

Sisters of St Joseph Lochinvar



**Policy for
Safeguarding Children
and Adults at Risk**

Published August 2020

Revised and published September 2023

This Policy reflects the requirements contained in the National Catholic Safeguarding Standards (NCSS) Edition 2.

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SISTERS OF ST JOSEPH LOCHINVAR



POLICY FOR SAFEGUARDING CHILDREN AND ADULTS AT RISK

“See that you do not despise one of these little ones. For I tell you that their angels in heaven always see the face of my Father in heaven. ” Mt. 18:10

1. Preamble

The Congregation of the Sisters of St Joseph Lochinvar [Congregation] is not directly responsible for any public ministry that may involve children. No Sisters are commissioned by the Congregation to a ministry directly related to children. No employees of the Congregation are engaged in ministries directly related to children.

However, in carrying out the mission of responding to the needs of the time, particularly in relation to the poor and disadvantaged, the Congregation, their employees and volunteers do have ongoing contact with adults at risk, viz elderly people in care.

As Sisters of St Joseph we uphold the dignity of all and are committed to promoting and maintaining safe and supportive environments, particularly for children and adults at risk. All people have the right to be protected from abuse.

Inclusivity, which is at the heart of the Gospel, and therefore, our values, shapes our relationship with children, adults at risk, their families, and the community.

We recognise the role of families and community in safeguarding children and adults at risk and welcome their input on how to improve the way we relate to them

We are actively committed to building prevention and safeguarding practices into everyday practice and implementing governance reforms throughout our Church.

We are building a culture of care, accountability and transparency upheld in our policies and processes including recruitment, induction, and daily operations.

All Sisters, staff and, volunteers are made aware of their responsibilities in relation to the legislative requirements of relevant jurisdictions and our own complaints and safeguarding policies

We act appropriately with children and adults at risk with whom we come into contact, including maintaining boundaries and exercising acceptable standards of behaviour at all times.

Each Sister and each ministry, programme and activity conducted under the responsibility of the Sisters of St Joseph Lochinvar fosters the wellbeing of all children, young people and adults at risk, respects their dignity, provides for their safety and does everything possible to protect them from harm and abuse. Particular attention is paid to the needs of Aboriginal and Torres Strait Islander people.

The Congregation has a **zero tolerance** approach to abuse of any kind.

All who come into contact with children and adults at risk in any ministry of the Congregation, whether

administrator, staff member, Sister or volunteer, have a duty to ensure safety and protection. Any report or suspicion of harm or abuse is handled with sensitivity, compassion and integrity and in a timely manner.

All personnel must be familiar with this policy, and the Congregation's Code of Conduct, and must be aware of other professional and legal requirements and know how to respond when there is knowledge or suspicion of harm to a child or adult at risk.

We endorse the response of the Catholic Church who wrote "The Australian Catholic Bishops' Council (ACBC) and Catholic Religious Australia (CRA) are grateful to the Royal Commission for the service it has rendered to both the country and Catholic Church, and we thank especially the survivors of abuse who showed such courage in coming forward to bear witness to their suffering. To them and their families we offer our sincere and unreserved apology, and we commit anew to doing whatever we can to heal the wounds of abuse and to make the Church a safe place for all." *ACBC and CRA Response to the Royal Commission into Institutional Responses to Child Sexual Abuse*. August, 2018 p, 5.

Lauretta Baker RSJ
Congregational Leader

2. Commitment Statement

The Sisters of St Joseph Lochinvar are committed to

- Maintaining zero tolerance for abuse, harm, or exploitation of children or adults at risk.
- Ensuring that all who minister under the auspices of the Congregation, including our leadership, our members, our staff, and volunteers, are responsible for creating and maintaining a safe culture for all children and adults.
- Promoting diversity and upholding justice for the most vulnerable within our community, including children and adults who identify as Aboriginal, Torres Strait Islander and those from culturally and/or linguistically diverse backgrounds, people with diverse sexuality and people with a disability.
- Proactively considering potential and actual risks, and addressing, reducing or eliminating the risk wherever possible.
- Responding sensitively to allegations and disclosures of child and adult abuse and reporting to the appropriate authorities within a timely manner.
- Ensuring our recruitment, employment and supervision processes are of high quality;
- Education and training in recognising abuse, responding to a disclosure and reporting an allegation for all engaged in working with children and adults at risk, either directly or indirectly.
- An effective Safeguarding Complaints Handling Policy and Reporting Procedure which is publicly available.
- Immediate intervention if there is suspicion that a child or adult at risk is subject to some form of harm or abuse, ensuring the person is protected and supported;
- Ensuring persons involved in an allegation of abuse will be treated with justice and compassion and have appropriate confidentiality maintained.
- Regular review of our safeguarding policies

3. Purpose and Scope

The purpose of this policy is to provide information and guidance about how the Congregation of the Sisters of St Joseph Lochinvar [the Congregation] will prevent, identify and respond to abuse and harm towards children and adults at risk.

This Policy has been approved by the Congregation Leader and Leadership Team, the members of which are at the same time the Trustees of the Sisters of St Joseph. Lochinvar. The Policy will be reviewed regularly and after the appointment of a new Congregation Leader following a General Chapter.

Definition of Children

Children are people under the age of 18. The Congregation does not provide services or activities that involve directly working with children but has/may have incidental contact with children through children accompanying parents to services or programs.

Definition of Adults at Risk

Adults at risk are people aged 18 and over who are at increased risk of abuse, including those who are elderly; have a disability; have a mental illness; have diminished capacity; have cognitive impairment; are experiencing transient risks eg bereavement, relationship breakdown, domestic or family violence, homelessness; have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation.

Whilst taking care to not make assumptions or generalisations about individuals, we recognise that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, eg: being Aboriginal or Torres Strait Islander; being a refugee or migrant; diverse gender or sexuality; speaking a first language other than English; the existence of a power imbalance; experience of living in out-of-home care; surviving sexual abuse or child abuse

Application of Policy

This policy applies to each Sister, employee or volunteer who works directly or indirectly for the Congregation or in any ministry of the Congregation.

Currently, the Congregation is responsible for one only public ministry that may indirectly involve children, the House of Hospitality at Broadmeadow.

Sisters working under the auspices of other institutions such as the diocese of Maitland-Newcastle, St Vincent de Paul Society, etc, concur with the requirements of those institutions. Records of Sisters' current NSW Working with Children Check number are kept on record in the Congregational Office at Warners Bay.

We endeavour to maintain a professional role in all issues concerning children and adults at risk. The management of professional boundaries will ensure that everyone is protected from misunderstandings and we will promote transparency and accountability in all our works.

Our policies including the Code of Conduct for our Sisters and for employees and volunteers, reflect a comprehensive approach in our care of children and adults at risk and can be found in the Appendices ... of this document.

The policy 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. The policy also reflects relevant safeguarding legislation in NSW.

The Safeguarding Policy is supported by and should be read together with the following related documents, which provide additional guidance, including procedural checklists:

- Safeguarding Commitment Statement
- Code of Conduct
- Risk Management Strategy
- Complaint Handling Policy

4. Leading and Promoting Safeguarding Culture

Management of Safeguarding at Congregation level

The Congregational Leader and Team will lead and promote a safeguarding culture by:

- personally upholding and modelling a standard of behaviour consistent with relevant Church documents and civil law
- promoting the National Catholic Safeguarding Standards
- prominently publishing and displaying the Safeguarding Commitment Statement and ensuring the Safeguarding Policy, Code of Conduct and Complaint Handling Policy are readily available to personnel and the broader community
- identifying and taking opportunities to promote whole of community awareness of the dignity and rights of children and adults at risk, where appropriate and where possible and necessary
- promoting an inclusive, respectful and responsive approach to the diverse needs of children and adults at risk, with particular attention to the needs of children and adults who may be at increased risk of abuse, discrimination or exploitation
- taking all possible steps to ensure that only people who are safe and suitable to have contact with children and adults at risk are engaged by the Congregation.
- empowering all personnel to take responsibility for safeguarding and providing opportunities for them to have input into improving safeguarding practices
- encouraging personnel to bring forward concerns or complaints about the safety of children or adults at risk (including disclosures of current or historical abuse) and providing appropriate processes by which to do so.
- responding to disclosures and complaints in a manner that is transparent, respectful, fair and accountable
- welcoming and facilitating dialogue with and feedback from the community, including children, adults at risk and outside experts, about our safeguarding approach, including when reviewing safeguarding policies and procedures
- ensuring the Congregation complies with all relevant statutory and legislative requirements
- actively monitoring compliance with the Safeguarding Policy and National Catholic Safeguarding Standards, undertaking annual local self-assessment checks and making publicly available the findings of any audits or reviews undertaken or validated by Australian Catholic Safeguarding Limited.
- ensuring the Safeguarding Policy, Code of Conduct, Risk Management Strategy and Complaint Handling Procedures are regularly reviewed according to the specified timeframes in each document

The Congregation Leader retains overall responsibility for the Safeguarding Implementation Plan.

Distribution of Responsibility

The Congregation Leader and Leadership Team have responsibility for:

- developing, approving and disseminating this policy;
- appointing a person to take responsibility for Safeguarding matters and in implementing the policy.
- evaluating and updating the policy as appropriate or required by changes in legislation and keeping abreast with the latest literature.
- The Congregation Leader, as the designated Church Authority, has responsibility to ensure that she supports the Safeguarding Officer to provide the most appropriate intervention when there is suspicion, allegation or disclosure of harm or abuse to a child or a person at risk;
- co-operates with any investigation.

Safeguarding Committee

The *Congregation Leader* has established a Safeguarding Committee in accordance with the requirements of the Standards which is responsible for overseeing the effective ongoing implementation of safeguarding practices, policies and procedures. The members of the Congregational Leadership Team with the Safeguarding Officer act as the Safeguarding Committee assisted by others as deemed necessary and appropriate (e.g. seeking specialist advice about safeguarding good practice, as necessary)

This Safeguarding Policy together with the Safeguarding Commitment Statement, Code of Conduct and Risk Management and Complaint Handling Policy are published on the Congregation website www.ssjl.org.au

At least once a year, the documents will be proactively communicated to all personnel involved in the Congregation, via an email reminder.

Safeguarding policies and procedures will be regularly reviewed and the findings of the reviews will be reported to stakeholders.

Safeguarding Implementation Plan

- Safeguarding will be a standing agenda item of the Congregation Leadership Team
- The Safeguarding Committee will monitor compliance through:
 - opportunities to promote safeguarding within the Congregation
 - monitoring relevant legislative or statutory changes
 - reviewing/updating the Safeguarding Policy and related documents
 - safeguarding training and support for personnel
 - trends in complaints about the safety of children or adults at risk (without breaching privacy or jeopardising ongoing complaints),
 - any other relevant matters related to safeguarding.

Roles and Responsibilities of the Safeguarding Officer

The Safeguarding Officer will oversee the Safeguarding Policy training and education will be a priority and records are kept at the Congregation Office at Warners Bay. Risk Management policies will be reviewed and personnel will know how to respond to concerns about any allegations of professional misconduct.

The Safeguarding Officer oversees the day-to-day implementation and management of the policy and answers directly to the Congregation Leader.

The *Safeguarding Officer* has an obligation:

- to have a knowledge and understanding of all current statutory and church requirements pertaining to safeguarding children and adults at risk;
- to ensure that Sisters, employees and volunteers are provided with training and are familiar with our Safeguarding policy;
- to maintain training records;
- to monitor the currency of Working with Children Checks and other relevant background checks held by personnel
- to work with the Congregation Leader in response to suspicion, allegation or disclosure of harm to a child or person at risk;
- to inform the Leadership Team about any changes in legislation and then work with the Leadership Team to inform the Sisters about any changes to the Safeguarding policy.

5. Identifying and Managing Risks

The Congregation has appropriate processes in place to identify and manage risks to the safety and wellbeing of children and adults at risk. These processes are documented in the [Risk Management Strategy](#).

As part of their initial safeguarding induction and refresher training, personnel will be familiarised with the Risk Management Strategy and their related responsibilities. The Congregational Leader [has overall responsibility for ensuring implementation and compliance with the Risk Management Strategy.

6. Safe recruitment and screening process

The Congregation is committed to recruiting and engaging people who are safe and suitable to have contact with children and adults at risk.

All aspects of the recruitment of staff and volunteers emphasise our commitment to the safeguarding of children and adults at risk. There will be a vigorous and vigilant process in the advertising, recruiting and screening of candidates who are interested in working with us.

The Congregation is also committed to ensuring that existing personnel understand their safeguarding responsibilities and are safe and suitable to have contact with children and adults at risk.

The processes in place to support safe recruitment and engagement forms part of the Congregation's overall Risk Management Strategy.

Working with Children Checks

The Safeguarding Officer makes sure that those who work in any ministry involving children have a *Working with Children Check* number that is verified at the Congregation Office at Warners Bay. The data base will include the full name of each person, their date of birth, the WWCC number, when the next check is due, who verified the WWCC on line, the date and the outcome of the verification.

Use of Computers and Internet

Communication, information and research are integral to our mission and so we use the available digital technology daily and responsibly. Privacy with personal information will be upheld as well as confidentiality with work related matters. Our technology usage will always promote human dignity and respectful relationships.

7. Safeguarding Training and Support

Understanding and recognising abuse and harm, and the risks

All Sisters and personnel need to understand what is meant by “abuse, harm and risk of harm.” Employees and volunteers will be trained every three years about Safeguarding matters. The Sisters will have input at Congregational gatherings and a brief memo re the Policy in the Congregational newsletter.

Providing Safeguarding Training and Support

Members of the Leadership Team will participate in the National Catholic Safeguarding Standards Introductory Session for Leaders, as soon as possible after commencement.

As part of their induction, and as soon as possible after commencement, all personnel will be provided with training that empowers them to understand and implement their safeguarding responsibilities. At a minimum, the training will cover:

- Safeguarding Policy and Code of Conduct
- the nature, factors and impact of institutional abuse of children and adults, including abuse of power, exploitation and grooming
- understanding risk factors and managing risks to children and adults
- understanding abusive behaviours by a child towards another child
- e-safety
- responding to disclosures of abuse
- civil (Commonwealth, state and territory) and Canonical reporting obligations
- complaint handling, and
- information sharing and record keeping.

Refresher safeguarding training will be provided to personnel at least every three years.

The Safeguarding Coordinator is responsible for keeping records of participation in initial and refresher safeguarding training.

Identifying and Managing Safety Concerns

The Sisters of St Joseph. Lochinvar provide a preventative and responsive approach to protecting children and adults at risk by ensuring that risks are identified and managed and are clearly set out in the Risk Management Policy.

The process includes identifying a risk, analysing it, ranking and recording steps to reduce that risk and then monitoring. This risk assessment will be reviewed regularly and made publicly available on our website.

As part of their initial safeguarding induction and refresher training, personnel will be familiarised with the Risk Management Strategy and their related responsibilities.

The Congregational Leader has overall responsibility for ensuring implementation and compliance with the Risk Management.

Induction of employees and volunteers

New employees and volunteers will be inducted by the Safeguarding Officer and sign a “Code of Conduct” form. Formal attendance records for induction training are documented and retained.

8. Responding to Complaints

The Congregation seeks to encourage people as necessary to communicate their concerns and complaints without fear of retribution. The Congregation understands that speaking up requires courage and will respond with respect and compassion. The Congregation will try to resolve concerns and complaints as efficiently and effectively as possible.

Complaints will be taken very seriously and responded to promptly. The safety, care and concern for the complainant is paramount. Complaints could range from a disclosure of current sexual abuse of a child, a historic complaint or breach of the Code of Conduct.

The Congregation has a system for receiving, recording, managing, resolving and monitoring complaints, including disclosures or allegations of current or historical abuse towards children or adults. The processes are documented in the Complaint Handling Policy.

As part of their initial and refresher safeguarding training, personnel will be familiarised with the Complaint Handling Policy and their related responsibilities.

The Congregation Leader will notify the appropriate authorities so that the investigation can be carried out with objectivity and fairness. In the case of a criminal investigation, the police will be informed immediately. Depending on the nature of the complaint and risk assessment, the person against whom the allegation has been made, may be “stood aside” during the investigation.

In accordance with the ACSL Guidelines, clear information about the investigative process will be given to the respondent with outcomes given in writing. A respondent also has a right to a review.

The Congregation Leader will ensure that all those involved in a Safeguarding matter or a breach of the Code of Conduct will be given support.

Records of any notifications and action plan will be completed as part of the process and be filed securely at the Congregation office in Warners Bay. Confidentiality is paramount. (See Appendices ?)

9. Mandatory Reporting

All those involved as employees/co-workers working with children are mandatory reporters of abuse. The safety of any child or adult at risk is paramount.

All Sisters, employees and volunteers need to understand what is meant by “abuse, harm and risk of harm.” They will be trained triennially about Safeguarding matters.

The Congregational Leader will ensure that The Congregation reports any safety concerns about children or adults at risk to the appropriate authorities. The processes by which safety concerns will be reported include:

- reporting possible criminal offences (including historical allegations of child abuse) to Police
- making a mandatory child protection report to the Office Children’s Guardian
- making a notification of reportable conduct
- reporting safety concerns for older people or people with disability to the Aged Care Quality and Safety Commission, NDIS Quality & Safeguards Commission and the NSW, the Ageing and Disability Commission.

If a Sister, an employee or volunteer has an allegation made against him or her, s/he will be withdrawn from active duty immediately. The protection of the victim is the most important consideration.

Reporting Obligations

Any person engaged by Congregation who becomes aware of a concern about the safety of a child or adult at risk, whether by a direct or indirect disclosure or any other means, must report it as soon as practical to the Congregational Leader.

If the concern relates to the Congregational Leader it must be reported to the Safe-guarding Committee.

The report should include all known information such as the nature of the allegation; when and where it occurred; the subject of the allegation and the alleged victim.

It is not the reporter's role to interview any person or investigate the concern. Under no circumstances should the reporter ask a person for further details or ask leading questions – this has the potential to interfere with the disclosure and may jeopardise any future criminal proceedings that may arise as a result of an investigation. However, the reporter should obtain basic details to assess the person's immediate safety.

Except for the purpose of meeting their reporting obligations, the reporter will treat the matter in strict confidence.

The Congregational Leader will provide advice and guidance on how the matter should be handled, including whether the conduct is 'reportable' and external authorities need to be notified.

Reporting process for historic cases of alleged abuse

If a Sister, employee, co-worker or volunteer receives a complaint about alleged historic abuse, it is important that the Congregation Leader is informed immediately. She will respond according to any legislative requirements. Depending on the nature of the complaint, the Congregation Leader would offer a pastoral meeting to listen to the complaint and a response would depend on the needs of the person. (See Appendix ?)

10. Requiring and Upholding Standards of Behaviour

The Congregation expects all personnel to uphold the human rights, dignity and well-being of all people and safeguard children and adults at risk from abuse and harm.

Code of Conduct

All personnel must comply with the Congregation Code of Conduct. The Code provides clear information about the kinds of conduct towards children and adults at risk that are not acceptable, ranging from concerning behaviour that may be a breach of the Code, to behaviour that may also amount to a criminal offence if proven

11. Record Keeping and Information Sharing

Congregation is committed to appropriate and lawful record keeping, storage and sharing of information related to children and adults at risk. We recognise that record-keeping and information sharing is a key risk management strategy

12. Confidentiality

The Sisters of St Joseph Lochinvar 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.

The Congregation will seek to balance fairness and confidentiality requirements and, as far as possible, safeguard the interests of all parties.

When determining what information to release relating to a complaint record, The Sisters of St Joseph Lochinvar will be mindful of privacy and confidentiality obligations concerning the release of personal information about other individuals, such as a subject of the complaint.

The person who is involved in the allegation will also receive support and their right to privacy will be protected. The matter will be dealt with by the Congregation Leader in consultation with appropriate personnel.

If a staff member makes an allegation about another person, that staff member must not disclose or make use of that information, except with the authorised personnel as stated within the policy.

The person making the report of alleged abuse will be advised that the report will be investigated and dealt with by appropriate authorities.

13. Review of Safeguarding Policy and Related Documents

The Safeguarding Policy and related documents will be updated as required and reviewed at least every three years. The Congregation will consult personnel as part of reviewing the Safeguarding Policy and related documents. The outcomes of each review will be documented.

Legal Obligations and the Relevant Acts

The NSW Child Protection legislation has two foci – employment and child.

The employment focus includes the [Ombudsman Act 1974](#) and [Child Protection \(Working with Children\) Act 2012](#). The child focus legislation is the [Children and Young Persons \(Care and Protection\) Act 1998](#).

The child focused legislation (1998) requires that we report to the Department of Community Services or the police if we have reasonable grounds to believe that a child or young person is ‘at risk of significant harm.’

The Trustees of the Sisters of St Joseph Lochinvar are required to notify the Ombudsman of any reportable allegations or convictions against a Sister, employee or volunteer within 30 days. These matters would already be with the police or Department of Community Services. Details of the people involved, the allegation and the institution’s initial response, will to be sent to the Ombudsman’s office on the [Notification Form](#) provided by that Office.

Reportable conduct includes any sexual offence or sexual misconduct (including pornography), any assault, ill treatment or neglect of a child, and any behaviour that causes psychological harm to a child.

We are also required to report the investigation findings to the [Children’s Guardian](#) in matters of sexual and physical abuse and retain the records for at least 30 years.



Church Protocols

The Trustees of the Sisters of St Joseph Lochinvar will ensure that we fully comply with all relevant government legislation and all requirements of the Catholic Church in respect of safeguarding children and adults at risk in accord with the following protocols adopted by the Australian Catholic Bishops Conference, namely:

- [Integrity in Ministry \(reprinted 2010\)](#) (Principles and Standards for Catholic Clergy and Religious Australia);
- [Integrity in the Service of the Church \(September 2011\)](#) (Principles and Standards for Lay Workers in the Catholic Church in Australia);
- [Towards Healing \(2010\)](#) (Principles and Procedures in Responding to Complaints against Personnel of the Catholic Church in Australia).
- [National Catholic Professional Standards \(2018\)](#)
- [National Principles for Child Safe Organisations](#) – National Framework for Protecting Australia’s Children 2009 -2020

In accord with the legislation and the protocols above, the Trustees of the Sisters of St Joseph Lochinvar (i.e. the current Leadership Team), will make full disclosure of any allegations of abuse to the appropriate bodies. If the matter is of a criminal nature the police will be informed immediately. (See Appendix 6)

Our Safeguarding Policy was completed in draft, in September 2019, revised and made publicly available on our website www.ssjl.org.au in August 2020. It was revised in 2023 and approved in August 2023.

Code of Conduct approval		Sr Laretta Baker Congregational Leader	August 2020
Code of Conduct review		Sr Laretta Baker Congregational Leader	September 2023