, to report their concerns to the Bishop of Maitland-Newcastle and the Office of Safeguarding.

The timeframes for reporting the multiple statutory obligations imposed on diocesan workers, to whom they are required to report and the secondary, policy based reporting obligations are summarised in Appendix D *Reporting Obligations within the Diocese of Maitland-Newcastle*.

## 10.2 REPORTING ABUSE OF VULNERABLE PERSONS

Adults are free to make poor, even self-destructive choices, if they so choose. However, where there is an established incapacity or loss of capacity for an adult to make informed, independent choices, the situation becomes much more complex. The Catholic Church is committed to safeguarding vulnerable persons within the complexities of respecting individual freedom of choice. Irrespective of an adult’s capacity, it is never acceptable for a diocesan worker to act abusively towards others.

### Abuse of Vulnerable Persons

The frail aged were among the first group of vulnerable persons to have an internationally recognised definition of abuse specific to their group. In 2002 the **WHO** defined elder abuse as:

*... a single, or repeated act, or lack of appropriate action occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person. Elder abuse can take various forms such as physical, psychological or emotional, sexual and financial abuse. It can also be the result of intentional or unintentional neglect.*

A commonly applied definition in Australia is the 1999 **Australian Network for the Prevention of Elder Abuse** definition, “any act occurring within a relationship where there is an implication of trust, which results in harm to an older person. Abuse may be physical, sexual, financial, psychological, social and/or neglect.”

The **National Disability Service** and the **National Disability Abuse and Neglect Hotline** defines abuse of people with a disability as having occurred when someone’s human rights are violated by the actions of another person, and should be considered in terms of:

- exploitation
- impact
- neglect
- violence.

[Vos Estis Lux Mundi](#) has strongly influenced the Diocese’s understanding of who is a vulnerable person and what constitutes abusive conduct towards them.

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The **sexual assault** of a vulnerable person is any sexual activity with the person, if the person:

- lack's the capacity to give or withholds consent
- is threatened, coerced or forced to engage in sexual behaviour.

The Diocese considers it abusive if there is the **sexualisation of the relationship** between a diocesan worker and a vulnerable person who is:

- in receipt of a diocesan service through the worker (i.e. a client)
- a parishioner of or person otherwise in receipt of ministry from the worker.

Sexualisation of the relationship (cited above) is inclusive of crossing professional boundaries and other grooming behaviours, e.g. sexualised jokes and suggestions, intimate touching, voyeurism, kissing, etc.

**Physical abuse** of the vulnerable person by their carer or by a diocesan worker is inclusive of:

- criminal assault
- intentional infliction of pain or significant discomfort
- unauthorised or excessive application of physical restraints.

**Neglect** is a failure to provide the basic physical and emotional necessities of life. Neglect of a vulnerable person can include:

Physical neglect: failure to provide adequate food, shelter, clothing, protection, supervision, medical and/or dental care.

Emotional neglect: failure to support and encourage, protect and provide stimulation needed for the social, intellectual and emotional growth or wellbeing.

Supervisory neglect: intentional or reckless failure to adequately supervise or support a vulnerable person that results in actual or potential for serious harm or involves a gross breach of professional standards

**Psychological abuse** includes:

- verbal assaults
- threats of maltreatment
- harassment
- humiliation or intimidation
- denying cultural or religious needs and preferences
- failure to interact with a person or to acknowledge that person's existence.

**Financial abuse** is the improper use of another person's assets or the use or withholding of another person's resources. Possible sources of financial abuse are carers, families or guardians who act

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formally or informally as financial managers and have access to or responsibility for the vulnerable person’s finances and property.

There is detailed assistance online for diocesan workers to assist them in determining whether there is a reasonable basis for believing a vulnerable person is subject to abuse, with the [indicators of abuse and neglect of vulnerable persons](#).

### Obligation to Report Particular Forms of Alleged Abuse

The diocesan worker must have credible grounds to believe that a vulnerable person is being abused or is at risk of being abused.

Except in extraordinary circumstances, diocesan workers should discuss their concerns with the vulnerable person and ensure that person is in control of reporting their own situation. If the vulnerable person states that they do not want their alleged abuse reported, the worker should respect the vulnerable person’s wishes.

However, there are some circumstances where the importance of reporting allegations of abuse takes precedence. If one or more of the following criteria are present, a diocesan worker must report the alleged abuse, irrespective of the vulnerable person’s wishes:

1. a serious indictable offence is alleged to have occurred or is at risk of occurring
2. the alleged abuser is a diocesan worker
3. there is evidence or a credible basis to believe that the vulnerable person is incapable of or restrained from making free or informed decisions.

[Vos Estis Lux Mundi](#) requires clergy and religious (members of Institutes of Consecrated Life or Societies of Apostolic Life) who know or have “*well founded motives to believe*” that other clergy or religious are performing sexual acts with or sexually exploiting a vulnerable person, to report their concerns to the Bishop of Maitland-Newcastle and the Office of Safeguarding.

The diocesan worker and local leader also need to consider the potential for and seriousness of the harm that may be caused should the abuse go unreported. The greater the potential risk of serious or catastrophic harm, the greater the emphasis for the diocesan worker to report the abuse.

Section 73Z of the [National Disability Insurance Scheme Act 2013](#), defines what constitutes ‘reportable incidents’ for registered NDIS providers. Diocesan workers must report allegations of reportable incidents to CatholicCare’s NDIS Programme Manager and the Office of Safeguarding.

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## 11. Administrative Inquiries

An administrative inquiry is a structured process undertaken to investigate whether there is sufficient evidence to sustain a complaint. Administrative inquiries apply the civil standard (*on balance of probabilities*) and do not address questions of innocence or guilt; nor can administrative inquiries unilaterally achieve *moral certitude* in canonical jurisdictions. However, an administrative inquiry can constitute the basis of a ‘preliminary investigation’ to test whether there is a “*semblance of truth*” to allegations of a cleric committing a canonical delict.

In all circumstances, the Diocese gives primacy to criminal, canonical and other statutory procedures involving external statutory or ecclesiastical authorities, ahead of internal administrative inquiries.

The records compiled in an administrative inquiry may form part of a brief of evidence referred to law enforcement, submitted to civil or ecclesiastic authorities or entered into evidence in civil proceedings.

Administrative inquiries are necessary when allegations of serious misconduct or abuse are made, or key facts raised in a complaint are in dispute between parties. However, for many complaints, it is in the best interests of all parties to adopt a solution focused approach. Application of dispute resolution processes like mediation or restorative justice methodologies may achieve more constructive solutions more easily and with less potential for those involved to adopt rigid and oppositional positions. Diocesan leaders should only initiate an administrative inquiry when necessary.

Diocesan workers who act in good faith and in accordance with this policy during an inquiry, will not be subject to any adverse consequences due to their participation in an inquiry.

Diocesan leaders will:

- actively encourage workers to support administrative inquiries
- endeavour to prevent diocesan workers suffering any adverse consequences for their participation in an inquiry.

### 11.1 NATURE OF ADMINISTRATIVE INQUIRIES

Administrative inquiries can range from highly structured formal investigative proceedings that require months to complete, to brief ad hoc inquiries conducted in a few hours. Nevertheless, all administrative inquiries in the Diocese of Maitland-Newcastle have common traits.

**Confidential** Inquiries are undertaken out of the public domain. All reasonable care should be taken to protect the privacy and reputation of the complainant or alleged victim (if different persons) and the respondent.

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**Duty of care** Those overseeing and conducting the inquiry must actively support and protect the wellbeing of the complainant or alleged victim (if different persons) and the respondent.

**Inquisitorial** The process is impartial and enquires into the facts and circumstances of a complaint, seeking to elicit truth and resolve the complaint.

**Keeping key parties informed** The complainant or alleged victim (if different persons) and the respondent should be kept informed as to the progress of the inquiry.

The respondent must be advised of the findings made and the outcomes decided on.

Dependent on the particular circumstances of the inquiry, the complainant should be provided with feedback that is relevant to them, this may include the findings made, outcomes decided on and external options for redress or review.

**Procedurally fair** The inquiry will afford the respondent and complainant (particularly where the complainant is the alleged victim):

- a fair and unbiased process
- all reasonable opportunity to be heard
- decisions based on the logical and appropriate analysis of available facts.

One of the fundamental elements of procedural fairness is the right of the respondent to receive sufficient information to make an informed response.

**Proportional** The inquiry is conducted at a level of sophistication, formality, and thoroughness commensurate with the seriousness of the issue being inquired into and the role of the respondent. Inquiries involving diocesan leadership are deemed more serious, irrespective of the nature of the issue being inquired into.

The assessed ‘seriousness’ of an inquiry does not equate to its importance. All inquiries are important to those affected. Diocesan workers conducting an inquiry should manage their interactions with complainant, witnesses and respondent with appropriate attention and care.

**Reviewable and appealable** Administrative inquiries are subject to review and appeal, to be conducted by a diocesan leader more senior or unrelated to the person who oversaw the inquiry.

Inquiries conducted under Part 4 Children’s Guardian Act 2019 are also appealable to the Office of the Children’s Guardian (OCG).

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**Timely**

Inquiries need to be conducted as expeditiously as the circumstances of the inquiry allows.

## 11.2 AUTHORITY TO ESTABLISH AND OVERSIGHT AN ADMINISTRATIVE INQUIRY

Only diocesan leaders (local or senior) can establish and oversight administrative inquiries.

For the most part, diocesan leaders are restricted in the scope of any inquiry to those:

- activities or incidences that occurred within the diocesan leader's scope of responsibility
- diocesan workers who are in the diocesan leader's organisational line of authority.

Diocesan leaders cannot unilaterally initiate administrative inquiries into:

- alleged criminality
- alleged child abuse.

For example, the principal of a diocesan Catholic systemic school is responsible for the activities that occur within, or as a part of an authorised activity of their school and holds authority over diocesan employees and volunteers appointed to that school. However, the principal cannot initiate an inquiry into an allegation of child abuse without first having consulted with the Office of Safeguarding, in accordance with subsection 10.1 *Reporting Concerns for Children*.

There are three senior leaders who have authority to establish and oversight a broader range of inquiries, including potential criminality:

- the Bishop of Maitland-Newcastle may initiate an inquiry into any diocesan activity or involving any diocesan worker
- the Chief Executive Officer in the role of Diocesan Finance Officer (Can. 494) may initiate an inquiry into any aspect of the Diocese's financial activities and accounts
- the Director of Safeguarding may initiate an inquiry involving any diocesan worker or any diocesan activity that is within the decree and mandate of the Director's ecclesial office.

## 11.3 COMPETENCY TO CONDUCT AN ADMINISTRATIVE INQUIRY

An administrative inquiry may be conducted by a diocesan worker deemed competent to do so. Individual competence is a function of multiple factors, both particular to the individual who is being assessed to conduct the inquiry and the substance, subject and circumstances of the inquiry. In general terms, the diocesan worker conducting the inquiry must:

- be neutral and devoid of actual or perceived conflicts of interest
- understand and be able to apply due process (procedural fairness)
- be capable of protecting the integrity of the inquiry

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- ensure that an appropriately comprehensive brief of evidence is secured to allow for properly informed decision making.

Particular classes of inquiries require specific competencies and are reserved for specialist personnel, e.g. allegations of financial mismanagement warrant an investigator with skills in forensic accounting.

The Office of Safeguarding specialises in the conduct of more serious and complex administrative inquiries. Certain types of inquiries are reserved to the Office of Safeguarding, including:

- reportable conduct inquiries conducted under Part 4 Children’s Guardian Act 2019
- inquiries conducted under the National Response Protocol
- alleged abuse of vulnerable persons by diocesan workers, including *reportable incidents* as determined by sub sections 73Z (4) and (5), National Disability Insurance Scheme Act 2013
- inquiries into damages claims brought against the Diocese for personal injury caused by child abuse
- allegations of misconduct involving children or vulnerable persons where the respondent is a senior leader in the Diocese.

Where alleged misconduct by a diocesan worker may constitute a delict against a child or vulnerable person under Canon Law or *Vos Estis Lux Mundi*, it requires a joint administrative and canonical response. The Bishop of Maitland-Newcastle will issue a decree opening a preliminary investigation under Canon 1717:

- appointing the Director of Safeguarding and an appropriately qualified and experienced priest to jointly oversee the process
- making the administrative inquiry serve as the preliminary investigation.

A complaint of abuse against the Bishop of Maitland-Newcastle is dealt with in accordance with articles 6 to 19, *Vos Estis Lux Mundi*.

## 11.4 OBLIGATIONS IN AN INQUIRY

### Obligation to Support the Inquiry

Diocesan workers are obliged to actively support administrative inquiries by:

- maintaining a neutral position, not reaching conclusions during an inquiry about whether an allegation is sustained, or a complaint established
- respecting the findings and outcomes of an inquiry if they are privy to that information
- accepting that they may not be privy to the findings or outcomes of an inquiry.

Diocesan leaders are required to support diocesan workers who are involved in an inquiry, whether as complainant, witness or respondent.

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## Obligations to Confidentiality and to Provide Information

Diocesan workers who are involved in an inquiry or aware that an inquiry is occurring must maintain confidentiality during and after the inquiry.

Through civil or canonical law, certain persons ('key persons') involved in an inquiry are entitled to certain information, including the:

- respondent
- the complainant, when the complainant is the alleged victim
- responsible person(s) for the alleged victim.

The information may be conveyed verbally or in writing, dependent on legislative requirements and which medium is deemed most appropriate for the recipient of the information and the circumstances in which the information is given.

Diocesan leaders who are conducting an inquiry must ensure that key persons receive the requisite information at the appropriate time, including

- progress of the inquiry
- any findings made by the inquiry
- any approved outcomes, allowing for the protection of the respondent's right to privacy.

## Obligations to Give Evidence

Diocesan workers are obliged to give evidence in administrative inquiries, including:

- providing records requested by the investigator
- being interviewed by the investigator.

The obligations of diocesan workers to give evidence in an administrative inquiry overrides guidelines and advice issued by a professional representative body, association, college, guild or other entity acting on behalf of a recognised profession or trade.

## Exemptions from the Obligation to Give Evidence

There are exemptions from a diocesan worker's obligation to give evidence, including:

- a common law right not to self-incriminate (criminal activities)
- the sanctity of the confessional and the privilege of religious confessions
- client legal privilege
- sexual assault communications privilege
- familial or relational conflict of interest.

Exemptions from the obligation of a diocesan worker to give evidence may be subject to assessment of applicability, based on the particulars of the administrative inquiry being conducted, e.g. the more

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serious the complaint or the more senior the respondent, the greater the predisposition of the Diocese to limit the application and extent of such exemptions.

## 11.5 MAKING FINDINGS

A finding must be supported by the available evidence and should be reflective of the assessment submitted by the person who conducted the inquiry. The diocesan leader can consult as to the proper analysis of evidence and making of sound findings in administrative inquiries, with:

- the Diocese’s Governance Service
- the Office of Safeguarding, particularly as to complaints involving children and vulnerable persons.

Findings tend to fall into two categories:

*Personnel:* relate to the actions or inactions of one or more diocesan workers or other persons.

*Systemic:* relate to systems, structures, processes, policies, procedures and practices of the whole Diocese or particular parishes or agencies and localised workplace cultures.

Personnel findings can only be made in an administrative inquiry, or any other diocesan process, that has demonstrated procedural fairness for those subject to such findings.

It is preferable that the person conducting an inquiry is not the person who determines the definitive (or final) findings of that inquiry. However, for inquiries of less serious complaints or when undertaking formal reviews, it may be more efficient that the inquirer or reviewer determine the findings. For inquiries of more serious complaints, the diocesan leader overseeing the administrative inquiry is responsible for making the findings.

## 11.6 DETERMINING OUTCOMES

The diocesan leader who has supervisory or oversight responsibility for the respondent determines what are the appropriate outcomes for the respondent. However, senior leaders may reserve to themselves the right to determine the outcomes of an inquiry, on either an individual basis or holistically.

Outcomes in relation to a respondent, should not be enacted without findings that are supportive of such actions.

In determining what constitute appropriate outcomes for a respondent, there are multiple, often individual factors that help guide the diocesan leader’s thinking, including:

- Catholic formal guidelines, principles and teachings
- community expectations

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- legislation, both civil and canonical
- ‘industry norms’ including contractual arrangements, conditions etc.
- guidelines and standards set by relevant professional representative bodies
- the worker’s history with the Diocese including past disciplinary actions (if any).

Where the proposed outcomes effect the worker’s employment or volunteerism, the diocesan leader must consult with the Diocese’s Human Resources Service.

Where the proposed outcomes effect contractual arrangements the diocesan leader must consult with the Diocese’s Governance Service and Property Service (contractor management).

Outcomes that relate to the clergy are reserved for the Bishop’s Office.

## 12. Participation and inclusion

*Jesus did not tell the apostles to form an exclusive and elite group. He said: “Go and make disciples of all nations” (Mt 28:19). Saint Paul tells us in the people of God, in the Church, “there is neither Jew or Greek... for you are all one in Christ Jesus” (Gal 3:28). To those who feel far from God and the Church, to all those who are fearful or indifferent, I would like to say this: the Lord, with great respect and love, is also calling you to be a part of his people!*

*Evangelii Gaudium (24/11/2013) Par 113*

The Diocese’s vision is *“To live the joy of the Gospel and share it with the world.”* To enact our vision the Diocese must engage with a broad spectrum of people, particularly children and vulnerable persons who are members of a diocesan faith community or in receipt of services through a diocesan agency.

Diocesan workers must ensure that they engage with people in faith communities and the various ministries supported and services provided by the Diocese:

- respectfully, promoting the dignity and intrinsic value and uniqueness of each person
- safely, being aware of the inherent power imbalance in favour of the worker
- ethically, ensuring that the person’s best interests are central in the worker’s decision making
- inclusively, promoting the participation of those who are of diverse personal circumstances (including physical, intellectual, linguistic, cultural and gender identity).

The Diocese is committed to providing children and their families and vulnerable persons appropriate opportunities to provide input in the ongoing development, implementation and review cycle of safeguarding policies, procedures and processes.

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## 12.1 PARTICIPATION AND INCLUSION IN PARISHES AND FAITH COMMUNITIES

In diocesan parishes and faith communities, engagement with people may be primarily classified as relationally based. Relational engagement should emphasise the value of each individual. The intrinsic value of human interaction, one-with-the-other, is understood as a worthwhile outcome in itself. Relational engagement is characterised by a greater degree of reciprocity than in functional engagements.

In parishes and faith communities, the parties have a greater capacity to embark on a mutual journey without, necessarily, a specific timeframe or agreed outcome as the basis for their engagement. The paradigm may also be applicable in other pastoral ministries, including the multiple chaplaincies, children's and youth ministries supported by the Diocese and Healing and Support (Zimmerman Service).

The emphasis in relational engagement is to encourage participation and inclusion on the individual level. This involves the diocesan worker encouraging and supporting the parishioner or person seeking pastoral care, appropriate opportunities to contribute to shaping the dialogue between the parties and directing the nature and range of the ministry offered or service provided.

There is an expectation that appropriate structural opportunities for participation and inclusion are available to the faithful. Where parishes can sustain such structures, parishioners should be able to participate to the direction and priorities of their parish through parish pastoral and finance councils. There is also an expectation that structural opportunities for participation and inclusion are maintained on a diocesan level, e.g. the *Council for Mission* and the *Diocesan Council for Ministry with Young People*.

## 12.2 PARTICIPATION AND INCLUSION IN DIOCESAN AGENCIES

The Diocese provides a large volume and diverse range of services to diocesan families including educational, care and welfare services. The provision of these services may be a form of ministry and constitutes those good works undertaken by entities other than parishes. Unlike parishes however, the nature of the engagement with a student and their parents or a client family is functionally based.

Functional engagement tends to be more structured than relational engagement. In functional engagements there are expectations of an equity of service provision for those who are in receipt of the service and there are greater (often externally established) guidelines or parameters defining the nature and scope of the service to be provided. Both parties in a functional engagement should have a clear understanding of purpose, what is to be achieved within a specified timeframe.

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Diocesan agencies are expected to promote participation and inclusion on the individual level, e.g. promoting the client’s voice in decision making. However, the agencies have a greater capacity and emphasis on structural opportunities for persons to participate. These include:

- Reference groups for clients of a service or the carers of to influence the strategic planning and priorities (e.g. representation to or being a subcommittee of the CatholicCare Board).
- Student councils or other representative bodies should be established in diocesan high schools and colleges and may be established in primary schools should there be sufficient local interest and capacity to sustain them.
- Demonstrable engagement with Federation of Parents and Friends Associations for the Diocese of Maitland-Newcastle at the diocesan (CSO) level and support for the establishment and continuation of local school Parents and Friends Association branches.
- Establishing and maintaining an agreed cycle of gathering ‘user feedback’ for all diocesan service provision and reporting on the results, which should include:
  - provision of online and personal surveys
  - ability for individuals to provide feedback anonymously
  - mechanisms for ad hoc feedback (e.g. feedback or suggestion boxes).

Diocesan agencies are required to facilitate structural opportunities, appropriate for the nature of the service provided and the capacity of the agency to sustain such structures, to promote the participation and inclusion of students, clients, their families and the Catholic community.

## 13. Promoting environmental, structural and dynamic safety

The Diocese is committed to promoting the safety of people who are members of a diocesan faith community or in receipt of services through diocesan agencies, particularly children and vulnerable persons.

As such, the Diocese applies multiple preventative safeguarding strategies, designed to reduce the risk of unsuitable or abusive persons assuming roles and responsibilities with the Diocese that allow them access to children and vulnerable persons. However, no known set of preventative measures will eliminate the ongoing risk inherent in providing multiple, complex services to children and vulnerable persons in multiple sites that are geographically dispersed and, often, in the community. Consequently, the Diocese applies a combination of planned and dynamic safeguarding strategies.

### 13.1 SAFEGUARDING PLANNING FOR FACILITIES

Integrating environmental and structural safeguarding strategies are best done as part of the development/design phase of any facility.

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The scope of works that are put out to tender for new building works or major renovations of existing facilities ('capital works') will include a requirement that site and building design will incorporate best practice situational crime prevention strategies and maximise passive public safety features, i.e. application of Crime Prevention Through Environmental Design (CPTED) principles as articulated through NSW Government authorities, notably, the NSW Police 'Safer By Design' programme.

Property Service is responsible for ensuring that informational documents provided to persons and firms interested in bidding for one or more capital works contracts, include the requirement to address situational crime prevention (CPTED principles) as part of their design elements in their bid proposals.

Property Service in consultation with the Governance Service is responsible for ensuring that situational crime prevention (CPTED provisions) is included in any contracts issued to architects, design firms and builders for the aforementioned capital works.

As part of capital works the relevant diocesan services will ensure that 'user reference groups' are established as part of the planning of new or the significant renovation of existing educational facilities in schools, early education and out-of-school hours care centres; in accordance with section 13.2 of this Framework.

Parish leadership will not approve/support the commencement of capital works before consultation with the parish or regional finance and/or pastoral councils or having undertaken another documented discernment process that included consulting with the people of the parish.

The level of consultation required is commensurate with the significance of the capital works proposed, defined by the project budget and the numbers of families who are expected to use and benefit from the new/refurbished facilities. Nevertheless, in summation, capital works should not be approved without evidence of (where applicable):

- the application of situational crime prevention strategies (CPTED principles having been addressed)
- a consultative process with relevant user groups having been conducted.

## 13.2 SAFEGUARDING IN MINISTRY AND AGENCY PROGRAMMES

In offering ministry and conducting programmes that provide services, largely or wholly, to children, there are particular strategies able to be implemented to maximise safeguarding for both children and diocesan workers; to increase a diocesan worker's professional safety.

For atypical or one-off events, specific safety strategies need to be implemented (refer section 13.5).

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Procedural documents for ministries and services must consider application of safeguarding strategies appropriate for the nature of the ministry or service and specifically, the nature of the interaction between diocesan worker and child. The more common and widely tested strategies include:

- clear, enforceable and enforced rules and expectations are established at the beginning of the child(ren)’s involvement with the ministry or service and those rules are uniformly applied
- reducing the occurrence that an adult is alone with one of more children in private spaces (indoors or outdoors)
- maximising the possibilities of having two-adult teams undertake child-related ministry or service provision
- prohibiting adults and children from disrobing or undertaking personal care activities in the same facilities concurrently,
- children being afforded age and developmentally appropriate privacy when using change rooms, showers or toilets
- promoting regular, recorded communication between a responsible diocesan worker (e.g. parish secretary) and an adult working with or transporting a child or group of children without another adult present (use of mobile telecommunications)
- ensuring that physical contact with children occurs purposefully (i.e. for a clearly definable purpose and for no longer than is required to achieve the intended purpose) and within the ‘social’ or ‘public’ areas of the child’s body (e.g. arms, shoulders, upper back)
- ensuring that there is good preliminary and ongoing communication between ministry or service and the parents/carers of the child.

Safeguarding strategies cannot be rigidly imposed, there needs be allowance for circumstances. For example, reducing the occurrence that an adult is alone with one of more children in private spaces needs to allow for the importance of privacy between adult and child at times. The provision of the sacrament of penance (confession or reconciliation) or counselling services are two clear examples where privacy is a prerequisite.

In such circumstances, protective secondary strategies need be considered. For example, enacting the sacrament of penance in a space that allows for visibility but is audibly private or having the confessionals (re)built to physically separate the confessor from the penitent. For children attending counselling, it may include maintaining appointment records, placing counselling rooms in an administrative centre, having administrative personnel discreetly placed in line of sight to the counselling rooms, to monitor clients’ attendance and departure times and the child’s emotional/behavioural dispositions when leaving counselling.

On occasions a diocesan agency may wish to establish a new programme, or a parish may discern that it should initiate an innovative ministry, which caters, in part or whole, to children or vulnerable persons. The relevant diocesan leaders should consult with the Office of Safeguarding at the earliest

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appropriate stage to ensure that development and design work on the new programme or ministry inculcates the Diocese’s safeguarding culture and that the new programme or ministry is designed to operate in accordance with the NSW Child Safe Standards and the National Catholic Safeguarding Standards.

### 13.3 SAFEGUARDING IN THE ONLINE ENVIRONMENT

Safeguarding children in the online environment (‘e-safety’) is of particular importance in an increasingly ‘online society’ which remains poorly regulated or oversighted. There is the added complexity of most children being more adept in the online environment than the adults responsible for ensuring their e-safety.

Parish ministries and agency programmes that involve online activities or children accessing the internet, will meet the following safeguarding requirements:

- documented procedures or guidelines on safe and purposeful internet usage for children
- documented standards for acceptable online behaviour for diocesan workers with children who are part of the Diocese’s faith communities or in receipt of diocesan services
- the younger the child, the less online time spent and the greater the immediate involvement and monitoring of a responsible adult
- children accessing the internet do so through diocesan networks, ensuring proper filters and other e-safety programmes are in operation to limit the potential for accessing higher risk sites
- online issues are reported in accordance with diocesan incident and safeguarding reporting obligations, including the particulars of any inappropriate or abusive online interactions or websites
- active promotion of protective advice and strategies to children and their parents from key e-safety websites including:
  - [eSafety Commissioner](#)
  - [Think U Know](#).

Diocesan workers must not establish a private or closed group, chat or other online forum that allows restricted access to or visibility of communications between members of the forum and includes one or more children, as a part of any parish ministry or agency programme, unless:

- the worker’s local leader has given written consent for the establishment of the forum
- the forum is set up on a diocesan controlled platform or programme.

Diocesan workers must have the written consent of a parent or guardian of children under 14 years of age, for their child to participate in private or closed online forum. Dependent on individual capacity, children aged 14 years and above may be able to give informed consent for their own participation.

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## 13.4 IMPLEMENTING SYSTEMIC FINDINGS

In accordance with subsection 11.5, systemic findings may be made as part of an administrative inquiry or other appropriately empowered process.

Systemic findings should articulate the weaknesses in existing systems, structures, processes, policies, procedures and practices and the shortcomings in localised workplace cultures that increases risk to children and vulnerable persons.

Outcomes for systemic findings should establish solution or mitigation strategies. That is:

- identify revisions to or implementation of new systems, structures, processes, policies, procedures and practices and specify what variants to current workplace culture are required to reduce risk, or
- establish a process for identifying and developing appropriate remedial strategies to reduce risk.

The responsibility of achieving outcomes to systemic findings should be assigned to an appropriately responsible and empowered diocesan leader.

The outcomes to systemic findings should be:

- credible, as a means of ameliorating the identified risk
- realistic, allowing for the circumstances of the parish or agency
- achievable within a reasonable timeframe
- measurable.

The Office of Safeguarding is empowered to monitor and audit the implementation of the outcomes for systemic findings.

## 13.5 DYNAMIC SAFEGUARDING FOR PARTICULAR CIRCUMSTANCES AND INDIVIDUALS

Parishes and diocesan agencies are required to conduct safety planning for events and circumstances that are atypical or will be conducted outside of diocesan facilities, e.g. a school's sports carnival or a parish picnic. This planning should occur as the parish or diocesan agency's normative risk management and work, health and safety procedures. This will include:

- conducting a risk assessment in accordance with the Diocese's approved risk assessment procedures and using the Diocese's approved tools/forms
- obtaining advice and support from the Safety and Wellness Team as appropriate or the Office of Safeguarding if an identified hazard or risk relates to potential abuse.

In the course of supervising a diocesan worker or as a consequence of resolving a complaint or conducting an inquiry, a diocesan worker may be identified as posing some risk to children or vulnerable persons. Persons assessed as posing a real and appreciable risk to the safety of children

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are excluded from child-related work. However, where the assessed risk is not to such a degree that dismissal from their role is warranted or justifiable, in accordance with relevant civil or canonical law, a safety strategy is applied.

The Office of Safeguarding, and the worker’s local or senior leader, in consultation with the worker and:

- Human Resources, if the worker is an employee or volunteer
  - the Bishop’s Office, if the worker is a cleric, religious or lay parish leader
- will develop implement, monitor and review an individual safety plan sufficient to meet the particular requirements of the situation.

Some of the key determinants of a workers’ individual safety plan include the:

- nature of the assessed risk posed or alleged conduct of the worker
- worker’s role in the Diocese (the more senior and independent the role, the lower the risk tolerance)
- worker’s previous work history
- views of the child and their parents/carers or the vulnerable person whom the worker was found to have harmed
- nature of peer and public reaction if the worker’s information is in the public domain.

An individual safety plan will incorporate provision of reasonable support for the diocesan worker, which may include:

- provision of additional agency funded EAP counselling sessions
- additional flexibility around the worker’s ability to access support during working hours
- increased supervision and one-on-one meetings with the worker’s local leader.

There is another distinct group of persons who may be identified as posing an elevated risk, who are not diocesan workers but are members of one of the multiple local faith or school communities within the Diocese; e.g. the parent of a Catholic school student or a congregant in a parish.

To determine that a member of a diocesan community constitutes a real and appreciable risk to children or vulnerable persons (i.e. equal to or greater than the level of risk that would result in a person being excluded from child-related work) requires the presence of substantive proof that meets the civil standard (balance of probabilities). Should such an individual be identified, the Office of Safeguarding will work in consultation with the person who poses a real and appreciable risk and the leaders of the local community (parish or school), to develop a ‘community safety plan’, designed to mitigate the assessed risk and allow reasonable access to a faith or school community. The community safety plan is ‘voluntary’, the Diocese has no actual authority over the affected member of the community, and therefore must be acceptable to all parties whilst also being adequate to meet the:

- nature of the assessed risk posed

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- degree of the individual’s involvement in the community
- particulars of the community context, including the capacity of the local leadership to ensure compliance with any agreement reached.

Individual and community safety plans will be:

- as least intrusive to the worker or community member as is possible whilst achieving the requisite additional safety required
- subject to regular cycles of review to ensure the plans remain relevant to changing circumstances
- withdrawn as soon as is appropriate and prudent to do so.

## 14. List of acronyms and abbreviations

Acronym or Abbreviation	Full title with some explanatory notes
<b>Candidate</b>	A candidate for orders, specifically to be ordained into the clergy incardinated in the Diocese of Maitland-Newcastle.
<b>CPTED</b>	<i>Crime Prevention Through Environmental Design</i> is an internationally implemented multi-disciplinary approach of crime prevention that uses urban and architectural design and the management of built and natural environments. CPTED strategies aim to reduce victimization, deter offender decisions that precede criminal acts, and build a sense of community among inhabitants so they can gain territorial control of areas, reduce crime, and minimise fear of crime.  The NSW Government supports and promotes the incorporation of CPTED principles in urban planning and renewal, principally through the NSW Police programme <i>Safer by Design</i> .
<b>CSO</b>	The Catholic Schools Office for the Diocese of Maitland-Newcastle
<b>DARA</b>	Development and Relief Agency
<b>Diocese</b>	The Catholic Diocese of Maitland-Newcastle
<b>EAP</b>	<i>Employee Assistance Programme</i> , an employee funded third party, confidential counselling services to provide employees counselling for mental health and personal wellbeing issues that may impact on the employee’s work performance.
<b>Framework</b>	The Diocese of Maitland-Newcastle’s Safeguarding Framework Policy
<b>NPC</b>	National Police Check

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<b>OOSH</b>	Out of School Hours Care
<b>OCG</b>	Office of the Children’s Guardian
<b>ROSH</b>	<i>Risk of Significant Harm</i> , section 23 Children and Young Persons (Care and Protection) Act 1998
<b>Standards</b>	National Catholic Safeguarding Standards
<b>Statement</b>	Diocesan Safeguarding Commitment Statement
<b>WHO</b>	World Health Organisation
<b>WWCC</b>	Working with Children Check

## 15. Revision history

V no.	Date	Details of revision	Author
1.0	23/12/20	Original version	Sean Tynan
2.0	17/08/22	<p>Revision of section 4. Extended definition of ‘<i>Bishop of Maitland-Newcastle</i>’.</p> <p>Revision of section 6 <i>Overtly promoting safeguarding</i>, including removal of the <i>Safeguarding Commitment Statement</i> from section 6 to appendices and changing statement, replacing <i>National Principles for Child Safe Organisations</i> with <i>NSW Child Safe Standards</i>, addition of subsections 6.2 <i>Perpetual Day of Remembrance</i>, 6.3 <i>National Child Protection Week</i> and 6.4 <i>Responsibilities of diocesan leaders</i>.</p> <p>Rephrasing of safeguarding screening questions’ (SSQ) in Section 7 table <i>Employees</i> column, <i>Engagement</i> row.</p> <p>Renaming of section 9 <i>Feedback to the Diocese</i>, removal of previous subsections, replacement with subsection 9.1 <i>Complaints Management</i>.</p> <p>Addition of new section 10 <i>Reporting to the Diocese</i>, insertion of revised subsection 10.1 <i>Reporting Concerns for Children</i> (formerly subsection 9.2), addition of new subsection 10.2 <i>Reporting Abuse of Vulnerable Persons</i></p> <p>Subsequent renumbering of following sections (11 to 15).</p> <p>Addition of new section 11 <i>Administrative Inquiries</i> and subsequent renumbering of the following sections.</p>	Sean Tynan

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		<p>Revision of section 13, including addition of subsection 13.3 <i>Safeguarding in the Online Environment</i>. Subsequent renumbering of subsections 13.3 to 13.4 and 13.4 to 13.5.</p> <p>Addition of Appendix A <i>Diocesan safeguarding commitment statement</i></p> <p>Revisions to Appendix B (Appendix A in Version 1 of policy), including contractor categories and associated accountabilities renumbered. 'Category 5' contractors, removal of reference to 'Approval letter', addition of 'Application'.</p> <p>Addition of Appendix C <i>Safeguarding screening questions</i></p> <p>Addition of Appendix D <i>Reporting Obligations within the Diocese of Maitland-Newcastle</i></p> <p>Addition of Appendix E <i>Summary of obligations and requirements placed on individual workers and leaders by the Diocesan Safeguarding Framework Policy</i></p>	
2.1	12/01/23	<p>Clarification of Appendix D Reporting Obligations within the Diocese of Maitland-Newcastle table related to ROSH, Reportable Incidents, Serious incident / Prescribed information.</p> <p>Deletion of repetition between Section 4 Definitions and subsection 10.2 re. 'abuse of vulnerable persons'.</p> <p>Variation and additional Safeguarding Screening Questions (Appendix C) re. prior failures to report alleged abuse (work related).</p>	Sean Tynan



## Appendices

### A: Diocesan safeguarding commitment statement

During the mid and later twentieth century, a silent tragedy occurred. Across society's institutions an horrific number of children were the victims of child sexual abuse. The Diocese of Maitland-Newcastle was particularly affected, abuse was committed by men associated with the Diocese, both clergy, religious and laity. Compounding the harm caused by these crimes was the failure of some diocesan leadership to ensure that perpetrators were stopped and brought to justice. Further, historic and current examples of institutional and societal failure to protect and promote the care, wellbeing and dignity of vulnerable persons continues to emerge through the media and commissions of inquiry.

The Diocese is determined that similar events and circumstances will not arise again. Consequently, the Diocese is committed to:

- fostering communities of safeguarding that recognise and uphold the dignity, diversity and rights of all children and vulnerable persons
- empowering children and vulnerable persons to have their say and to be listened to
- encouraging open communication with families and informed communities to enable them to participate in decisions about the safety of children and vulnerable persons
- fostering safe, respectful and supportive relationships between diocesan workers, children and vulnerable persons, both in person and online
- promoting awareness of the causes and signs of abuse and the indicators of increased situational and individual risk in the physical and online environments
- ensuring that diocesan workers in child-related work are competent to support disclosures of abuse
- ensuring that concerns for the safety, welfare and wellbeing of children and vulnerable persons will be responded to appropriately, including reporting to external authorities
- supporting police and other statutory authorities when they are conducting inquiries of alleged criminality against children and vulnerable persons, in accordance with those canonical, statutory and other obligations relevant to the Diocese
- assessing complaints against diocesan workers fairly, expeditiously, transparently and at a level commensurate with circumstances
- maintaining a contemporary, 'whole of Diocese' safeguarding information and training regime
- improving risk assessment, management systems and mitigation processes for all diocesan activities that involve or affect children and vulnerable persons including e-safety awareness
- ensuring diocesan policies, procedures and organisational structures promote a culture of safeguarding
- being compliant with the NSW Child Safe Standards and the National Catholic Safeguarding Standards.

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## B: Contractor categories and associated accountabilities

Cat.	Description	NPC	WWCC	Subject to Reportable Conduct	Insurances <sup>7</sup>	Licences <sup>8</sup>	Induction <sup>9</sup>	Compliance Reporting
1	Major Projects with minimal interaction with children, where the work is conducted outside diocesan facilities, e.g. <ul style="list-style-type: none"> <li>a building site</li> <li>building site fenced off from rest of facility</li> </ul>	<input checked="" type="checkbox"/> Managed by Property	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Managed by Property	<input type="checkbox"/> Managed by Property	<input checked="" type="checkbox"/> Managed by Property	<input checked="" type="checkbox"/> Managed by Property
<b>Safeguarding Requirements</b>	Primary contractor should be aware that subcontractors who are prohibited persons (i.e. on the NSW Child Protection Register or the Commonwealth's National Child Offender System) pose particular problems if access to the work site requires the person to go through a child centred facility. Contractor and subcontractors must demonstrate an understanding and commitment to remain outside of diocesan facilities unless required to for specific purpose e.g. access to work site and to minimise interaction with children in diocesan facilities.							
2a	Prequalified and Approved Contractors: <ul style="list-style-type: none"> <li>Provision of general services within diocesan facilities</li> <li>Not child-related work</li> </ul> E.g. maintenance contractors, grounds people	<input checked="" type="checkbox"/> Managed by Property	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Managed by Property	<input checked="" type="checkbox"/> Managed by Property	<input checked="" type="checkbox"/> Managed by Property	<input checked="" type="checkbox"/> Managed by Property
<b>Safeguarding Requirements</b>	Contractors must complete and submit the Diocese of Maitland-Newcastle Declaration Form for Contractors <i>Disclaimer: A contractor's inability to complete Section 2: Statement by Contractor of the Declaration Form for Contractors will not necessarily exclude the contractor from consideration by the Diocese. The contractor would need to agree to and actively engage in a confidential risk assessment conducted by the Office of Safeguarding.</i> <b>Entry / exit from diocesan facilities</b> Contractor must sign in on entry to and sign out when leaving diocesan facilities.							
2b	Prequalified and Approved Contractors: <ul style="list-style-type: none"> <li>Provision of general services within diocesan facilities</li> <li>In child-related work</li> </ul> E.g. cleaners	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Managed by Property	<input checked="" type="checkbox"/> Managed by OoSG	<input checked="" type="checkbox"/> Managed by Property	<input checked="" type="checkbox"/> Managed by Property	<input checked="" type="checkbox"/> Managed by Property	<input checked="" type="checkbox"/> Managed by Property
<b>Safeguarding Requirements</b>	Contractors who have undergone selection and registration process for the Diocese's centralized contractor management framework <i>[Future state]</i> <ul style="list-style-type: none"> <li>Contractor must submit WWCC number to the Diocese prior to being contracted to work:</li> </ul>							

<sup>7</sup> Inclusive of but not limited to, Public Liability and Workers Compensation

<sup>8</sup> Inclusive of all required licences, certifications and other forms of accreditation that validate the contractor's ability to undertake the contracted work in accordance with regulatory requirements (e.g. electrician's licence, plumbing licence etc.)

<sup>9</sup> Inclusive of having codes of conduct, safeguarding commitment statements (where the contractor is in child-related work)

Cat.	Description	NPC	WWCC	Subject to Reportable Conduct	Insurances <sup>7</sup>	Licences <sup>8</sup>	Induction <sup>9</sup>	Compliance Reporting
	<ul style="list-style-type: none"> <li>Diocese is required to verify and record status as per employees or volunteers in child-related work [s.9A Child Protection (Working with Children) Act 2012].</li> <li>Contractor must complete and submit the <i>Safeguarding Commitment for Contractors Working with the Diocese of Maitland-Newcastle</i></li> <li>Contractor subject to Reportable Conduct scheme (Part 4, Children’s Guardian Act 2019):                             <ul style="list-style-type: none"> <li>s.16(1)(a)(iv) – ‘employee’</li> <li>s.27(2) – mandatory reporter of reportable allegations</li> <li>s.34 – subject to inquiry by OoSG &amp; oversight by the Office of the Children’s Guardian (OCG).</li> </ul> </li> </ul> <p><b>Training</b> Required to undertake modified Safeguarding information module #2. [Approx. 45 mins duration, with the implementation of the LMS, add approx. 15 mins. for multiple choice Q&amp;A to test knowledge.]</p> <p><b>Entry / exit from diocesan facilities</b> Contractor must sign in on entry to and sign out when leaving diocesan facilities.</p>							
3	Non-approved / emergency contractors – not in child related work (e.g. emergency repairs or urgent maintenance)	<input checked="" type="checkbox"/> Managed by Diocesan facility	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Managed by Diocesan facility	<input checked="" type="checkbox"/> Managed by Diocesan facility	<input checked="" type="checkbox"/> Managed by Diocesan facility	<input checked="" type="checkbox"/> Managed by Diocesan facility
<b>Safeguarding Requirements</b>	<p>Cat.3 contractors should be escorted by a responsible adult whilst in diocesan facilities or, at the least, kept under observation, directly or by electronic means. ‘Observation’ equates to ‘seeing’ the Cat.3 contractor in approx. 15 minute intervals. Children should be absent from the immediate site where the Cat.3 contractor is working.</p> <p><b>Entry / exit from diocesan facilities</b> Cat.3 contractors must sign in on entry to and sign out when leaving diocesan facilities</p>							
4	Contractors engaged by the local service (e.g. school) or parish to provide specialised child-related work (e.g. music tutors, sports coaches). Includes locally contracted cleaners.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Managed by Human Resources	<input checked="" type="checkbox"/> Managed by OoSG	<input checked="" type="checkbox"/> Managed by Diocesan facility	<input checked="" type="checkbox"/> Managed by Diocesan facility	<input checked="" type="checkbox"/> Managed by Diocesan facility	<input checked="" type="checkbox"/> Managed by Diocesan facility
<b>Safeguarding Requirements</b>	<ul style="list-style-type: none"> <li>Contractor must submit WWCC number to the Diocese prior to being contracted to work:                             <ul style="list-style-type: none"> <li>Diocese is required to verify and record status as per employees or volunteers in child-related work [s.9A Child Protection (Working with Children) Act 2012].</li> </ul> </li> <li>Contractor must complete and submit the <i>Safeguarding Commitment for Contractors Working with the Diocese of Maitland-Newcastle</i></li> <li>Contractor subject to Reportable Conduct scheme (Part 4, Children’s Guardian Act 2019):                             <ul style="list-style-type: none"> <li>s.16(1)(a)(iv) – ‘employee’</li> <li>s.27(2) – mandatory reporter of reportable allegations</li> <li>s.34 – subject to inquiry by OoSG &amp; oversight by Office of the Children’s Guardian (OCG).</li> </ul> </li> </ul>							

Cat.	Description	NPC	WWCC	Subject to Reportable Conduct	Insurances <sup>7</sup>	Licences <sup>8</sup>	Induction <sup>9</sup>	Compliance Reporting
<p><b>Training</b>                      Required to undertake modified Safeguarding information module #2.  <i>[Approx. 45 mins duration, with the implementation of the LMS, add approx. 15 mins. for multiple choice Q&amp;A to test knowledge.]</i>  <b>Entry / exit from diocesan facilities</b>                      Contractor must sign in on entry to and sign out when leaving diocesan facilities.</p>								
5	Contractors engaged by third parties to provide child-related services to children whilst in the care of a diocesan agency. E.g. a parent engaging a speech pathologist to provide a service to their child whilst at school (as a student in a diocesan school).	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Confirmed by Diocesan facility	<input checked="" type="checkbox"/> Managed by OoSG	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A
Safeguarding Requirements	<ul style="list-style-type: none"> <li>Parent/carer must complete and submit an <i>Application for a Category 5 Contractor to Provide Services to a Student in a Diocesan School</i> (standard form) to the diocesan facility (school) in which the parent/carer’s child is in receipt of services (student) and that application be approved by the leader of that facility (principal or other delegated member of school leadership), prior to a Cat.5 contractor being allowed to enter diocesan facilities (school).</li> <li>The application includes identification details of the Cat.5 contractor and confirmation from the parent/carer that they:                         <ul style="list-style-type: none"> <li>have accessed the OCG website to verify that the contractor holds a valid WWCC</li> <li>have verified, as best as is reasonably possible, that the contractor is a licensed/certified practitioner of the particular service that they have been engaged to provide</li> <li>have advised the contractor that they must be able to show that they have a current WWCC, using the Service NSW app on a mobile device, prior to entry into any diocesan facility (school) and that failure to do so will result in them being refused entry</li> <li>have advised the contractor that they may be granted entry into a diocesan facility for the purpose of providing a service to a specific child and the contractor should minimise interaction with other children</li> <li>understand and give consent for the Cat.5 contractor to have access to their child without the presence of a diocesan employee/responsible adult and that, should the contractor’s services involve intimate contact with the child (student), such services will be conducted in a private setting.</li> </ul> </li> </ul> <p><b>Entry / exit from diocesan facilities</b>                      Cat.5 contractors must show their current WWCC status to reception prior to entering a diocesan facility (using the Service NSW app on their mobiles). While the Diocese can’t verify the WWCC with the OCG, the Service NSW App gives ‘current status’ confirmation of the person’s WWCC status.                      After evidencing their WWCC, Cat.5 contractors must sign in on entry to and sign out when leaving diocesan facilities                      Cat.5 contractors should be kept under observation when not undertaking intimate contact with a child, directly or by electronic means.</p>							

## C: Safeguarding screening questions

The following disclaimer must be made available to the applicant prior to completing the safeguarding screening questions.

### DISCLAIMER

*Responding in the positive to one or more of these questions will not necessarily exclude you from consideration for appointment if you are the successful applicant.*

*Your responses to the following safeguarding questions will only be verified if you are the preferred candidate, along with the Diocese conducting your reference checks.*

*Your responses will be recorded on our recruitment records which are securely stored for 6 months and then destroyed. Should you become an employee, they will remain on your personnel file.*

### SAFEGUARDING SCREENING QUESTIONS

- Q.1: Have you been convicted of any sex offences, including NSW Crimes Act section 43B “*Failure to reduce or remove risk of child becoming victim of child abuse*”? If so, what are the circumstances and details of such convictions?
- Q.2: Have you ever been the subject of an Apprehended Violence Order which was made for the purposes of protecting a child, adult with a disability or elderly person from the risk of harm? If so, please provide the circumstances and details of such orders.
- Q.3: Have you ever been accused of committing serious physical abuse, sexual abuse or sexual misconduct against one or more children, adults with disabilities or elderly persons?  
If ‘YES’, was the allegation investigated and if so, please list the organisation that conducted the investigation, when and what were the findings of the investigation?
- Q.4: Have you been subject to an inquiry (investigation) that found that you failed to report or concealed allegations of serious physical abuse, sexual abuse or sexual misconduct, committed against a child, adult with disability or elderly person, by a fellow worker or manager where you worked?  
If ‘YES’, please list the organisation (employer) that conducted the inquiry (investigation), when and what were the findings of the investigation?
- Q.5: Is there any other incident or event in your history which may adversely affect your suitability for working with children or vulnerable persons?

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## D: Reporting obligations within the Diocese of Maitland-Newcastle

Reporting as a matter of urgency means reporting without delay. The worker will report the matter as a priority before other obligations or demands once any immediate safety and wellbeing concerns for a child have been addressed.

	<b>Criminal act</b>	<b>ROSH</b>	<b>Reportable conduct (Diocesan workers)</b>	<b>Reportable incidents (NDIS funded services)</b>	<b>Serious incident / Prescribed info. (Early Education &amp; OOSH)</b>	<b>Grave delict (Vos Estis Lux Mundi)</b>	<b>Breach of professional standards</b>	<b>No WWCC</b>
<b>Statutory reporting obligation</b>	NSW Police	Department of Communities and Justice (DCJ)	Office of the Children’s Guardian (OCG)	NDIS Quality and Safeguards Commission	Early Childhood Education Directorate (ECED)	Congregation for the Doctrine of the Faith (CDF)	Nil	Nil
<b>Statutory timeframe</b>	As soon as is practical	Immediately or within 24 hrs <i>(In accordance with the MRG advice)</i>	As soon as practicable <i>(ONLY if the Bishop is the alleged abuser)</i>	Within 24 hours or 5 business days <i>(Dependent on classification of incident)</i>	Within 24 hours or 7 days <i>(Dependent on classification of incident)</i>	Not applicable	Not applicable	Not applicable
<b>Primary diocesan reporting obligation</b>	Local diocesan leader	Local diocesan leader	Office of Safeguarding	NDIS Programme Manager	Executive Manager Quality Assurance	Bishop of Maitland-Newcastle	Local diocesan leader	Local diocesan leader
<b>Primary timeframe</b>	As a matter of urgency	As a matter of urgency	As a matter of urgency	As a matter of urgency	As a matter of urgency	Promptly	As soon as is practical	As a matter of urgency
<b>Secondary diocesan reporting obligation</b>	Office of Safeguarding	Office of Safeguarding	Local diocesan leader	Office of Safeguarding	Office of Safeguarding	Office of Safeguarding	Office of Safeguarding	Human Resources
<b>Secondary timeframe</b>	Within 1 working day	Within 5 working days	As soon as is practical	Within 5 working day	Within 5 working days	As soon as is practical	Within 5 working days	Within 1 working day
<b>Discretion for secondary reporting</b>	None – Must be reported	None – Must be reported	None – Must be reported	None – Must be reported	None – Must be reported	None – Must be reported	Discretionary reporting by local diocesan leader	None – Must be reported

## E: Summary of obligations and requirements placed on individual workers and leaders by the Diocesan Safeguarding Framework Policy

DIOCESAN WORKERS	ADDITIONAL EXPECTATIONS PLACED ON DIOCESAN LEADERS
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### 6. PROMOTING SAFEGUARDING

<p><b>6.1 Diocesan Safeguarding Commitment Statement</b></p> <p>Each diocesan worker will be required to personally evidence their commitment to the <i>Diocesan Safeguarding Commitment Statement</i></p>	<p><b>6.4 Responsibilities of Senior and Local Diocesan Leaders</b></p> <p>As part of promoting a safeguarding culture across the Diocese, diocesan leadership will:</p> <ul style="list-style-type: none"> <li>• demonstrate active and overt support for and commitment to the Diocese’s <i>Safeguarding Commitment Statement</i></li> <li>• ensure that those diocesan workers for whom they are directly responsible, are aware of and act in accordance with the Diocese’s <i>Safeguarding Commitment Statement</i></li> <li>• promote awareness of the <i>Perpetual Day of Remembrance</i> and <i>National Child Protection Week</i> with those diocesan workers for whom they are directly responsible</li> <li>• encourage participation in the local parish’s and faith community’s services and activities, held as part of the <i>Perpetual Day of Remembrance</i></li> <li>• support activities undertaken as part of the Diocese’s celebration of <i>National Child Protection Week</i>.</li> </ul>
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DIOCESAN WORKERS	ADDITIONAL EXPECTATIONS PLACED ON DIOCESAN LEADERS
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## 8. TRAINING FOR DIOCESAN WORKERS

<p><b>8.1 Safeguarding Training</b></p> <p>All diocesan workers must be aware of the importance of safeguarding in the Diocese and have a basic understanding of their safeguarding obligations, including their reporting obligations.</p> <p>Diocesan workers <i>in child-related work</i> will have a detailed understanding of their safeguarding obligations, including:</p> <ul style="list-style-type: none"> <li>• the Diocese’s safeguarding infrastructure including the Office of Safeguarding and related policies and procedures</li> <li>• indicators of abuse and neglect</li> <li>• e-safety awareness</li> <li>• responding to disclosures of abuse and neglect</li> <li>• reporting obligations</li> <li>• indicators and management of risks to the safety, welfare and wellbeing of children and vulnerable persons</li> <li>• supporting inquiries of alleged misconduct by diocesan workers against children and vulnerable persons</li> <li>• complaints handling</li> <li>• information sharing and record keeping</li> <li>• contributing to the ongoing development of a child-safe culture within the Diocese.</li> <li>• All newly appointed clergy and all new diocesan employees and volunteers in child-related work, must complete a safeguarding training course within the first six months of commencing working for the Diocese.</li> </ul>	<p><b>8.1 Safeguarding Training</b></p> <p>Diocesan leaders:</p> <ul style="list-style-type: none"> <li>• are expected to lead by example and fulfil their safeguarding training obligations</li> <li>• will facilitate and, if necessary, direct their workers to complete their mandatory safeguarding obligations</li> <li>• are empowered to direct one, some or all their workers who are not in child-related work, to undertake safeguarding training if they believe it warranted.</li> </ul>
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DIOCESAN WORKERS	ADDITIONAL EXPECTATIONS PLACED ON DIOCESAN LEADERS
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## 10. REPORTING TO THE DIOCESE

<p>Concerns for children and alleged abuse of vulnerable persons contain <i>sensitive information</i><sup>10</sup> that must be treated in strict confidence. Diocesan workers will restrict their discussions of their concerns for children or allegations of abuse to:</p> <ul style="list-style-type: none"> <li>• officers of relevant statutory authorities (e.g. Police, Dept. Communities and Justice)</li> <li>• Office of Safeguarding staff</li> <li>• relevant diocesan leaders (e.g. the worker’s supervisor).</li> </ul> <p><b>10.1 Reporting Concerns for Children</b></p> <p>Each diocesan worker has a personal obligation, imposed by this policy, to report allegations of abuse against children and concerns for children, in accordance with the protocols approved by the Australian Catholic Bishops Conference and the procedures established by the Diocese.</p> <p>Many diocesan workers are subject to legal obligations to report matters that fall, wholly or in part, in the scope of child protection concerns, to statutory authorities.</p> <p>Diocesan workers must report in accordance with the obligations set out in Appendix D of the Diocesan Safeguarding Framework Policy, <i>Reporting obligations within the Diocese of Maitland-Newcastle</i>.</p> <p><b>10.2 Reporting Concerns for Vulnerable Persons</b></p> <p>Usually, diocesan workers should discuss their concerns with the vulnerable person and ensure that person is in control of reporting their own situation. However, a diocesan worker must report the alleged abuse of a vulnerable person, irrespective of their wishes if one of more of the following criteria are present:</p>	<p>Diocesan leaders will:</p> <ul style="list-style-type: none"> <li>• actively encourage workers to report concerns for children or allegations of abuse of vulnerable persons</li> <li>• endeavour to ensure that workers who report in good faith do not suffer any adverse consequences for reporting their allegations or concerns.</li> </ul> <p><b>10.1 Reporting Concerns for Children</b></p> <p>Clergy and religious must report allegations of child sexual abuse by other clergy or religious to the Bishop of Maitland-Newcastle and the Office of Safeguarding.</p> <p><b>10.2 Reporting Concerns for Vulnerable Persons</b></p> <p>Clergy and religious must report allegations of other clergy or religious performing sexual acts with or sexually exploiting a vulnerable person to the Bishop of Maitland-Newcastle and the Office of Safeguarding.</p>
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<sup>10</sup> Sensitive information is afforded added protections under the Commonwealth’s Privacy Act 1988 and the Australian Privacy Principals

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<ul style="list-style-type: none"> <li>• a serious indictable offence is alleged to have occurred or is at risk of occurring</li> <li>• the alleged abuser is a diocesan worker</li> <li>• the allegations constitute a reportable incident under s.73Z of the National Disability Insurance Scheme Act 2013</li> <li>• there is evidence or a credible basis to believe that the vulnerable person is incapable of or restrained from making free or informed decisions.</li> </ul>	

## 11. ADMINISTRATIVE INQUIRIES

<p>Diocesan workers who act in good faith and in accordance with this policy during an inquiry, will not be subject to any adverse consequences due to their participation in an inquiry.</p> <p><b>11.3 Competency to Conduct an Administrative Inquiry</b></p> <p>A diocesan worker conducting an administrative inquiry must:</p> <ul style="list-style-type: none"> <li>• be neutral and devoid of actual or perceived conflicts of interest</li> <li>• understand and be able to apply due process (procedural fairness)</li> <li>• be capable of protecting the integrity of the inquiry</li> <li>• ensure that an appropriately comprehensive brief of evidence is secured to allow for properly informed decision making.</li> </ul>	<p>Diocesan leaders should only initiate an administrative inquiry when necessary.</p> <p>Diocesan leaders will:</p> <ul style="list-style-type: none"> <li>• actively encourage workers to support administrative inquiries</li> <li>• endeavour to prevent diocesan workers suffering any adverse consequences for their participation in an inquiry.</li> </ul> <p><b>11.2 Authority to Establish and Oversight an Administrative Inquiry</b></p> <p>For the most part, diocesan leaders are restricted in the scope of any inquiry to those:</p> <ul style="list-style-type: none"> <li>• activities or incidences that occurred within the diocesan leader’s scope of responsibility</li> <li>• diocesan workers who are in the diocesan leader’s organisational line of authority.</li> </ul> <p>Diocesan leaders cannot unilaterally initiate administrative inquiries into:</p> <ul style="list-style-type: none"> <li>• alleged criminality</li> <li>• alleged child abuse.</li> </ul>
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<p><b>11.4 Diocesan Obligations and Privileges in an Inquiry</b></p> <p>Diocesan workers are obliged to actively support administrative inquiries by:</p> <ul style="list-style-type: none"> <li>maintaining a neutral position, not reaching conclusions during an inquiry about whether an allegation is sustained, or a complaint established</li> <li>respecting the findings and outcomes of an inquiry if they are privy to that information</li> <li>accepting that they may not be privy to the findings or outcomes of an inquiry.</li> </ul> <p>Diocesan workers must maintain confidentiality about an administrative inquiry during and after the inquiry.</p> <p>Diocesan workers are obliged to give evidence in administrative inquiries, including:</p> <ul style="list-style-type: none"> <li>providing records requested by the investigator</li> <li>being interviewed by the investigator.</li> </ul>	<p><b>11.4 Obligations in an Inquiry</b></p> <p>Diocesan leaders are required to support diocesan workers who are involved in an administrative inquiry, whether as complainant, witness or respondent.</p> <p>Diocesan leaders must ensure key persons (the respondent and complainant and their responsible person) receive information during and immediately after an inquiry, including:</p> <ul style="list-style-type: none"> <li>advise on the progress of the inquiry</li> <li>any findings made by the inquiry</li> <li>any approved outcomes, allowing for the protection of the respondent’s right to privacy.</li> </ul>

## 12. PARTICIPATION AND INCLUSION

<p>Diocesan workers must ensure that they engage with people in faith communities and the various ministries supported and services provided by the Diocese:</p> <ul style="list-style-type: none"> <li>respectfully, promoting the dignity and intrinsic value and uniqueness of each person</li> <li>safely, being aware of the inherent power imbalance in favour of the worker</li> <li>ethically, ensuring that the person’s best interests are central in the worker’s decision making</li> </ul>	<p><b>12.2 Participation and Inclusion in Diocesan Agencies</b></p> <p>Leaders in diocesan agencies are required to facilitate structural opportunities, appropriate for the nature of the service provided and the capacity of the agency to sustain such structures, to promote the participation and inclusion of students, clients, their families and the Catholic community, including:</p> <ul style="list-style-type: none"> <li>reference groups for clients</li> <li>student councils and other formally established representative bodies</li> <li>establishing and maintaining an agreed cycle of gathering ‘user feedback’.</li> </ul>
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DIOCESAN WORKERS	ADDITIONAL EXPECTATIONS PLACED ON DIOCESAN LEADERS
<ul style="list-style-type: none"> <li>inclusively, promoting the participation of those who are of diverse personal circumstances (including physical, intellectual, linguistic, cultural and gender identity).</li> </ul>	

### 13. PROMOTING ENVIRONMENTAL, STRUCTURAL AND DYNAMIC SAFETY

<p><b><i>13.3 Safeguarding in the Online Environment</i></b></p> <p>Diocesan workers must not establish a private or closed group, chat or other online forum that allows restricted access to or visibility of communications between members of the forum and includes one or more children, as a part of any parish ministry or agency programme</p> <p>Diocesan workers must have the written consent of a parent or guardian of children under 14 years of age, for their child to participate in private or closed online forum.</p>	<p><b><i>13.2 Safeguarding in Ministry and Agency Programmes</i></b></p> <p>Diocesan leaders must ensure procedural documents for ministries and services consider the application of safeguarding strategies appropriate for the nature of the ministry or service and specifically, the nature of the interaction between diocesan worker and child.</p> <p>Diocesan leaders should consult with the Office of Safeguarding when developing new ministries or programmes.</p> <p><b><i>13.3 Safeguarding in the Online Environment</i></b></p> <p>Diocesan leaders managing programmes that involve online activities or children accessing the internet, will meet the following safeguarding requirements:</p> <ul style="list-style-type: none"> <li>documented procedures or guidelines on safe and purposeful internet usage for children</li> <li>documented standards for acceptable online behaviour for diocesan workers with children who are part of the Diocese’s faith communities or in receipt of diocesan services</li> <li>the younger the child, the less online time spent and the greater the immediate involvement and monitoring of a responsible adult</li> <li>children accessing the internet do so through diocesan networks, ensuring proper filters and other e-safety programmes are in operation to limit the potential for accessing higher risk sites</li> <li>online issues are reported in accordance with diocesan incident and safeguarding reporting obligations</li> </ul>
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	<ul style="list-style-type: none"> <li>• active promotion of protective advice and strategies to children and their parents from key e-safety websites.</li> </ul> <p><b><i>13.5 Dynamic Safeguarding for Particular Circumstances and Individuals</i></b></p> <p>Diocesan leaders are required to conduct safety planning for events and circumstances that are atypical or will be conducted outside of diocesan facilities. This will include:</p> <ul style="list-style-type: none"> <li>• conducting a risk assessment in accordance with the Diocese’s approved risk assessment procedures and using the Diocese’s approved tools/forms</li> <li>• obtaining advice and support from the Safety and Wellness Team as appropriate or the Office of Safeguarding if an identified hazard or risk relates to potential abuse.</li> </ul>