

The Congregation of the Passion of Jesus
Christ (Passionists), Holy Spirit Province

Safeguarding Children and Adults at Risk



Policy Document
August 2020

Table of Contents

Foreword.....	7
1. Introduction.....	8
Guiding Principles	8
Structure of this document	9
2. NCSS Standard 1: Committed Leadership, Governance and Culture.....	10
Safeguarding Commitment Statement	10
Safeguarding Policy	10
Leadership and Safeguarding Culture	10
Code of Conduct.....	11
Risk Management Approach.....	11
Information Sharing and Record keeping	12
3. NCSS Standard 2: Children are Safe, Informed and Participate.....	13
The Right to Know	13
Safe Relationships	13
Families and carers participate in decisions affecting their child	14
Accessibility of information	14
Invitation to contribute to Safeguarding practices.....	14
Informed about Operations and Governance	14
Raising awareness of the dignity and rights of children.....	15
Actively anticipates diverse circumstances and backgrounds	15
Access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand	16
6. NCSS Standard 5: Robust Human Resource Management.....	17
Recruitment.....	17
Working with Children or equivalent Background checks.....	17
Induction into Safeguarding responsibilities and Reporting	18
Ongoing Supervision and People Management	18
Robust processes for screening candidates for the priesthood.....	18
Robust processes for ongoing support and supervision of clergy.....	19
Seminary and formation programs for clergy and religious.....	19
Credentialing and movement of seminarians, clergy and religious is appropriately managed. ..	19
Entities which receive overseas clergy for work in ministry.....	20

7. NCSS Standard 6: Effective Complaints Management	21
Effective Complaints Handling Policy	21
The Policy is understood by children, families, carers and personnel.....	22
Complaints are taken seriously are responded to promptly	22
Legislative requirements for reporting complaints	23
Mechanisms in place to care for adult complainants	24
Supporting the person who is the subject of a complaint.....	24
8. NCSS Standard 7: Ongoing Education and Training.....	26
Delivery mechanisms and approach.....	26
Trained and supported to implement Safeguarding Policies and Procedures	26
Trained to recognise harmful behaviours and signs of abuse	26
Trained to respond effectively to safeguarding risks, disclosures and allegations	27
Trained to build culturally safe environments for children and adults at risk.....	27
9. NCSS Standard 8: Safe physical and online environments	28
Identifying and mitigating risks in physical and online environments.....	28
Development of Safeguarding Risk Management Plans	30
Procurement policies that safeguard children	30
10. NCSS Standard 9: Continuous Improvement	31
Regular reviews and improvements to safeguarding practices	31
Reporting on the findings of relevant reviews to all stakeholders	31
11. NCSS Standard 10: Policies and procedures support child safety.....	32
Policies and procedures address the NCSS.....	32
Accessibility	32
Appendix.....	33
A. Meeting NCSS requirements for a Policy document.....	33
B. Holy Spirit Province Code of Conduct	35
B1. Unacceptable Behaviours and requirements for communications technology.....	35
C. Accountabilities and Responsibilities of personnel who enact this Policy	37
E. Professional Development	48
F. Indicators of abuse	51
H. National Redress Scheme	54

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Definitions and Abbreviations

Definitions

Abuse of a child or vulnerable adult: Can include physical violence, sexual offences (including grooming), serious emotional or psychological harm and serious neglect. It does not have to involve physical contact or force.

- **Emotional/Psychological** When a child's or vulnerable adult's social, emotional or intellectual development is damaged or threatened. It can include constant rejection, teasing, bullying, yelling, criticism or exposure to domestic violence.
- **Sexual** This is sexual assault, harassment or any other conduct of a sexual nature between an adult and a child or vulnerable adult. It can be physical, verbal or emotional and can include talking in a sexually explicit way that is not suitable for a child's age, sending obscene mobile messages or email, persistently intruding on a child's privacy, showing pornographic material to a child or forcing them to watch a sexual act.

Child: a person who is under the age of 18 years. Throughout this document any reference to either 'child' or 'children' is a reference to a person or persons under the age of 18.

Grooming: Is when an adult communicates with a child or vulnerable adult with the intention of facilitating an emotional connection in order to gain trust for the purposes of sexual abuse or exploitation. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. Signs may be: paying special attention to a child or vulnerable adult and may be directed to those close to them including family members or carers.

Parent/guardian: Is a person who has the authority and responsibility for the day-to-day care of a child or vulnerable adult.

Vulnerable adult: an adult of 18 years of age or older who, by reason of life circumstances e.g. disability, age or illness (including mental illness), cultural background, homelessness, bereavement or trauma, displacement or domestic violence, may be unable to take care of themselves, or may be unable to protect themselves against harm or exploitation.

Abbreviations

ACBC	Australian Catholic Bishops Conference
CRA	Catholic Religious Australia
CPSL (Australia)	Catholic Professional Standards Limited
Integrity in Ministry	<u>Australian document of Principles and Standards for Catholic Clergy and Religious</u>
Integrity in the Service of the Church	<u>Australian document of Principles and for Lay Workers</u>
NCSS	<u>National (Australia) Catholic Safeguarding Standards, Ed 1, 2019</u>
NSG	<u>National (New Zealand) Safeguarding Guidelines, 2017</u>
Passionist Family	<p>Professed members, candidates in all stages of formation, Passionist Companions, members of Passionist Family Groups, parishioners and members of worshipping communities based around Passionist communities, employees and volunteers.</p> <p>Active members include the professed, candidates in formation, employees, volunteers and those with specific ministerial or administrative duties within the Province.</p>
SAPS	Safeguarding and Professional Standards (Committee)
Towards Healing	<u>Principles and Procedures in responding to complaints of abuse against personnel of the Catholic Church in Australia</u>
WWCC	Working with Children Check

Foreword

Passionist Safeguarding Commitment Statement

Our Passionist Congregation was founded to proclaim the message of God's extraordinary love for every person. In particular we are committed to bringing this message of love, seen in the Passion of Jesus, to the crucified of the world today. We are called by our vocation to stand by those who are most vulnerable and in need. Every person has the right to trust that their person, their dignity and their vulnerability will be treated as sacred by our Congregation in all **our** communities and ministries, and by all **our** members, associates, staff and volunteers. This is most especially true of children and adults at risk, and their families whom the Church and our own Congregation have tragically failed.

With this Safeguarding Policy of the Congregation, we in the Passionist family, commit ourselves wholeheartedly to the safeguarding and protection of children and adults at risk. We commit ourselves to bringing them the same loving kindness that brought Jesus to his cross.

We acknowledge, with shame and sorrow, the criminal behaviour, neglect and abuse of children and adults at risk, perpetrated by priests and religious. We acknowledge the culture and clericalism that allowed and fostered this criminal behaviour. We acknowledge with real shame the behaviour of Bishops and Congregational Leaders that kept these crimes hidden and allowed them to continue

I apologise wholeheartedly to those who have been abused by the criminal behaviour by members of our Holy Spirit Province. I add my own heartfelt apology to those offered by other Church leaders, as well as to those given by previous Provincials or myself.

With this Safeguarding Policy, and the Code of Conduct, we commit our Province to do everything possible to prevent the abuse of children and other vulnerable people and to ensure that there will never be any covering-up of such crimes or actions.

Fr Tom McDonough CP

Provincial for the Congregation of the Passion of Jesus Christ (Passionists)
Holy Spirit Province,

5th August, 2020

1. Introduction

- 1.1 The Passionist Fathers' Holy Spirit Province (the Province) has a presence in four countries: Australia, New Zealand, Papua New Guinea and Vietnam.
- 1.2 This Safeguarding Policy is directed towards the protection of children and adults at risk. It applies to all ministries and activities throughout the Province and sets out the behavioural standards and safeguarding requirements that apply to all members of the Passionist Family. In particular to all professed and students as well as all Passionist personnel (employees and volunteers).
- 1.3 The Province has a deep commitment to protect all individuals from abuse, exploitation, neglect, discrimination or other harm. There is a zero tolerance of abuse.

Guiding Principles

- 1.4 This Safeguarding Policy is underpinned by the commitment to the Australian National Catholic Safeguarding Standards (NCSS). In doing so, the Province has committed to ensure all elements and activities throughout our ministries are compliant and consistent with each of the ten NCSS Standards.
- 1.5 In addition to the commitment to the NCSS, in Australia, the Province adheres to Integrity in Ministry¹, Integrity to the Service of the Church² and Towards Healing³.
- 1.6 This Safeguarding Policy is inclusive of the Province's obligations and commitments to the people of New Zealand, Papua New Guinea and Vietnam. While the legal and administrative systems may be different in each country, the Policy is inclusive of the communities in those countries. It is understood that activities considered an offence in Australia are not necessarily considered so in other countries. However, we are committed to applying the highest standards of safeguarding throughout the Province.
- 1.7 This Policy is underpinned by a commitment to being practical in instruction and apostolic in preaching as directed by St Paul of the Cross, the Founder of the Passionists.

¹ Refer to Abbreviations and References on page 6

² Refer to Abbreviations and References on page 6

³ Refer to Abbreviations and References on page 6

- 1.8 This Policy has been approved by the Safeguarding and Professional Standards (SAPS) Committee of the Passionist Fathers' Holy Spirit Province which is a corporate civil entity associated with the Province. The Policy will be reviewed once every three years, or as required by legislative changes.
- 1.9 The Professional Standards representative of the Passionist Fathers' Holy Spirit Province can be contacted on (+61) 2 8577 5600 or email: province.centre@passionists.com.

Structure of this document

- 1.10 This Safeguarding Policy is presented in ten sections representing each of the ten NCSS standards that this policy seeks to address. The scope of this policy is the safeguarding of both children and adults at risk although the current NCSS is focussed on children only and is expected to be revised to include adults at risk in late 2020.
- 1.11 Catholic Professional Standards Limited (CPSL)⁴ has defined what a 'Safeguarding Policy' needs to include. Refer to Appendix A for how this Policy document meets this requirement.

⁴ CPSL was formed by the Australian Catholic Bishops Conference (ACBC) and Catholic Religious Australia (CRA) as a response to the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse (Five year inquiry from 2012 to 2017). CPSL developed the NCSS and will conduct compliance with the NCSS.

2. NCSS Standard 1: Committed Leadership, Governance and Culture

Safeguarding Commitment Statement

- 2.1 For more than 130 years, the Passionists have sought to care for people in Holy Spirit Province. This Safeguarding commitment is supported at all levels of the Passionist Family and is embedded in the leadership, governance and culture.
- 2.2 The Province has a publicly available Safeguarding Commitment Statement which is in the Foreword of this Policy document as well as on the Province website (www.passionists.com).

Safeguarding Policy

- 2.3 This document represents the Passionist Safeguarding Policy.

Leadership and Safeguarding Culture

- 2.4 For the Passionists who are striving to be child safe, it is important that the governance arrangements support the implementation of this Policy.
- 2.5 The Province Leaders take responsibility for the overall creation, demonstration, championing and maintenance of safeguarding culture and activity. It is expected that each member of the Province will take up their responsibility without exception. This requires that they actively demonstrate their personal commitment to safeguarding.
- 2.6 The Province has a properly convened Safeguarding and Professional Standards (SAPS) Committee which includes lay people and is governed by its Terms of Reference. It will be the SAPS' responsibility to ensure that this Policy is complied with.
- 2.7 The Province Professional Standards Officer will be a member of the SAPS Committee.
- 2.8 For countries outside of Australia, international declarations and local legislation apply.
- 2.9 Safeguarding is to be a standing agenda item in meetings at all levels of the Province.
- 2.10 Accountabilities and responsibilities for the implementation of this Policy is described in **Appendix C**.

Code of Conduct

- 2.11 The Code of Conduct is to be found on the Province website (www.passionists.com) and in **Appendix B** of this document.
- 2.12 In order to maintain the highest standards of ethical and professional behaviour in their dealings with others, all members of the Passionist Family with active roles are required to declare their understanding of, and commitment to the Province's Code of Conduct. A signed declaration will be held in each person's personnel file or equivalent.
- 2.13 There are clear consequences if this Code of Conduct is breached, including responding to breaches through remedial education, counselling, suspension or termination.
- 2.14 The Code of Conduct is regularly revised and updated.

Risk Management Approach

- 2.15 The approach to the management of safeguarding risks is documented in a **separate** document, the 'Risk Management Approach'. This describes three components:
 - Risk Management Strategy,
 - Safeguarding Risk Management Plans, and
 - Safeguarding Risk Register.
- 2.16 The Risk Management Approach outlines a robust and consistent methodology to identify, assess, mitigate or remove actual or potential risks to the safety of children and adults at risk.
- 2.17 The Risk Management Approach covers all activities, ministries, projects and locations which involve contact with children and adults at risk. A risk assessment is proposed for each activity. Ongoing Professional Development of personnel will cover these topics. See **Appendix E. Professional Development**.
- 2.18 The Risk Management Approach will be discussed further with respect to NCSS Standard 8 which covers risks to the physical and online environment.
- 2.19 In line with NCSS Section 1.5 Implementation Guide, the Passionists will incorporate all child safety risks into a separate **Safeguarding Risk Register** which will enable effective oversight of risks being managed across the Province.

This Safeguarding Risk Register will be monitored and updated regularly to reflect the Province's responses to risks. It is only available for scrutiny for audit purposes and is not for the general public.

- 2.20 The Risk Management Approach can be obtained from the Professional Standards representative whose contact details can be found in paragraph 1.9.

Information Sharing and Record keeping

- 2.21 The Province acknowledges that the keeping of detailed and accurate records and the exercise of good recordkeeping practices are important elements of good governance. All personnel must ensure that they are familiar with these recordkeeping practices and understand the obligations in relation to the creation and storage of written records, and rights of access to those records. These records need to be stored securely (in a locked filing cabinet) in order to prevent any unauthorised access.
- 2.22 All professed and students as well as employees and volunteers must be aware of their ethical and legal duty to respect the privacy of personal information, and must comply with the requirements of privacy legislation and the Province Privacy Policy (which is consistent with the provisions of the Australian Privacy Principles and the New Zealand Privacy Principles).
- 2.23 All personnel files must be retained permanently.
- 2.24 Full and accurate records will be kept for all incidents, responses and decisions affecting safety (including sexual abuse) and wellbeing of children and adults at risk.
- 2.25 The Provincial or his delegate will maintain a register of Working with Children clearances (or equivalent) for all active members and must monitor the register to ensure clearances are renewed prior to expiration.

3. NCSS Standard 2: Children are Safe, Informed and Participate

- 3.1 The purpose of this Standard is to demonstrate how the Province is committed to the rights of children and other vulnerable people to participate in decisions that affect them. Note that the current version of the NCSS Standard 2 specifically focuses on children. However this Policy has been broadened to include adults at risk.

The Right to Know

- 3.2 At the outset of interaction with a child or other vulnerable adult, their rights will be clearly and appropriately explained. Where practical, their parent or caregiver will be involved in that conversation.
- 3.3 The Province is committed to ensuring that communication with children and adults at risk is conducted in an appropriate language, and that opportunities are provided for children and adults at risk to ask questions, express their concerns, participate in decision-making and have their wishes incorporated in decisions wherever possible and practical.
- 3.4 Where certain circumstances might make a child or vulnerable adult feel unsafe, the person will not be forced to participate. Children and adults at risk are to be asked how and why they feel unsafe and will be supported to mitigate the effect of the circumstance. Where appropriate and necessary, the child or vulnerable adult will be informed that another person will need to be informed.

Safe Relationships

- 3.5 In any activity provided by the Province, children and adults at risk will be given appropriate information about what constitutes safe and respectful peer relationships. The information must cover:
- It's OK to tell an adult when something happens that they don't like
 - Where their bodily 'private places' are (generally considered to be buttocks, breasts and genitals, but may be other parts of the body)
 - It's OK to tell an adult if they are touched in a 'private place'
 - It's OK to tell an adult if someone else asks or forces them to come into contact (physical or visual) with another person's 'private parts'.
- 3.6 The Province is committed to safety in the physical and online environment. This is described in more detail in section 9, NCSS Standard 8.

4. NCSS Standard 3: Partnering with Families, Carers and Communities

- 4.1 The purpose of this Standard is to outline the range of ways in which the Province involves families and communities in its approach to safeguarding children and adults at risk. This will assist in informing them and encouraging feedback from them regarding safeguarding and how they can raise issues and concerns.

Families and carers participate in decisions affecting their child

- 4.2 The Passionists support families and carers to take an active role in monitoring children's and vulnerable person's safety across all activities and services. The Passionists encourage people to voice their concerns and ideas for improvements to safeguarding.
- 4.3 The Passionists will ensure families and carers are fully informed of the details of services and activities and any risk mitigation that has put in place, so as to assist them with informed consent. For example: provide details of youth camp activities, including travel and supervision.

Accessibility of information

- 4.4 This Safeguarding Policy including its Safeguarding Commitment Statement, Code of Conduct and the Risk Management Approach are accessible via the Passionists' website (www.passionists.com).
- 4.5 The Passionists will ensure that communicating messages regarding safeguarding are current, clear, using plain language, timely and delivered in multiple formats, taking into account cultural relevance and different levels of English language skills (translated into relevant languages).
- 4.6 The Passionists will use posters with contact details of the local safeguarding co-ordinator displayed in Churches and community noticeboards to ensure families, carers and communities know how, when and to whom concerns and complaints should be made.

Invitation to contribute to Safeguarding practices

- 4.7 The Passionists will invite input from families, carers and communities into the Province's practices for safeguarding.

Informed about Operations and Governance

- 4.8 Families, carers and communities are informed of the safeguarding structure and relevant key roles and responsibilities within the Province.

Raising awareness of the dignity and rights of children

- 4.9 In Australia, the Passionists will promote and/or engage in National Child Protection Week activities. This could include having liturgies and/or masses focusing on Child Protection which may include active involvement of children; targeted prayers, hymns and homilies.

5. NCSS Standard 4: Equity is promoted and diversity is respected

- 5.1 The purpose of this Standard is to demonstrate and support the commitment the Passionists make to respecting diversity. This should be taken to mean 'having the same aims for the safety of children and vulnerable persons but finding different ways to achieve this that are more appropriate to the child's or vulnerable person's different circumstances.
- 5.2 Passionist facilities throughout the Province are to remain, at all times, safe places for every person – young and old; able-bodied or impaired in any way.

Actively anticipates diverse circumstances and backgrounds

- 5.3 Australia is a culturally diverse country made up of many nationalities, cultural backgrounds and language groups. Similarly, the Province's countries of Papua New Guinea and Vietnam offer a diverse range of culture in which the Province seeks to respect. Upon appointment to these countries, Province members are required to participate in cultural awareness guidance. With respect to New Zealand, Maori customs and interaction with Maori culture is encouraged.
- 5.4 Creating a culturally safe organisation for Aboriginal and Torres Strait Islander children requires a willingness to learn, understand and respond to the diversity of Aboriginal cultures. In a culturally safe environment, Aboriginal and Torres Strait Islander children should define what is comfortable and safe.
- 5.5 It is important to invite local representatives, including children and vulnerable people to provide input into the development and implementation of safeguarding elements that might affect them.

- 5.6 The Province recognises that children with disability and adults at risk with disability are more at risk to harm and abuse such as harassment, bullying, humiliation, physical and sexual abuse. Ensuring safety for them can be achieved by ensuring the physical environment reflects a positive and welcoming approach to children and adults at risk from diverse circumstances, cultures and backgrounds. This may be through displaying posters, symbols, decorations or artwork that nurture a sense of identity.

[Access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand](#)

- 5.7 The Province is committed to educating personnel to understand barriers that prevent children from disclosing abuse or adults from recognising children's disclosures, with particular attention to children's cultural contexts, languages, cognitive capabilities and communication needs.
- 5.8 Where the community in which a ministry is established collectively speaks a language other than English, information is to be made available in the appropriate language. In the case of illiteracy or, significant hearing impairment, an appropriate interpreter should be engaged.
- 5.9 The Passionist's online presence will clearly demonstrate the commitment of the Province to safeguarding in the diverse communities it serves, and in doing so open gates through which cultural ways and needs can be understood and engaged with.
- 5.10 Passionist members are committed to the truth and to ensuring children are never left in any doubt about their entitlement to speak freely without fear of repercussion on themselves or any person they love.

6. NCSS Standard 5: Robust Human Resource Management

- 6.1 The purpose of this Standard is to ensure that human resource practices help screen out people who are unsuitable for working with children and adults at risk.

Recruitment

- 6.2 In order to protect children and adults at risk, the Province has rigorous procedures for the selection and screening of anyone who wishes to join the professed or who seeks to work as an employee or volunteer.
- 6.3 All job advertisements for positions within the carriage of the Provincial administration will include a reference to the Province's commitment to providing an environment which is welcoming, nurturing, respectful and safe for all, and the Professional Standards Code of Conduct and Safeguarding Policy. They will also include selection criteria that specifically relate to safeguarding.
- 6.4 All applicants whether employed or voluntary whose role is likely to involve contact with children or vulnerable people will first be required to provide the following information outlined in 6.6 and 6.7 below.
- 6.5 Despite the primary aim of selection interviews establishing a candidate's technical suitability for a position, each interview should also be designed to elicit the candidate's:
- understanding of child protection obligations
 - understanding of and commitment to professional boundaries and accountability
 - motivation to secure the position
 - reason for leaving their previous role
 - motivation, skills and competence to work with children or adults at risk
 - motivation to volunteer with the Passionists.

Working with Children or equivalent Background checks

- 6.6 An advertisement must state that applicants are required to hold a valid Working with Children Check (or its equivalent in each relevant jurisdiction) or show evidence of their application. The formal clearance must be obtained prior to any offer of, or actual engagement with the Province. The advertisement should also state that appointment is always subject to the maintenance of a satisfactory criminal history clearance.

- 6.7 Any applicant whose role is likely to bring them into unsupervised contact with children or adults at risk will be required to have a Police Check and a Working with Children Check, or local equivalent.

Induction into Safeguarding responsibilities and Reporting

- 6.8 Within their induction process, new appointees are required to formally commit to compliance with the following (refer to **Appendix E Professional Development**):

- This Policy document
- The Passionist Code of Conduct
- The provisions of 'Integrity in Ministry' (For clergy - distinct versions of this document apply in the Australian and New Zealand contexts respectively)
- The provisions of 'Integrity in the Service of the Church' (non-religious employees and volunteers)
- obligation to report known or suspected abuse or neglect to the statutory authority in the relevant country, state or territory. Knowledge or suspicion of abuse or neglect must also be formally reported to the Provincial
- obligation to maintain appropriate ongoing training.

Ongoing Supervision and People Management

- 6.9 The Province will ensure ongoing supervision which can take many forms:
- 'buddy' system involving mentoring from a more senior mentor;
 - Forum for interactive dialogue facilitated by a professional supervisor which enables opportunities to share experiences and accountabilities in professional standards.

Robust processes for screening candidates for the priesthood

- 6.10 Seminaries and formation programs will ensure that candidates undergo psychological, including psychosexual assessment, conducted by an appropriately registered professional practitioner, on a regular basis. These assessments, along with appropriate oversight, academic and other assessments, combine to assist in determining their suitability to be a person in religious ministry and to undertake work involving children.
- 6.11 Any new ordained candidate who wishes to join the Passionists, any ordained from outside the Province who is visiting or relocating to the Province, will first be required to provide the following information:
- Proof of personal identity and any academic, professional or other qualifications
 - A national Police Check in Australia

- Where applicable, a national Police Check from the country in which they are or have been domiciled, and from any country in which they have been domiciled for an accumulated period of 12 months or more in the previous 10 years
- A Working with Children Check (WWCC), Working with Vulnerable People Check (WWVP) or local equivalent⁵
- References that address the person's suitability to working with adults at risk and children

Robust processes for ongoing support and supervision of clergy

- 6.12 All clergy and religious in active ministry will be offered, and provided with access to regular and ongoing professional development, especially in relation to safeguarding.
- 6.13 All professed are required to participate in professional or pastoral supervision (which is distinct from spiritual direction) at least four times per year, accumulating no less than six hours of supervision.
- 6.14 Those commencing their religious life journey are expected to participate in a mentorship relationship for at least five years post-final profession.
- 6.15 All professed are to participate in a regular, structured performance review.

Seminary and formation programs for clergy and religious

- 6.16 All seminary and formation programs will have a curriculum on child safeguarding and related matters, including training that educates candidates on a number of areas. See **Appendix E Professional Development**.

Credentialing and movement of seminarians, clergy and religious is appropriately managed.

- 6.17 The Province will ensure that it implements a system that undertakes the following activities: verifies that an individual coming to exercise ministry in a new jurisdiction is currently in 'good standing'. Both the individual and the Provincial must confirm the 'good standing' of the individual by way of a 'Declaration of Good Standing' (made by the individual) and a formal reference drafted by the Provincial, or by his delegated Leader. The reference must be accompanied by a document to the Leader in the new location verifying the individual is coming to take up ministry.

⁵ If a police background check or a Working with Children Check is not available or attainable from the country of residence, other options such as a statutory declaration will be considered.

The document should offer a detailed description of the individual's approved work or ministry.

- 6.18 The Provincial holds and regularly maintains a record of the credentialled movements of every Member. This includes records of visiting ministers in new jurisdictions; records of the movement of seminarians and candidates for formation across different seminaries or formation programs. Changes in status are recorded immediately.

Entities which receive overseas clergy for work in ministry

- 6.19 Professed Passionists and students from overseas may have a different cultural understanding of the rights of children and the problem of child sexual abuse from that prevalent in Australia today. They may also have different consciousness or expectations in respect to professional boundaries. Additionally, they may not have had training in their initial formation and ministry in relation to child protection and the prevention of child sexual abuse in the Australian context.
- 6.20 It will be necessary for these individuals to undertake immediate induction training as described in **Appendix E Professional Development**. This will need to be recorded and retained for auditing purposes.

7. NCSS Standard 6: Effective Complaints Management

- 7.1 The following constitutes the Passionists' Complaints Handling Policy which articulates the moral and ethical responsibilities of all personnel to report abuse of children and adults at risk and managed appropriately in accordance with the law.
- 7.2 The Passionists are committed to ensure that processes for raising concerns and complaints are responsive, understood, accessible and used by all members of the Passionist family, children, families, carers and communities.

Effective Complaints Handling Policy

- 7.3 Members of the Province, regardless of their position are required to understand fully what is expected of them should they become aware of abuse of a child or vulnerable adult. This is described in **Appendix G Responding to abuse which includes concerns, suspicions, allegations and disclosures**.
- 7.4 Any Passionist personnel who become aware of any behaviour which is in breach of the Passionist's Code of Conduct (**Appendix B**) is to report the matter to the Professional Standards Officer. This includes any suspicion of a breach. There will be cases where the evidence of inappropriate behaviour is weak. However, it should still be reported whether it is based on first-hand observation or second-hand accounts received from another person, regardless of whether the allegations are disputed by the person in question.
- 7.5 Where the sexual abuse of a child or vulnerable adult is concerned, the duty to report also applies to concerning or ambiguous behaviours that may not of themselves constitute abuse but could be a sign that the person has been abused or is at risk of being abused. Refer to **Appendix F Indicators of abuse**.
- 7.6 The Professional Standards Office will maintain a Complaints Register. When the report is made verbally, the person making the report will be requested to provide a written report or statement setting out details of the matter and can be assisted by the Professional Standards Officer.
- 7.7 If the sexual abuse has occurred historically by a member of the Passionists, then the complainant will be supported in the process. See 7.22 Mechanisms in place to support adult complainants who have suffered abuse as children.

The Policy is understood by children, families, carers and personnel

- 7.8 The Passionist recognise that children, especially younger children, may not complain by following a formal complaint process. Children may instead make a verbal or non-verbal disclosure of abuse.
- 7.9 The Passionist professed and students as well as all other Passionist personnel will foster an open and trusting environment in which everyone, including children feel comfortable to report inappropriate behaviour or to voice any concerns they may have.
- 7.10 The Passionist professed and students as well as other Passionist personnel should be aware that a person seeking to raise a concern about inappropriate behaviour may do in a way that is subtle or indirect and not framed in terms of a complaint.
- 7.11 All professed Passionists, students and personnel receiving a disclosure of this kind must be sensitive to what the person is trying to communicate and should respond in a way that makes the person feel comfortable to voice his or her concerns. This is especially important when it is a child making the disclosure. If in doubt, advice should be sought from the Professional Standards Officer or the Provincial.

Complaints are taken seriously are responded to promptly

- 7.12 The immediate response to a complaint should be one that ensures the safety of the child or other children or vulnerable person. Complaints or allegations of abuse regardless of being contemporary or historic will be referred to the Professional Standards Officer in the first instance who will report the matter to the Provincial immediately. The total time from receiving the complaint to reporting to the Provincial will be within two working days. Refer to **Appendix G**.
- 7.13 Any allegation of criminal behaviour against children would be reported to the Police by the Provincial or the Professional Standards Officer. Other reports to statutory authorities will be made by the Provincial if these are required depending on the nature of the complaint and the relevant state or territory legislation.
- 7.14 Complainants will be responded to promptly and kept informed as to the progress of their complaint. No person who makes a report in good faith will be subjected to criticism, penalty or other adverse consequence for having made the report.

- 7.15 All complaints should be documented regardless of whether the complaint meets statutory reporting thresholds. Documenting includes notes regarding actions taken, including all internal investigations and reports made to statutory authorities or professional bodies.
- 7.16 Where a complaint of child sexual abuse against a professed or student is made, the person will be temporarily suspended from their normal duties. If the complaint is substantiated on the balance of probabilities, with due respect to the rights of individuals, the Province will remove that individual from ministry.
- 7.17 Where the professed is convicted of an offence relating to child sexual abuse, that individual will be permanently removed from ministry. The Province will take practicable steps to prohibit that individual from holding themselves out as being a person with religious authority and should present a case for dismissal from the clerical state and/or dispensation from vows.

Legislative requirements for reporting complaints

- 7.18 The Passionists are committed to co-operate with law enforcement in the various jurisdictions across the Province. Legislation regarding the reporting of complaints to the Police, statutory authorities and external agencies, varies across Australia as well as the other countries within the Province. A table outlining current civil reporting obligations in each jurisdiction in which members of the Passionist family live and work is in **Appendix D: Reporting Obligations by Relevant Jurisdiction**. It will be updated regularly to reflect any legislative changes.
- 7.19 In Australian States and Territories, there are laws known as Mandatory Reporting laws that require certain categories of people such as ministers of religion to report suspected cases of child abuse and neglect to the relevant authorities. Mandatory reporting obligations fall on individuals. See **Appendix D: Reporting Obligations by Relevant Jurisdiction**.
- 7.20 In addition, a number of Australian States and Territories have Reportable Conduct schemes which require the Passionists to report personnel who are the subject of allegations or convictions of sexual, physical or emotional abuse of children to external authorities such as the Ombudsman, Children's Guardian or Commission for Children and Young People.

- 7.21 In addition to reporting, there are legislative requirements for privacy and employment law. The Province recognises the privacy rights of every person. Legislated national privacy principles exist in Australia, New Zealand and Vietnam. Legislation specific to personal privacy is not enacted in Papua New Guinea in which case the Australian Privacy Principles will be adhered to.
- 7.22 In accord with instruction from the Vatican on July 16th, 2020, "Even in cases where there is no explicit legal obligation to do so, the ecclesiastical authorities should make a report to the competent civil authorities if this is considered necessary to protect the person involved or other minors from the danger of further criminal acts."
- 7.23 The manual also clarifies that "anonymous allegations should not be dismissed outright, and that even hearsay and social media posts can constitute the basis on which to launch a preliminary probe"

Mechanisms in place to care for adult complainants

- 7.24 The Passionists recognise that adult complainants who have suffered abuse as children deserve a compassionate response when they come forward with their complaint.
- 7.25 Concern and support for the person who is making a complaint about child sexual abuse is at the heart of the Province's response. Support is provided throughout all stages of the complaint process – from the time of disclosure or the initial complaint until after any investigation has been completed and the complaint finalised. Support may include the provision of advocacy or therapeutic treatment services and/or encouragement to seek redress through the National Redress Scheme in which the Passionists are as an entity participating in this scheme. Refer to **Appendix H. National Redress Scheme**.

Supporting the person who is the subject of a complaint

- 7.26 The person who is subject of a complaint will be accorded natural justice, in terms of both civil and canon law. He/she will:
- be informed, when appropriate, that an allegation against him/her has been referred to the statutory authorities
 - be informed, when appropriate, of the allegation itself
 - be advised of his/her right to civil and canonical legal support
 - be fully informed of the process and
 - be supported throughout.

- 7.27 In addition, the Province will support the wellbeing of the respondent, including, but not limited to:
- access to psychological support and counselling
 - an appropriate safe place for the accused to stay
 - arrangements for an accused professed to celebrate Mass, but not in public
 - arrangements for spiritual direction
 - restrictions on contact with parish
 - accessibility to visitors, and
 - consideration for other practical and financial needs.
- 7.28 Proper consideration will be given to the importance of confidentiality in the handling of the complaint, particularly prior to the conclusion of an investigation. If the respondent is stood down from the role or ministry they hold while the matter is pending, it is to be clearly understood that they are on leave and that no admissions or guilt are implied by this fact. Care will be taken at all times not to take away the good name of anyone involved in the process [Canon 220].

8. NCSS Standard 7: Ongoing Education and Training

8.1 The Passionists are committed to the practice that personnel are equipped with the knowledge, skills and awareness to keep children and adults at risk safe through ongoing education and training.

Delivery mechanisms and approach

8.2 Training will be provided in a number of ways: face to face via local Diocesan training as well as Province training, through supervised peer discussion and online training where appropriate. A big challenge for the Province is that nearly all the students have English as a second or third language and they come from diverse cultures. Translations will be required, and policies will be regularly amended. Facilitators will be engaged to provide sessions in local areas.

8.3 There is initial induction training for all personnel as soon as practicable followed by refresher training which is undertaken at least every three years. The completion of training and currency of training status is recorded and monitored to ensure all personnel meet training requirements. Refer to **Appendix E Professional Development**.

8.4 Where training requirements are not met or are out of date, processes are in place to ensure personnel do not work with children or vulnerable persons until refresher training is completed.

Trained and supported to implement Safeguarding Policies and Procedures

8.5 The Province will ensure that all Professed, students and all Passionist personnel, will receive formal induction training (refer to **Appendix E Professional Development**) in relation to:

- Professional Standards Safeguarding Policy (including Code of Conduct), and
- Their statutory reporting obligations.

8.6 Not everyone has the same training needs. Training will be commensurate to the role that is being performed and the level of responsibility of the individual.

Trained to recognise harmful behaviours and signs of abuse

8.7 As part of induction training mentioned in 8.3, there will also be training in relation to basic safeguarding awareness, including information about child development and developmental needs, how to recognise safeguarding risks, signs of harm and abuse in children and adults at risk, and Grooming and Grooming Behaviours.

Refer to **Appendix B1 Unacceptable Behaviours and requirements for communications technology** and **Appendix F Indicators of abuse**.

Trained to respond effectively to safeguarding risks, disclosures and allegations

8.8 Included in the curriculum for induction training mentioned in 8.3, will be how to respond to allegations, disclosures or concerns. Refer to **Appendix G Responding to abuse**.

Trained to build culturally safe environments for children and adults at risk

8.9 It is important that personnel are able to respond in culturally appropriate ways to children who disclose or show signs that they are experiencing harm or abuse. Training includes identifying culturally appropriate pathways to respond to concerns, disclosures or allegations. Training may be delivered jointly by bilingual and/or bicultural workers and interpreters as needed.

9. NCSS Standard 8: Safe physical and online environments

- 9.1 The Passionists will ensure that children and other vulnerable people remain safe in their physical and online environments.
- 9.2 There is a new provision in the Crimes Acts of Australian States and Territories known as the 'Failure to Protect'. The amendments mean that a person or entity has committed a crime if they do not reasonably discharge their responsibility to protect a child from harm.

Identifying and mitigating risks in physical and online environments

- 9.3 In identifying and mitigating risks, the Passionists will not compromise the child's or vulnerable person's right to privacy, access to information, social connections and learning opportunities. To best identify and respond to risk, it is important that all personnel have an understanding of child development and the nature of child abuse and grooming behaviours. In this way, positive and proactive steps can be taken to keep children safe.
- 9.4 The Passionists will design and adapt its **physical environment** to minimise opportunities for abuse to occur. These include the following:
- All Professed, students and Passionist personnel will ensure that their interactions with children and adults at risk takes place in a safe and open physical environment. They should avoid physical settings that risk compromising themselves or others. Personnel should avoid being deliberately alone with a child.
 - While private conversations may sometimes be appropriate, including in the context of providing ministry (and the sacrament of reconciliation), wherever possible it is always good practice that such conversations take place within the line of sight of other people, or in a room with glass walls or doors, or with the door open.
 - Care should be taken to ensure that an appropriate physical distance is maintained during interactions with any other person so that the person feels comfortable at all times.
- 9.5 Personnel need to develop skills in identifying and mitigating risks to children from all types of abuse including online abuse and harmful behaviours by a child towards another child. They need to understand where, when, how and by whom child abuse can occur (Refer also to 8.7).

- 9.6 The Passionists recognise that the **online environment** (technology) provides valuable tools in education, communication and help-seeking. However, technology can be misused and present risks to the safety of children and vulnerable persons. Risks should be minimised through all necessary means, including educating children, parents and personnel about expectations of online behaviour; applying safety filters; and having communication protocols.
- 9.7 The Code of Conduct includes requirements in relation to personnel interacting appropriately with others via technology (refer to **Appendix B1**). These include:
- All email communication relating to the work or ministry of Professed, students and Passionist personnel should only be sent via the Province's email system or official email system of the agency to which they are directly accountable (e.g. diocese). Personal email accounts should not be used for these purposes.
 - Usage of communications technology should always be professional, respectful and appropriate (online yelling or screaming at another person is inappropriate, as is viewing online pornography, sending sexually explicit, pornographic or offensive emails or text messages, or posting personal photographs of a sexual or suggestive nature);
 - Email communications relating to the work or ministry of Professed, students and Passionist personnel and children or adults at risk should be professional and appropriate, and should not take place without the knowledge of parents or guardians;
 - In general, casual or friendship-based telephone, text, email or social media communications between adults and children are to be discouraged, and should not take place without the knowledge of parents or guardians;
 - As a matter of principle, photos of others, whether children or adults, should not be posted on any website or social media site without the consent of the person concerned;
 - In general, it is not appropriate to post any photo of a child without obtaining the prior consent of their parent or guardian.

Development of Safeguarding Risk Management Plans

- 9.8 The Province is in the best position to know where the vulnerabilities and risks are located within its own settings, activities and physical environments. Safeguarding risk management plans will be developed for the physical environment as well as activities conducted by Passionist personnel. Other factors to be considered are how persons of risk are managed. Refer to the separate document, Risk Management Approach. Professional development will be provided to Passionist personnel to produce these risk management plans. See **Appendix E Professional Development**.

Procurement policies that safeguard children

- 9.9 Third parties may be engaged to provide services or they could use the facilities owned by the Province. The Province will ensure that contract facilities and services to and from third parties have procurement policies that ensure safeguarding of children. Due diligence would take the form of:
- a written agreement articulating the Passionists' expectations on safeguarding and their zero-tolerance approach to child abuse;
 - Risk management plan signed off by the Province and the third party to ensure management of all risks.

10. NCSS Standard 9: Continuous Improvement

10.1 Regular reviews and audits will be conducted of the Provinces' Safeguarding Policy, procedures and practices to demonstrate commitment to fostering a culture of continuous improvement in safeguarding the children and adults at risk in its care.

Regular reviews and improvements to safeguarding practices

10.2 The SAPS Committee will co-ordinate and have oversight of annual self-audits to ensure compliance with the NCSS. Once gaps in safeguarding practice or non-compliance has been identified, a Safeguarding Implementation Plan will be developed.

10.3 Reviews that are conducted are to include feedback from all stakeholders including professed, students, employees, volunteers, children, parents, carers and community members. This would include formal reviews as well as having mechanisms in place for ongoing and regular feedback (such as a suggestion box to gather ongoing feedback).

10.5 The Province will undertake external audits conducted by CPSL.

Reporting on the findings of relevant reviews to all stakeholders

10.6 The Province will communicate to all stakeholders (Professed, students, employees, volunteers, families, carers and community), the results of the audit report published by CPSL. Communication to stakeholders will include a Safeguarding Implementation Plan which articulates any actions to be taken as a result of recommendations arising out of any review or audit.

11. NCSS Standard 10: Policies and procedures support child safety

11.1 Merely having policies and procedures in place does not guarantee child safety. The total commitment of the Province's leadership and all personnel to implementing policies and procedures is essential in preventing child abuse, and responding to and reporting concerns regarding the safety of children. In short, one aim of having policies and procedures in place is to build commitment, not mere compliance. Building commitment requires broad consultation with all stakeholders, including professed, students, employees, volunteers, children, parents, carers and the wider community.

Policies and procedures address the NCSS

11.2 The Passionist Safeguarding Policy and procedures incorporate the intent of the NCSS to ensure that the best interests of the child and vulnerable adult are paramount.

Accessibility

11.3 Policies and procedures are accessible on the Passionists' website and can be downloaded. They are written in an easy to understand format and ideally available in multiple modes for individuals with different levels of English literacy and proficiency. They are also reinforced by education and training to all members of the Passionists family.

Appendix

A. Meeting NCSS requirements for a Policy document

The table below demonstrates how this Policy meets the NCSS Implementation Guide (1.1, 10.3)

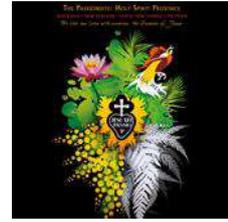
NCSS Requirement for a Child Safeguarding Policy [1.1]	NCSS Requirement for a best practice Policy [10.3]	Passionist's Safeguarding Policy (Response to requirements)
Specific to context; Living document that ensures practice is consistent with policy	Has specific administrative details (refer to 10.3)	The Policy is specific to the structure of the Passionist Family and is updated every three years or when legislation changes.
Has a requirement that all personnel must comply.	Clearly states a zero tolerance of child abuse	Stated in Section 1 Introduction.
Defines child abuse	Defines terms used in the policy and different types of abuse	Stated in Definitions at the beginning
Cites relevant legislation and ensures legislative requirements	Includes relevant legislation and regulations	Stated in Policy document as well as Appendix D.
Has documented accountabilities and responsibilities of personnel enacting the policy.		Stated in Policy and in Appendix C.
Confirms that the policy applies to all the different aspects of Church work	Specifies to whom the policy applies	The Policy articulates how it is applied to Ministry in its many forms.
Has reporting requirements – including that all current child protection concerns must be reported to civil authorities without delay and in accordance with relevant state or territory legislation	Specifies legal reporting obligations; Includes a diagram showing reporting lines; identifies when reports are to be made and the relevant authority to whom they should be directed	Found in Policy document and Appendix D although a diagram showing reporting lines is not provided

Clearly articulates consequences for breaches of the policy		Stated in Policy document – see Chp 7 NCSS Standard 6: Effective Complaints Handling Policy
Regularly reviewed		The Policy is updated every three years and when legislation changes.
Approved and signed off by the relevant leadership body of the entity		The Policy is signed off by the SAPS committee.
	User friendly and written in clear and simple language that is meaningful to all personnel.	The Policy complies with this requirement.
	Publicly accessible in a variety of formats	Found on the Province website and accessible to all personnel.
	Lists indicators of abuse and how to respond; describes what action to take if a child is at imminent risk of harm	Refer to Appendix F and G
	References the Code of Conduct	Referenced in Chp 7 and provided in Appendix B Code of Conduct
	Sets out education and training requirements	Refer to Chp 8: NCSS Standard 7 and Appendix E Professional Development

B. Holy Spirit Province Code of Conduct

Holy Spirit Province Code of Conduct

Our Province is committed to ensuring that the working environment in all Province communities and workplaces is free from discrimination, victimisation (punishing or threatening a person), racial or religious vilification (criticism or insults), or sexual or other forms of harassment (intimidation). Such conduct is unacceptable under any circumstances and disciplinary action will be taken against any member, employee or volunteer who breaches our policy in this regard.



We commit to

- living and working according to the highest standards of personal and professional behaviour
- ensuring our behaviour always matches the beliefs, values and best practice of our Province policy
- respecting diversity and being sensitive to the cultural philosophy and spirituality of others
- treating community members, staff, co-workers and volunteers with dignity, courtesy, and respect
- opposing any act which is reasonably likely to offend, insult, humiliate, embarrass harass, intimidate, victimise or undermine any person
- paying close attention to those matters which put at risk the health and safety of any person who lives, works or visits our community
- act to ensure the safety and well-being of children and adults at risk, protecting them from the risk of harm or abuse
- maintaining appropriate boundaries (physical, sexual, emotional and psychological) that are respectful of the needs, interests and autonomy of the child or vulnerable adult
- not engaging in activities with a child or vulnerable adult without the knowledge and consent of those responsible for the care of the child or vulnerable adult (e.g. parent, guardian, carers)
- avoiding all unacceptable behaviours including Grooming
- adhering to requirements in relation to interacting appropriately with others via the online environment or communications technology
- avoiding any unwanted, unwelcomed, or uninvited behaviour of a sexual nature
- encouraging those who have a genuine complaint to report it
- acting ethically and responsibly in any matter involving the finances or resources of the Province
- seek to protect the environment from harm
- accepting responsibility for undertaking life-long learning (attending Professional Development).

Revised, 11th August, 2020

B1. Unacceptable Behaviours and requirements for communications technology

The following behaviours are unacceptable in any circumstances in interactions between professed, students or Passionist personnel and a child or vulnerable adult:

- being deliberately alone with a child
- inappropriate touching
- the use of force
- the use of physical restraint (except where the child or vulnerable adult is causing or at risk of causing injury to themselves or others)
- behaviour that a reasonable person would be likely to perceive as bullying, intimidating, demeaning, belittling or humiliating
- lewd or suggestive comments or jokes, or other communication of a sexual nature, including suggestive remarks or innuendo
- any form of sexual exhibitionism, including undressing in the presence of a child or vulnerable adult
- watching a child or vulnerable adult undress, except where this is necessary for appropriate supervision or cannot otherwise be avoided
- conversation or other communication that explores one's own intimate personal feelings with a child or vulnerable adult
- exposing the child to pornography or material with sexual, violent or other adult themes
- providing alcohol, tobacco or illicit substances to a child
- sleeping in the same bed, sleeping bag, bedroom or tent with a child
- having a child spend the night without written permission of a parent/guardian
- transportation of a child or vulnerable adult without written permission from a parent or guardian other than in an emergency or abnormal situation.
- Grooming behaviours (see definition) (applicable to children and adults at risk)
 - spending inappropriate "special" time
 - showing particular favours to one child or vulnerable adult but not to others
 - giving gifts, other than gifts of a token or minor nature
 - allowing a child or vulnerable adult to overstep rules that apply to others
 - extending the relationship outside professional contact
 - asking the child or vulnerable adult to keep any aspect of the relationship secret.

[Note that a person may display behaviours that are characteristic of grooming even though they are acting innocently. All such behaviours should be avoided regardless of intent.]

Requirements for use of communications technology

- Personal email accounts should not be used for work or ministry. Email communications should only be sent via the Province's email system or other official email system (Diocese).
- Usage of communications technology should always be professional, respectful and appropriate (online yelling or screaming at another person is inappropriate, as is viewing online pornography, sending sexually explicit, pornographic or offensive emails or text messages, or posting personal photographs of a sexual or suggestive nature).
- In general, casual or friendship-based telephone, text, email or social media communications between adults and children are to be discouraged, and should not take place without the knowledge of parents or guardians.
- It is not appropriate to post photos of others without the consent of the person concerned. If it is a photo of a child, prior consent of their parent or guardian is required.

C. Accountabilities and Responsibilities of personnel who enact this Policy Provincial and Provincial Council

The Provincial, being the most senior person in the Holy Spirit Province together with four other members make up the Provincial Council. All five officials are elected for a four-year term. The Council provide advice to the Provincial on governance. On many matters the Provincial is the sole decision maker. On other matters the Provincial must seek the consent or approval of the Council.

The Provincial Council is accountable for the implementation of this Policy.

- The Provincial is also responsible for reporting to Statutory Authorities on behalf of the Province
- The Council is also responsible for ensuring that all who minister and work within the Province do so within an organisational structure that provides them with the appropriate levels of support, accountability, training and professional development.

Safeguarding and Professional Standards (SAPS) Committee

The Safeguarding and Professional Standards (SAPS) Committee consists of four persons, chaired by the Professional Standards Officer. Neither the Officer nor the Committee have a decision-making role.

The SAPS Committee is responsible for:

- Ensuring that the Safeguarding Policy is complied with
- Providing advice to the Professional Standards Officer on matters relevant to Safeguarding and Professional Standards
- Providing advice to the Provincial in the event of a complaint against a perpetrator of abuse.

Professional Standards Officer

The Province's Professional Standards Officer will be a member of the SAPS Committee and will have day-to-day management of professional standards.

Responsibilities include:

- Implementing all aspects of this Safeguarding Policy including the Code of Conduct
- Setting and maintaining high standards of personal and professional behaviour on the part of all members of the Passionist family
- Actively promoting the importance of safeguarding and risk awareness to members of the Passionist family
- Reporting to the Provincial and SAPS Committee on Safeguarding matters
- Coordinating training and education to all members of the Passionist Family
- Being proactive in addressing actual and potential safeguarding risks
- Preparing for and participating in CPSL audits.

All Members of the Passionist Family

All professed, students and personnel are responsible for:

- Being vigilant in relation to the safety of children and adults at risk who come into contact with the Province and its personnel
- Making themselves aware of the Province's professional standards and safeguarding policies
- Undertaking regular professional standards and safeguarding training as required
- Reporting any breaches of the Code of Conduct, or any safeguarding concerns to the Professional Standards Officer.

D. Reporting Obligations by Relevant Jurisdiction

The table on the following pages sets out reporting obligations in the various jurisdictions across the Passionist Holy Spirit Province where there are currently active Passionist communities. This table will be updated on a regular basis.

Who must report?	What must be reported	Legal provision
NEW SOUTH WALES		
<p><i>Mandatory reporting:</i></p> <p>A person who, in the course of their professional work or paid employment delivers, wholly or partly, to children:</p> <ul style="list-style-type: none"> • health care • welfare • education • children’s services • residential services • law enforcement. <p>A person who holds a management position in an organisation, whose duties include, wholly or partly, direct responsibility for, or direct supervision of, the provision to children of:</p> <ul style="list-style-type: none"> • health care • welfare • education • children’s services • residential services • law enforcement. 	<p>Suspicion based on reasonable grounds that a child or young person is at risk of significant harm due to:</p> <ul style="list-style-type: none"> • the child or young person’s basic physical or psychological needs not being met or at risk of not being met • the parents or other caregivers are unable or unwilling to arrange for the child or young person to receive necessary medical care • the parents or other caregivers are unable or unwilling to arrange for the child or young person to attend school • the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated • exposure to domestic violence • the parent or caregiver has behaved in such a way that the child or young person has suffered or is at risk of serious psychological harm • exposure to domestic violence • the child has been the subject of a pre-natal report under s. 25 and the birth mother did not engage successfully with support services to eliminate or minimise the risk factors that gave rise to the report. 	<p><i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW), sections 23, 25, 27</p>
<p><i>Reportable conduct:</i></p> <p>The head of a designated government or non-government agency.</p> <p>Designated government agency means:</p> <ul style="list-style-type: none"> • the Department of 	<p>Any reportable conduct (reportable allegation or reportable conviction) against an employee of the agency of which the head of agency becomes aware.</p> <p>Reportable conduct means: any sexual offence, or sexual misconduct, committed against, with or in the presence</p>	<p><i>Ombudsman Act 1974</i> (NSW), Part 3A</p>

<p>Education (including a government school) or the Ministry of Health</p> <ul style="list-style-type: none"> a Public Service agency 	<p>of a child, including a child pornography offence or an offence involving child abuse material</p>	
<ul style="list-style-type: none"> a local health district <p><i>Designated non-government agency means:</i></p> <ul style="list-style-type: none"> a non-government school a designated agency within the Children and Young Persons (Care and Protection) Act 1998 an approved education and care service an agency providing substitute residential care for children 	<ul style="list-style-type: none"> any assault or ill-treatment of a child any offence under section 43B or 316A of the Crimes Act 1900 (see below) 	
<p><i>Failure to Protect:</i></p> <p><i>An adult working in an institution doing child-related work</i></p>	<p>Knowledge that another adult working in the same institution poses a serious risk of committing a child abuse offence.¹</p> <p>An offence is committed if the person has the power to reduce or remove the risk, but fails to do so.</p>	<p>Crimes Act 1900 (NSW), s. 43B</p>
<p><i>Failure to report a serious indictable offence:</i></p> <p><i>An adult</i></p>	<p>Knowledge or belief that a serious indictable offence has been committed by another person, and who knows or believes that he or she has information that might be of material assistance in securing the apprehension, prosecution or conviction of the offender.</p> <p>An offence is committed if the person fails without reasonable excuse to bring that information to the attention of a member of the NSW Police Force or other appropriate authority.</p>	<p>Crimes Act 1900 (NSW), s. 316</p>
<p><i>Concealment of child abuse:</i></p> <p><i>An adult</i></p>	<p>Knowledge or belief that a child abuse offence has been committed against another person, and that he or she has information that might be of material assistance in securing the apprehension,</p>	<p>Crimes Act 1900 (NSW), s. 316A</p>

	<p>prosecution or conviction of the offender.</p> <p>An offence is committed if the person fails without reasonable excuse to bring that information to the attention of a member of the NSW Police Force as soon as it is practicable to do so.</p>	
VICTORIA		
<p><i>Mandatory reporting:</i></p> <p>Mandatory reporters include:</p> <ul style="list-style-type: none"> • registered medical practitioners • nurses • midwives • teachers (including early childhood teachers) • principals of schools • police officers • out-of-home care workers (excluding voluntary foster and kinship carers) • early childhood workers • youth, social or welfare workers • registered psychologists • youth justice officers • youth parole officers • persons in religious ministry 	<p>Belief on reasonable grounds formed in the course of practising their profession or carrying out the duties of their office, position or employment that a child is in need of protection because the child has suffered, or is likely to suffer</p> <ul style="list-style-type: none"> • significant harm as a result of physical injury • sexual abuse • emotional or psychological harm • neglect <p>The person must report to the Secretary of the Department of Human Services as soon as practicable after forming the belief, and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.</p>	<p><i>Children, Youth and Families Act 2005</i> (Vic), s. 182</p>
<p><i>Failure to disclose sexual offences committed against a child under the age of 16 years:</i></p> <p>A person of or over the age of 18 years (whether in Victoria or elsewhere).</p>	<p>Information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years.</p> <p>An offence is committed if the person fails to report the information to the police, as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so.</p>	<p><i>Crimes Act 1958</i> (Vic), s. 327</p>

<p><i>Religious confessions:</i></p> <p>A person who is or was a member of the clergy of any church or religious denomination.</p>	<p>A person who is or was a member of the clergy of any church or religious denomination is not entitled to refuse to divulge that a religious confession was made, or the contents of a religious confession, in a proceeding for an offence against s. 184 of the Children, Youth and Families Act 2005 or a proceeding for an offence against s. 327(2) of the Crimes Act 1958 (see above).</p>	<p><i>Evidence Act 2008</i> (Vic), s. 127(2)</p>
<p><i>Reportable conduct:</i></p> <p><i>Heads of entities to which the reportable conduct scheme applies, including:</i></p> <ul style="list-style-type: none"> • schools • institutions or businesses that provide accredited senior secondary education courses • institutions or businesses that operate student exchange programs • disability service providers • mental health service providers • drug or alcohol treatment services • entities that provide housing or other assistance to homeless minors • child protection services • out-of-home care services • government departments 	<p>Any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.</p> <p>Reportable conduct means:</p> <ul style="list-style-type: none"> • a sexual offence committed against, with, or in the presence of a child • sexual misconduct committed against, with or in the presence of a child • physical violence committed with, against or in the presence of a child • any behaviour that causes significant emotional or psychological harm to a child • significant neglect of a child. <p>Such information must be notified to the Commission for Children and Young People.</p>	<p>Child Wellbeing and Safety Act 2005 (Vic)</p>

QUEENSLAND		
<p><i>Mandatory reporting:</i></p> <p>Mandatory reporters include:</p> <ul style="list-style-type: none"> • doctors • registered nurses • teachers • police officers • a person engaged to perform a child advocate function under the <i>Public Guardian Act 2014</i> • early childhood education and care professionals • an authorised office, a public service employee employed by the Department of Child Safety, Youth and Women, or a person employed in a departmental care service or licensed care service • a minister of a religious denomination or society who performs work for, or has an association with, a school 	<p>A reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical, psychological or emotional abuse or neglect, or sexual abuse or exploitation.</p> <p>The report is to be made (in writing) to the Department of Child Safety, Youth and Women.</p>	<p><i>Child Protection Act 1999 (Qld)</i>, section 9; chapter 2, part 1AA, division 2.</p>
<ul style="list-style-type: none"> • A staff member of a school • The principal of a school • a religious representative of a religious denomination or society (e.g. priest, pastor, bishop, rabbi, imam). 	<p>Knowledge or reasonable suspicion formed in the course of the person's employment at the school that any of the following has been sexually abused by another person:</p> <ul style="list-style-type: none"> • a student under the age of 18 attending the school • a kindergarten age child at the school • A person with a disability who is being provided with special education at the school. <p>If the person is a staff member, they must immediately report the abuse to the school's principal or (if the school is a non-State school) to a director of the school's governing body. If the person is the school's principal, they must immediately give a written report to a police officer (or if the school is a non- State school, to a</p>	<p>Education (General Provisions) Act 2006 (Qld), Part 10.</p>

	director of the school's governing body). A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of the report to a police officer. If the person is a religious representative, they must immediately give a written report about the suspicion to a police officer.	
<i>Concealment of an indictable offence</i>	Compound or conceal an indictable offence, or abstain from, discontinue or delay a prosecution for an indictable offence, or withhold evidence thereof, is guilty of an indictable offence. Guilty of an offence	Criminal Code Act 1899 (Qld), s. 133
<i>Carnal knowledge of a child under 16 or knowingly induce or permit indecent dealing with a child under 16 upon the premises</i> Any person, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control of any premises	If the person has or attempts to have unlawful carnal knowledge of a child under 16, or knowingly induces or permits any child under the age of 16 to be in or upon the premises for the purpose of any person doing a proscribed act in relation to the child (i.e., indecent dealing, procuring a child to commit an indecent act, exposing a child to an indecent act, object, film, picture, photograph or written or printed matter, or taking indecent photographs or recording indecent visual images).	Criminal Code Act 1899 (Qld), s. 210, 213 and 215.
<i>Legislation is pending to amend the Criminal Code Act 1899 (Qld) to create a new offence of failure to report belief of offence of a sexual nature in relation to a child.</i> The legislation applies to any adult who is working or volunteering within an institution that provides services to children, including a religious institution, or a foster or kinship carer. <i>Legislation is pending to amend the Criminal Code Act 1899 (Qld) to create a new offence of failure to</i>	Any information that causes, or ought reasonably to cause, the person to believe a child sex offence is being or has been committed against a child by another adult, who is a foster or kinship carer or is associated with an institution or foster or kinship carer. An offence is committed if the person has such information and fails to report it to police. The failure to report offence will apply to any information disclosed in or in connection with a religious confession. An offence will be committed where these accountable persons know there is significant risk that another adult (who is a foster or kinship carer) will commit a child sex offence against a child, and they	Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019

<p><i>protect a child from a child sex offence.</i></p> <p>Will apply to any adult working or volunteering within an institution that provides services to children, including a religious institution, or a foster or kinship carer.</p>	<p>wilfully or negligently fail to reduce or remove the risk.</p>	
SOUTH AUSTRALIA		
<p><i>Mandatory reporting:</i></p> <p>Mandatory reporters include:</p> <ul style="list-style-type: none"> • medical practitioners • pharmacists • registered or enrolled nurses • dentists • psychologists • police officers • community corrections officers • social workers • teachers in educational institutions including kindergartens • a minister of religion • a person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes (with the exception of disclosures made in the confessional) 	<p>Reasonable grounds to suspect that a child has been or is being abused or neglected; and the suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out official duties.</p> <p>Abuse and neglect types to be reported:</p> <ul style="list-style-type: none"> • Physical abuse • Sexual abuse • Emotional/ psychological abuse • Neglect 	<p>Sections 6, 10 and 11 of the Children's Protection Act 1993 (SA)</p> <p>Section 30, 31 of the Children and Young People (Safety) Act 2017)</p>
<p><i>Religious confessions:</i></p> <p>A person who is or was a member of the clergy of any church or religious denomination.</p>	<p>A person who is or was a member of the clergy of any church or religious denomination is not entitled to refuse to divulge the contents of a religious confession.</p>	<p>Act to be determined</p>

TASMANIA		
<p><i>Mandatory reporting:</i></p> <p>Mandatory reporters include:</p> <ul style="list-style-type: none"> • medical practitioners • registered or enrolled nurses • persons registered under the Health Practitioner Regulation National Law (Tasmania) • police officers and probation officers • principals and teachers in any educational institution including kindergartens • a member of the clergy of any church or religious denomination. 	<p>A belief, or suspicion on reasonable grounds, or knowledge that: a child has been or is being abused or neglected or is an affected child within the meaning of the Family Violence Act 2004 (a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence); there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides; or while a woman is pregnant that there is reasonable likelihood that after the birth of the child the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside, or that the child will require medical treatment or other intervention as a result of the behavior of the woman or another person with whom the woman resides or is likely to reside, before the birth of the child.</p>	<p>Sections 3, 4 and 14 of the Children, Young Persons and Their Families Act 1997 (Tas.)</p>
<p><i>Religious confessions:</i></p> <p>A person who is or was a member of the clergy of any church or religious denomination.</p>	<p>A person who is or was a member of the clergy of any church or religious denomination is not entitled to refuse to divulge the contents of a religious confession.</p>	<p>Evidence Act 2001 (Tas)</p>
NEW ZEALAND		
<p><i>Reporting abuse of a child or young person:</i></p> <p>Any person</p>	<p>Belief that any child or young person has been, or is likely to be, harmed, ill-treated, abused (whether physically, emotionally or sexually), neglected, or deprived, or concerns about the well-being of a child or young person, may be reported.</p> <p>Reports may be made to the chief executive of the Ministry for Children or the police.</p>	<p><i>Children, Young Persons, and Their Families Act 1989</i> (NZ), s. 18</p>

<p><i>Failure to protect a child or vulnerable adult:</i></p> <p>A person is over the age of 18 and is a member of the same household as the victim, or is a staff member of any hospital, institution, or residence where the victim resides.</p>	<p>Such a person is criminally liable if they have frequent contact with a child or vulnerable adult and know that the victim is at risk of death, grievous bodily harm or sexual assault as the result of an unlawful act by another person or an omission by another person to discharge or perform a legal duty (such as to provide necessary care or take reasonable steps to protect a child or vulnerable adult from injury), and they fail to take reasonable steps to protect the victim from that risk.</p>	<p><i>Crimes Act 1961 (NZ)</i> s. 195A</p>
PAPUA NEW GUINEA		
<p>The protection and wellbeing rights of children in PNG are outlined in the Lukautim Pikinini (Child) Act 2009 and can be accessed at: http://ilo.org/dyn/natlex/docs/ELECTRONIC/88000/113595/F-1183364369/PNG88000.pdf</p> <p>Consultation with the Provincial or his delegate is recommended.</p>		
VIETNAM		
<p>Child protection requirements are outlined in Chapter IV of the Children Law: 102/2016/QH13 available at: https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103522/125796/F-1725767197/VNM103522%20Eng.pdf</p> <p>Consultation with the Provincial or his delegate is recommended.</p>		

E. Professional Development

Context: The Royal Commission's Recommendation 16.25 states:

'The Australian Catholic Bishops Conference and Catholic Religious Australia should develop, and each diocese and religious institute should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, provincials, clergy, religious, and lay personnel):

- undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry, and child safety
- undertake mandatory professional/pastoral supervision
- undergo regular performance appraisals.'

Induction Training for all Personnel

The Province will ensure Professional Development both in seminary and formation programs for students as well as Induction training in the following topics for all Passionist personnel, particularly those members from overseas communities who are transferred to Australia or New Zealand:

- the Australian and New Zealand definition and constitution of abuse of children and other adults at risk
- National Catholic Safeguarding Standards (Australia) or National Safeguarding Guidelines (New Zealand)
- 'Integrity in Ministry' (clergy) or 'Integrity in the Service of the Church' (non-religious employees and volunteers)
- professional responsibility to safeguarding including Code of Conduct and this Policy
- appropriate responses to allegations or complaints
- child development and how to appropriately work with children
- identifying the nature and indicators of abuse
- appropriate pastoral responses to victims and survivors, and
- legal obligations.

Ongoing Professional Development

Members will be required to demonstrate their participation at least once every three years. As there are a number of topics to be covered, it is likely that workshops offered will only cover some of the topics and this will mean that personnel may need to attend safeguarding workshops more regularly than once in three years.

Topics to be covered:

- Code of Conduct
- production of risk management plans
- review of this policy and its procedures
- complaint handling
- legislation or government policy including Privacy principles
- reporting obligations
- empowerment of children and adults at risk
- online safety
- understanding and responding to peer-on-peer abuse
- understanding the nature, factors and impact of abuse, and
- identifying and responding to matters such as grooming and manipulating
- record-keeping.

Consideration

Not everyone has the same professional development needs. Training will be commensurate to the role that is being performed and the level of responsibility of the individual.

In addition, given the diversity of the community that the Passionists work with, professional development includes identifying culturally appropriate pathways to respond to concerns, disclosures or allegations.

Mechanisms for delivering training

In Australia, local Diocesan training would be sourced including online training on Safeguarding Essentials offered by Catholic Church Insurances (CCI).

In New Zealand, training opportunities would be sourced in a similar way to Australia.

For both Vietnam and Papua New Guinea, a big challenge for the Province is that nearly all the students have English as a second or third language and they come from diverse cultures. Translations will be required for training material. In Vietnam, provision could be made to offer training via electronic platforms such as Skype or via DVD although these can be unreliable and face to face training using paper-based material would be preferable.

In Papua New Guinea, training opportunities are very scarce and are delivered by non-government organisations including Caritas. Similar to Vietnam, face to face training would be made available.

Province leaders

Province leaders will be required to participate in more in-depth workshops whereby they can gain knowledge and expertise in discharging their statutory and executive responsibilities. Leaders will participate in workshops that underpin their understanding of:

- jurisdictional law regarding reporting and safeguarding obligations;
- mandatory reporting obligations, including to primary organisations and statutory authorities, including the police;
- the reportable conduct schemes in various jurisdictions
- the contemporary activities of statutory authorities, including the joint panel of Australian and New Zealand Children’s Commissioners and Guardians; and
- the development and importance of equipping members to support and enhance community safety for children from Aboriginal and Torres Strait Islander and culturally and linguistically diverse backgrounds.

In addition, the Provincial and his Leadership Team will be required to participate in the CPSL Introductory Session for Leaders within four months of their commencement in their role.

Record-keeping

The completion of training and currency of training status is recorded and monitored to ensure all personnel meet training requirements. The status of professional development for all personnel across the Province is to be maintained by the Professional Standards Officer.

F. Indicators of abuse

Covered in Professional Development of Personnel. The following has been obtained from DHHS (Victorian Department of Health and Human Services) Factsheet 'Indicators of Abuse' (Child Safe Standards Toolkit, Resource 4B). Obtained from <https://providers.dhhs.vic.gov.au>.

Identifying child abuse - Physical violence

Physical violence occurs when a child suffers or is likely to suffer harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or use of objects.

Physical indicators include (but are not limited to):

- unexplained bruises, burns or welts
- fractured bones, sprains or dislocation
- cuts, grazes or scratches
- ligature or bite marks
- bald patches or hair missing in tufts
- missing or loosened teeth
- poisoning or medication overdose.

Behavioural indicators include (but are not limited to):

- inconsistent, vague or unlikely explanations of an injury
- wariness, fear or distrust of adults
- avoidance of physical contact
- disproportionate reactions or limited emotion displayed when hurt or threatened
- wearing clothing that is unsuitable for the weather conditions (to hide injuries)
- unexplained absences and decline in academic performance
- substance abuse, self-harm or suicide attempts.

Identifying child abuse - Sexual offences

Sexual offences occur when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.

Physical indicators include (but are not limited to):

- bruising, bleeding or discharge from the genital or rectal area

- signs of pain, itching or discomfort in the genital or rectal area
- presence of sexually transmitted diseases
- frequent urinary tract infections
- pregnancy (actual or suspected)
- self-mutilation.

Behavioural indicators include (but are not limited to):

- displaying age-inappropriate sexual behaviour or knowledge
- promiscuity or inappropriate expressions of affection
- sudden fears of specific places or particular adults
- obsessive and compulsive washing
- complaining of headaches, stomach pains or nausea
- sleeping difficulties
- poor self-care or personal hygiene
- regressive behaviours such as bedwetting and speech loss
- substance abuse, self-harm or suicide attempts.

Identifying child abuse - Serious emotional or psychological abuse

Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation or by threats of violence. It can include derogatory name-calling, put-downs or persistent and deliberate coldness from a person, to the extent where the child's behaviour is disturbed and/or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Physical indicators include (but are not limited to):

- delays in emotional, mental or physical development
- speech impairments such as stuttering or being selectively mute
- rocking, thumb-sucking or other infantile behaviours
- eating disorders.

Behavioural indicators include (but are not limited to):

- exhibiting high anxiety or symptoms of stress
- poor self-image or low self-esteem
- displaying aggressive, demanding or attention-seeking behaviour
- compulsive lying or stealing
- unexplained mood swings or depression
- poor social and interpersonal skills
- excessive neatness or cleanliness
- substance abuse, self-harm or suicide attempts.

G. Responding to Abuse (concerns, suspicions, allegations and disclosures)

If it has come to your attention that an abuse has occurred to a child or vulnerable adult or that there is a concern raised about possible abuse by Passionist personnel, you should explain that the Passionists have processes to ensure that all abuse allegations are taken very seriously.

Action One – Respond to an emergency

If a child's immediate safety is compromised, you must take reasonable steps to protect them. This includes reporting immediately to the Passionist Professional Safeguarding Officer who will contact Police immediately to protect the health and safety of the child. It is important to ensure that the alleged offender does not have access to the child.

If there is no immediate harm to the child or vulnerable adult, proceed to Action Two.

Action Two - Provide support to the child or vulnerable adult or person disclosing a concern

You should:

- not make promises to the child or vulnerable adult, such as promising not to tell anyone about the incident, except that you will do your best to keep them safe
- explain to them that the information they have told you will need be shared with others, such as their parent/carer, specific people within the Passionist's Province such as the Professional Standards Officer and/ or the Provincial, Child Protection or other agencies (if applicable) and the Police
- listen to them carefully and let them use their own words to explain what has occurred; advise them that you will take notes during the discussion to capture all details; people from some cultures may experience anxiety communicating in English on such matters
- reassure them that you are taking what they are saying seriously, that it is not their fault and that they are doing the right thing.

Action Three – Report

As soon as the child's or vulnerable person's immediate safety concerns are addressed, you must report all incidents, disclosures of abuse or concerns to the Professional Standards Officer in the first instance.

You may be committing a criminal offence if you fail to report allegations of physical or sexual abuse of a child. Reports should be made to the Professional Standards Officer as soon as possible who will inform the Provincial immediately. This internal reporting does not remove or take precedence over the individual's responsibility of mandatory reporting to the police as soon as it is practicable to do so. The total time from the beginning of Action One to the end of Action Three (reporting to the Provincial) will be within two working days.

Action Four - Contact parents, carers or guardians

Where it is suspected that a child has been, or is at risk of being abused, a parent, carer or guardian of the child must be notified as soon as practicable.

When a child has disclosed allegations of abuse perpetrated by their parent, carer, guardian or another family member, the Provincial will contact (depending on the jurisdiction) the appropriate authority such as Child Protection and/or Victoria Police if it is in the state of Victoria (Australia).

Action Five - Provide ongoing support

Experiences of child abuse can cause trauma and significantly impact the mental health and wellbeing of children. In liaison with the Professional Standards Officer, support will be arranged.

H. National Redress Scheme

Redress is about making amends for wrongs that happened in the past. The National Redress Scheme was established for people who experienced institutional child sexual abuse before 1 July 2018, when the Scheme started. The scheme is only available to Australian citizens or permanent residents who were sexually harmed in Australia by an institution, such as the Passionists who were responsible for bringing them into contact with the person who abused them. The Passionists are a participant in the Scheme.

People who experienced child sexual abuse after the Scheme's commencement on 1 July 2018 are not able to access redress through the Scheme. Other legal options may be available, such as civil litigation.

The Province encourages any person seeking redress to make contact on 1800 737 377 or at www.nationalredress.gov.au. The Scheme is scheduled to operate until 30 June 2028.