

# Child Protection Policy

KEEPING CHILDREN SAFE

Marist Brothers Province of Australia

6 June 2013

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This policy document is validated for use in the Marist Brothers' **Province of Australia**

**Brother Jeffrey Crowe FMS**

*PROVINCIAL*

Date 14 August 2015

## 1. POLICY

### 1.1 Policy Statement

The Marist Brothers were founded for the education and Christian formation of young persons, especially the least favoured.

The Marist Brothers Province of Australia (“the Province”) nurtures the wellbeing of all children and young persons in its care, respects their dignity, ensures their safety, and protects them from harm, exploitation and abuse.

Any report or suspicion of abuse or endangerment is handled with compassion, promptness and integrity, in the interests of justice and reconciliation.

### 1.2 Context

#### 1.2.1 A shared responsibility

The safety and protection of children and young persons in Marist ministries are the responsibility of everyone involved with them, whether as governor, administrator, staff member, Brother, or volunteer. Each person in a Marist work or Marist community has a duty to know and understand this policy and all other relevant legislative and professional requirements, to be ready to recognise both signs and risks of harm, and know how to respond appropriately.

#### 1.2.2 Principles and Commitments

The Gospel imperatives of truth, justice, compassion and reconciliation underpin this policy. It is founded on the conviction that the rights and dignity of children and young persons need to be promoted and protected, that they are all to be treated equally with love and respect, and that their personal dignity is never to be compromised. Children and young persons can be quite vulnerable to victimisation, exploitation and abuse. The Province is therefore committed to these principles:

- A primary responsibility is to create safe environments for children and young persons and to protect them from any form of harm or abuse.
- All Brothers and other Marist Personnel have a duty of care to support and protect children and young persons.
- The safeguarding of children and young persons and the prevention of abuse require thorough education and training of all engaged in working with children and young persons, either directly or indirectly.
- All children and young persons have equal rights to protection from abuse and exploitation. Culture or other reasons notwithstanding, we must intervene on behalf of any child or young person suspected of being abused.
- Any complainant is listened to attentively and offered a compassionate, prompt and just response when making an allegation of abuse.
- A responsibility of care extends not only to the child or young person who may have suffered harm but also to his or her family. Any person accused of abuse also deserves to be treated with justice and compassion.
- Truth and transparency should characterise all actions.

#### 1.2.3 State, Church, and Institute expectations

The Province will ensure that it fully complies with all relevant government legislation and all requirements of the Roman Catholic Church and the Institute of the Marist Brothers in respect of Child Protection.

The Province is a signatory to the protocols adopted by the Australian Catholic Bishops Conference, namely:

- *Integrity in Ministry* (Principles and Standards for Catholic Clergy and Religious Australia).
- *Integrity in the Service of the Church* (Principles and Standards for lay workers in the Catholic Church in Australia).
- *Towards Healing* (Principles and Procedures in responding to complaints against personnel of the Catholic Church in Australia).

Consistent with these policies, the Province will ensure that it makes full disclosure of any allegations of abuse to the police and/or other government agencies with responsibility for management of such matters, as required by law. It makes similar disclosure to the relevant Catholic Church Professional Standards Office.

#### 1.2.4 Authority

This Policy has been approved by the Provincial and Provincial Council, the members of which are at the same time the Trustees of the Marist Brothers. The policy will be reviewed at least once every three years, or as required by legislative changes.

#### 1.2.5 Sources for this policy

This policy draws significantly on:

- relevant Australian and Church documents and requirements for ensuring the safety of children and young persons;
- the document *Keeping Children Safe, Standards for Child Protection* which was produced by the international Keeping Children Safe Coalition (2006), and to which due acknowledgement is made;
- the Institute's requirements that each Province ensures the safety of children and young persons and publicly advocates for the Rights of the Child.<sup>1</sup>

### 1.3 Scope

1.3.1 This policy applies to each Brother and to all other Marist Personnel of any Province Ministry that works directly or indirectly with children and young persons.<sup>2</sup>

1.3.2 It is recognised that child abuse may be inflicted from a variety of sources, including family members, friends and others outside the Governance of the Marist Brothers of Australia. This policy only relates to abuse by members of staff (including employees, volunteers, Brothers or interns) of the Marist Brothers Province of Australia.

1.3.3 Each Province Ministry may develop its own specific set of child protection guidelines. These guidelines are supplementary to this Province Policy and must be consistent with it.

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<sup>1</sup> The Institute has an agency presence (FMSI) at the UN Human Rights Council. The Province has committed itself to support the advocacy work of FMSI in relation to the 1989 UN Convention of the Rights of the Child.

<sup>2</sup> The Province governs certain schools. This Policy refers to these schools only in regard to current compliance. The Province is also responsible for child protection matters that occurred at other schools conducted by the Marist Brothers on behalf of Parishes and Dioceses prior to the introduction of Catholic Education Offices. Marist Youth Care is separately incorporated since 1994. The Province is responsible for child protection matters at St Vincent's Boys Home and related residences prior to 1994.

## 2. PROCEDURES AND GUIDELINES

### 2.1 Distribution of responsibility

2.1.1 The Provincial and Provincial Council, in collaboration with the Mission Council, have responsibility for:

- approval of the policy;
- effective dissemination of the policy;
- review and amending of the Policy as needed.
- due delegation of authority for the implementation of the policy in each State and Territory in which a Province Ministry is situated;
- providing training in professional standards and child protection for Brothers

2.1.2 The Provincial, as the designated Church Authority, has responsibility to:

- act in conformity with Statutory requirements in relation to child protection;
- cooperate with any Police investigation and not act to prejudice or obstruct that investigation;
- ensure that the principles and procedures of 'Towards Healing' are followed;
- consult with Province consultative panels – the Province Professional Standards Advisory Committee and the Ministries Professional Standards Committee <sup>3</sup>- concerning issues contained in clauses 38, 40.10, 41 and 42 of the *Towards Healing* process and take-appropriate action where it is recommended or required;
- consult with the Province Professional Standards Advisory Committee in respect of the investigative findings and recommendations concerning victims and accused Brothers;
- determine, in consultation with the Professional Standards Officer and Province Professional Standards Advisory Council, whether a Brother should be designated as a Restricted Brother;
- in consultation with the Professional Standards Officer, develop and implement Safety Plans for Restricted Brothers;
- send a copy of the policy (and any amendments to it that may be made from time to time) to the Superior General of the Marist Brothers.

2.1.3 Each Province Ministry Leader<sup>4</sup>, as “head of agency” (howsoever this may be named in each State or Territory), has direct personal responsibilities in regard to the child protection legislative requirements in their respective State or Territory. These would typically include:

- adequate working knowledge and understanding of all Statutory obligations, and Province and Church requirements relevant to child protection;
- where applicable, attaining the approval of the Mission Council for local policy and procedures for child protection;
- having a process for competently overseeing, implementing and evaluating the effectiveness of the local policy (if applicable), for example through a local child protection committee;
- having appropriately trained and publicly named contact people to receive and process any complaints, for example “child protection officers”;
- ensuring appropriate training for all staff members so that they are adequately conversant with all relevant child protection issues and obligations incumbent upon them in relation to child protection;
- implementation of thorough employment screening procedures;<sup>5</sup>
- compliance with other Province policies and procedures pertaining to staff recruitment, and induction and to ensure, as far as can be reasonably ascertained, that those who are appointed to positions are fit and proper persons to occupy those positions and that they understand their child protection responsibilities;<sup>6</sup>

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<sup>3</sup> See Appendix H

<sup>4</sup> For ministries other than schools, this responsibility falls to the leader of the area of the ministry, or to the Executive Director of Marist Ministries.

<sup>5</sup> See Appendices I, J and K

<sup>6</sup> See Appendices I, J and K. Refer also to the *MSA Executive Limitations Policy*.

- reporting and management of child protection incidents and issues in accordance with the relevant Statutory and Province requirements;
  - readiness to seek advice from appropriate professionals in the area of child abuse;
  - relating the local child protection policy to other local policies, for example a code of conduct, pastoral care policy, bullying and harassment policy;
  - where the ministry is a school, ensuring that students have adequate knowledge of abuse and unsafe behaviours or situations, and ways to report these;
  - where the ministry is a school, ensuring parents have access to knowledge of child protection policies and procedures.
- 2.1.4 The Executive Director of Marist Ministries has responsibility to:
- ensure the appropriate implementation of this policy and Child Protection policies that accord with Statutory and Church requirements in Marist governed schools and other Marist Ministries;
  - ensure that reports are received about policy development and implementation from the Principals of Marist-governed schools;
  - ensure audits or reviews of child protection policies and processes in these schools;
  - request and receive reports about policy development and implementation from the relevant Directors of Marist Ministries other than schools;
  - conduct, or arrange for, audits or reviews of child protection policies and processes in Marist Ministries other than schools;
  - keep records as required;
  - submit reports to the Ministries Professional Standards Committee on all finalised complaints and allegations in Marist Ministries.
- 2.1.5 The Regional Directors of Marist School Australia have delegated responsibility to:
- oversee the appropriate implementation of this policy and school based Child Protection policies that accord with Statutory and Church requirements in the Marist governed schools in their region;
  - request and receive reports about policy development and implementation from the Principals of these schools;
  - conduct, or arrange for, audits or reviews of child protection policies and processes in these schools;
  - keep records as required.
- 2.1.6 The Community Leader of each Brothers' Community has responsibility to:
- be fully conversant with this policy;
  - ensure that all Community members have access to this policy;
  - ensure that Community members attend training;
  - advise the Province Professional Standards Officer of any report, reasonable suspicion or credible risk of abuse that relates to the Community or comes from the Community or any of its members, and to comply fully with any consequent directives given to him by the Provincial.
- 2.1.7 The Province Professional Standards Officer has responsibility to:
- review and make recommendations in relation to this policy;
  - conduct risk assessments of accused Brothers;
  - ensure training is conducted in respect of child protection for Brothers;
  - provide guidance and advice to the Provincial in the development of Safety Plans for Restricted Brothers;
  - comply with relevant Statutory requirements;
  - manage historical allegations of child abuse where the accused is no longer engaged in child-related employment within the Province.

## 2.2 Management of child protection across the whole Province

- 2.2.1 Oversight of the development, implementation, and review of this Policy is carried out principally by the Ministries Professional Standards Committee (MPSC)<sup>7</sup> which advises the Provincial and Mission Council. The Province Professional Standards Officer is a member of this Committee.
- 2.2.2 The day-to-day implementation and management of the Policy is the responsibility of the Principal if the Ministry is a school, or the Executive Director Marist Ministries (or delegate) if the Ministry is not a school, with the advice and support of the Province Professional Standards Officer as required.

## 2.3 Management of child protection at the level of each Province Ministry

- 2.3.1 Each Province Ministry has at least one person appointed and trained in child protection who has a title such as “child protection officer”<sup>8</sup>. Such people would be well known to everyone associated with the ministry (staff, children, parents, volunteers) as the contact person for child protection matters. They would do things such as:
- help to plan, organise and deliver staff training;
  - provide children and young persons with advice and support for their safety;
  - raise awareness on child protection issues, and disseminate information and advice;
  - inform the Principal (if the Ministry is a school), or the Executive Director Marist Ministries (if the Ministry is not a school), of any allegation or reasonable suspicion of abuse of which they become aware, and provide advice to the Principal or Executive Director Marist Ministries (as the case may be) on recommended action.
- 2.3.2 At the level of individual Brothers’ communities, management of child protection matters is in the hands of the Province Professional Standards Officer, in liaison with the Community Leader. Where the community residence is within a school precinct, the school principal, in consultation with the PPSO and Community Leader, may determine protocols regarding the movement of Brothers within the precinct and interaction with students.

## 2.4 Prevention

- 2.4.1 Procedures that are described in this document propose ways to remove, as much as can be reasonably foreseen, the likelihood of children being abused by those in positions of trust. Whilst it is not possible to give an absolute guarantee to ensure the safety of children under the care of Province ministries, all possible measures are taken through this Child Protection Policy and/or the policies in place at the local level to help minimise such dangers.
- 2.4.2 Preventative strategies include such things as:
- this Policy and other local policies relating to child protection;
  - screening procedures for employees, contractors and volunteers;
  - induction and on-going training in Statutory requirements, and the content of this Policy and related policies;<sup>9</sup>
  - implementation of the Code of Conduct for Marist personnel<sup>10</sup> or local codes of staff conduct;
  - implementation and monitoring of Safety Plans for a Restricted Brother;
  - training in understanding what constitutes harm and child abuse, and when children and young persons may be at risk of abuse or harm;<sup>11</sup>
  - education of children and young persons so that they can recognise grooming behaviours and malevolent intent towards them, and can respond in ways that keep them safe and protect them.

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<sup>7</sup> See Appendix H

<sup>8</sup> For Ministries other than schools, the Ministry Leader or EDMM delegate fulfils this role.

<sup>9</sup> Related policies may include, for example: Student Management; Pastoral Care; Use of Social Media; Code of Professional Conduct; relevant Church policies.

<sup>10</sup> See Appendix A

<sup>11</sup> See Appendix G



- 2.4.3 For the Brothers, the training program for candidates and newly professed Brothers includes:
- careful suitability screening;
  - personal interviews related to lifestyle and ministry with a trained person at regular intervals;
  - holistic formation in sexuality, affectivity, the healthy living of celibate chastity;
  - issues surrounding child protection and abuse as set out in this Policy.
- 2.4.4 Brothers who are not engaged in formal Province ministries are still required to receive training in this policy, and the principles and procedures which constitute it, unless excused for doing so by the Provincial for reasons such as ill-health or incapacity.

## **2.5 Responding and Reporting**

- 2.5.1 All States and Territories make it mandatory for employees and/or heads of institutions to report abuse and reasonable suspicion of abuse of children and young persons.
- 2.5.2 In the event of a child or young person disclosing an incident of abuse to someone they trust, it is dealt with sensitively and professionally.<sup>12</sup>
- 2.5.3 In the case of an allegation being made against a Brother, an employee or a volunteer, all Marist Brothers staff members (including employees, volunteers or interns) will follow the reporting procedure as required by law and set out in either this policy document or the locally applicable processes.<sup>13</sup> The first consideration is to ensure that the safety and wellbeing of the child is paramount. An initial risk assessment is to be performed to determine whether any immediate changes to the accused person's employment need to be made. This would include consideration of withdrawing the accused person from active duty, which could entail standing down, or re-assignment to other duties that do not have direct contact with children or young persons, or working under increased supervision during the period of investigation, or other measures as deemed appropriate.
- 2.5.4 In the case of an allegation against a Brother, the Province Professional Standards Officer is informed and kept updated throughout the process.
- 2.5.5 An investigation is conducted into the allegation, if appropriate and, if Police are involved, only with their approval.
- 2.5.6 The Ministries Professional Standards Council is provided with a written report upon finalisation of each matter.

## **2.6 Provision of Advice and Support**

- 2.6.1 Victims, complainants, accused persons, and other affected persons will be offered advice and support (including from specialists as appropriate). This responsibility falls to the Principal if the Ministry is a school, the Executive Director Marist Ministries (or delegate) if the Ministry is not a school, or the Province Professional Standards Officer if the allegation is historical and falls outside the responsibility of the Principal or Executive Director Marist Ministries.
- 2.6.2 The Province Professional Standards Officer is available for advice on this policy and any of the processes associated with it.

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<sup>12</sup> See Appendix F

<sup>13</sup> See Appendices B, C, D and E

## **2.7 Record-keeping**

- 2.7.1 Reports of alleged abuse or harm, or risk thereof, are duly recorded.<sup>14</sup>
- 2.7.2 Reporting should be factual and not conjectural or interpretative. Places, times, dates, names of people, observable behaviours or evidence of harm are what is recordable.
- 2.7.3 Reports are securely stored and retained indefinitely at the office of the EDMM.
- 2.7.4 Case management reports are made available at any time when required by duly authorised Province personnel, or an agency delegated by the Province, for the purposes of external auditing of Policy implementation, subject to any restrictions imposed by Statutory requirements.

## **2.8 Confidentiality**

- 2.8.1 As much as is reasonably possible, an individual's right to privacy is to be protected. Both those who are making reports and those about whom accusations are being made are entitled to due process and due privacy. Where an allegation or reasonable suspicion of child abuse is raised, staff members do not disclose or make use of the information which they hold in qualified privilege in a manner that breaches confidentiality, other than to report and act according to the principles and procedures of this Policy and/or their local policy, and relevant Statutory requirements.
- 2.8.2 Any person who reports alleged child abuse needs to be advised that the report may be investigated and dealt with by the appropriate authorities. While all reasonable steps will be taken to ensure anonymity of an individual if that is their wish, the allegations must always be reported if it is legally mandatory to do so.
- 2.8.3 All relevant information held at the office of the EDMM is to be provided upon request to the Province Professional Standards Officer and to duly authorised government agencies or a court of law, subject to Statutory requirements.
- 2.8.4 All pertinent information is disclosed to an appointed investigator or to the police in a properly established investigation following a report of abuse or suspected abuse.

## **2.9 Collaboration and case management**

- 2.9.1 The Province actively cooperates and collaborates with police, government, Church and other agencies, and relevant professional bodies (such as teacher registration bodies) in the best interests of children and young persons.

## **2.10 Dissemination**

- 2.10.1 All Brothers and other Marist Personnel need to be adequately conversant with the principles and procedures of this policy, and their pursuant responsibilities. Training sessions, with mandatory and recorded attendance are, where practicable, organised to ensure this.
- 2.10.2 A responsibility of the Province Professional Standards Officer is to ensure that such training occurs for Brothers. It is the responsibility of the Principal if the Ministry is a school or the Executive Director Marist Ministries (or delegate) if the Ministry is not a school, to ensure that staff and volunteers are aware of the structures, policies and procedures for child protection, and that all information on this is readily accessible.

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<sup>14</sup> See Appendix L

2.10.3 Children and young persons in the care of each Province-governed ministry need to be made aware of their rights and the means they have for reporting abuse and reasonable suspicion of abuse. This responsibility falls to the Principal if the Ministry is a school or the Executive Director Marist Ministries (or delegate) if the Ministry is not a school.

2.10.4 Information that needs to be easily accessible in each ministry includes:

- to whom (e.g. child protection officer) and how to make a report;
- contact details for child protection agencies, police, relevant government agencies, emergency medical help, and relevant help-lines;
- contact details of parents and guardians.

To be “easily accessible”, information needs to be in a language and a format that can be readily found and understood.

## **2.11 Policy management and review**

2.11.1 A regular audit of the implementation of this Policy by the Province, by Brothers’ communities and by individual Ministries is done by the relevant committee and/or a person or organisation duly appointed to do so.

2.11.2 All policies and procedures are reviewed at least once every three years and revised, based on changes in needs, legislation, guidance and experience.

2.11.3 The views of principal stakeholders are sought in the ongoing revision of policies and practices. An external review of the policy by a qualified individual or agency would be desirable.

### 3.0 DEFINITIONS *This Policy is to be read in accordance with the following definitions*

<b>Abuse</b>	In this Policy, “abuse” refers to “child abuse”. See definition below.
<b>Allegation</b>	Any accusation of child abuse, whether made directly by the child or young person allegedly abused, or by some third person on his or her behalf, made against any current, former or deceased Brother or Marist Personnel, or some other person, including anonymous accusations.
<b>Brother</b>	A Novice or professed member of the Institute, for whom the Institute has responsibility under its Proper Law.
<b>Brothers Community</b>	The group of Brothers appointed by the Provincial to reside in a particular place. Each community has an appointed leader.
<b>Candidate</b>	An individual who is applying to be a Brother.
<b>Child abuse</b>	<p>Child abuse includes:</p> <p>(a) <i>Physical abuse:</i></p> <p>Any assault or non-accidental injury and / or harm to a child or young person. Physical assault is a hostile (or reckless) act towards a child or young person. The assault occurs regardless of the adult’s intention to harm and regardless of the child or young person’s consent. Assault can include pushing, shoving, throwing objects, hitting or threatening behaviour (either verbal or actions) that causes the child or young person to fear that an assault is likely to occur.</p> <p>Physical assault of a child includes the following three elements:</p> <ul style="list-style-type: none"><li>• an act committed towards a child or young person, <b>and</b>;</li><li>• the application of force to a child or young person <b>or</b> an act that causes a child or young person to think that immediate force will be used on them, <b>and</b>;</li><li>• it is either hostile <b>or</b> reckless (a reckless act is one where a person would reasonably foresee the consequence of or likelihood of inflicting injury or fear, and ignores the risk).</li></ul> <p>Actual physical harm does not have to occur in order for an assault to have occurred, i/e/ the child does not need to be hurt or injured. Physical contact which is an inevitable or accepted part of everyday life does not amount to an assault (from NSW Ombudsman)</p> <p><b>and / or</b></p> <p>(b) <i>Emotional abuse:</i> Emotional abuse is normally to be found in the relationship between a care-giver and a child or young person rather than in a specific event or pattern of events. It occurs when a child or young person’s need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.</p>

Emotional abuse includes:

- acts that degrade or belittle a child or young person (this can be verbal or non-verbal types of behaviour, including harsh criticism, shaming a child or young person for expressing normal emotions or publicly humiliating a child or young person);
- setting unrealistic expectations with threats of harm or loss if these expectations are not met;
- 'isolating' a child or young person by comments / denying the child or young person opportunities to engage in social activities, or unreasonably restricting the child or young person's freedom of movement within the environment;
- 'exploiting / corrupting' a child or young person by promoting or exposing the child or young person to self-destructive, antisocial, criminal behaviours such as violence or drug use;
- persistent failure to care for and support the child or young person, withholding emotional interactions, being detached from the child or young person and interacting only when absolutely necessary (from NSW Ombudsman)

**and / or**

(c) *Sexual abuse:*

Any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism and exposing the child to or involving the child in pornography. It includes child grooming which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, or to lower a child's inhibitions in preparation for sexual activity with the child. It includes the act of obtaining sexually abusive material in relation to a child including photographic or audio visual material (Royal Commission definition)

**and/or**

(d) *Neglect:*

An omission, where the child or young person suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, medical care. Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child or young person's physical or emotional needs thereby causing harm to the child or young person, or placing them at risk. It can also occur as a single significant incident where a caregiver fails to fulfil a duty or obligation resulting in actual or potential harm to a child or young person. Neglect usually develops as a pattern of behaviour which results in harm to the child or young person over a period of time (from NSW Ombudsman).

<b>Child or Young Person</b>	Anyone under the age of 18 years.
<b>Child</b>	A person who is under the age of 16 years.
<b>Child Pornography</b>	Any activity which involves a graphic/visual depiction of a child or young person that is sexually explicit.
<b>Church</b>	The Roman Catholic Church.
<b>Church Authority</b>	Within the Catholic Church each entity has a leader as defined by Church law. In the case of a Religious Institute, this is the Provincial or Superior General.
<b>Church Professional Standards Officer</b>	The person engaged by the Church to manage reports of abuse of children and young persons in the care of a Church agency or member, according to Church policies and protocols, and relevant Statutory requirements.
<b>Cleric</b>	An ordained priest or deacon of the Church.
<b>Complaint</b>	A complaint, disclosure or report, whether or not made anonymously.
<b>Confidential</b>	Private information which shall be kept restricted from others and only be disclosed to an authorised person for legitimate reasons of the Institute or because the disclosure is legally required.
<b>Credible allegation</b>	Based upon the facts and the circumstances, it appears that the accusation has substance and it is likely that an incident of abuse of a child or young person has occurred.
<b>Current allegation</b>	In the case of an allegation involving a school, an allegation is considered to be current where the child or young person is still attached to the school where the alleged abuse occurred. Where an allegation does not involve a school, currency will be determined by it being reasonable recent.
<b>Duty of care</b>	A duty imposed by the law to take care to minimise the risk of harm to another.
<b>Employee</b>	A paid workplace participant or any other person who is engaged to carry out work at a Province Ministry for financial reward, and includes any Cleric or Brother appointed to a role at a Province Ministry.
<b>Executive Director of Marist Ministries (EDMM)</b>	The person appointed by the Provincial with the responsibility of oversight and management of Marist Ministries. This person also has the role of National Director of Marist Schools Australia.
<b>Grooming</b>	Refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, or to lower a child's inhibitions in preparation for sexual activity with the child. It includes the act of obtaining sexually abusive material in relation to a child including photographic or audio visual material (Royal Commission definition).
<b>Guideline</b>	A statement by which to determine a course of action. A guideline aims to streamline particular processes according to a set routine or sound practice.

<b>Historical allegation</b>	In the case of an allegation involving a school, an allegation is considered to be historical where the victim has attained the age of 18 years and has left the school. Where an allegation does not involve a school, it will be determined to be historical if it is not considered reasonably recent.
<b>Institute</b>	The religious Institute of the Marist Brothers.
<b>Intern</b>	A person who is on work experience as part of a school or other educational program, or a student teacher undertaking practical experience.
<b>Marist Personnel</b>	An employee or volunteer of the Province or any of the Province Ministries.
<b>Marist Schools Australia (MSA)</b>	The collective of Catholic schools which shape their identity and mission through the spirituality and educational approach that was introduced into the Church by St Marcellin Champagnat. MSA provides its member schools with leadership, support and, where applicable, governance.
<b>Marist Youth Care (MYC)</b>	An incorporated entity operating a range of services for disadvantaged children and youth, with headquarters at Blacktown, Sydney.
<b>Ministry</b>	The work involved or the situation which exists when one person has responsibility for the well-being of another. All work involved with the supervision or education of children and young persons is a Ministry and, where the context allows in this Policy, so is an institution, agency, project or programme conducted by the Province corporately, or by Brothers or Marist Personnel individually.
<b>Ministry Leader</b>	The person appointed by the Province to be the leader of a Province Ministry and who has the delegated authority to administer and manage a Ministry.
<b>Ministry Professional Standards Committee (MPSC)</b>	The group appointed by the Provincial and Mission Council to oversight the implementation and review of this policy and audit compliance.
<b>Minor</b>	A person who is under the age of 18 years.
<b>Mission Council</b>	A group appointed by the Provincial and Provincial Council to which it delegates certain responsibilities for advising the Provincial on the governance of Province ministries and the management of Marist personnel.
<b>Paid workplace participant</b>	Any person who is employed by the Province on a casual, fixed term or continuing basis, either pursuant to a contract of employment, or appointed to a role at a Province Ministry by the Province, including any Cleric or Brother appointed to a role at a Province Ministry.
<b>Procedure</b>	An established or official way of doing something.
<b>Proper Law</b>	The canonical statutes under which the Institute operates within the Church. They include Constitutions of the Marist Brothers and other regulations that may from time to time be promulgated.
<b>Principal</b>	A person who for the time being is entrusted as the chief executive of a school and is responsible for its management. In a Marist school, the Principal reports to a MSA Regional Director.

<b>Province</b>	An administrative unit of the Institute. For the purposes of this Policy, Province means the Province of Australia, comprising its Brothers and their communities, its officers, its institutions, agencies and programmes.
<b>Province Administration</b>	Those personnel who are employed by the Province to lead, serve and support Brothers' communities and Province Ministries.
<b>Province Professional Standards Advisory Committee (PPSAC)</b>	The group appointed by the Provincial and Provincial Council for guidance and advice on child protection, particularly matters concerning Brothers and Brothers' communities.
<b>Province Professional Standards Officer</b>	The person delegated by the Provincial to manage historical allegations of child abuse (where the accused is no longer engaged in child-related employment within the Province), conduct risk assessments of accused Brothers, provide guidance and advice to the Provincial in the development of Safety Plans for Restricted Brothers and ensure training is conducted in respect of child protection for Brothers.
<b>Provincial</b>	The Brother appointed by the Superior General to be the leader and major superior of a Province of the Institute.
<b>Provincial Council</b>	The group of Brothers elected by other Brothers of the Province, and required by the Institute's Proper Law, to advise the Provincial on certain matters. The Provincial and Provincial Council, for the time being, also constitute the Trustees of the Marist Brothers in civil law.
<b>Regional Director</b>	The MSA Regional Director provides executive supervision on behalf of the Province for the Province-governed schools in one of three Regions of the Province, and more general support and leadership to member schools not governed by the Province.
<b>Restricted Brother</b>	A Brother who has been designated by the Provincial as restricted by virtue of some admission, charge, investigative process or other risk assessment process in respect of children or young persons, and is considered in need of supervision or limitation of ministry, and for whom the Institute retains responsibility.
<b>Rights</b>	Entitlements to which one has a just claim.
<b>Safety plan</b>	A formal, written supervision program for a Restricted Brother.
<b>Statutory requirement</b>	A requirement which is applicable by virtue of a law enacted by the government, be it the Commonwealth of Australia, a State or Territory. Statutory requirements are non-negotiable and must be complied with. Failure to comply with a Statutory requirement may result in a fine or penalty or even a custodial sentence for the person or persons responsible for such failure.
<b>Sexual contact</b>	Vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region, breasts or chest) for the purpose of sexually arousing or gratifying either person.
<b>Superior General</b>	The Brother who leads the Institute internationally.
<b>Trustees</b>	The Trustees of the Marist Brothers, a body corporate under the Roman Catholic Church Communities' Lands Act (NSW) 1942, comprising the Provincial and Provincial Council for the time being.



***Volunteer***

Any person who gives freely of his or her time and experience to participate in activities and perform work for the Province. The relationship between the volunteer and the Province is not bound by a contract of employment and no payment is made by the Province to the volunteer or anybody on their behalf, for the work performed. A 'Working with Children Check' is required for all volunteers who are engaged in child-related activities.

***Young Person***

A person who is aged 16 years or above but who is under the age of 18 years.

## **APPENDIX A**

### **SOME MARIST PROTOCOLS OF CONDUCT FOR MINISTRY WITH CHILDREN AND YOUNG PERSONS**

*This is an example of a set of protocols that can be included in a code of conduct for employees.*

Any form of abusive, harmful, discriminatory, prejudiced or intimidating behaviour or language by adults towards children and young persons, or young persons towards other young persons, is not acceptable. Any action that may be hurtful or risk being interpreted by a reasonable observer as grooming behaviour is unacceptable. Comments or actions that are unreasonably critical or negative of a person's culture, ethnicity, language, gender, disability, sexuality or age, are unacceptable.

In their interactions with children and young persons, Marist Personnel must not confuse characteristic Marist style with behaviours and dispositions that are inappropriate. While Marists are encouraged to conduct their ministry in ways that see them actively present in the lives of the young, and with a style that is unaffected and proximate, they should never lose sight of the imperative for them always to act as the adults and the educators in the relationship.

The following list of behaviours includes examples of what is acceptable and not acceptable behaviour. This list is not meant to be exhaustive but is provided to demonstrate the types of behaviours that are appropriate or inappropriate as the case may be.

#### **1. Unacceptable behaviours**

- a. Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
- b. Using, possessing, or being under the influence of alcohol while supervising minors<sup>15</sup>.
- c. Providing or allowing minors to consume alcohol or illegal drugs.
- d. Swearing in the presence of minors.
- e. Yelling at a minor, except in an emergency situation where the minor's safety may be in danger.
- f. Speaking to minors in a way that is or could be construed by a reasonable person as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- g. Use of hurtful sarcasm towards, or in the presence of, a minor.
- h. Discussing sexual activities with minors unless it is a specific job requirement and the person is trained to discuss these matters.
- i. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimately arranged instructional activity dealing with human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics.
- j. Being nude in the presence of minors.
- k. Allowing minors to view sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.) unless the viewing is part of a legitimately arranged instructional activity dealing with human sexuality issues.
- l. Sleeping in the same beds, sleeping bags or small tents with minors.
- m. Engaging in sexual contact with minors.

#### **2. Transportation and off-site events**

- a. Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport minors without the written permission of their parent or guardian.
- b. It is prohibited to have unnecessary and/or inappropriate physical contact with minors while in vehicles.
- c. Minors should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops.
- d. It is prohibited to have minors spend the night at the residence of a staff member or Brothers' community without parental/guardian prior approval.
- e. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.

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<sup>15</sup> This does not include situations where it is reasonable for the person to possess alcohol (e.g. for a presentation at a formal occasion) or use it moderately (e.g. at a dinner or formal occasion which the person may be attending and at which the person is not directly responsible for the care of the child or young person.)

### 3. Physical Contact and general guidelines

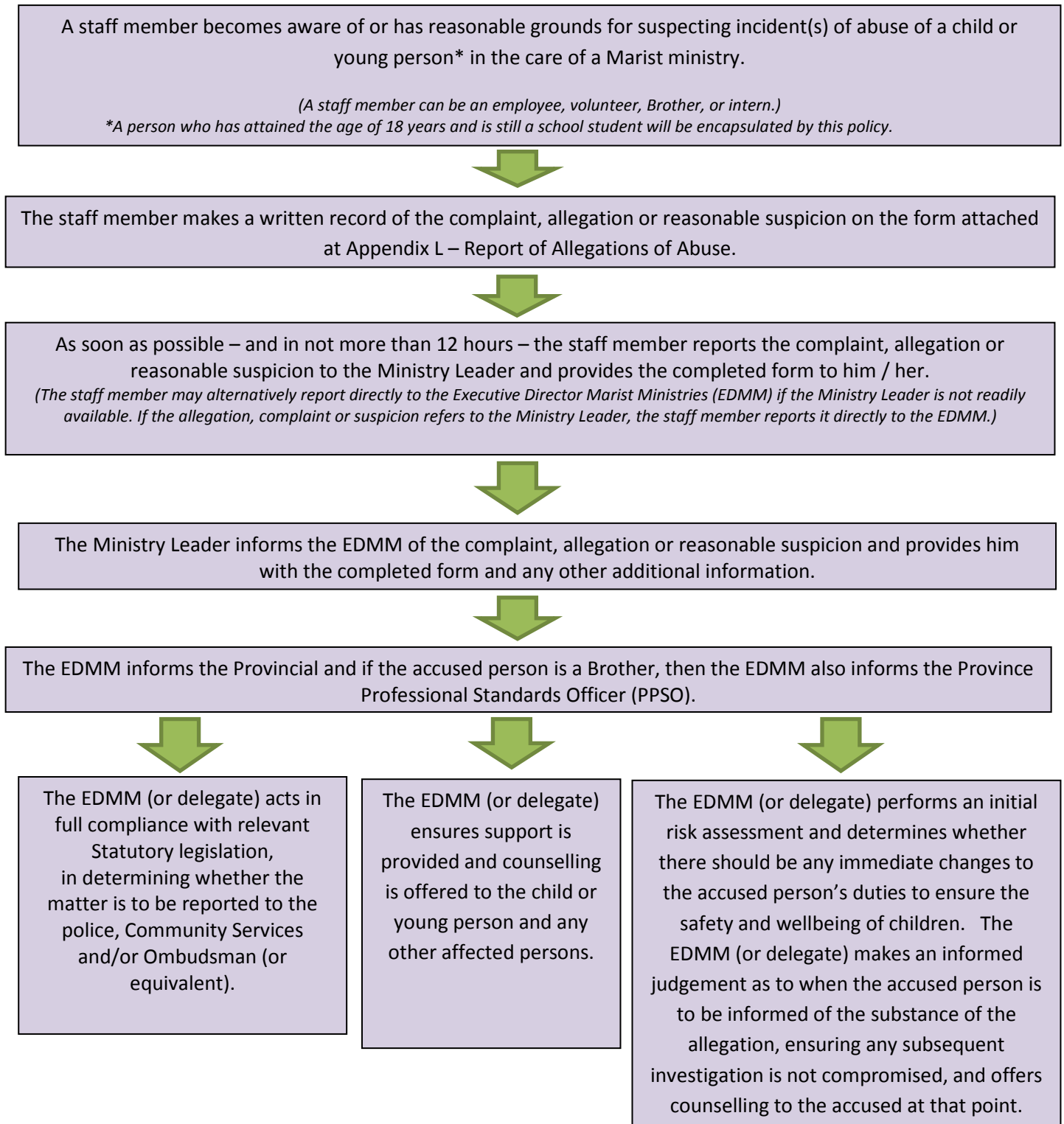
- a. Staff members are prohibited from using physical discipline in any way for behaviour management of minors. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by minors.
- b. Physical contact may be required in an emergency situation to remove minors quickly from danger or threat of danger.
- c. Appropriate contact between staff members and minors is part of normal human relationships. Some considerations and guidelines include the following:<sup>16</sup>
  - i. Consider the child's age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child.
  - ii. Work in an open environment; for example, in confidential interviews or a one-to-one meeting, a means of visibility, such as a window pane in a door, should be maintained.
  - iii. Be alert to cues from minors about how comfortable they are in your proximity and respect their need for personal space.
  - iv. Be sensitive when interacting with minors who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex.
  - v. Be aware of cultural norms that may influence the interpretation of your behaviour.
  - vi. Be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance.
  - vii. Physical contact should be made in a way that makes minors feel comfortable, for example, shaking hands, a congratulatory pat on the back or with young children by gently guiding them or holding their hand for reassurance. Massaging a minor or allowing a minor to massage you is inappropriate physical contact.
  - viii. Careful consideration should be given to the display of images of minors in Province workspaces (e.g. as screen savers or backgrounds on electronic devices) and how they may be perceived by others as to their appropriateness.
  - ix. Be aware that the giving and receiving of gifts, giving extra attention, accepting a different standard of behaviour from a child or having 'special time' with a child must be appropriate and justified as a strategy to meet teaching and learning outcomes.
  - x. Obtain permission from school authorities and parents when meeting with students for activities outside of school hours.
  - xi. The provision of your personal contact details should be justified in terms of educational or professional purpose.

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<sup>16</sup> Taken from the guidelines of the Western Australian Department of Education  
Page | 16

**APPENDIX B**

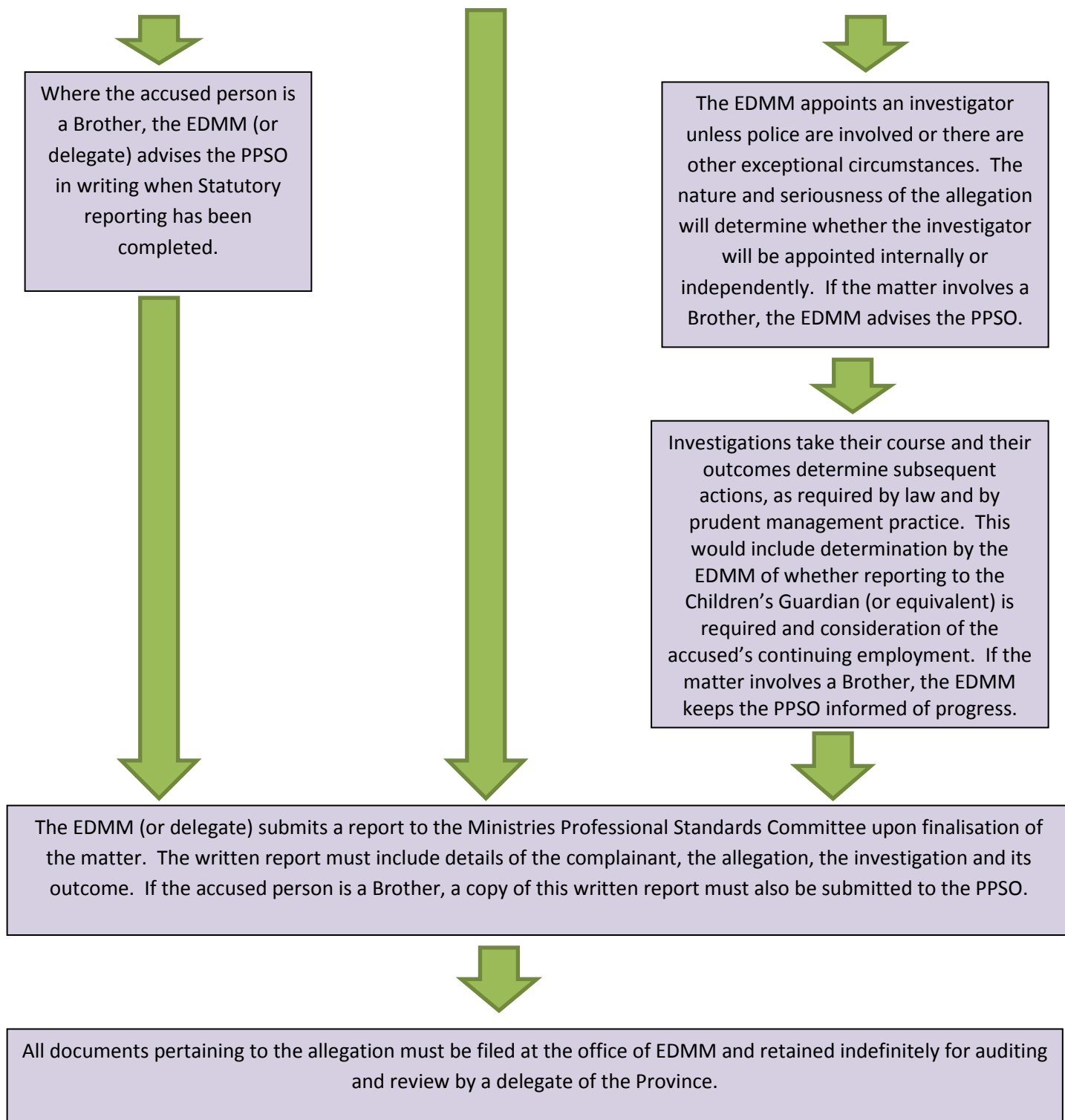
**PROTOCOLS AND PROCESSES FOR RESPONDING TO REPORTS OF CHILD ABUSE OR RISK OF CHILD ABUSE <sup>17</sup>**  
**Typical Flow Chart for Responding to Current Complaints and/or Allegations (including reasonable suspicions) of Abuse of Children or Young Persons (including boundary violations), in Ministries governed by the Marist Province of Australia (other than schools and MYC)<sup>18</sup>**



<sup>17</sup> This flowchart is indicative and may vary according to the requirements of each State and those of local policies

<sup>18</sup> i.e. Marist Youth Ministry (including Remar), Marist Solidarity (including Marist Volunteers), The Hermitage at Mittagong, Vocations Ministry, any other event or programme that may from time to time be conducted by the Province.

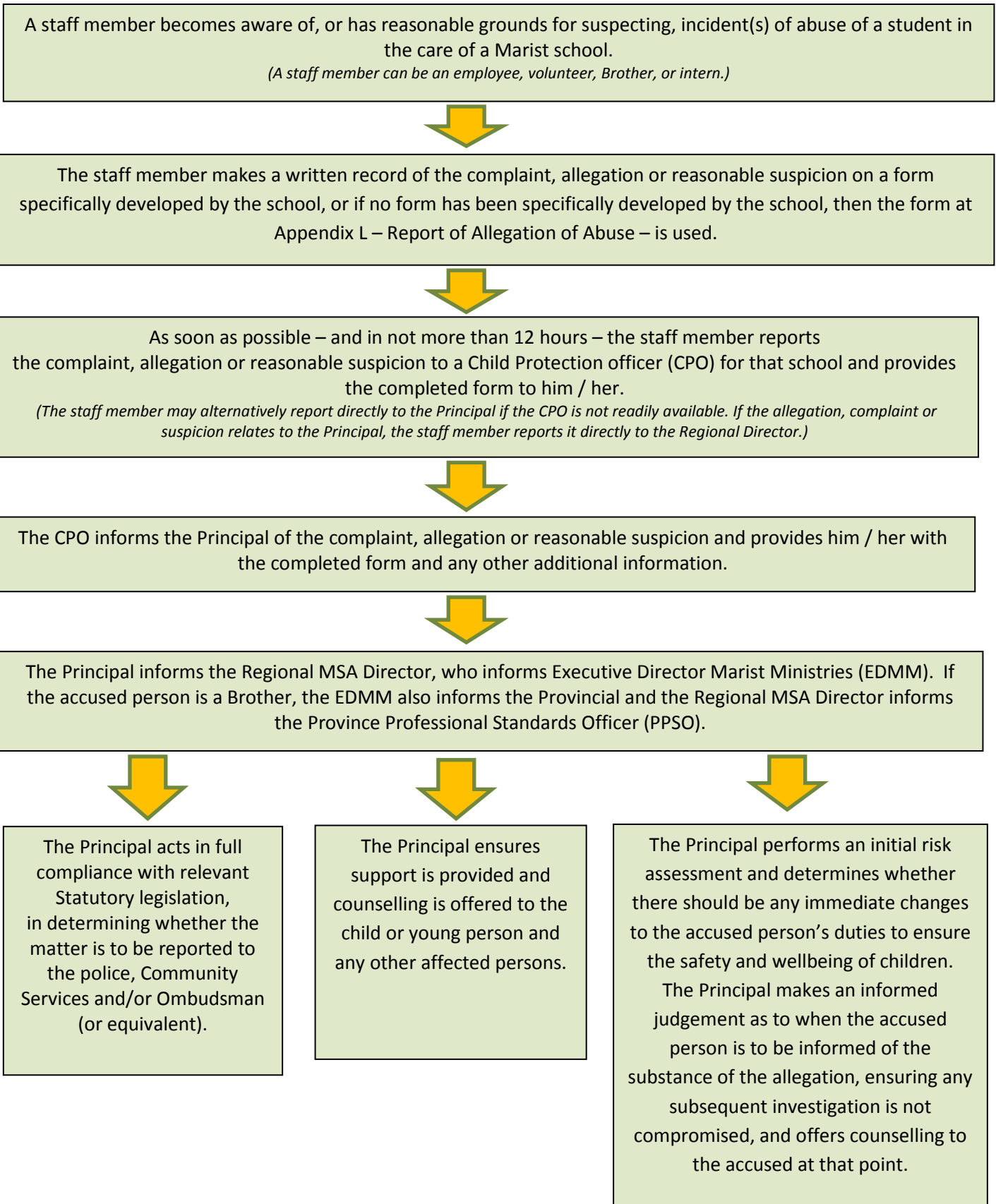
**CURRENT ALLEGATIONS – MARIST MINISTRIES (CONTINUED)**



*N.B. The EDMM may seek advice from the PPSO, the Provincial, a relevant government agency, and/or Province lawyers at any stage throughout this process.*

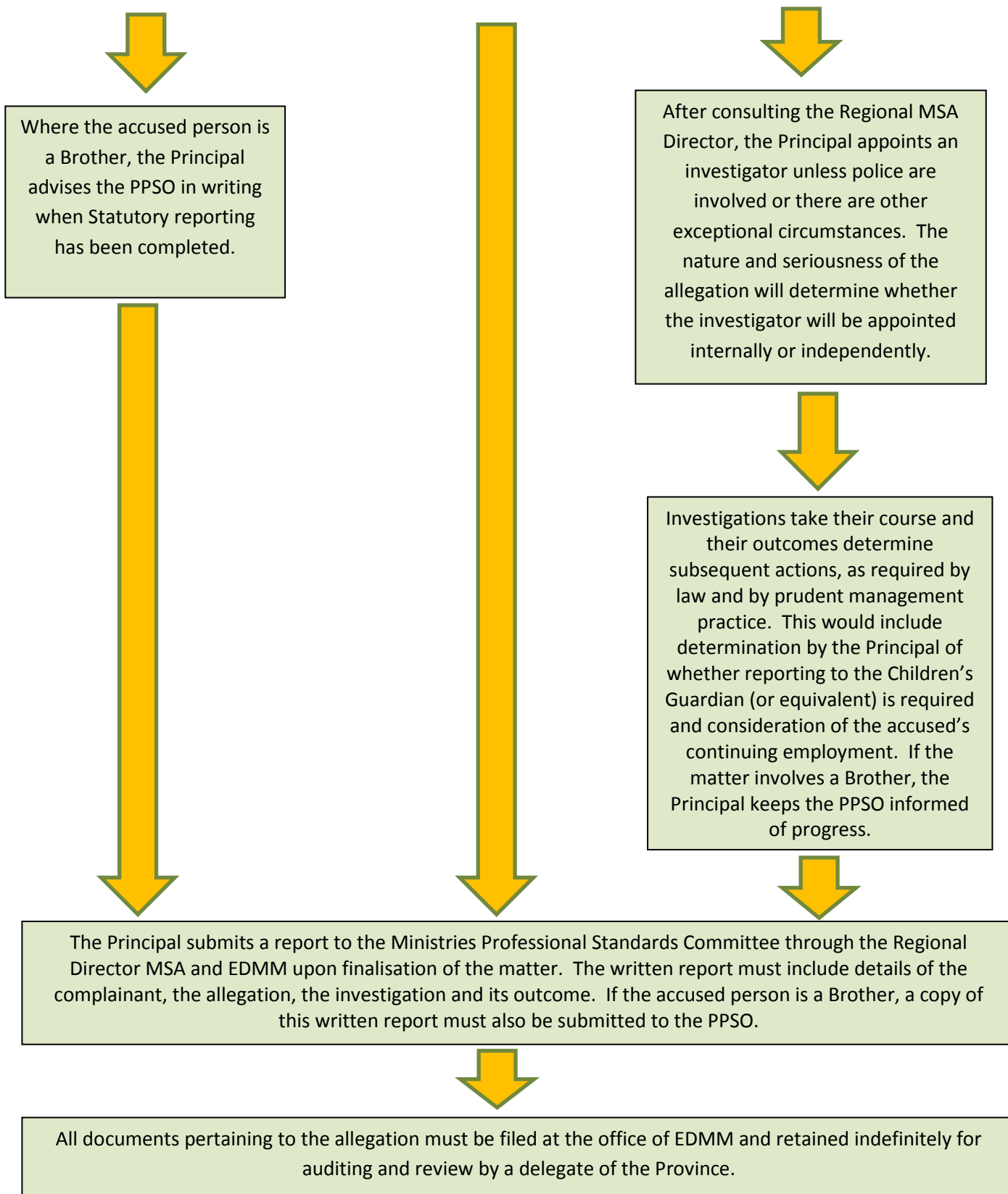
**APPENDIX C**

**Typical Flow Chart for Responding to Current Complaints and/or Allegations (including reasonable suspicions) of Abuse of a Student (including boundary violations) in the care of a school governed by the Marist Province of Australia<sup>19</sup>**



<sup>19</sup> This flowchart is indicative and may vary according to the requirements of each State and those of local policies.

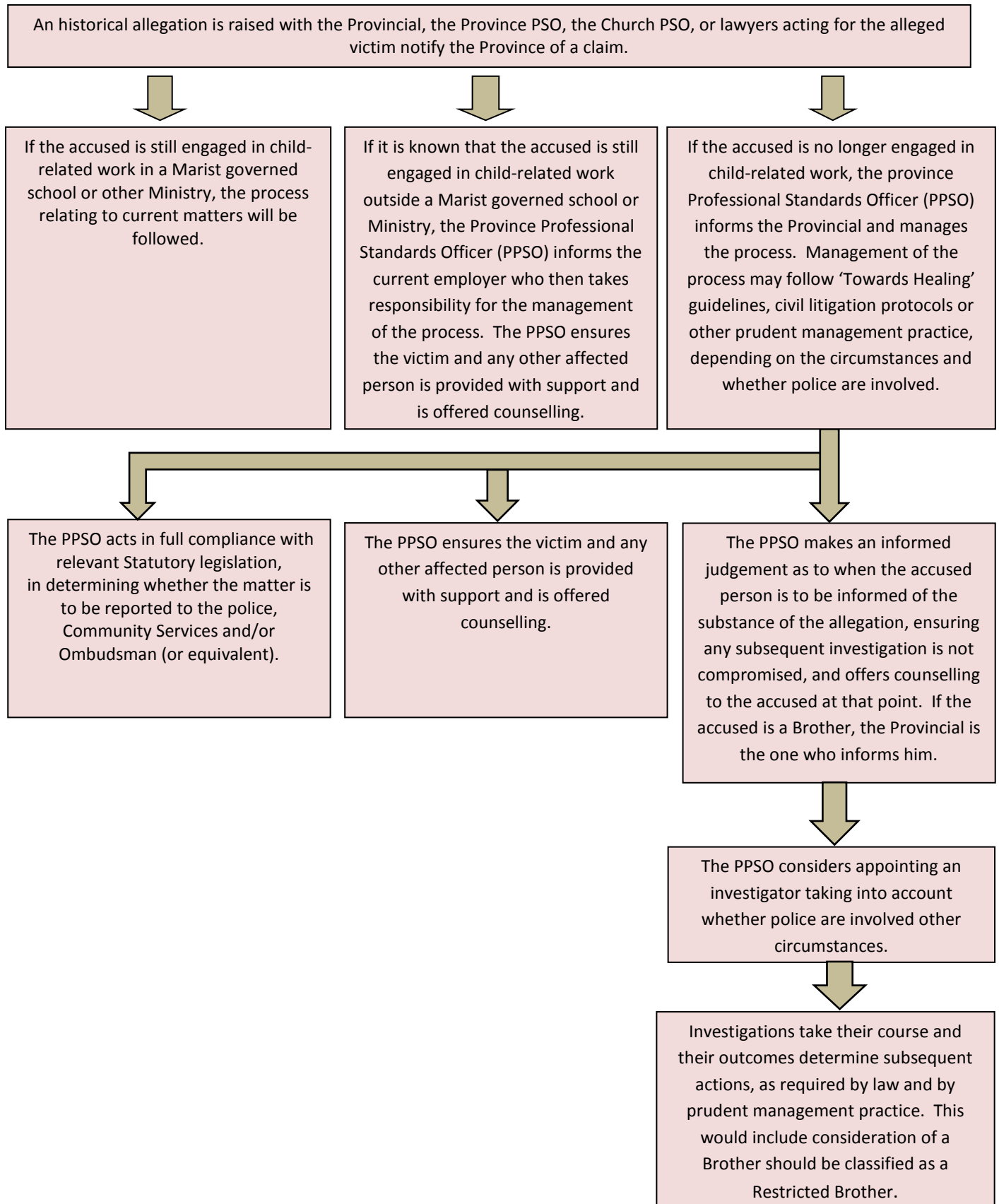
**CURRENT ALLEGATIONS - SCHOOLS (CONTINUED)**



***N.B The Principal may seek advice from the Regional MSA Director, the PPSO, a relevant government agency, and/or Province lawyers at any stage throughout this process.***

**APPENDIX D**

**Typical Flow Chart for Responding to Complaints of a Historic Nature of Abuse by a Brother or Employee of the Marist Province of Australia or former Provinces of Sydney or Melbourne<sup>20</sup>**



<sup>20</sup> This flowchart is indicative and may vary according to the requirements of each State and those of local policies



## **APPENDIX E**

### **Further explanation of the processes in the foregoing flowcharts (*unless State protocols demand otherwise*)**

- a. These flowcharts assume that there is at least one person (howsoever named) appointed for each ministry, who is appropriately trained in relation to child protection, bullying and sexual harassment matters, to whom people can refer complaints or concerns. Where a particular ministry or program is small, the Ministry Leader or delegate of the EDMM may fulfil this role.
- b. The staff member who becomes aware of, or has reasonable grounds for suspecting, incident(s) of child abuse (including abuse of students who have attained the age of 18 years) makes a written record of each allegation.
- c. This person refers the allegation in the first instance to the local Child Protection Officer, unless for reasons of expediency the report was made directly to the Principal if the Ministry is a school, or the Executive Director Marist Ministries (or delegate) if the Ministry is not a school.
- d. Where an allegation relates to the actions of the local Principal, the referral is made to the Regional Director of Marist Schools Australia. Where an allegation relates to the actions of a Ministry Leader (other than a school or Marist Youth Care), the referral is made to the Executive Director Marist Ministries.
- e. The Child Protection Officer informs the Principal (if the Ministry is a school), who informs the Regional Director who, in turn, informs the Executive Director Marist Ministries (EDMM). If the accused person is a Brother, the EDMM also informs the Provincial and the Regional MSA Director informs the Province Professional Standards Officer. The Ministry Leader (if the Ministry is not a school) informs the EDMM who informs the Provincial and if the accused person is a Brother, the EDMM also informs the Province Professional Standards Officer.
- f. The Principal or Executive Director Marist Ministries (as the case may be) complies with Statutory requirements and invokes appropriate procedures. This may involve mandatory notification to the police, Community Services, and / or Ombudsman's Office (or equivalent depending on the Statutory requirements). Where a Brother is the accused, the Principal in the case of schools, or the EDMM (or delegate) in the case of a non-school Ministry, advises the PPSO in writing when Statutory reporting has been completed.
- g. The Principal in the case of schools, or the EDMM (or delegate) in the case of a non-school Ministry ensures support is provided and counselling is offered to the child or young person and any other affected persons.
- h. The Principal in the case of schools, or the EDMM (or delegate) in the case of a non-school Ministry, performs an initial risk assessment and determines whether there should be any changes to the accused person's duties to ensure the safety and wellbeing of children. The Principal or EDMM (or delegate) as the case may be, makes an informed judgement as to when the accused person is to be informed of the substance of the allegation, ensuring any subsequent investigation is not compromised, and offers counselling to the accused at that point.
- i. The Principal (after consulting the Regional MSA Director) in the case of schools, or the EDMM in the case of a non-school Ministry, appoints an investigator unless police are

involved or there are other exceptional circumstances. The nature and seriousness of the allegation will determine whether the investigator will be appointed internally or independently. If the matter involves a Brother, the Principal or EDMM (as the case may be) advises the PPSO.

- j. Investigations take their course and their outcomes determine subsequent actions, as required by law and by prudent management practice. This would include determination by the Principal or EDMM (as the case may be) of whether reporting to the Children's Guardian (or equivalent) is required and consideration of the accused's continuing employment. If the matter involves a Brother, the Principal or EDMM (as the case may be) keeps the PPSO informed of progress.
- k. In the case of a school, the Principal submits a report to the Ministries Professional Standards Committee through the Regional Director MSA and EDMM upon finalisation of the matter. In the case of a non-school Ministry, this report will be submitted by the EDMM or delegate. The written report must include details of the complainant, the allegation, the investigation and its outcome. If the accused person is a Brother, a copy of this written report must also be submitted to the PPSO.
- l. All documents pertaining to the allegation must be filed at the office of EDMM and retained indefinitely for auditing and review by a delegate of the Province.
- m. The Principal or EDMM may seek advice from the Regional MSA Director (in the case of the Principal), the PPSO, the Provincial, a relevant government agency, and/or Province lawyers at any stage throughout this process.
- n. If it is considered that there is a possibility the matter may attract media attention, the local Ministry Leader informs the EDMM (in the case of a non-school Ministry) or Regional Director of Marist Schools Australia (in the case of schools) who in turn informs the Provincial and the PPSO of this fact.
- o. If the Police notify the local Ministry Leader of an investigation, he or she informs, respectively, the EDMM (in the case of a non-school Ministry) or the Regional Director of Marist Schools Australia (in the case of schools), who shall inform the Provincial and PPSO.

## **APPENDIX F**

### **PRACTICAL ADVICE ON LISTENING TO A COMPLAINANT**

In the event of someone disclosing an allegation of abuse or making a report to someone he or she trusts, it is essential that it is dealt with sensitively and professionally. The following are guidelines to assist the person who receives the allegation. The person making the report may be a child or young person, an adult who is a former student or client, a relative or friend, or a colleague.

- React calmly.
- Listen carefully and attentively. Take the person seriously.
- Reassure the person that they have taken the right action in coming forward.
- Do not promise to keep anything secret. Indicate you may be required to report abuse allegations to authorities.
- Ask questions for clarification only; do not ask leading questions.
- Check back with the person that what you have heard is correct and understood.
- Do not express any opinions about the alleged abuser personally, but you may affirm your position and that of the Marist Brothers towards child abuse in general.
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record (use the recording form contained in this Policy or a local form specifically designed for this purpose).
- Ensure that the person understands the procedures which will follow.
- Pass the information to the Child Protection Officer or Ministry Leader (or EDMM or PPSO, as appropriate). Do not attempt to deal with the problem alone.
- Treat the information confidentially.
- Be aware that in some cases, mandatory reporting may apply e.g reporting to police or to the Ombudsman or other Statutory authorities.

## APPENDIX G

### RECOGNISING CHILD ABUSE AND RISK OF CHILD ABUSE

#### 1. Possible Physical and Behavioural Indicators of Child Abuse

##### a. Physical

Physical abuse is any assault or non-accidental injury and / or harm to a child or young person. Physical assault is a hostile (or reckless) act towards a child or young person. The assault occurs regardless of the adult's intention to harm and regardless of the child or young person's consent. Assault can include pushing, shoving, throwing objects, hitting or threatening behaviour (either verbal or actions) that causes the child or young person to fear that an assault is likely to occur.

Physical assault of a child includes the following three elements:

- an act committed towards a child or young person, **and**;
- the application of force to a child or young person **or** an act that causes a child or young person to think that immediate force will be used on them, **and**;
- it is either hostile **or** reckless (a reckless act is one where a person would reasonably foresee the consequence of or likelihood of inflicting injury or fear, and ignores the risk).

Actual physical harm does not have to occur in order for an assault to have occurred, i/e/ the child does not need to be hurt or injured. Physical contact which is an inevitable or accepted part of everyday life does not amount to an assault (from NSW Ombudsman).

Possible indicators of this type of abuse are:

- frequent bruising, fractures, cuts, burns and other injuries
- torn clothing
- bite marks, burns or welts
- bruises in places difficult to mark e.g. behind ears, groin
- undue or unnecessary fear
- aggressiveness or withdrawal
- absconding frequently from home

##### b. Sexual

Sexual abuse is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism and exposing the child to or involving the child in pornography. It includes child grooming which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, or to lower a child's inhibitions in preparation for sexual activity with the child. It includes the act of obtaining sexually abusive material in relation to a child including photographic or audio visual material

Possible indicators of this type of abuse are:

- over affectionate or inappropriate sexual behaviour
- age inappropriate sexual knowledge given the child or young person's age, which is often demonstrated in language, play or drawings
- fondling or exposure of genital areas
- hints about sexual activity
- unusual reluctance to join in normal activities which involve undressing, e.g. sport, swimming

### **c. Emotional**

Emotional abuse is normally to be found in the relationship between a care-giver and a child or young person rather than in a specific event or pattern of events. It occurs when a child or young person's need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.

Emotional abuse includes:

- acts that degrade or belittle a child or young person (this can be verbal or non-verbal types of behaviour, including harsh criticism, shaming a child or young person for expressing normal emotions or publicly humiliating a child or young person);
- setting unrealistic expectations with threats of harm or loss if these expectations are not met;
- 'isolating' a child or young person by comments / denying the child or young person opportunities to engage in social activities, or unreasonably restricting the child or young person's freedom of movement within the environment;
- 'exploiting / corrupting' a child or young person by promoting or exposing the child or young person to self-destructive, antisocial, criminal behaviours such as violence or drug use;
- persistent failure to care for and support the child or young person, withholding emotional interactions, being detached from the child or young person and interacting only when absolutely necessary.

Possible indicators of this type of abuse are:

- unreasonable mood and/or behavioural changes
- aggression, withdrawal or an "I don't care attitude"
- lack of attachment
- low self esteem
- attention seeking
- depression or suicide attempts
- persistent nightmares, disturbed sleep, bedwetting, reluctance to go to bed
- a fear of adults or particular individuals e.g. family member, baby-sitter or indeed excessive clinginess to parents/carers
- panic attacks

### **d. Neglect**

Neglect can be defined in terms of an omission, where the child or young person suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, medical care.

Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child or young person's physical or emotional needs thereby causing harm to the child or young person, or placing them at risk. It can also occur as a single significant incident where a caregiver fails to fulfil a duty or obligation resulting in actual or potential harm to a child or young person. Neglect usually develops as a pattern of behaviour which results in harm to the child or young person over a period of time (from NSW Ombudsman).

Possible indicators of this type of abuse are:

- frequent minor or serious injuries
- untreated illness
- hunger, lack of nutrition
- tiredness

- inadequate and inappropriate clothing
- lack of supervision
- low self esteem
- lack of peer relationships

**2. Indicators of Abuse are Not Facts**

It is important to stress that no one indicator should be seen as conclusive in itself of child abuse; it may indeed indicate conditions other than child abuse. A cluster or pattern of signs is likely to be more indicative of abuse. Signs must also be considered in the child or young person's social and family context as child abuse is not restricted to any socio economic group, gender or culture. It is important to always be open to alternative explanations for possible physical or behavioural signs of abuse.

**3. Reasonable Grounds for Concern**

The Statutory authorities should always be informed when a person has reasonable grounds for concern that a child or young person may have been abused, or is being abused, or is at risk of abuse.

The following examples would constitute reasonable grounds for concern:

- specific indication from the child or young person that he/she was abused;
- an account by a person who saw the child or young person being abused;
- evidence such as injury or behaviour which is consistent with abuse and unlikely to be caused in any other way;
- an injury or behaviour, which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour;
- consistent indication, over a period of time, that a child or young person is suffering from emotional or physical neglect.

A suspicion, not supported by any objective indication of abuse or neglect, does not constitute a reasonable suspicion or reasonable grounds for concern.

## **APPENDIX H**

### **THE PROVINCE'S PROFESSIONAL STANDARDS REFERENCE COMMITTEES**

There are two standing committees in the Province to guide and advise on professional standards, including child protection: Ministries Professional Standards Committee and the Province Professional Standards Advisory Committee. The Province Professional Standards Officer is a member of both committees.

#### **1. Ministries Professional Standards Committee (MPSC)**

On behalf of the Provincial and Mission Council, the MPSC:

- a. oversights the implementation of the Province Child Protection Policy;
- b. oversights the implementation and review of local policies and practices of Province Ministries<sup>21</sup> in respect of other areas of professional standards, e.g. bullying and harassment;
- c. monitors the compliance of Province Ministries with this policy and other professional standards policies;
- d. monitors staff training in all ministries in relation to child protection, bullying and sexual harassment;
- e. considers reports received from the Executive Director Marist Ministries in respect of current allegations of child abuse.

#### **2. Province Professional Standards Advisory Committee (PPSAC)**

The PPSAC provides general advice and recommendations to the Provincial and Provincial Council on current professional standards issues which may include:

- i. oversights the review of the Province Child Protection Policy;
- ii. pastoral support for victims of child abuse and their families;
- iii. police investigations;
- iv. "Towards Healing" cases;
- v. civil litigation matters;
- vi. ongoing training of Brothers in the area of Child Protection;
- vii. risk management of accused Brothers;
- viii. supervision and support of Restricted Brothers;
- ix. media policy / protocols;
- x. other policy issues;
- xi. Royal Commission updates.

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<sup>21</sup> Marist Youth Care (MYC), a youth welfare agency owned by the Province, has separate processes for child protection matters. The CEO reports on these to the Board of Directors. The Provincial and Mission Council requires annual written assurance and documentary evidence from the Board that MYC is compliant in regard to Child Protection obligations and appropriate audits.

**APPENDIX I**

**STAFF APPLICATION FORM<sup>22</sup>**

**Paid and Voluntary Staff in the Ministries of the Marist Brothers Province of Australia**

Ministry Centre: \_\_\_\_\_

Surname: \_\_\_\_\_ First Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_

Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Are you (please tick):

Employed  Unemployed  Student  Homemaker  Retired  Other

Previous Work Experience in recent years: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you previously been involved in voluntary work? Yes  No

If yes, please give details: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Why do you want to get involved with this ministry? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

<sup>22</sup> It is recognised and accepted that many schools and ministries would have application forms that may be more detailed and in a different format from this one. Use of this form is not mandatory, but any application process should elicit at least information equivalent to that which this form seeks.

Adapted from: *Our duty to Care: the Principles of Good Practice for the Protection of Children and Young Persons*. (Dept. Of Health and Children, Dublin, Stationary Office 2001)



Have you previously received any training for working with children and young persons?

Yes  No

If yes, please give details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other relevant information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is there any medical or other reason why you may be deemed unsuitable to work with children or young persons? Yes  No

If yes, please give details: \_\_\_\_\_

\_\_\_\_\_

Please provide the names and addresses of two people (not relatives) whom we could contact for a reference, preferably people who are familiar with your work with children and young persons.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

*I declare that the above information is true and that I am fit to serve in paid employment or as a volunteer in this ministry. I agree to abide by and accept the terms and conditions of participation and accept and abide by the policies of the Marist Brothers Province of Australia. I will also provide photo ID and comply with Police requirements for working with children and young persons.*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**N.B. If insufficient space, please attach further details on separate sheet.**

**APPENDIX J**

**CONFIDENTIAL REFERENCE CHECK<sup>23</sup>**

\_\_\_\_\_ has expressed an interest in working in the \_\_\_\_\_ School/Ministry Centre, and he/she has nominated you as a referee.

The position involves unsupervised access to children and young persons and as an organisation committed to the welfare and protection of children and young persons, we want to know if you have any reason to be concerned about this person's suitability to work with children and/or young persons. **Yes**  **No**  If you have answered **Yes**, we will contact you in confidence.

If you complete this reference, the contents will remain confidential to the selection panel.

How long have you known this person? \_\_\_\_\_ In what capacity? \_\_\_\_\_

List the applicant's attributes which makes you consider him/her suitable for the position:

\_\_\_\_\_

Describe the Applicant's personality: \_\_\_\_\_

\_\_\_\_\_

Do you have any reservations about the Applicant for this work? (if so, please comment):

\_\_\_\_\_

\_\_\_\_\_

Please rate this person on the following:

	Poor	Average	Good	Very Good	Excellent
<b>Responsibility</b>					
<b>Maturity</b>					
<b>Self-motivation</b>					
<b>Ability to motivate</b>					
<b>Energy</b>					
<b>Trustworthiness</b>					
<b>Reliability</b>					

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Position: \_\_\_\_\_

<sup>23</sup> It is recognised and accepted that many schools and ministries would have application forms that may be in a different format from this one and/or elicit information that is more specific to the particular position being sought. Use of this form is not mandatory, but a process of checking with referees (including past employers) is required, and should elicit at least information equivalent to that which this form seeks.

**APPENDIX K**

**STAFF DECLARATION FORM<sup>24</sup>**

**To be completed by Brothers, Staff and Volunteers**

Surname: \_\_\_\_\_ First Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Previous addresses in the last 3 years:

\_\_\_\_\_  
\_\_\_\_\_

Any other name by which you are/have been known: \_\_\_\_\_

Do you hold a current Working with Children Check (or equivalent)? YES / NO

If Yes, please provide WWCC approval number or equivalent: \_\_\_\_\_

Have you ever been denied, or had cancelled a Working with Children Check? YES / NO

If yes, please give details: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Do you have any prosecutions pending, been subject of any police investigation, or been charged with or convicted of a criminal offence? YES / NO

If Yes, please state below the nature and date(s) of the offence(s), the court responsible for dealing with the matter, and the approximate date of the court hearing.

Nature of offence: \_\_\_\_\_

Date of offence: \_\_\_\_\_ Court: \_\_\_\_\_ Court Date: \_\_\_\_\_

Please provide previous employment particulars, including position and name and contact details of employer(s) for past 10 years: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**N.B. If insufficient space, please attach further details on separate sheet.**

\_\_\_\_\_

<sup>24</sup> It is recognised and accepted that many schools and ministries would have declaration forms that may be in a different format from this one or that they may need to use forms that are set by Statutory requirements. Use of this form is not mandatory, but an equivalent process of formal employment screening is.

**APPENDIX L**

**REPORT OF ALLEGATION OF ABUSE<sup>25</sup>**

**Sections 1 – 6 to be completed by the staff member to whom the allegation is raised.**

**1. About the complaint / allegation**

Date of disclosure/concern: \_\_\_\_\_ Time of disclosure/concern: \_\_\_\_\_

How was information received? (attach any written information to this form)

Telephone     Letter     Email     In person

**2. Details of person making complaint / allegation**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Relationship to child/young person or alleged victim: \_\_\_\_\_

**3. Details of child/young person or alleged victim**

Name: \_\_\_\_\_

DOB: \_\_\_\_\_ Male / Female: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Tel No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Language (is interpreter/ signer needed?): \_\_\_\_\_

Disability: \_\_\_\_\_

Special needs: \_\_\_\_\_

Parish/Religious Institute (*if applicable*): \_\_\_\_\_

<sup>25</sup> It is recognised and accepted that a Province-governed ministry or school may have a different form for recording reports, in order to accommodate local Church or civil requirements. It is mandatory for such a ministry that the equivalent information elicited by this form is included in a locally-developed form.

**4. Parent / Guardian details (where appropriate)**

Name: \_\_\_\_\_

Address (if different from above): \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Are they aware of the allegation, suspicion or complaint? Yes  No

**5. Details of alleged perpetrator**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Relationship to child (*parent/Religious Brother/teacher, etc*) \_\_\_\_\_

Position: \_\_\_\_\_

Address at time of incident(s): \_\_\_\_\_

Current contact with children or young persons if known

\_\_\_\_\_

Any other relevant information:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**7. Details of person completing this section of the form**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Position: \_\_\_\_\_

Date form completed: \_\_\_\_\_ Time: \_\_\_\_\_

Signed: \_\_\_\_\_

**Sections 8 – 16 to be completed by the Principal (if the Ministry is a school) or the Ministry Leader or delegate of the EDMM (if the Ministry is not a school).**

**8. About the referral**

Date and time that the Principal, Ministry Leader or delegate of the EDMM became aware of the disclosure/concern: \_\_\_\_\_

Date and time that the Principal, Ministry Leader or delegate of the EDMM received this form: \_\_\_\_\_

**9. Action taken**

Has the matter been referred to **police**?                      Yes                       No

If yes, date: \_\_\_\_\_ Time: \_\_\_\_\_

If no, explain why:  
\_\_\_\_\_  
\_\_\_\_\_

To whom was it referred: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Has the matter been referred to **Community Services**? Yes  No

If yes, date: \_\_\_\_\_ Time: \_\_\_\_\_

If no, explain why:

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To whom was it referred: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Has the matter been referred to **other Statutory Authority**? Yes  No

If yes, name of Statutory Authority: \_\_\_\_\_

Date referral made: \_\_\_\_\_ Time: \_\_\_\_\_

If no, explain why:

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To whom was it referred: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

**10. Victim Support**

Date child or young person was offered counselling:

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Details of other support provided:

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**11. Are there any immediate child protection concerns? If so, please record what they are and state what actions have been taken by whom to address them:**

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**12. Accused Person**

Has the accused person been advised of the allegation? If so, when:

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Has the accused person been offered counselling? If so, indicate date when offer was made.

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**13. Investigation**

Details of person investigating the allegation

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Date investigator appointed: \_\_\_\_\_

What was the outcome of the investigation?

Sustained

Not sustained

Further details if required: \_\_\_\_\_

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**14. As a result of the finding, has the matter been referred to another Statutory Authority, e.g. Children’s Guardian?**

Yes  No

If yes, date: \_\_\_\_\_ Time: \_\_\_\_\_

If no, explain why:

\_\_\_\_\_  
\_\_\_\_\_

To whom was it referred: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

**15. Province Professional Standards Officer**

In the case of the accused being a Brother, date PPSO informed:

\_\_\_\_\_

**16. Details of person completing this section of the form (from #8)**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Tel. No: \_\_\_\_\_ Mobile: \_\_\_\_\_

Position: \_\_\_\_\_

Date Form completed: \_\_\_\_\_ Time: \_\_\_\_\_

Signed: \_\_\_\_\_

*The original form must be provided to the Child Protection Officer or Ministry Leader (as the case may be), who then forwards it to the Principal or EDMM (as appropriate). Upon finalisation of the matter, the form, along with all documents pertaining to the allegations, is filed at the office of EDMM and retained indefinitely for auditing and review by a delegate of the Province. If the accused person is a Brother, a copy of this report must also be submitted to the PPSO.*

