

**Sisters of St Joseph Lochinvar**



# **Risk Management Strategy**

This Risk Management Strategy reflects the requirements of the National Catholic Safeguarding Standards (NCSS) Edition 2 for preventing, identifying, and mitigating safeguarding risks to children and adults.

September 2023

## Contents

1. Introduction .....	2
2. Purpose and Scope.....	2
3. Roles and Responsibilities.....	2
4. Strategies for Identifying and Managing Risks .....	3
5. Supporting our People to Safeguard Children and Adults at Risk .....	4
6. Creating and Maintaining Safe Environments .....	5
7. Planning Specific Programs, Activities, and Events .....	6
8. Handling Disclosures and Complaints.....	6
9. Keeping Records and Sharing Information .....	6
10. Review of Risk Management Strategy .....	7
11. Related Documents.....	7

## 1. Introduction

The of the Congregation Sisters of St Joseph Lochinvar [Congregation] is committed to providing a safe environment that minimises the potential of abuse or harm to children and adults at risk. Together with the Safeguarding Commitment Statement, Safeguarding Policy, Code of Conduct and Complaint Handling Policy, the Risk Management Strategy supports the practical implementation of this commitment. It is approved and endorsed by the Congregation Leader.

The Risk Management Strategy complies with the National Catholic Safeguarding Standards (the Standards), which outline requirements for Catholic entities across Australia to promote the safety of children and adults at risk through implementing policies and activities to prevent, respond to and report concerns regarding abuse and harm.<sup>1</sup> It also reflects relevant safeguarding legislation in NSW.

The Risk Management Strategy will be published on the Sisters of St Joseph Lochinvar website together with the related safeguarding policies noted above. At least once each year, they will be proactively communicated to all personnel by the Congregation (e.g., via email).

## 2. Purpose and Scope

The purpose of the Risk Management Strategy is to document the strategic approach taken by the Congregation to identify and minimise risks to the safety of children and adults at risk.

The Risk Management Strategy applies to all personnel, including religious brothers, sisters and clergy, employees, volunteers, contractors (and others) engaged to provide services to children and adults at risk by the the Congregation. It covers all aspects of service by the Congregation, in any location (including physical premises or environments under the Congregation's control and/or management such as buildings, structures, open spaces, grounds, homes of religious and clergy, and arrangements for live-in carers/caretakers, as well as the online environment.

**NOTE:** Nothing that is written in these procedures prevents any clergy, religious, paid employee, volunteer or any other person from taking immediate action to notify Police and/or the Office of Children's Guardian (for children under 18 years), particularly if he/she believes that it is essential to act to ensure a vulnerable person's safety.

## 3. Roles and Responsibilities

The Congregational Leader has overall responsibility for identifying and minimising risks to the safety of children and adults at risk who have contact with the Congregation through implementing and monitoring the Risk Management Strategy. She is supported to meet this responsibility by the person appointed as the Safeguarding Coordinator (who might also be the relevant leader or other existing member of senior personnel).

The Safeguarding Coordinator monitors and regularly reports on risk management issues to the Safeguarding Committee which is responsible for providing strategic advice about these issues to the Congregational Leader and Team.

All personnel share day-to-day responsibility for identifying and minimising risks to the safety of children and adults at risk by observing and complying with the Risk Management Strategy. As part of their initial

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<sup>1</sup> The Standards are based on the child safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse but include additional 'core components.'

safeguarding induction and refresher training, personnel will be familiarised with the Risk Management Strategy and supported to understand and fulfil their safeguarding responsibilities.

## 4. Strategies for Identifying and Managing Risks

The following strategies will be implemented by the Congregation to identify and manage risks.

### 4.1 Recruiting safe and suitable people

The Congregation will implement the following practices to support the recruitment of people who are safe and suitable to have contact with children and adults at risk:

- 4.1.1 Job advertisements, role descriptions and requests for volunteers will contain the following or similar statement:

*'The Congregation is committed to safeguarding children and adults at risk and has a zero-tolerance policy to abuse. We have robust recruitment procedures to select suitable people and provide our personnel with ongoing training and support to meet their safeguarding obligations.'*

- 4.1.2 Applicants for all roles, including volunteers,<sup>2</sup> will be required during interview to demonstrate an understanding of and commitment to safeguarding principles and culturally safe practices that reflects their expected level of contact with children and/or adults at risk.

- 4.1.3 Applicants for all roles, including volunteers, will be required to disclose whether they have been the subject of any criminal or disciplinary proceedings.

- 4.1.4 At least two recent verbal referee checks will be directly obtained and documented for all applicants, including volunteers. Referees may be former or current employers (paid or volunteer). Referees will be asked specific questions about the person's suitability to have contact with children and adults at risk, including (but not limited to) whether they have been the subject of previous disciplinary proceedings. The identity of referees will be verified with the referee, where possible by telephone.

- 4.1.5 Pre-employment screening checks will be completed and documented. Any person in a role required by legislation to have a current Working with Children Check, NDIS Worker Screening Check will have their clearance verified prior to being permitted to have contact with children or adults at risk.<sup>3</sup> A current National Police Check/National Police Certificate will also be conducted, and the outcome assessed before any person is permitted to have contact with children or adults at risk

- 4.1.6 Selection and screening procedures for overseas religious will as far as practicable be the same as those for Australian personnel. the Congregation will obtain background checks from the relevant country and overseas Church Authority.

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<sup>2</sup> In this section, 'volunteer' means any individual who provides an unpaid service to *[name of Church Authority]* on a more than occasional basis. It does not include individuals who are involved as volunteers in one-off events or are supervised at all times by another appropriately screened adult.

<sup>3</sup> A person is generally permitted to work with children if they have applied for a clearance, however, you must ensure that the outcome of the application is checked and that their work with children is more closely supervised until the clearance has been given. You need to be clear on any restrictions on individuals working with children while an application is pending in your jurisdiction.

- 4.1.7 Additional robust screening of candidates for their suitability to have contact with children and/or adults at risk will take place before and during seminary and religious formation and ordination/professions of vows. This will include external psychological and psychosexual assessments.
- 4.1.8 the Congregation will securely record and store all recruitment information, including disclosures of criminal history/disciplinary proceedings, references and pre-employment screening checks (see also section 9). The Congregation Leader will monitor the status of Working with Children Checks and any other background checks for all personnel to ensure they remain current.
- 4.1.9 All personnel are required to sign an acknowledgement, before commencing employment then annually, of their agreement to comply with the Congregation's Code of Conduct. The Code of Conduct clearly outlines conduct, including conduct towards children and adults at risk, that is not acceptable. Breaching the Code of Conduct may constitute misconduct and result in disciplinary proceedings up to and including dismissal (with or without notice) and possible criminal proceedings. In addition, religious clerics, brothers and sisters may be removed from ministry and be dispensed from his or her vows or dismissed from the clerical state, as applicable. This may impact on the individual's ability to work with children and/or adults at risk in the future.

**NOTE:** Prior to contracting a third party to deliver services to children or adults at risk, the Congregation will confirm the third party has appropriate recruitment and training policies and practices in place to safeguard children and adults at risk.

## 5. Supporting our People to Safeguard Children and Adults at Risk

The Congregation recognises that our people play a critical role in keeping children and adults at risk safe. We support them to fulfil this role in the following ways.

- 5.1. Providing initial (as soon as possible after commencement) and refresher safeguarding training (at least every three years) to all personnel. The training will equip personnel with information and skills to understand and fulfil their safeguarding responsibilities, including preventing, identifying and reporting concerns about safety to children and adults at risk. At a minimum, the training will cover the areas outlined in the Safeguarding Policy. Refresher safeguarding training will be provided to personnel.
- 5.2. Ensuring our leadership team undertakes the National Catholic Safeguarding Standards Introductory Session for Leaders.
- 5.3. Maintaining up-to-date participation records to ensure personnel complete induction and refresher safeguarding training as required.
- 5.4. Providing professional supervision, mentoring, and annual performance reviews for personnel which include a focus on safeguarding responsibilities.
- 5.5. Ensuring that all clergy and religious in full-time ministry participate in at least 6 hours, with the optimum being 10 hours, of professional/ pastoral supervision each year. Clergy and religious not in full-time ministry participate in 6 hours of reflective practice activities each year. Professional

supervision for personnel will include attention to safeguarding of children and adults at risk, with specific consideration to the appropriate management of power imbalances in relationships.

- 5.6. Ensuring that all clergy and religious in ministry, undertake ongoing professional development and regular appraisals.
- 5.7. Ongoing integrated formation for clergy and religious will address both canonical and civil safeguarding requirements.

## 6. Creating and Maintaining Safe Environments

The Congregation will strive to maintain safe environments for all people, particularly children and adults at risk, through implementing the following practices:

- 6.1 We will communicate with the community about our approach to safeguarding and how people can raise concerns about the safety of children or adults at risk.
- 6.2 Physical premises or environments under our control and/or management (including buildings, structures, open spaces, grounds, homes of religious, and arrangements for live-in carers/caretakers) will be assessed and regularly monitored for safety hazards to minimise the risk of injury or harm to any person, particularly young children, people with physical disability and frail older people. Where potential hazards are identified, the Congregation Leader is responsible for ensuring they are documented and promptly mitigated.
- 6.3 One-to-one interactions between an adult and a child will not take place, whether on the Congregation premises or elsewhere, unless in an open or visible space, or within the clear line of sight of another adult, unless express permission has been provided. A similar approach will generally be taken with an adult at risk; however, this will depend on the individual's circumstances, preferences and right to privacy. Prudent judgement will be exercised on a case by case basis, having regard to any issues of diminished capacity. Child-to-child interactions will occur within clear line of sight of an adult.
- 6.4 When the Congregation becomes aware that a person (other than personnel) attending or residing in any of its services or activities poses an unacceptable risk to others (eg. those with a serious criminal conviction resulting in parole conditions, domestic and family violence orders) the risks posed by the person's ongoing involvement in the service or activity will be appropriately managed. The Congregation Leader is responsible for decision-making in relation to any person who poses an unacceptable risk to others. Advice should be sought from Police in this regard as appropriate on a case by case basis.
- 6.5 Personnel will use appropriate and safe online applications to minimise online risks to the safety of children and adults. Electronic devices will be appropriately secured to prevent unauthorised access and usage may be intrusively monitored to ensure compliance with the Code of Conduct. Where appropriate in the context of programs, services or activities we provide, the Congregation will provide children and adults with safe online applications to learn, communicate and seek help.
- 6.6 Personnel must report any incident that raises concern for the safety of a child or adult at risk to the Congregation Leader as soon as practical. If the concern relates to the Congregation Leader, it must be reported to Assistant leader The Complaint Handling Policy will be followed when any incident about the safety of a child or adult at risk is reported.

6.7 In addition to the above, the Congregation will comply with all legislative and statutory requirements associated with the provision of residential, disability, respite, personal care or other services for adults at risk.

## 7. Planning Specific Programs, Activities, and Events

In addition to maintaining safe environments through the steps outlined in section 3, the Congregation will take a structured approach to risk management for any programs, activities and events, whether on or off premises (including overseas).

The plan will include (but not be limited to) consideration of the following:

- the nature of physical spaces and physical safety hazards
- privacy (eg. toilets, change rooms)
- health/medical needs of participants
- supervision arrangements
- child-to-child interactions; adult-to-child interactions and adult-to-adult interactions
- access and transport arrangements
- access to electronic equipment and on-line environments
- use of cameras/audio-recorders/video-recorders
- needs of adults with diminished capacity

The plan will take into account the ability for adults to make informed choices while also having regard to the needs of adults with diminished capacity to make decisions. Adults with heightened vulnerability will be consulted about their safety needs and their views will be respected. Where appropriate, families/carers will be encouraged to participate in safety planning for adults with diminished capacity.

## 8. Handling Disclosures and Complaints

The Congregation has a robust process for receiving, recording, managing, resolving and monitoring complaints, including disclosures or allegations of current or historical abuse towards children or adults. This includes appropriately assessing and managing any current safety risks. These processes are documented in the Complaint Handling Policy.

The Safeguarding Policy and Code of Conduct require personnel to promptly report any concern for the safety of children or adults at risk to the Congregation Leader as soon as practical.

## 9. Keeping Records and Sharing Information

The Congregation acknowledges that in the past, institutions have not always fulfilled their obligations to keep records and share appropriate information about risks to the safety of children and adults. We recognise that record-keeping and information sharing is a key risk management strategy and will implement this in the following ways:

- 9.1. Complete and accurate records will be created and maintained for all incidents, complaints (including disclosures/allegations), responses and decisions that relate to abuse or harm to children or adults at risk. Records will be created at the time of, or as soon as practicable following, an incident, complaint, response or decision.

- 9.2. All records will be securely stored, maintained and disposed of in accordance with legislative and statutory requirements (including requirements relating to the Reportable Conduct Scheme and Working with Children Check scheme, or after a period of 50 years (whichever is higher). Access to information and records will be restricted to the Congregation personnel who require it in order to discharge their safeguarding obligations.
- 9.3. We will maintain current knowledge of, and comply with, our legislative obligations to maintain confidentiality and protect personal information and privacy. Information and records relating to incidents, complaints, responses and decisions will be treated as confidential except where the sharing or distribution of information and/or records is mandated by statutory requirements or principles of natural justice. In this regard, if the complaint involves conduct that is serious and/or potentially criminal, any legal obligations to report relevant information to bodies such as the Police or child protection services will over-ride confidentiality, or to other prescribed bodies.
- 9.4. We will uphold and facilitate, to the fullest extent possible, individuals’ rights to access, amend or annotate records about themselves. If the individual has capacity issues, consideration will be given to the most appropriate way to release records and information and who else may be authorised to receive it on their behalf (eg. a guardian or nominee). When determining what information to release relating to a complaint record, the Congregation will be mindful of privacy and confidentiality obligations concerning the release of personal information about other individuals, such as a subject of the complaint.

## 10. Review of Risk Management Strategy

The Risk Management Strategy will be updated as required and reviewed at least every three years. In doing so, the Congregation will have regard to best practice models and the views of expert stakeholders and community members, children and adults at risk, including those with disability, diminished capacity and/or cognitive impairment.

## 11. Related Documents

- Safeguarding Commitment Statement
- Safeguarding Policy
- Code of Conduct
- Complaint Handling Policy
- Templates and Check Lists contained in the Congregation’ Supplementary Documentation

<b>Risk Management Strategy approved</b>	[Insert name and position of person approving policy]	[Insert month and year]	24
<b>Risk Management Strategy reviewed</b>	[as above]	[Insert month and year]	