

Policy for Safeguarding Children and Adults at Risk



Sisters of St Joseph Lochinvar

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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

Preamble

In carrying out the mission of responding to the needs of the time, particularly in relation to the poor and disadvantaged, the Sisters of St Joseph, Lochinvar, employees and volunteers may have contact with children, young people and adults at risk.

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 child abuse.

All who are involved with children and adults at risk in any ministry, 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 promptly, with compassion and integrity.

Each person must be familiar with this policy, and the Congregational Code of Conduct, 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

Commitments

The Sisters of St Joseph Lochinvar are committed to ensuring that:

- the safety, well-being and protection from any form of harm or abuse of children, youth and adults at risk are paramount at all times;
- all Sisters, employees and volunteers act to support and protect children and adults at risk;
- our recruitment, employment and supervision processes are of high quality;
- education and training in recognising abuse, responding to a disclosure and reporting an allegation is provided for all engaged in working with children and adults at risk, either directly or indirectly.

if there is suspicion that a child or adult at risk is subject to some form of harm or abuse there will be immediate intervention ensuring the person is protected and supported;

- a prompt, compassionate and just response is made on receiving any complaint or notification of harm or abuse (current or historic);
- care is offered to the family of the child or person who may have suffered harm;
- persons involved in an allegation of abuse will be treated with justice and compassion and have appropriate confidentiality maintained.

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)

In-services on *Integrity in Ministry* and *Towards Healing* have been held. In the past, Sisters in schools also attended in-services in their school community. 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

Authority

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

Definitions

A child is defined as someone who is under the age of 18 years.

An adult at risk may be a person who is frail and elderly, has a disability, has mental health issues, cognitive impairment, has suffered bereavement, is encountering domestic violence, is a substance misuser. Also included are those who are culturally and linguistically diverse, have significant relationship problems, experience economic hardship, and/or have other impairments.

e-safety is a term which means not only the internet but other ways in which people communicate using electronic media, e.g. mobile phones. (see Appendix 4)

IT resources are any devices, applications, software and networks owned by the Congregation. This includes notebooks, printers, scanners, cameras, USB memory sticks, email and internet use.

Application of Policy

This policy applies to each Sister, employee or volunteer who works directly or indirectly in any ministry of the Sisters of St Joseph Lochinvar. Currently, the Congregation is not directly responsible for any public ministry that may involve children, although some Sisters volunteer in ministries entrusted to them by the Diocese of Maitland-Newcastle. These Sisters must have a current NSW *Working with Children Check* number that has been verified and kept on record.

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 employees and volunteers*, reflect a comprehensive approach in our care of children and adults at risk and they can be found in the Appendices 2-4 of this document. They also reflect our commitment to develop 'Right Relationships' in our everyday lives

Procedures

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;
- has a written procedure in place to ensure that the requirements of the relevant civil authority in relation to child protection/safeguarding are met;
- seeks advice from the Professional Standards Office as needed;
- co-operates with any investigation.

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 ensure support, mentoring oversight and professional supervision processes for all relevant personnel
- to maintain employment screening and training records;

- to implement an e-safety policy.
- 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.
- to implement the relevant changes recommended by the Royal Commission and Catholic Professional Standards Limited (CPSL).

Management of Safeguarding at Congregation level

Roles and Responsibilities of the Safeguarding Officer

The Safeguarding Officer will oversee the Safeguarding Policy and ensure safe recruitment processes are in place. 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.

Safe recruitment and screening process

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.

Where applicable, a Working with Children Check (WWCC) will be required of candidates who will need to demonstrate that they recognise the importance of boundaries and what constitutes good behaviour around children and/or adults at risk. They would need to demonstrate that they have an understanding of the needs of children/adults at risk and be able to respond appropriately to a variety of scenarios. Several references would be required. Ongoing support, supervision and training will be required for those who hold a management position.

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. See Appendix 4

Induction of employees and volunteers

New volunteers will be inducted by the Safeguarding Officer and sign a "*Code of Conduct*" form. This is a necessary prerequisite for any volunteer in any ministry. Formal attendance records for induction training are documented and retained.

Mandatory Reporting

All those involved as employees/co-workers working with children are mandatory reporters of abuse (www.keepthemsafe.nsw.gov.au). The safety of any child is paramount.

All Sisters, employees and volunteers need to understand what is meant by “abuse, harm and risk of harm.” They will be trained bi-annually about Safeguarding matters. (See Appendix 1)

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. The Leadership Team has a written policy on *Responding to an Allegation of Abuse*. (See Appendix 6)

The NSW Ombudsman is responsible for monitoring the handling of reportable allegations and convictions against employees of all government and certain non-government agencies in NSW.

Safeguarding and Risk Management

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 (see *Safer Organisations Safer Children* www.checkwwc.wa.gov.au). This risk assessment will be reviewed regularly and made publicly available on our website.

Responding to Complaints

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 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 CPSL 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 our office in Warners Bay. Confidentiality is paramount. (See Appendices 6 - 7)

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 to the person. (See Appendix 5)

General Training

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 annually about Safeguarding matters. The Sisters will have input at Congregational bi-monthly gatherings and a brief memo re the Policy in the weekly Congregational newsletter. (See Appendix 1)

Confidentiality

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.

This policy was revised and made public on www.ssjl.org.au August 2020.

(With acknowledgement of Child Protection Policies published by the Marist Brothers Province of Australia, The Australian Province of the Society of Jesus, the Catholic Diocese of Wollongong and the Presentation Sisters, Wagga Wagga.

Appendices

Appendix 1:

Definitions of Abuse and Grooming

Appendix 2:

Congregation Code of Conduct

Appendix 3:

Privacy Policy - Sisters of St Joseph Lochinvar

Appendix 4:

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Appendix 5:

Principles/Procedure for Handling Complaints

Appendix 6:

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Appendix 6a:

Responding and Reporting of Disclosures of Child Abuse (flowchart)

Appendix 6b:

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Record keeping – Integrity in Ministry – Historic and Current Matters

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DEFINITIONS OF ABUSE AND GROOMING

Sisters of St Joseph Lochinvar



What is harm?

Harm is any detrimental effect of a significant nature on a person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by physical, psychological or emotional abuse or neglect; or sexual abuse or exploitation. It may be caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

The abuse generally involves one or more of four main forms of abuse:

- physical abuse;
- emotional/psychological abuse;
- neglect;
- domestic or family violence; and
- sexual abuse.

Physical Abuse

Physical abuse is any non-accidental physical injury or injuries to a child or adult such as inflicting pain of any sort. It may involve beating, shaking, poisoning, burning or scalding, drowning, suffocating, biting, grabbing hard enough to leave a mark, throwing a person, strangulation, or otherwise causing physical harm. Physical harm may also be caused when a parent or carer fabricates the symptoms of or deliberately induces illness in a child or adult at risk. Physical abuse, as well as being a result of an act of commission can also be caused through omission or the failure to act to protect.

Emotional/psychological abuse

Emotional abuse is the persistent emotional ill-treatment of a person causing severe and persistent adverse effects on the person's emotional development. It may involve constant criticism, belittling, teasing, constant yelling, withholding praise and affection, exposure of a person to domestic and family violence, conveying that the person is worthless or unloved, inadequate or valued only insofar as s/he meets the needs of another person.

It may feature age or developmentally inappropriate expectations being imposed. These may include interactions that are beyond the person's developmental capability, as well as overprotection and limitation of reasonable exploration and learning, or preventing the child or vulnerable adult from participating in normal social interaction.

It may involve causing a person to feel frightened, in danger or exploitation or corruption of the person. Some level of emotional abuse is involved in all types of ill-treatment of a child or adult at risk, though it may occur alone.

Neglect

Neglect is failure to provide the necessary care, aid or guidance to dependent children or adults by those responsible for their care. It becomes apparent in different ways over a period of time rather than at one specific point. It is the persistent failure to provide a person's basic necessities of life such that his/her health and development are affected. Basic needs include: food, housing, health care, adequate clothing, personal hygiene, hygienic living conditions,

timely provision of medical treatment, adequate supervision. Neglect may occur during pregnancy as a result of maternal substance abuse.

Domestic or family violence

Domestic or family violence is behaviour by a person towards another person in a relevant relationship that is physically or sexually abusive, emotionally or psychologically abusive, economically abusive, threatening, and coercive or in any way controls or dominates the second person and causes that person to fear for their safety or well-being or that of someone else. Exposure of a child or adult at risk to domestic and family violence can impact on the person's physical, development, psychological and emotional well-being and in this way cause harm.

Sexual abuse

Sexual abuse involves forcing or enticing a child or adult at risk to take part in sexual activities including prostitution, whether or not the person is aware of what is happening. The activities may involve physical contact including penetrative (for example, rape, buggery or oral sex) or non- penetrative acts (oral sex). It may include non-contact activities such as involving the person in looking at or in the production of pornographic material, watching sexual activities or encouraging the child or adult at risk to behave in sexually inappropriate ways.

Children and adults at risk can be sexually abused by males and/or females, by adults and by young people. This includes people from all different walks of life.

Sexual abuse is sexual assault, sexual harassment or any other conduct of a sexual nature that is inconsistent with the integrity of the relationship between Church personnel and those who are in their pastoral care.

Grooming

Grooming is deliberate actions by which an offender befriends and establishes an emotional connection with a child or adult at risk to lower their inhibitions in order to sexually abuse the person. The relationship is usually maintained in secrecy. Parents and Carers can be seriously misled as they may entrust their child to an offender appears to be upright, reliable and responsible.

Sexting

Sexting refers to the act of sending sexually explicit photographs or messages electronically.

Self-harm

Deliberate and voluntary physical self-injury (that is not life-threatening and is without any conscious suicidal intent,) in an attempt to cope with strong feelings such as anger, despair or self-hatred. It may be by direct means including cutting and burning but could also be by engaging in serious risk-taking behaviours such as alcohol/substance abuse, recklessly dangerous physical activities and/or unsafe promiscuity. (NB: Some cases of self-harm may be an indication of sexual abuse.)

Risk

A risk is anything that can cause harm or loss to a child or adult at risk.

These definitions have been taken from the Archdiocese of Brisbane's *Safeguarding Children and Vulnerable Adults Prevention and Protection Policy*, January 2015, pp 32 -34.



CODE OF CONDUCT

The Sisters of St Joseph Lochinvar

We acknowledge the Traditional Owners of the land on which we live and work.

Introduction and Purpose

The Sisters of St Joseph, Lochinvar employees and volunteers are committed to a Safeguarding Framework and a Code of Conduct that ensures that we uphold the dignity of each person in both our personal and professional relationships within our environment.

The charism of our founders, Julian Tenison Woods and Mary MacKillop, call us to live gospel values of justice, compassion, hospitality and care for the deprived, degraded and disadvantaged in whatever circumstances of life they may be. (Constitutions p.6) Particular attention is paid to the needs of Aboriginal and Torres Strait Islander people.

The purpose of a *Code of Conduct* is to have a common understanding of what is expected from us as a community either as employees, sisters, or volunteers. It also expresses our commitment to promoting the recommendations of the *Royal Commission* as we “need to enter into a period of healing.”

This document sets out the standards of conduct – professional and personal that promotes a safe, supportive and harmonious environment for all. A Code of Conduct reminds us all about our use of personal power and in maintaining personal and professional boundaries.

As employees, sisters and volunteers we will:

1. Ethical Behaviour

- 1.1. Demonstrate personal behaviours that promote respect, care and wellbeing
- 1.2. Establish just structures working in community, employment and ministry
- 1.3. Respect and maintain appropriate confidentiality
- 1.4. Listen and seek to understand different points of view
- 1.5. Be honest and act with integrity
- 1.6. Acknowledge and respect differences in cultural and religious traditions
- 1.7. Extend courtesy to all especially those who have particular needs
- 1.8. Practice non-violence in mind, heart and action
- 1.9. Acknowledge the genuine contributions that others make
- 1.10. Not harass, bully or discriminate against colleagues or members of the public

2. Professional Behaviour

- 2.1. Provide sisters, ministry colleagues and volunteers with access to ongoing formation, professional development and support
- 2.2. Work with the appropriate authority if an issue of conflict arises or there is a breach of trust
- 2.3. Take responsibility for the support needed for personal and professional care
- 2.4. Exercise care, responsibility and sound judgement at all times
- 2.5. Ensure procedural fairness is followed in all processes
- 2.6. Take reasonable care of the safety and health of themselves and others

- 2.7. Not allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities
- 2.8. Report any instance where they or any others have been treated in a discriminatory or harassing manner
- 2.9. Use the Congregation's resources economically and ethically
- 2.10. Be alert to staying safe online at all times and not giving out personal information – one's own or another's - to strangers (e safety). This includes all the ways people communicate, using the internet e.g. mobile phones, email, twitter etc.

3. Compliance

- 3.1. All in the Congregation must act lawfully and comply with all legislative, contractual and industrial requirements. This includes compliance with all reasonable and lawful directions. A breach of the Code of Conduct is a disciplinary matter which may result in formal warning, suspension or termination in accordance with industrial processes or in the case of a Sister disciplinary action according to the Constitutions of the Sisters of St Joseph Lochinvar and Church law.

4. Responsibility for implementation

- 4.1 The Congregation Leader, Sister Laretta Baker rsj and Safeguarding Officer, Sister Carmel Hanson rsj are responsible for the implementation of the policy.

I have read this Code of Conduct and I understand what is being asked of me in both my personal and professional behaviour. I support these directions as part of my commitment to the Sisters of St Joseph, Lochinvar.

NAME:
.....

CONGREGATIONAL LEADER:
.....

SIGNED:

SIGNED:

DATE:

DATE:

Adopted, 5 September, 2019 at the Congregational Leadership Team meeting.



PRIVACY POLICY

Sisters of St Joseph Lochinvar

Policy Statement

It is our policy to operate the Congregation of the Sisters of St Joseph Lochinvar in a manner that consistently meets or exceeds the legal rights of persons in regard to the privacy and confidentiality of information relating to them by ensuring compliance with the provisions of relevant privacy legislation.

Aims and Objectives

As an organization, we will ensure that only such information as is necessary for Congregational, employment and business purposes is collected and that this information will only be accessible by persons who are specifically authorized to access the information.

Privacy Principles

We acknowledge that the privacy principles are designed to protect the rights of the individual, yet still allow access by particular authorities in specific circumstances and for specific purposes. To meet our obligation to comply with these principles under privacy laws, we will ensure that these principles are adhered to by management of the organisation and all of our members, employees and agents.

We will ensure that we comply with these principles in regard to:

1. The necessity of personal information to be collected, and the means of collection of this information
2. The use or disclosure of personal information about an individual
3. Ensuring that information held is accurate, complete, and up to date
4. The protection of information from misuse, loss and unauthorised access, modification or disclosure
5. The way in which personal information is managed, including the right of individuals to know what type of personal information relating to them is collected, held, used or disclosed
6. Allowing individuals reasonable access to information held about them to the extent allowed by law
7. The identification of individuals
8. The right of individuals to anonymity when entering into transactions where lawful and practicable
9. The transfer of personal information to persons in a foreign country except where allowed by law, and
10. The collection of sensitive information without consent or legal authority.

This Policy is subject to the review of all policies of the Congregation to ensure compliance with current privacy legislation and the practical application of those principles.



INFORMATION TECHNOLOGY POLICY

Sisters of St Joseph Lochinvar

The Congregational Information Technology (IT) policy covers people using the Congregation's IT resources, including but is not limited to:

- Employees
- Volunteers
- Users working from home.

Summary

1. Users must use the Congregational IT resources professionally and appropriately at all times.
2. Users should remember that Congregational IT resources are provided to staff for business purposes and to enhance effectiveness and efficiency at work.
3. The Congregation's IT resources must not be used for unlawful, offensive or otherwise improper activities. For example, they must not be used:
 - a. for material that is pornographic, hateful, racist, sexist, abusive, obscene, discriminatory, offensive or threatening
 - b. to stalk, bully, harass, defame or breach copyright.
4. IT resources can be used for personal use during breaks if it is not excessive and is within the acceptable use policy.
5. An authorised person (e.g. the Congregational Leader) may monitor the use of the Congregation's IT resources if they have a valid reason for doing so.
6. If a user discovers inappropriate content on a Congregational computer, it should be reported to the Congregational Leader.
7. A breach of the policy is regarded seriously. Depending on the seriousness of the breach, termination of employment is a possible outcome.



PRINCIPLES/PROCEDURE FOR HANDLING COMPLAINTS

Sisters of St Joseph Lochinvar

1. **Listen to the complaint:** Express understanding. Be patient. Don't blame the other party/others. If necessary, calm the complainant down. Do not take sides. Where possible, let the complainant know that you will take responsibility for resolving the matter.
2. **Encourage** the complainant not to gossip about the complaint.
3. **Get the facts:** Clarifying questions. Repeat what you think you are hearing and test accuracy.
4. **Record the complaint:** Request that the complaint be written, signed and dated + any evidence or examples that help to clarify.
5. **Ask** the complainant what actions/he would like taken to resolve the matter. Discuss other options for resolving the matter.
6. **Assure** the complainant that you take the matter seriously and will do whatever you can to resolve the matter.
7. **Keep your promises:** Don't promise what you cannot deliver.
8. **Be quick, don't delay:** if complaints take several days to resolve or are forgotten, they can escalate. If necessary, seek advice. If necessary, check out the complaint with someone who can shed light on the matter. Confidentially!
9. **Keep the complainant informed** about the actions you are taking.
10. **Keep a record** of your actions.

RECORD OF COMPLAINTS AND COMPLAINTS REGISTER

Key principles for record keeping are the clear statement of the facts, accuracy in recording, attention to detail and care for confidentiality. These principles apply to the following process:

- De-identified code for each complainant
- Date for opening of the case
- Date of the closing of the case
- Date for records to be destroyed (min. 50 years)
- Notation for when the records have been destroyed.



RESPONDING TO AN ALLEGATION OF ABUSE

The Sisters of St Joseph Lochinvar

Introduction

Religious and representatives of the Sisters of St Joseph, Lochinvar are in a special position of trust and authority in relation to those who they are ministering to, those in their care, people seeking advice or students at a school.

Any attempt to sexualise a relationship is a breach of trust, an abuse of authority and professional misconduct. Physical and emotional cruelty also constitutes an abuse of power.

Where a religious, representatives of the Sisters of St Joseph, Lochinvar or another person appointed to a position of care by an agency of the Congregation has acted towards a child or young person in a way which causes serious physical pain or mental anguish without any legitimate disciplinary purpose, as judged by the standards of the time when the incidents occurred, then this constitutes abuse.

The Congregation takes these matters very seriously and will not tolerate these behaviours by their religious, employees or volunteers.

Investigation Process

The Congregation Leader is responsible for dealing with any complaint brought against a religious, employee or a volunteer if there is an alleged boundary violation, as noted in the Congregation's *Policy for Safeguarding Children and Adults at Risk – The Sisters of St Joseph, Lochinvar*. That is, "Any report or suspicion of harm or abuse is handled promptly, with compassion and integrity."

Under NSW Legislation, whenever potentially "reportable conduct" is identified, an independent investigation is required, and a religious, employee or volunteer will be asked to withdraw from their ministry or employment while this takes place. An employee would continue to be paid during the course of the investigation.

The Congregation Leader will take steps to ensure that all parties are advised to maintain confidentiality throughout the investigation. The process of the investigation will be outlined and communicated to those involved, especially if it is a current situation. There will be a different pathway if this is an historic situation, especially if it involves a person who was a minor at the time of the allegation. Any matters involving alleged sexual abuse will be notified to the police immediately. Depending on the nature of the matter, the Congregation Leader may contact the *Office of the Children's Guardian* and the *NSW Ombudsman*.

If any historic or current abuse issues are raised with another Sister, employee or volunteer, the process of reporting to the Congregation Leader is stated in Appendix 2 of the Sisters of St Joseph, Lochinvar Safeguarding document and should be adhered to. If it is not a criminal matter, the Congregation Leader will offer to meet with the complainant, provide support and work on a plan to address the issue.

The Royal Commission Recommendation 16.52 states that the Congregation Leader will undertake a risk assessment. This will focus on *identifying* and *avoiding* and *minimising* further risks to a child or adult who are the subject of the allegation regardless of whether the alleged offender is a religious, employee or volunteer. This will enable a proper investigation of the allegation.

There are draft forms from The Royal Commission that will assist the Congregation Leader with her responsibilities in managing a current allegation. These pro-forma documents include the following: *Initial Risk Assessment, Appropriate Support Provided, Ongoing Risk Management and Risk Management at the Conclusion of the Investigation*. See Appendices I-N, [Australian Government Complaint Handling Guide](#)

If a serious allegation is made against a Sister, employee or volunteer, the Congregation Leader will work with him/her on a management plan to enable a person to receive both professional and pastoral support during the investigation. This plan will be outlined in a letter from the Leader.

The Congregation acknowledges that this is a difficult time for any party involved in addressing boundary violations and further, that an individual has the right to know the details of the allegation. At all meetings, the alleged abuser has the right to have a support person present with them. A record of the meeting and its outcomes will be kept on file.

Dealing with the Investigation Findings

If an allegation has been unsubstantiated as a result of the investigation, the Sister, employee and volunteer would return to their work. A plan would be formulated with the Congregation Leader to ensure that the findings of the investigation are communicated with those concerned as well as attending to professional and pastoral care needs of the person who carried the accusation.

This policy is in keeping with the Congregation's commitments to the safeguarding and the healing process needed by those who are vulnerable in our society.

Appendix 6a

RESPONDING AND REPORTING OF DISCLOSURES OF CHILD ABUSE

The Sisters of St Joseph Lochinvar

You receive a disclosure of either past or present abuse
or you witness behaviour of serious concern with a child

Contact the Designated Appointee or Congregational Leader to discuss the nature of the disclosure
(A factual written description needs to be recorded)

IS THERE A MANDATORY REPORTING OBLIGATION?
(Is the child at risk of significant harm?)

YES



A notification is made by the Congregational
Leader/Appointee or Manager of Ministry
If the child is in danger
contact police on 000



If the alleged perpetrator is an employee or
volunteer, the person will be immediately
suspended from duties



Document the disclosure and the action taken.
Keep a copy of any paperwork.
Ensure the Office of Professional Standards is
notified and seek their advice on any further action.
A copy of all records must be held in the
Congregation Office.

NO



What is the follow-u plan for the child?
Are there other children who may be at
risk?

Document the follow-up plan

If a matter is not reportable but involved an employee or volunteer, an independent
investigation will take place

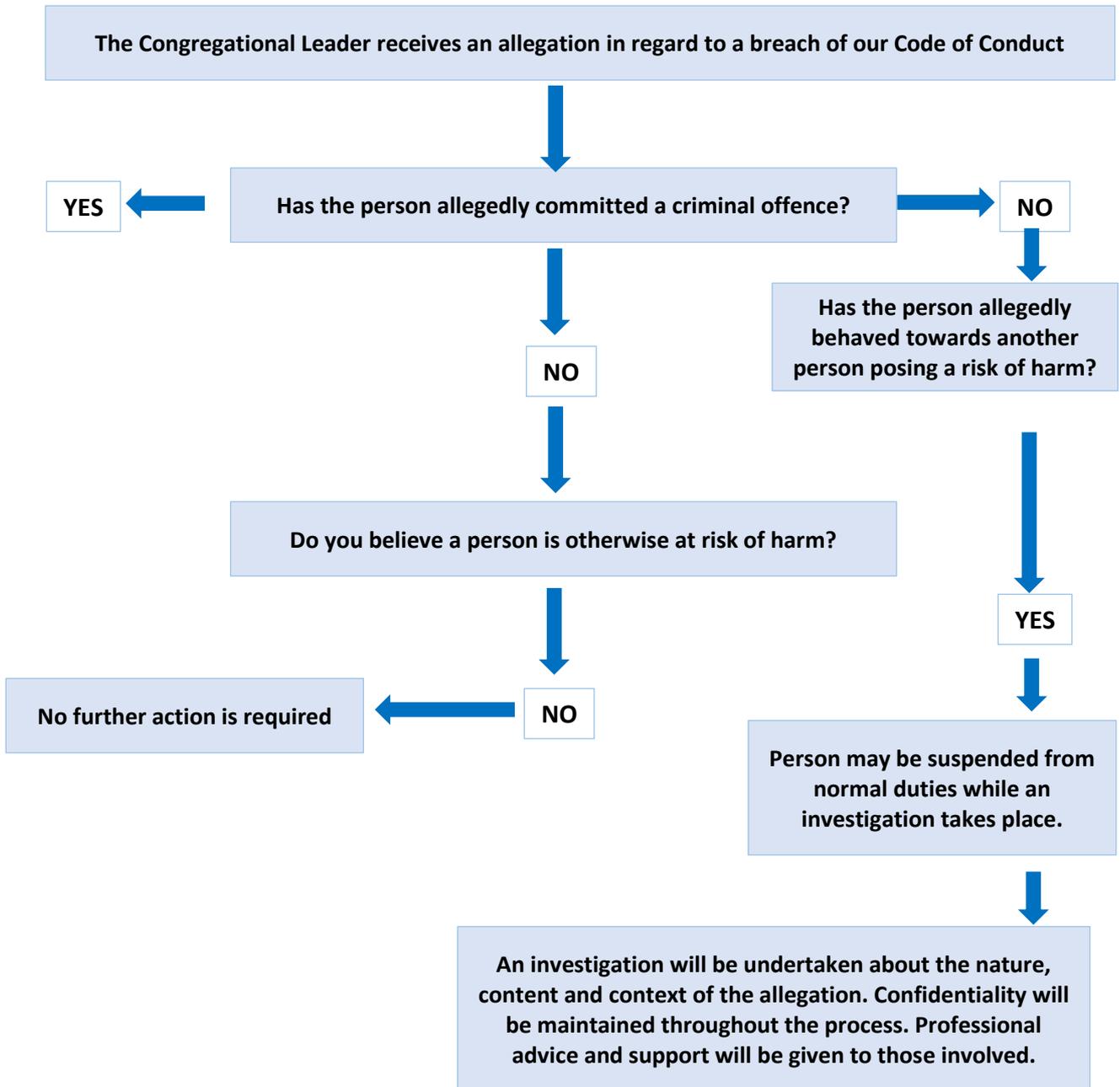
Ongoing discussion of the case plan. Review Child Protection policies
Consult with appropriate agencies.

DOCS Helpline 133627

Mandatory Reporting Guide – December 2014 <http://community.nsw.gov.au>

Appendix 6b

INVESTIGATION OF AN ALLEGED INCIDENT OF MISCONDUCT
Sisters of St Joseph Lochinvar



The steps following an investigation will depend on whether the allegation(s) are substantiated or false. The outcome will be in writing

REPORT OF ALLEGATIONS OF ABUSE TO A SISTER,
EMPLOYEE OR VOLUNTEER
Sisters of St Joseph, Lochinvar



Date of the Incident or complaint: _____

How was the information received?

- Phone/mobile
- Letter
- Email
- In person

Details of the person making the disclosure or raising a concern

Name: _____

Address: _____

Telephone: _____ Mobile: _____

Email: _____

Relationship to the child/young person or alleged victim

Details of the young person or alleged victim

Name: _____ Age: _____

Address: _____

Contact details: _____

Name of the person who has this allegation made against her/him

Details of the allegation

Congregation Leader Date

ACTION PLAN:

RECORD KEEPING – INTEGRITY IN MINISTRY

HISTORIC AND CURRENT MATTERS

Sisters of St Joseph Lochinvar



Mission is central to the life of a Congregation. Record keeping enables us to detail the story, provide information about the past and present, as well as to highlight those key events that have shaped the lives of the Sisters, and, in some cases, the lives of co-workers, volunteers and those who have been part of various ministries.

Our records are found in formal documents maintained in the congregational archives, books and publications, and in our oral history.

Our Archivist, Business Manager and Administration staff all play a key role in maintaining and storing these records and they are responsible to the Congregation Leader. Information is accessible and filed appropriately.

School Ministries

Our Archivist has prepared lists of the Sisters and the years they taught in various schools and colleges administered by the Sisters of St Joseph, Lochinvar from the foundation of any school in the dioceses of Maitland Newcastle, Lismore, Sydney and Townsville. A copy of these lists are kept in the congregational archives.

Personnel files

Every Sister has a record that is regularly updated. It records her personal and family details, ministry history, study and renewal leave and, where required, Working with Children Check number. These records are kept at the Congregational Office.

Working with Children Records

At this time in history, the Congregation is not responsible for any ministries involving children. Individual Sisters who continue to minister within entities such as the Catholic Schools/Education Offices Diocesan Offices, St Vincent de Paul, have WWCC as required by those entities. WWCC Records for these Sisters are kept securely and filed by the Safeguarding Officer who receives all correspondence from the *Office of the Children's Guardian*. We have developed a data base with the WWCC numbers, evidence of verification, DOB and the renewal date for the Sisters. This is monitored by the *Safeguarding Officer* who sends a formal letter on behalf of the Congregational Leadership Team to remind an individual Sister to renew her WWCC. The data base is then updated.

Managing Historic Complaints

Prior to and since the Royal Commission into Institutional Responses to Child Sexual Abuse, any claim made against the Congregation, from ex-students relating to alleged emotional and physical abuse are attended to legally, financially and pastorally. All records are kept securely in the Congregational Leader's office. Subsequent Congregational Leaders are informed of these records.

Appendix 7a:

CHILD SAFE RISK REGISTER
Sisters of St Joseph Lochinvar



Setting	Ministries of the Sisters of St Joseph Lochinvar				
Risk of Harm Levels	1. Sisters who may come into contact with children or adults at risk in the course of exercising their ministries 2. Sisters have incidental contact with children in a group setting 3. Sisters have no direct contact with children 4. Sisters are no longer in active ministry or are in residential care				
Identified Risk	Risk level	Strategies and interventions	Monitoring and governance	Contact person Review date	Ministries of the Sisters

Appendix 7b

POLICY AND PROCEDURE REVIEW CONTINUOUS IMPROVEMENT

Sisters of St Joseph Lochinvar



Target completion date:

Congregation Leader: Date:

Review Procedure

What needs to be reviewed and monitored	Annual Due Date	By Whom	Status	Availability
WWCC renewals	January	SO		
Code of Conduct	April	LT		
Safeguarding Policy	June	SO/LT		
Risk Register	October	SO/LT		
Ongoing training (Sisters, staff, volunteers)	November	SO		
Safeguarding Matter – LT Agenda	Monthly	LT		
Complaint Handling Procedures	November	LT		
Records and Information Sharing Procedures	November	LT		
Recruitment Procedures	November	LT		
Privacy Policy	November	SO/LT		

Review Report



	Comments/Notes	Action Plan Items	Renewal/Review Dates
WWCC Renewals			
Code of Conduct			
Safeguarding Policy			
Risk Management for Sisters			
Ongoing Training			
Staff/Sisters Volunteers			
Safeguarding Matters - Leadership			

References

1. Child Protection polices:
 - Marist Brothers Province of Australia;
 - Australian Province of the Society of Jesus; and
 - Catholic Diocese of Wollongong.
 - Presentation Sisters Wagga Wagga

2. www.dhs.vic.gov.au, “Good Leadership and Governance in Child Safe Organisations”, *Child safe standards toolkit: resource one*, August 2016.

3. www.moores.com.au, “For the Cause, Strategy, Law & Governance for Charities, NFPs & Social Enterprises”, *Child Protection Toolkit*, 2 February, 2016.

4. NSW State Legislation and Reporting
www.childwise.org.au/page/41/state-legislation-reporting-nsw

5. Relevant Acts as they apply in NSW:
Principle Act:
 - Children and Young Persons (Care and Protection) Act 1998
Other relevant Acts:
 - Children and Young Persons (Care and Protection Amendment -Parental Responsibility Contracts)
 - Child Protection (Offenders Registration) Act 2000
 - Crimes Act 1900
 - Commission for Children and Young People Act 1998
 - The Ombudsman Act 1974
 - Family Law Act 1975

