

Child Protection Policy for Brothers and Brothers' Communities

KEEPING CHILDREN SAFE

Marist Brothers Province of Australia
Revised November 2018



MARIST BROTHERS
Province of Australia

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

Brother Peter Carroll FMS

PROVINCIAL

Date: November 2018

1. POLICY

1.1 Policy Statement

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

The Marist Brothers Province of Australia (“the Province”) is committed to fostering a culture of safety and care for children and vulnerable persons within the Province. It nurtures the wellbeing of all children and young persons in its care, respects their dignity, ensures their safety, and protects them from harm, exploitation and abuse.

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

1.2 Context

1.2.1 Shared Responsibility

This policy relates to all Brothers who are members of the Province of Australia and all Brothers Communities within the Province of Australia. The safety and protection of children and young persons are the responsibility of everyone, whether as Community Leader, Brother, contractor, staff, visitor or volunteer in a Brothers’ Community. Each Marist Brother has a duty to know and understand this policy and all other relevant legislative and professional requirements, to be ready to recognise both signs and risks of harm, and know how to respond appropriately.

1.2.2 Principles and Commitments

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

- A primary responsibility is to create safe environments for children and young persons and to protect them from any form of harm or abuse.
- All Marist Brothers have a duty of care to support and protect children and young persons.
- The safeguarding of children and young persons and the prevention of abuse require thorough education and training of all engaged in working with children and young persons, either directly or indirectly.
- All children and young persons have equal rights to protection from abuse and exploitation. Culture or other reasons notwithstanding, we must intervene on behalf of any child or young person suspected of being abused.

- Any complainant is listened to attentively and offered a compassionate, prompt and just response when making an allegation of abuse.
- A responsibility of care extends not only to the child or young person who may have suffered harm but also to his or her family.
- A responsibility of care also extends to a Brother accused of abuse. He deserves to be treated with justice and compassion, and should be afforded due process according to natural justice.
- Truth and transparency should characterise all actions.

1.2.3 State, Church, and Institute expectations

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

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

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

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

1.2.4 Catholic Professional Standards Ltd. (CPSL)

This Policy has incorporated the National Catholic Safeguarding Standards. The Province will adhere to the Ten (10) Standards of the CPSL (where applicable), in relation to the Brothers and the Brothers' Communities. The Province will comply with any auditing process of the CPSL in relation to the Brothers and the Brothers' Communities.

1.2.5 National Redress Scheme (NRS)

The Marist Brothers Province of Australia has registered to participate in the National Redress Scheme for Institutional Child Sexual Abuse. The Marist Brothers are a party to a Memorandum of Understanding with the Commonwealth Department of Social Services, in relation to that scheme.

1.2.6 Authority

The Institute of the Marist Brothers requires that each Province ensures the safety of children and young persons and publicly advocates of the Rights of the Child.¹ In the light of this requirement this Policy has been approved by the Provincial and Provincial Council, the members of which are at the same time the Trustees of the Marist Brothers. The policy will be reviewed at least once every three years, or as required by legislative changes.

1.2.7 Sources for this policy

This policy draws significantly on:

- the National Catholic Safeguarding Standards of the CPSL.²
- relevant Australian and Church documents and requirements for ensuring the safety of children and young persons;

1.3 Scope

1.3.1 This policy applies to every Marist Brother and to all Marist Brothers' Communities of the Marist Province of Australia. The policy also includes employees, contractors and volunteers at the Brothers' Communities.

1.3.2 If a Marist Brother is involved in any ministry, and an allegation is made against him as part of that ministry, or a child discloses some form of abuse to him, as part of that ministry, the guidelines of the policy of his ministry should be followed. If no policy exists, the Brother should follow this policy.

1.3.3 It is recognised that child abuse may be inflicted from a variety of sources, including family members, friends and others outside the Governance of the Marist Brothers of Australia. This policy only relates to Brothers and Postulants of the Marist Brothers Province of Australia, and any person at a Brothers' Community, be they a contractor, volunteer, staff member or visitor.

2. PROCEDURES AND GUIDELINES

2.1 Distribution of responsibility

2.1.1 The Provincial and Provincial Council, in collaboration with the Province Professional Standards Officer, have responsibility for:

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

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

² Catholic Professional Standards Ltd. National Catholic Safeguarding Standards.

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

- act in conformity with Statutory requirements in relation to child protection;
- adhere to all reporting requirements – including that all current child protection concerns must be reported to the civil authorities without delay and in accordance with relevant State legislation (for example, Reportable Conduct Schemes, mandatory reports to child protection)
- co-operate with any Police investigation and not act to prejudice or obstruct that investigation;
- comply with the audit process of the CPSL in relation to this policy.
- ensure that the principles and procedures of ‘Towards Healing’ are followed;
- consult with Province Professional Standards Advisory Committee³- concerning issues contained in clauses 38, 40.10, 41 and 42 of the *Towards Healing* process and take- appropriate action where it is recommended or required; consult with the Province Professional Standards Advisory Committee in respect of the investigative findings and recommendations concerning victims and accused Brothers;
- determine, in consultation with the Professional Standards Officer and Province Professional Standards Advisory Committee, whether a Brother should be designated as a Restricted Brother;
- in consultation with the Professional Standards Officer, develop and implement Personal Safety and Wellbeing Plans for Restricted Brothers;
- send a copy of the policy (and any amendments to it that may be made from time to time) to the Superior General of the Marist Brothers.

2.1.6 The Community Leader of each Brothers’ Community has responsibility to:

- be fully conversant with this policy;
- ensure that all Community members have access to this policy;
- ensure that Community members attend training;
- advise the Province Professional Standards Officer of any report, reasonable suspicion or credible risk of abuse that relates to the Community or comes from the Community or any of its members, and to comply fully with any consequent directives given by the Provincial.

2.1.7 The Province Professional Standards Officer has responsibility to:

- review and make recommendations in relation to this policy;
- conduct risk assessments of accused Brothers;
- ensure training is conducted in respect of child protection for Brothers;
- provide guidance and advice to the Provincial in the development of Safety Plans for Restricted Brothers;
- comply with relevant Statutory requirements;
- manage historical allegations of child abuse;

³ See Appendix D

- accept information from Brothers or Brothers' Communities in relation to an allegation made to someone in the Community about suspected child abuse, and ensure effective management of the matter.

2.2 Management of child protection across the whole Province

2.2.1 Oversight of the development, implementation, and review of this Policy is carried out principally by the Province Professional Standards Officer in collaboration with the PPSAC, which advises the Provincial and Provisional Council.

2.3 Management of child protection for Brothers

2.3.1 For any child protection matter that occurs within a Brothers' community (disclosure of child abuse or an allegation of child abuse), the management of those matters are the responsibility of the Province Professional Standards Officer, in liaison with the Community Leader.

2.3.2 Any allegation of child abuse by a Brother in a Marist or external ministry, is managed by that ministry with the Province Professional Standards Officer.

2.3.3 Any allegation of child abuse by any other Brother, who is retired, is not attached to a specific ministry, or whose ministry does not have a specific child protection policy, is managed by the Province Professional Standards Officer.

2.3.4 All historical allegations of child abuse involving a Brother, a former or deceased Brother are managed by the Province Professional Standards Officer.

2.3.5 Where the community residence is within a school precinct, the school principal, in consultation with the Province Professional Standards Officer and Community Leader, may determine protocols regarding the movement of Brothers within the precinct, and interaction with students.

2.4 Working with Children Checks

2.4.1 Every Brother who works, or volunteers, in child-related work must have a working with children check (WWCC) for the State or Territory where their work is based. Some Brothers may need multiple checks. It is the responsibility of each Brother to ensure his working with children check is current and updated when required.

2.4.2 When the Brother's working with children check is renewed, it is his responsibility to forward a copy of their renewed WWCC to the Employment Services Officer at the Marist Centre, Sydney.

2.4.3 A Brother who reside in a Community that is within a school precinct, who is ambulant and regularly moves within the school grounds unaccompanied,

and may have interaction with student/s, must have a working with children check.

2.5 Prevention

- 2.5.1 A number of preventative strategies in this policy are designed to remove, as much as can be reasonably foreseen, the likelihood of children being abused by Marist Brothers, or any person in a Brothers Community. Strategies include:
- this Policy and other local policies relating to child protection;
 - screening procedures for employees, contractors and volunteers;
 - induction and on-going training in statutory requirements, and the content of this Policy and related policies;
 - implementation and monitoring of Personal Safety and Wellbeing Plans for a Restricted Brother;
 - training in understanding what constitutes harm and child abuse, and when children and young persons may be at risk of abuse or harm;⁴
- 2.5.2 For the Brothers, the training program for candidates and newly professed Brothers includes:
- careful suitability screening;
 - personal interviews related to lifestyle and ministry with a trained person at regular intervals;
 - holistic formation in sexuality, affectivity, the healthy living of celibate chastity;
 - issues surrounding child protection and abuse as set out in this Policy.
- 2.5.3 All Marist Brothers are required to receive training in this policy, and the principles and procedures which constitute it, unless excused for doing so by the Provincial for reasons such as ill-health, incapacity or prescribed age or those not living in the Province of Australia.

2.6 Responding and Reporting

- 2.6.1 All States and Territories make it mandatory for certain people to report abuse, and reasonable suspicion of abuse, of children and young persons. Some of the Brothers to whom this policy relates are not classified as 'mandatory reporters'. However, it is expected that any Brother, to whom this policy relates will immediately notify any allegation of child abuse made to them by any person to the Province Professional Standards Officer, and complete a *Report of Allegation of Abuse* form⁵. Any Brothers involved in ministry, who are classified as mandatory reporters, must adhere to their statutory responsibilities.

⁴ See Appendix C

⁵ See Appendix E

- 2.6.2 In the event of a child or young person disclosing an incident of abuse to a Brother to whom this policy applies, the Brother will deal with that disclosure sensitively and professionally.⁶
- 2.6.3 In the case of a current allegation being made against a Brother, an employee/contractor, a volunteer, or a visitor at a Marist Community, all Marist Brothers and Marist Brothers staff members (including employees, volunteers or interns) will notify the Community Leader and/or the Provincial Professional Standards Officer. The first consideration is to ensure that the safety and wellbeing of the child is paramount.
- 2.6.4 In the case of an historical allegation being made against a Brother, the Professional Standards Officer will respond, as per the operating procedures of that office. An independent investigation may be conducted into the allegation, if needed, and Police will be notified.
- 2.6.5 Any Brother who discloses information to the Province Professional Standards Officer, who may be classified as a whistle-blower, will be supported by the Province and will not suffer any reprisal actions as a result of the information disclosed.

2.7 Provision of Advice and Support

- 2.7.1 Victims, complainants, accused persons, and other affected persons, who fall within this policy, will be offered advice and support (including from specialists as appropriate). This is the responsibility of the Provincial, in relation to Brothers, and the Province Professional Standards Officer for any other person.
- 2.7.2 The Province Professional Standards Officer is available for advice on this policy and any of the processes associated with it.

2.8 Record-keeping and information sharing

- 2.8.1 Reports of alleged abuse or harm, or risk thereof, are to be duly recorded.
- 2.8.2 Reporting should be factual and not conjectural or interpretative. Places, times, dates, names of people, observable behaviours or evidence of harm are what is recordable.
- 2.8.3 Reports are securely stored and retained indefinitely at the office of the Province Professional Standards Office.
- 2.8.4 Reports are made available at any time when required, by duly authorised Province personnel, or an agency delegated by the Province, for the purposes of external auditing of Policy implementation, subject to any restrictions imposed by Statutory requirements.

⁶ See Appendix B

2.8.5 The Province Professional Standards Officer will provide information to authorised agencies in accordance with statutory requirements.

2.9 Confidentiality

2.9.1 As much as is reasonably possible, an individual's right to privacy is to be protected. Both those who are making reports and those about whom accusations are being made are entitled to due process and due privacy. Where an allegation or reasonable suspicion of child abuse is raised, Professional Standards Office staff members do not disclose or make use of the information which they hold in qualified privilege in a manner that breaches confidentiality, other than to report and act according to the principles and procedures of this Policy and relevant Statutory requirements.

2.9.2 Any person who reports alleged child abuse, by a Marist Brother or another person, needs to be advised that the report may be investigated by the appropriate authorities. While all reasonable steps will be taken to ensure anonymity of an individual if that is their wish, it is Marist Brothers policy that allegations of child abuse (historical or current) will be reported to Police.

2.9.3 Following a report of abuse, or suspected abuse, where an external investigation or a police inquiry has commenced, pertinent information is disclosed.

2.10 Collaboration and case management

2.10.1 The Province actively cooperates and collaborates with police, government, Church and other agencies and relevant professional bodies in the best interests of children and young persons.

2.11 Dissemination

2.11.1 All Marist Brothers need to be adequately conversant with the principles and procedures of this policy and their pursuant responsibilities. Training sessions are organised to ensure this. All Brothers who are required to attend, will have their attendance recorded.

2.11.2 A responsibility of the Province Professional Standards Officer is to ensure that such training occurs for Brothers.

2.11.3 It is the Community Leader's responsibility to provide the principles of this policy to any employee, contactor or volunteer at the Brothers' Community, as appropriate.

2.12 Policy management and review

2.12.1 This policy is reviewed at least once every three years and revised, based on changes in needs, legislation, guidance and experience.

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DEFINITIONS

This Policy is to be read in accordance with the following definitions

- Abuse** In this Policy, “abuse” refers to “child abuse”. See definition below.
- Allegation** Refers to any accusation of child abuse, whether made directly by the person allegedly abused, or by some third person on his or her behalf, against any current, former or deceased Marist Brother: Or any employee, volunteer, contractor or visitor at a Marist Brothers’ Community, who was at the Community at the time the abuse allegedly occurred.
- Brother** A Novice or professed member of the Institute, for whom the Institute has responsibility under its Proper Law.
- Brothers Community** The group of Brothers appointed by the Provincial to reside in a particular place. Each community has an appointed leader, referred to as the Community Leader.
- Child Abuse** Child abuse when referenced throughout this policy includes:
- **Physical abuse** refers to any non-accidental physically aggressive act towards a child. Physical abuse may be intentional or may be the inadvertent result of physical punishment. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, biting, burning or kicking.
 - **Sexual abuse** refers to a person who uses power, force or authority to involve a child or young person in any form of unwanted or illegal sexual activity. This can involve touching or no contact at all. This may take the form of taking sexually explicit photographs or videos of children, forcing children to watch or take part in sexual acts and forcing or coercing children to have sex or engage in sexual acts with other children or adults.
 - **Neglect** refers to a failure by a caregiver to provide the basic requirements for meeting the physical and emotional developmental needs of a child. Physically neglectful behaviours include a failure to provide adequate food, shelter, clothing, supervision, hygiene or medical attention.
 - **Physiological abuse** refers to inappropriate verbal or symbolic acts and a failure to provide adequate or non-physical nurture or emotional availability. Psychologically abusive behaviours include rejecting, ignoring, isolating, terrorising, corrupting, verbal abuse and belittlement.
 - **Child exploitation** includes committing or coercing another person to commit an act or acts of abuse against a child. Possessing, controlling, producing, distributing, obtaining or

transmitting child pornography/exploitation material. Committing or coercing another person to commit an act or acts of grooming or online grooming.

- **Exposure to family violence** is generally considered to be a form of psychologically abusive behaviour, where a child is present (hearing or seeing) while a parent or sibling is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by a family member's violent behaviour.

Child or Young Person refers to children or young people under 18 years of age.

Church The Roman Catholic Church.

Church Authority Within the Catholic Church each entity has a leader as defined by Church law. In the case of a Religious Institute, this is the Provincial or Superior General.

Cleric An ordained deacon, priest or Bishop of the Church.

Complaint A complaint, disclosure or report, whether or not made anonymously.

Complainant Any person who makes a complaint that may include any allegation, suspicion, concern or report of a breach of the Marist Brothers' code of conduct. It also includes disclosures made that may be about or relate to abuse in the Marist Brothers' context

Confidential Private information which shall be kept restricted from others and only be disclosed to an authorised person for legitimate reasons of the Institute or because the disclosure is legally required.

Credible allegation Based upon the facts and the circumstances, it appears that the accusation has substance and it is likely that an incident of abuse of a child or young person has occurred.

Current allegation In the case of an allegation involving a school, an allegation is considered to be current where the child or young person is still attached to the school where the alleged abuse occurred. Where an allegation does not involve a school, currency will be determined by it being reasonably recent.

Duty of care A duty imposed by the law to take care to minimise the risk of harm to another.

Employee A paid workplace participant or any other person who is engaged to carry out work at a Province Ministry for financial reward, and

includes any Cleric or Brother appointed to a role at a Province Ministry.

Grooming Refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, or to lower a child's inhibitions in preparation for sexual activity with the child. It includes the act of obtaining sexually abusive material in relation to a child including photographic or audio visual material (Royal Commission definition).

Guideline A statement by which to determine a course of action. A guideline aims to streamline particular processes according to a set routine or sound practice.

Historical allegation In the case of an allegation involving a school, an allegation is considered to be historical where the victim has attained the age of 18 years and has left the school. Where an allegation does not involve a school, it will be determined to be historical if it is not considered reasonably recent.

Institute The religious Institute of the Marist Brothers.

Marist Personnel An employee or volunteer of the Province or any of the Province Ministries.

Ministry Any activity within, or delivered by, a Marist Brother that is designed to carry out the good works of the Catholic Church.

Personal Safety and Wellbeing Plan A formal, written supervision program for a Restricted Brother.

Procedure An established or official way of doing something.

Professional Standards Officer The person delegated by the Provincial to manage historical allegations of child abuse, conduct risk assessments of accused Brothers, provide guidance and advice to the Provincial in the development of Personal Safety and Wellbeing Plans for Restricted Brothers and ensure training is conducted in respect of child protection for Brothers. The Professional Standards Officer also manages current allegations of abuse of children and young persons by any Marist Brother (not engaged in a specific Ministry), or any contractor, staff, visitor or volunteer in a Brothers Community.

Proper Law The canonical statutes under which the Institute operates within the Church. They include Constitutions of the Marist Brothers and other regulations that may from time to time be promulgated.

Province	An administrative unit of the Institute. For the purposes of this Policy, Province means the Province of Australia, comprising its Brothers and their communities, its officers, its institutions, agencies and programmes.
Province Professional Standards Advisory Committee (PPSAC)	The group appointed by the Provincial and Provincial Council for guidance and advice on child protection, particularly matters concerning Brothers and Brothers' communities.
Provincial	The Brother appointed by the Superior General to be the leader and major superior of a Province of the Institute.
Provincial Council	The governing body of the Province, the members of which are elected at the Provincial Chapter, and function according to the constitutions of the Institute.
Restricted Brother	A Brother who has been designated by the Provincial as restricted by virtue of some admission, charge, investigative process or other risk assessment process in respect of children or young persons, and is considered in need of supervision or limitation of ministry, and for whom the Institute retains responsibility.
Rights	Entitlements to which one has a just claim.
Statutory requirement	A requirement which is applicable by virtue of a law enacted by the government, be it the Commonwealth of Australia, a State or Territory. Statutory requirements are non-negotiable and must be complied with. Failure to comply with a Statutory requirement may result in a fine or penalty or even a custodial sentence for the person or persons responsible for such failure.
Superior General	The Brother who leads the Institute internationally.
Trustees	The Trustees of the Marist Brothers, a body corporate under the Roman Catholic Church Communities' Lands Act (NSW) 1942, comprising the Provincial and Provincial Council for the time being.
Volunteer	Any person who gives freely of his or her time and experience to participate in activities and perform work for the Province. The relationship between the volunteer and the Province is not bound by a contract of employment and no payment is made by the Province to the volunteer or anybody on their behalf, for the work performed.
Vulnerable Person	Any person who is unable to take care or protect themselves (or their interests) against harm or exploitation by reason of age, illness, trauma, disability, relationship disparity or any other reason.

Working with Children Check A generic term used to denote the statutory screen requirement for people who work or volunteer in child-related work. There is no single national framework setting out requirements for 'working with children' checks. Each State/Territory in Australia has its own name, procedures and differences in scope regarding what this type of check entails.

APPENDIX A

MARIST BROTHERS CODE OF CONDUCT IN RELATION TO CHILDREN AND YOUNG PERSONS

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

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

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

1. Unacceptable behaviours

- a. Using, possessing, or being under the influence of illegal drugs while in the presence of children or young persons.
- b. Using, possessing, or being under the influence of alcohol while supervising children or young persons⁷.
- c. Providing or allowing children or young persons to consume alcohol or illegal drugs.
- d. Swearing in the presence of children or young persons.
- e. Yelling at a child or young person, except in an emergency situation where their safety may be in danger.
- f. Speaking to children or young persons in a way that is or could be construed by a reasonable person as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- g. Use of hurtful sarcasm towards, or in the presence of, a child or young person.
- h. Discussing sexual activities with children or young persons unless it is a specific job requirement and the Brother is trained to discuss these matters.
- i. Engaging in any sexually oriented conversations with children or young persons unless the conversations are part of a legitimately arranged instructional activity dealing with human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics.
- j. Engaging with any sexually orientated or inappropriate conversations with children or young persons, on-line or through social media platforms.
- k. Being nude in the presence of children or young persons.

⁷ This does not include situations where it is reasonable for the person to possess alcohol (e.g. for a presentation at a formal occasion) or use it moderately (e.g. at a dinner or formal occasion which the person may be attending and at which the person is not directly responsible for the care of the child or young person.)

- l. Allowing children or young persons to view sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.)
- m. Sleeping in the same beds, sleeping bags or small tents with children or young persons.
- n. Engaging in sexual contact with children or young persons.
- o. Any sourcing, viewing or utilising of any child abuse material or any kind, whether on line, film or hard copy.

2. Transportation

- a. Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport children or young persons without the written permission of their parent or guardian.
- b. It is prohibited to have unnecessary and/or inappropriate physical contact with children or young persons while in vehicles.
- c. Children or young persons should be transported directly to their destination. **TRANSPORTATION in car – back seat – two adults.** No stops should be made other than those that are reasonably scheduled for meals or comfort stops.
- d. It is prohibited to have children or young persons spend the night in a Brother's room, at a Brothers' community.
- e. A Brother should never be alone with a child or young person, in his room at a Brothers' community.
- f. A Brother should not be alone with a child or young person, in any area in the Brother's Community, unless the child's parent or guardian is nearby
- g. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for children or young persons.

3. Physical Contact and general guidelines

- a. Brothers are prohibited from using physical discipline in any way for behaviour management of children or young persons. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by children or young persons.
- b. Physical contact may be required in an emergency situation to remove children or young persons quickly from danger or threat of danger.
- c. Appropriate contact between Brothers and children or young persons may be part of normal human relationships. Some considerations and guidelines include the following:
 - i. Consider the child's age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child.
 - ii. Work in an open environment; for example, in confidential interviews or a one-to-one meeting, a means of visibility, such as a window pane in a door, should be maintained.
 - iii. Be alert to cues from children or young persons about how comfortable they are in your proximity and respect their need for personal space.
 - iv. Be sensitive when interacting with children or young persons who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex.

- v. Be aware of cultural norms that may influence the interpretation of your behaviour.
- vi. Be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance.
- vii. Physical contact should be made in a way that makes children or young persons feel comfortable, for example, shaking hands, a congratulatory pat on the back or with young children by gently guiding them or holding their hand for reassurance. Massaging a child or young person or allowing a child or young person to massage you is inappropriate physical contact.
- viii. Careful consideration should be given to the display of images of children or young persons in Province workspaces (e.g. as screen savers or backgrounds on electronic devices) and how they may be perceived by others as to their appropriateness.
- ix. The provision of your personal contact details should be justified in terms of educational or professional.

APPENDIX B

PRACTICAL ADVICE ON LISTENING TO A COMPLAINANT

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

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

APPENDIX C

RECOGNISING CHILD ABUSE AND RISK OF CHILD ABUSE

1. Possible Physical and Behavioural Indicators of Child Abuse

a. Physical

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

Physical assault of a child includes the following three elements:

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

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

Possible indicators of this type of abuse are:

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

b. Sexual

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

Possible indicators of this type of abuse are:

- over affectionate or inappropriate sexual behaviour

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

c. Emotional

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

Emotional abuse includes:

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

Possible indicators of this type of abuse are:

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

d. Neglect

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

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

Possible indicators of this type of abuse are:

- frequent minor or serious injuries
- untreated illness
- hunger, lack of nutrition
- tiredness
- inadequate and inappropriate clothing
- lack of supervision
- low self esteem
- lack of peer relationships

2. Indicators of Abuse are Not Facts

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

3. Reasonable Grounds for Concern

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

The following examples would constitute reasonable grounds for concern:

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

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

APPENDIX D

THE PROVINCE'S PROFESSIONAL STANDARDS ADVISORY COMMITTEE

The Province Professional Standards Advisory Committee guides and advises the Province on professional standards involving Brothers. The Committee is made up of the Provincial, the Vice Provincial, the Province Professional Standards Officer, Professional Standards Office staff and suitably qualified independent members, who are not Marist personnel.

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

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

APPENDIX E

REPORT OF ALLEGATION OF ABUSE

Sections 1 – 6 to be completed by the Brother to whom the allegation is raised , or the employee/contractor, volunteer, or visitor to the Brothers' Community,.

1. About the complaint / allegation

Date of disclosure/concern: _____ Time of disclosure/concern: _____

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

Telephone Letter Email In person

2. Details of person making complaint / allegation

Name: _____

Address: _____

Email: _____

Tel. No: _____ Mobile: _____

Relationship to child/young person or alleged victim: _____

3. Details of child/young person or alleged victim

Name: _____

DOB: _____ Male / Female: _____

Address: _____

Tel No: _____ Mobile: _____

Language (is interpreter/ signer needed?): _____

Disability: _____

Special needs: _____

Parish/Religious Institute (if applicable): _____

4. Parent / Guardian details (where appropriate)

Name: _____

Address (if different from above): _____

Email: _____

Tel. No: _____ Mobile: _____

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

5. Details of alleged perpetrator

Name: _____

Address: _____

Email: _____

Tel. No: _____ Mobile: _____

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

Position: _____

Address at time of incident(s): _____

Current contact with children or young persons if known

Any other relevant information:

7. Details of person completing this section of the form

Name: _____

Email: _____

Tel. No: _____ Mobile: _____

Position: _____

Date form completed: _____ Time: _____

Signed: _____

Sections 8 – 16 to be completed by the Professional Standards Officer, or his delegate.

8. About the referral

Date and time that the Professional Standards Officer or his delegate became aware of the disclosure/concern: _____

Date and time that the Professional Standards Officer or his delegate received this form: _____

9. Action taken

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

If yes, date: _____ Time: _____

If no, explain why:

To whom was it referred: _____

Name: _____ Position: _____

Email: _____

Tel. No: _____ Mobile: _____

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

If yes, date: _____ Time: _____

If no, explain why:

To whom was it referred: _____

Name: _____ Position: _____

Email: _____

Tel. No: _____ Mobile: _____

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

If yes, name of Statutory Authority: _____

Date referral made: _____ Time: _____

If no, explain why:

To whom was it referred: _____

Name: _____ Position: _____

Email: _____

Tel. No: _____ Mobile: _____

10. Victim Support

Date child or young person was offered counselling:

Details of other support provided:

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

12. Accused Person

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

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

13. Investigation

Details of person investigating the allegation

Date investigator appointed: _____

What was the outcome of the investigation?

Sustained Not sustained

Further details if required: _____

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

Yes No

If yes, date: _____ Time: _____

If no, explain why:

To whom was it referred: _____

Name: _____ Position: _____

Email: _____

Tel. No: _____ Mobile: _____

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

Name: _____

Email: _____

Tel. No: _____ Mobile: _____

Position: _____

Date Form completed: _____ Time: _____

Signed: _____

The original form must be provided to the Province Professional Standards Office. Upon finalisation of the matter, the form, along with all documents pertaining to the allegations, is filed at the office of PSO and retained indefinitely for auditing and review by a delegate of the Province or other appropriate person.