



# Safeguarding **Minors** and **Vulnerable Persons** or **Adults** at **Risk**



## Manual

*For the Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney*

**Revision Date: June 2023**

**To whom does this policy apply?**

*This policy applies to all members of the Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney AKA Maronite Eparchy of Australia, New Zealand and Oceania, in its parishes, committees, diocesan organisations and other related entities. This would include, but not limited to any persons who are in contact with children and vulnerable persons, such as:*

- *Members of the clergy and religious*
- *Paid employees*
- *Volunteer employees*

*Any member of the congregation who is in contact with children and vulnerable persons.*

## I. Contents

II. INTRODUCTION.....	4
III. LEGISLATION AND REGULATIONS.....	5
IV. ASSOCIATED DOCUMENTS .....	5
V. POLICY AIMS AND OBJECTIVES .....	5
VI. DEFINITIONS .....	6
1.2. Agencies.....	6
1.3. Abuse .....	6
1.4. Neglect & Deprivation .....	7
1.5. Harm .....	7
1.6. Who is in need of protection? .....	7
VII. POLICY ACCOUNTABILITY AND RESPONSIBILITY.....	8
1. Obligations.....	8
1.1. Accountabilities and Responsibilities .....	8
1.2. Key persons.....	8
1.3. Families .....	9
1.4. Children and young people.....	9
VIII. PRINCIPLES OF DUTY OF CARE.....	9
IX. PREVENTION AND PROTECTION PRACTICES .....	9
X. SAFE RECRUITMENT, SELECTION AND TRAINING.....	10
1. Recruitment and selection .....	10
2. Induction.....	10
3. Training .....	11
3.1. Staff should receive training in the following areas: .....	11
3.2. Training can be formal such as: .....	11
3.3. Training can also be informal such as.....	12
XI. CODE OF ETHICAL BEHAVIOUR.....	12
1. What is Improper Behaviour .....	13
2. Two Adult Rule.....	14
3. Other Safeguarding Practices .....	14
XII. SAFE ACTIVITIES .....	16
XIII. PHOTOGRAPHY / VIDEO .....	16
1. Good Practice .....	17
2. Questions to consider:.....	18
3. Using Social Media with Children and Young People .....	18
XIV. REPORTING .....	20
1. Reasonable grounds to suspect harm include:.....	23
1.1. Protection from Civil Liability .....	23
1.2. In The Event of Suspicion of Harm.....	23
1.3. Managing Disclosure .....	24
1.4. Documenting the Disclosure .....	25
XV. CONFIDENTIALITY .....	26

## II. INTRODUCTION

The Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney AKA Maronite Eparchy of Australia, New Zealand and Oceania, referred to as “Eparchy” thereafter, is committed to safeguarding children and vulnerable persons.

This policy, procedures and tools document is the next step in refining our long held practices of providing a safe environment and activities which respect and acknowledge the inherent dignity of each human being. It is intended to provide a uniform standard of best practice in safeguarding children and vulnerable persons and articulates the core principles, church documents and legislation upon which it is based.

The policy applies to everyone who works in the pastoral structure of the Eparchy including clergy, religious, employees, students, placement and volunteers in parishes and agencies of the Eparchy. Nothing in the policy affects the expectations of Integrity in Ministry – a document of principles and standards for Catholic Clergy & Religious in Australia.

Child protection is a community responsibility. Children are vulnerable and it is important to create the right balance between protecting children and allowing the people who work with them to do so without fear of unwarranted allegations of inappropriate behaviour.

Legislation should not be necessary to ensure the Church’s fulfilment of this aspect of its mission. Our protection must be assiduously forthcoming, wholeheartedly and unreservedly.

The Eparchy believes that the safeguarding of children does not stand alone. It is part of good employment relations, provides a safe and supportive work environment for children and employees and is fundamentally a part of the Church’s mission. It aims to ensure that none of its personnel or volunteers engages in behaviour that could allow abuse to occur or actions that could be misinterpreted by children, their families, or other adults as constituting or leading to abuse. We take every possible effort to safeguard vulnerable persons against abuse and harm.

This policy statement is approved by His Excellency Bishop Antoine-Charbel Tarabay for mandatory implementation by the Eparchy in all its parishes and agencies. It covers the measures needed to safeguard against abuse.

### III. LEGISLATION AND REGULATIONS

- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*
- *Child Protection (Working with Children) Amendment (Miscellaneous) Regulation 2013*
- *The Privacy Act 1988*
- *Privacy and Personal Information Protection Act 1998 ( NSW )*
- *Health Records and Information Privacy Act 2002 ( NSW )*
- *Data Protection & Privacy 2014*

### IV. ASSOCIATED DOCUMENTS

- *National Committee for Professional Standards, Towards Healing. Principles and procedures in responding to complaints of abuse against personnel of the Catholic Church in Australia. January 2010.*
- *National Committee for Professional Standards, Integrity in Ministry. A document of principles and standards for Catholic Clergy and Religious in Australia. June 2004.*
- *National Committee for Professional Standards, Integrity in the Service of the Church. A resource document of principles and standards for lay workers in the Catholic Church in Australia. September 2011.*

### V. POLICY AIMS AND OBJECTIVES

This policy aims to optimise a safe and nurturing culture for children and vulnerable adults.

The Eparchy is committed to taking the necessary steps to:

- Safeguard children and vulnerable persons,
- Foster best practice
- Demonstrate accountability through establishing effective structures and practices,
- Support Eparchial organisations and personnel in safeguarding children and vulnerable adults,
- Uphold safe recruitment and selection practices for all Church personnel including volunteers because the Eparchy is committed to employing people who will keep children and vulnerable persons from harm,
- Uphold and maintain standards of conducts which set our clear guidelines regarding ethical behaviour as an essential part of reducing the risk of harm to all people.
- Operate a safe play, learning and pastoral environments that ensure safety.

## VI. DEFINITIONS

### VII. Agencies

- Episcopal Office, Bishop, Vicariate, Clergy
- Eparchial Committees
- Eparchial Services
- Financial Administrator's Office
- Parishes and related entities
- MaroniteCare and related entities

### VIII. Abuse

- Physical abuse: Any non-accidental physical injury or injuries to a child or adult. This includes inflicting pain of any sort or causing bruises, fractures, burns, electric shock, or any unpleasant sensation.
- Sexual abuse: Any sexual contact between an adult and child 16 years of age and younger; or any sexual activity with an adult who is unable to understand, has not given consent, is threatened, coerced or forced to engage in sexual behaviour.

Sexual abuse includes sexual behaviour involving the person and another person in the following circumstances:

- The other person bribes, coerces, exploits, threatens or is violent toward the relevant person; The relevant person has less power than the other person;
- There is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

Sexual abuse can be physical, verbal or emotional and can include: having any kind of sexual contact with a child, rape, incest, having sexual relations with a child under 16 years, talking in a sexually explicit way that is not suitable for a child's age, sending obscene mobile messages or emails to a child, persistently intruding on a child's privacy, showing pornographic material to a child or forcing them to watch a sexual act, child prostitution.

- Psychological or emotional abuse: Verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence. This may also include denying cultural or religious needs and preferences.
- Financial abuse: The improper use of another person's assets or the use or withholding of another person's resources.
- Legal or civil abuse: Denial of access to justice or legal systems that are available to other citizens.

- Systemic abuse: Failure to recognise, provide or attempt to provide adequate or appropriate services, including services that are appropriate to that person's age, gender, culture, needs or preferences.

## **IX. Neglect & Deprivation**

- Forms of Neglect include (but are not limited to):
  - Physical neglect: Failure to provide adequate food, shelter, clothing, protection, supervision and medical and dental care, or to place persons at undue risk through unsafe environments or practices.
  - Passive neglect: A caregiver's failure to provide or wilful withholding of the necessities of life including food, clothing, shelter or medical care.
  - Emotional neglect: The failure to provide the nurturance or stimulation needed for the social, intellectual and emotional growth or well-being of an adult or child.
  - Wilful deprivation: Wilfully denying a person who, because of age, health or disability, requires medication or medical care, shelter, food, therapeutic devices or other physical assistance - thereby exposing that person to risk of physical, mental or emotional harm.
  - Constraints and restrictive practices: Restraining or isolating an adult for reasons other than medical necessity or the absence of a less restrictive alternative to prevent self-harm. This may include the use of chemical or physical means or the denial of basic human rights or choices such as religious freedom, freedom of association, access to property or resources or freedom of movement.

## **X. Harm**

- Harm is any detrimental effect of a significant nature on the 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.
- 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. Those expectations and behaviours of clergy/religious and lay church workers/volunteers as articulated in the National Committee for Professional Standards publications: Integrity in Ministry, Integrity in the Service of the Church and the Eparchial Code of Ethical Behaviour.

## **XI. Who is in need of protection?**

- Child: a child as an individual less than 18 years of age.

- Vulnerable Adults: Those aged 18 or over, who may be in need of community services due to age, illness or a mental or physical disability; or who may be unable to take care of him/herself or protect him/herself against significant harm or exploitation.
- A child or vulnerable person in need of protection as one who has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and does not have a parent who is able and willing to protect them from the harm.

## **XII. POLICY ACCOUNTABILITY AND RESPONSIBILITY**

### **XIII. Obligations**

The Maronite Eparchy of Australia, New Zealand and Oceania recognises its moral and legal responsibility to provide a safe environment for children and vulnerable adults. This commitment extends to ensuring that normal operations do not place the local community at risk

### **XIV. Accountabilities and Responsibilities**

The Maronite Bishop of Australia, New Zealand and Oceania through his delegates will through his delegates ensure a child and vulnerable environment, by putting in place procedures to protect people from any harm or abuse.

### **XV. Key persons**

People in supervisory and management roles play a key function, such as parish priests, supervisors, board and stewardship committee members, in modelling expected behaviour and the training of employees and volunteers. People in supervisory positions can minimise risk to children and vulnerable adults by:

- Making sure that the parish / agency is aware of the importance of safeguarding children and vulnerable adults, through regular communication;
- Promote safeguarding practices;
- adopting safe recruiting and selection practices;
- supporting and encouraging a safe and secure environment;
- adopting a proactive response to inappropriate behaviour by employees or volunteers;
- monitoring and supervising subordinates' performance;
- ensuring employees and volunteers are inducted and trained appropriately in working with children and vulnerable adults and their obligations;
- ensuring that complaints, suspicions and/or allegations are responded to in a prompt and professional manner;
- ensuring that victimisation is not tolerated; and
- ensuring that employees and volunteers who undertake activities with children and vulnerable adults have clearly articulated and documented role descriptions.



## XVI. Families

Families can support risk management and child friendly environment by:

- Providing children with required support to participate in the various activities including teach self-protection behaviour;
- Taking part with activities, where applicable, to assist other volunteers in the parish;
- Report to the parish priest or agency head if you feel a child or a vulnerable person is experiencing bullying, harm, abuse or any unacceptable behaviour.

## XVII. Children and young people

Children and young people themselves can contribute to a safer environment:

- Showing respect towards other persons around them;
- Not placing themselves in situations where they can be exposed to bullying, harm or abuse;
- Respecting private space of others around them;
- Reporting any unacceptable behaviour, should they sense it happening to them or others around them.

## XVIII. PRINCIPLES OF DUTY OF CARE

- There are two critical features in the relationship between adults and children; trust and vulnerability. The law holds that persons in positions of trust must not abuse the trust placed in them, either for personal gain, or to improperly influence the person in their care. The law imposes a formal legal duty upon those in positions of trust and responsibility. It is described as a “duty of care.”
- The general guide used by courts in relation to determining the scope and standard of the duty of care owed to children or young people is that of ‘the care prudent parents would exercise in the care of their own children.’ Those who have children and or young people in their care owe them a duty in relation to their safety and well-being, as well as in relation to their moral welfare. The duration of the duty owed begins from the moment the child or young person is entrusted to the care of those exercising authority and only ceases when the period of entrustment formally ends.
- Those entrusted with the care of children and young persons must be aware that their interactions are based on a trusting relationship arising from the nature of the work and that those relationships are open to scrutiny. Children and young persons must always be treated with respect. There is no place for sarcasm, derogatory remarks, offensive comments or other inappropriate conduct that may result in emotional distress to a child or young person.

## XIX. PREVENTION AND PROTECTION PRACTICES

We recognise the responsibility of doing whatever is required in providing a safe environment and taking the necessary precaution to prevention and protection of children and vulnerable adults, by adopting the following three principles:

- Safe recruitment, selection and training
- Code of Ethical Behaviour
- Safe Activities

## **XX. SAFE RECRUITMENT, SELECTION AND TRAINING**

### **XXI. Recruitment and selection**

We recognise the responsibility of engaging the right persons to deal with children and vulnerable adults, whether by paid or voluntary employees.

A working with children check (WWCC) is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of findings of workplace misconduct.

The check is fully portable which means it can be used for any paid or unpaid child-related work in NSW for as long as the worker remains cleared. This would include but not limited to the parish secretaries and Arabic School teachers (including volunteers).

As obtaining these differ from state to another, below are the relevant bodies of which you obtain such clearance:

- NSW: Office of Children's Guardian NSW
- Queensland: the Blue Card Services
- South Australia: Department of Human Services
- West Australia: Working with Children Check, WA
- Victoria: Working With Children Check, Victoria

Kindly send the Maronite Chancery listing of all members of the clergy and volunteers details, which includes: full name, contact phone number, address, email address, working with children No or copies of necessary cards. Parents, guardians and/or carers who are volunteering must also provide the necessary details and working with children No before being able to assist.

The Maronite Chancery and each Parish must at all times keep an up to date register of these details and verify these details with the relevant authorities. All members of the clergy, staff and volunteers are required to immediately notify the Maronite Chancery of changes in their personal details.

New recruits, paid or volunteers, would be subject to induction and training, according to their capacity of work.

### **XXII. Induction**

A well-prepared and comprehensive induction program helps staff quickly understand the responsibilities of their new role and your expectations of them.

It's important to communicate staffing changes, such as a new staff member starting or an existing one changing roles, to other staff members. Existing staff can support a new staff

member throughout the induction process (e.g. by explaining key duties and helping set up their workspace).

Inductions will vary depending on whether the staff member is new or they are an existing staff member switching roles or returning from a long absence.

Induction programs can include:

- Facilities
- Basic understanding of the church
- Scope of work
- Hours of work
- Insurance and other benefits, if applicable
- WHS
- WWC
- Policies
- Expectations

### **XXIII. Training**

An effective organisation requires that staff receive annual ongoing training. New staff needs support and information when they begin their new role, and existing staff might need to develop new skills and knowledge to meet the requirements of their positions and expand their career options.

It is essential that staff provide a positive contribution to the service environment and commit to promoting the safety and wellbeing of children and young people. Training should enhance the skills and knowledge of employees and volunteers, and reduce exposure to risks.

### **XXIV. Staff should receive training in the following areas:**

- Provide regular annual training to relevant personnel which equips them with the knowledge to understand and identify risk factors for child abuse.
- identifying, assessing and minimising risks
- the organisation's policies and procedures (including the organisation's code of conduct)
- compulsory training as required by industry standards or legislation
- handling a disclosure or suspicion of harm, including reporting guidelines.
- Ensure that personnel who have specific safeguarding responsibilities receive ongoing support and professional development relevant to their role,
- Ensure education and training programs include materials addressing factors that may place adults at risk of abuse
- Provide cultural safety training which reinforces the importance of, and equips personnel to create, culturally safe environments for Aboriginal and Torres Strait Islander people.
- Provide training to relevant personnel which equips them with the knowledge to create safe environments for people from culturally and linguistically diverse backgrounds.

### **XXV. Training can be formal such as:**

- higher education training and accreditation

- training offered by external organisations such as Australian Catholic Safeguarding Ltd
- training developed and delivered internally
- on-the-job training meeting key objectives.

## XXVI. Training can also be informal such as

- inviting other professionals to speak at meetings or functions
- internal mentoring and coaching.

## XXVII. CODE OF ETHICAL BEHAVIOUR

This Code of Ethical Behaviour (developed from Integrity in Service of the Church, National Committee of Professional Standards, 2010) clarifies and affirms the standards of behaviour that are required of lay employees, students on placement and volunteers within the Maronite Eparchy of Australia, New Zealand and Oceania. Breach of this code may result in disciplinary action being taken, up to and including dismissal.

*Clergy and religious are bound by the standards for ethical behaviour as articulated in 'Integrity in Ministry.'*

Relationships among people are the starting point of all Christian life, ministry and service and are central to Catholic life. It is with the objective that relationships in ministry be experienced as collaborative, communicative and coordinated without intention to harm or allow harm to occur.

This Code of Ethical Behaviour is prepared for and to be followed by employees, students on placement and volunteers.

Those who serve in the Maronite Eparchy of Australia – clergy, employees, students on placement and volunteers - shall:

1. **Commit to justice and equity** by exhibiting the highest Christian ethical standards of language, behaviour and personal integrity in their professional conduct.
2. **Uphold the dignity of all people and their right to respect** by conducting themselves in a moral manner consistent with the discipline, norms and teachings of the Catholic Church.
3. **Commit to safe and supportive relationships** by not taking advantage of any pastoral or authoritative role for their own benefit; and by adhering to the requirements of the law of NSW regarding reporting any suspected abuse of children, young people and vulnerable adults.
4. **Respond with integrity to those who are poor, alienated or marginalised** by not acting in an abusive or neglectful manner; and by sharing concerns about suspicious or inappropriate behaviour with the appropriate person in their organisational structure.

**5. Strive for excellence in all their work** by following the policies and procedures of the Maronite Eparchy of Australia; accepting their professional responsibility in the protection of children, young people and vulnerable adults from all forms of abuse; and by providing a professional work environment that is free from harassment.

**6. Maintain appropriate professional boundaries in all contact settings including virtual** by:

- a. demonstrating language and behaviour consistent with role and responsibilities;
- b. avoiding inappropriate emotional attachment;
- c. not forming or engaging in relationships of a personal or sexual nature;
- d. maintaining distance between work and personal space;
- e. not accepting gifts or entering into financial relationships or transactions;
- f. not disclosing inappropriate personal information; and
- g. avoiding touch in a manner, which is not a legitimate occupational requirement.

**Conduct not consistent** with this Code of Ethical Behaviour in the workplace includes, but is not limited to: being engaged in activities or situations that can give the appearance of: bullying, sexual or other harassment, exploitation, sexual exploitation, conflict of interest, abuse as defined in the church's Towards Healing document, possession or distribution of pornographic material, abuse of alcohol, drugs or gambling in a way that interferes with the person's service of the Church, any form of criminal conduct including stealing or any other form of theft or any form of assault.

Breaches of this policy could lead to the discipline of those found to be in breach which may eventuate in the termination of employment or termination of voluntary position.

## **XXVIII. What is Improper Behaviour**

Improper conduct of a sexual nature against a child or young person includes sexual intercourse and other forms of sexual misconduct. Sexual misconduct includes:

- Obscene language or gestures;
- Suggestive remarks or actions;
- Jokes of a sexual nature;
- Unwarranted and inappropriate touching;
- Sexual exhibitionism;
- Undressing in front of children or young persons;
- Personal correspondence in respect of sexual feeling for the child or young person;
- Deliberate exposure of students to sexual behaviour of others;
- Possession, distribution or display of pornography;
- Electronic transmission of messages or files which are sexually explicit, offensive or contain inappropriate jokes;
- Sending SMS (text) messages which are sexually explicit, offensive or contain inappropriate jokes.

## XXIX. Two Adult Rule

General safe practice in all activities, recommends the application of the Two Adult Rule which serves to keep children and vulnerable adults, as well as the adults serving them safe. Wherever practical no fewer than two adults are present at all times during any parish/agency sponsored program, event or ministry involving children, young people and vulnerable adults. Points to consider:

- It is best that these two adults not be related.
- Why have this rule?
  - drastically reduces the risk of an incident of abuse (potential abuser will lose interest if they are constantly in sight of another adult);
  - protects the adults against false allegations;
  - reduces the possibility of a claim of negligence;
  - parents and adults more likely to volunteer to lead if they know they will have help on a regular basis;
  - provides help if there is an accident or emergency;
  - sends a clear statement that children/youth are important and valued.
- What do we do if we are a small parish and have a hard time finding even one adult leader?
  - Invite a parent or other parishioner to join the activity to act as the second adult;
  - leave doors open;
  - put glass windows in the doors .

Professional counsellors who have been previously authorised to work one on one with children are not bound by this rule.

## XXX. Other Safeguarding Practices

### ➤ Behaviour Management

Managing behaviour of children, young people and vulnerable adults should always take the form of positive reinforcement i.e. Catch them doing the correct thing and draw attention to that. We must ensure that behaviour management is at no time punitive, humiliating or aggressive.

At the outset of any activity, expectations about appropriate and socially acceptable behaviour and taking responsibility for one's own behaviour should be made clear to children and young people.

### ➤ Physical Contact

Physical contact with children and young people may be required in some circumstances. These may include: management of an injury, to assist with toileting. Where practical an adult should provide an explanation to the child/young person as to what the physical contact will be and why it will occur. Consideration should be given to whether it is

necessary to seek permission from the child and/or parents in relation to the physical contact and any supervision which is required in relation to the physical contact (depending on the nature of the contact).

Any physical contact with a minor is expected to be in a manner appropriate for the ministry activity and always with safeguarding from harm all those involved.

➤ **Transport of Children and Vulnerable Persons**

As a general rule ministry leaders should not transport children/young people in their vehicles without specific permission from their parents. In the event that a child needs to be transported for safety reasons the Two Adult Rule applies.

All people travelling in a vehicle must wear seat belts, the driver should be appropriately licensed and the vehicle should be registered insured and safe to drive.

➤ **Change Rooms/Toilets**

Children/young people should be afforded privacy when using toilets and change rooms. Responsible ministry requires that adequate and appropriate supervision be given to children in these circumstances. Where an adult needs to assist a child the principles set out above regarding physical contact apply. Supervising adults should work to maintain the privacy of the individuals e.g. announcing entry to the room. The Two Adult Rule applies.

➤ **Managing Injuries or Illness**

Should a child be injured or fall ill during a parish ministry activity first aid should be rendered and parents contacted immediately. An ambulance should be called if the injury/illness cannot be alleviated by simple first aid or parents are not available to make that decision.

Sick or injured children should be appropriately supervised until either parents or the ambulance take over their care.

The ministry leader should complete an archdiocesan Notification of Injury/Illness form – available from the parish office.

## XXXI. SAFE ACTIVITIES

Our commitment to safety along with State and National Legislation requires a parish/agency to undertake risk assessments of activities and services provided. As part of the overall risk management strategy, assessing any potential risks is critical in minimising harm to a child, young person or vulnerable adult.

A risk is anything, including the behaviour of others that can cause harm or loss to a person.

In assessing any activity or service provision within the Eparchy it is important to consider how harm might occur, why and when it could occur. Resource Documents section: refer to the Risk Calculator which will guide assessment of risks. Once the level of risk is determined, the risks can be prioritised and options that effectively control the situation can be considered for implementation. Refer to sample risk assessment sheet.

Risk assessments must be conducted on all activities and services that involve children, young people and vulnerable adults. These assessments are to be kept on file and reviewed annually in light of the current circumstances.

Parishes/agencies can minimise the risk of harm to children and young people by:

- ensuring that activities support the interest of those involved;
- providing constant supervision by reliable and trained adults;
- knowing where participants are at all times;
- implementing appropriate risk mitigation strategies within the environment to keep participants safe e.g. installing glass windows into doors to give a line of sight into a particular space.

Risk assessments for some typical parish activities are provided for adaptation to your specific parish context.

A checklist to assist with Identification of training needs for employees and volunteers can be found in the Resource Documents section. Contact the Eparchial offices for more information.

There may be times when other organisations conduct activities for children and young people, within the parish/agency. In such a case it is imperative that a risk assessment be undertaken. A checklist of issues to be considered for these special events can be found in the resource folder. It is also important to know who is in attendance at activities along with who has delivered and who has collected the child.

## XXXII. PHOTOGRAPHY / VIDEO

Parishes/agencies host a range of activities including liturgical, pastoral and formational. It is not uncommon for parents and other family members to take photographs (of their children) at celebrations. It is important to be aware that there are some people who may attend these activities to take inappropriate photographs or video footage of children.



It is essential that the parish/agency makes clear to all in attendance that taking a photograph can be construed as obtaining personal information and therefore should be treated as any other item of personal, confidential information. Attendees are to be encouraged to use sensitivity when taking photographs and to confirm with the parents of children other than their own that they are comfortable to have their child included in photographs taken by someone other than their own family members. A similar courtesy should also be extended to adults who may be included in the photographs.

The responsibility for this notification lies with the Priest or Agency leader but can be delegated, for example to the coordinator of the activity such as the Sacramental Preparation Coordinator or agency coordinator.

A typical script to convey this information could be:

*We understand that you may wish to make a photographic or video record of this celebration. In so doing please exercise courtesy, sensitivity and common sense in relation to photographing children other than your own. We request that you confirm with other children's parents before including them in your personal photographs. The images that you take should only be used as your mementos of this event. Where photos contain children who are not yours, these should not be shared in any public forums such as social media.*

### **XXXIII. Good Practice**

- For formal photography of a celebration for use by the parish/agency, permission to take images of children must be sought, signed off by parents and kept on file. See Photographic & Media Consent Form in the Resource Documents section.
- It is advisable to have one photographer who takes each child's photograph for particular ritual, for example, Confirmation. This person is subject to the relevant working with children check prior to engagement.
- Provide identification for the designated photographer. This ID is to be worn for the duration of the ritual/event and then returned to the parish/agency.
- Affirm for adults present that photographs are to be taken only for the purpose of the event/ritual and that Privacy Laws include the protection of images as well as written documents.
- All photographs should be taken in a public setting.
- Images should be used for the intended outcomes.
- Ensure all children are appropriately dressed.
- Images should be carefully stored with consent attached or cross referenced. Names, dates and other contextual information should also be stored.
- Images should only be passed to third parties for their use where this has been agreed as part of the consent process.
- Vulnerable children or those whose identity may require protection should not be photographed.

Refusal of consent should not in any way limit children's or young people's participation in activities.

Your parish/agency needs to make clear to all in attendance, the guidelines on the use of images as there is evidence that information posted on the internet or published in a magazine/newspaper can be used to target children, to locate them and then to groom them.

#### XXXIV. Questions to consider:

- What is the reason for this photography?
- Do you have permission to take and use images of children?
- Have you asked the child or young person how they may feel about the use of their image?
- Have you provided enough information about the image so the parent/carer can give informed consent?
- How will others interpret the image?
- Does the use of the image exploit the child or young person in any way?
- Will you put the child or young person at risk if you photograph them?
- Who will see promotional material containing the image?
- Have you considered issues of confidentiality under Child Protection and Privacy Act?

#### XXXV. Using Social Media with Children and Young People

'Social media' is the term commonly given to web-based tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests online. As the name implies, social media involves the building of online communities or networks to encourage participation and engagement.

The underpinning principle for use of social media by church personnel is Christ-centred love for others and respect for human dignity, both on-line and off-line, in both private and professional life.

Users of parish/agency networks have a duty of care to maintain network security and are required to adhere to Eparchial policies and procedures for the professional use of electronic mail (Email) and the Internet.

This includes, but is not limited to:

- duty of care;
- ethical and appropriate use;
- the need to maintain privacy, confidentiality and the rights of individuals and copyright owners;
- cost efficient use of the information services;
- adherence to considered and appropriate records management practices;
- appropriate use of systems, accounts and passwords;

**Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney**  
**Protecting Children and Vulnerable Persons**

- compliance with the Social Networking Protocol for the Catholic Church in Australia as issued by the Australian Catholic Bishops Conference .

Compliance with legislation not only prohibiting anti-discrimination and /or harassment but also provisions such as found in the following:

- Intellectual Property Laws Amendment Act 1998
- Privacy Law
- Electronic Transactions Amendment Act 2011
- Copyright Act 1968

## Surveillance Cameras

Surveillance cameras may be installed in situations and places where the security of either people or property would be enhanced. When appropriate, cameras may be placed inside and outside the church buildings. The function of surveillance cameras is to assist in protecting the safety and property of the Eparchy and its members. The primary use of surveillance cameras will be to record images for future identification of individuals in the event of legal or policy violations.

- Cameras will be used in an appropriate, professional, ethical and legal manner consistent with all existing church policies.
- Cameras will be limited to situations that don't violate the reasonable expectation of privacy as defined by law.
- The Parish Priest or IT Coordinator will function as the Surveillance Camera Coordinators.
- The exterior surveillance cameras will be used to identify members and visitors at the doors during office hours, when exterior doors are locked.
- Only authorized personnel, as determined by this policy, will be involved in, or have access to, surveillance camera data.
- When an incident is suspected to have occurred, designated personnel as authorized by the Eparchy may review the images from surveillance camera data.
- In the event of an emergency and no Surveillance Camera or IT Coordinator is on the premises, the Parish Priest should be contacted and can show that data to police or other emergency personnel that have been called in.
- Whenever any incident occurs that is substantiated with surveillance camera data and a church member (child or adult) is involved, either as a victim, suspect or volunteer, the Eparchy will be notified.
- Video recordings of the cameras will be preserved. The cameras are motion sensory, so they record only when motion in the immediate area is detected.
- Requests to release information obtained through surveillance cameras must be submitted to the Chancery and the Parish Priest.

## XXXVI. REPORTING

Eparchial Policy is that all allegations of inappropriate conduct concerning children and young persons must be reported to the Safeguarding Directors on 02 8831 0000:

- Vicar General, Msgr Marcelino Youssef and the
- Business Manager and In-House Counsel, Subdeacon Sayed Issac

The Safeguarding Director together with the Parish/Agency Head will then decide on the action to be followed.

Serious misconduct will be reported to the Police or other relevant child protection agencies in accordance with the relevant state.

### ➤ **Reporting Reportable Crimes to the NSW Police**

Under the Crimes Act 1900 (NSW), it is an offence to conceal Reportable Crimes. Reportable Crimes must be reported to the NSW Police, and it is Archdiocesan policy that they be reported with the assistance of the Safeguarding Office. Failure to do so will attract penalties.

Broadly speaking, Reportable Crimes relating to Children include:

- Physical Assault of a Child;
- sexual or indecent assault of a Child;
- any Sexual Act with or Sexual Touching of a Child;
- Grooming a Child for unlawful Sexual Activity;
- the possession, dissemination or production of Child Abuse Material, which includes Child pornography and any material depicting a Child as a victim of torture or cruelty; and
- the recording or distributing of Intimate Images without consent.

The Eparchy's detailed protocols, procedures and guidance documents in relation to reporting Reportable Crimes are:

- Mandatory Reporting Policy
- Mandatory Reporting Fact Sheet
- Table of Reportable Crimes
- Flowchart: Reporting Safeguarding Complaints
- Complaints Procedure Safeguarding Children Policy
- Children Safeguarding Recording Form

### ➤ **Reporting inappropriate Employee conduct to the NSW Office of the Children's Guardian**

Under the Children's Guardian Act 2019 (NSW), the head of a relevant entity is required to report Reportable Allegations or convictions which may be Reportable Convictions regarding employees (as defined in the Children's Guardian Act 2019 (NSW)) to the NSW Office of the Children's Guardian. The definition of 'employees' in the Children's Guardian Act 2019 (NSW) is very broad and includes Employees, Volunteers, contractors, Clergy, Religious Appointees, and anyone who holds or is required to hold a Working with Children Check for the purposes of engagement with the Archdiocese, even if circumstances where the person's role does not have any face-to-face or physical contact with Children.

Reportable Allegations and convictions which may be Reportable Convictions are allegations or criminal convictions of Reportable Conduct, including:

- any sexual offence;
- sexual misconduct;

**Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney**  
**Protecting Children and Vulnerable Persons**

- ill-treatment of a Child;
- neglect of a Child;
- assault against a Child;
- an offence under s 43B of the Crimes Act 1900 (NSW) for failing to reduce or remove the risk of a Child becoming the victim of abuse;
- an offence under s 316A of the Crimes Act 1900 (NSW) for concealing a Child Abuse Offence; and
- any behaviour that causes significant emotional or psychological harm to a Child.

Reportable Allegations and convictions which may be Reportable Convictions, encompass conduct that occurs both in connection with an employee's employment with the Eparchy and outside of their employment.

Parish Priests and Agency Heads are responsible for reporting any Reportable Allegation or conviction that may be a Reportable Conviction within their Parishes and Agencies to the Safeguarding Office. The Bishop, who is responsible for notifying the NSW Office of the Children's Guardian of any Reportable Conduct has delegated his authority for reporting to the NSW Office of the Children's Guardian to the Vicar General, who in turn is supported by the Safeguarding Office which reports Reportable Conduct to the NSW Office of the Children's Guardian.

➤ **Reporting a Child who is at Risk of Significant Harm to the Department of Communities and Justice**

Under the Children and Young Persons (Care and Protection) Act 1998 (NSW), certain persons who work with Children, including Clergy, Agency and Parish workers (paid and unpaid) in Child-related roles are mandatory reporters and therefore under an obligation to make a report to the Department of Communities and Justice if they have reasonable grounds to suspect a Child is, or may be, at Risk of Significant Harm. Mandatory reporting obligations apply to persons in religious ministry or persons providing religion based activities to Children wholly or partly to Children as part of their professional work or other paid employment and those in management positions in organisations that deliver those services.

A mandatory reporter must make a report when they have reasonable grounds to suspect that a Child or Young Person is at Risk of Significant Harm and those grounds arise in the course of, or from their work or role. Mandatory reporters within the Archdiocese including all Clergy, Religious Appointees, Employees, Volunteers and contractors report concerns that a Child may be at Risk of Significant Harm to their Parish Priest and Agency Heads. Parish Priests and Agency Heads are required to relay those reports to the Safeguarding Office, which is responsible for notifying relevant matters to the Department of Communities and Justice.

A Child is at Risk of Significant Harm if current concerns exist for that Child's safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the following circumstances:

- the Child's basic physical or psychological needs are not being met or are at risk of not being met;
- the Child's parents or guardians have not arranged and are unable or unwilling to arrange for the Child to receive necessary medical care;
- in the case of a Child who is required to attend school, the parents or guardians have not arranged and are unable or unwilling to arrange for the Child to receive an education;

**Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney**  
**Protecting Children and Vulnerable Persons**

- the Child has been, or is at risk of being, physically or sexually abused or ill- treated, regardless of whether they have given consent;
- the Child is living in a household where there have been incidents of domestic violence and, as a consequence, the Child is at risk of serious physical or psychological harm; and
- a parent or other care giver has behaved in such a way towards the Child that the Child has suffered, or is at risk of suffering, serious psychological harm.

The Children and Young Persons (Care and Protection) Act 1998 (NSW) also provides a mechanism for voluntary reports to be made where there are reasonable grounds to suspect a Child is, or may be, at Risk of Significant Harm. The Eparchy follows this practice and requires that all Clergy, Religious Appointees, Employees, Volunteers and contractors report concerns that a Child may be at Risk of Significant Harm to their Parish Priest and Agency Heads. Parish Priests and Agency Heads are required to relay those reports to the Safeguarding Office, which is responsible for notifying relevant matters to the Department of Communities and Justice.

➤ **Support for victims and survivors and respondents**

The Eparchy recognises the importance of providing support, assistance and reassurance to Children who have experienced Child Abuse or whose safety and well- being is, or has been, at risk. It also understands that adults may need support, assistance or reassurance, if their Children have experienced Child Abuse or in relation to experiences from their own childhood.

Every situation is unique, and it is essential that Parish Priests, Agency Heads, Employees, Volunteers, Clergy and other Religious Appointees, seek advice and support from the Safeguarding Office if they are unsure what support should be offered.

Generally, support may be necessary and appropriate in circumstances including the following:

- where a Child has reported or confirmed that they have experienced abuse or that their safety or well-being is or has been at risk. It is important to reassure the Child that they have done the right thing in making the report and that they are believed.
- If there is an ongoing risk to the Child, it may be important to take immediate steps to ensure the safety and well-being of the Child, including removing them from the risks involved.
- It may be important that a Child and the Child's family members receive counselling, medical assistance and other professional support. If support of this kind is considered necessary, Parish Priests and Agency Heads should contact the Safeguarding Office and/or the Vicar General to make appropriate arrangements.

Services offered by the Eparchy are trauma informed and based on best practice. Pastoral support and where requested, spiritual support, are available to both the complainant and the respondent. Additional pastoral support may be provided to those who are affected. Consideration will be given regarding the Parish community and the broader community when managing Safeguarding Complaints.

In offering support, the Eparchy will give consideration to the diverse circumstances and individual needs of those impacted. This includes offering culturally safe and reasonably accessible support services to people who identify as Aboriginal or Torres Strait Islander, people living with a disability, people from culturally and linguistically diverse backgrounds, and people with diverse sexuality.

### XXXVII. Reasonable grounds to suspect harm include:

- a child or vulnerable adult discloses they have been harmed;
- someone else (for example: another child, parent) discloses that harm has occurred or is likely to occur;
- a child or vulnerable adult discloses harm to another (it may be possible they are referring to themselves);
- significant changes in behaviour of the person or the presence of new unexplained and suspicious injuries; or
- harm to a person is directly witnessed.

### XXXVIII. Protection from Civil Liability

The relevant Child Protection acts provide for protection from civil liability for persons who, acting honestly and reasonably, notify or give information about suspected harm to a child. The Eparchy encourages reporting of improper behaviour and the protection of individuals who conscientiously make such disclosures.

One of the functions of a Public Guardian is to protect an adult with impaired capacity from neglect, exploitation or abuse. Therefore, as long as the information is in relation to an adult with impaired capacity, the person providing the relevant information is not liable civilly, criminally or under an administrative process for giving information honestly.

### XXXIX. In The Event of Suspicion of Harm

Where there is a suspicion that a child or young person is being harmed physically, sexually or emotionally, the following checklist guides your behaviour in responding to the disclosure:

- listen;
- affirm;
- don't blame – 'This is not your fault.';
- support – 'Thank you for telling me, you are very brave.';
- safety – 'I'm sorry this happened to you. I'll do everything I can to keep you safe. I will have to speak to other people in order to help';
- document – after speaking with the person make your own notes of the conversation. Ensure that the disclosure is recorded as fully as possible on the Safeguarding Recording Form;
- act - report according to the Safeguarding Reporting Procedure below.

Record all details that support the suspicion. The record should be signed and dated by the person filling in the form. The record would also normally include:

- accurate identifying information as far as it is known. This should include the name and address of the person who has raised a concern (as well as their date of birth, and parents'/carers'/ names and addresses when the person who has raised a concern/allegation is a child);
- the name of the individual against whom the concern/allegation is being raised and any other identifying information;



**Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney**  
**Protecting Children and Vulnerable Persons**

- as much information as possible about the circumstances that led to the concern/allegation being raised, why is the person reporting worried about the welfare and safety of the child/children or vulnerable adult/s;
- dates when the concern arose, or when the incident(s) occurred;
- circumstances in which the concern arose, or the incident(s) occurred;
- any explanation offered to account for the risk, injury or concern;
- the person's own statement using the words they used to describe the events or incident(s), if possible. Do not make assumptions about the intended meaning of words used;
- details of any action already taken concerning the incident/concern/allegation;
- any views expressed by the child's parent(s) or guardian(s)/carer(s) about the matter.

Do not be selective. Include detail even that which may seem irrelevant. It could prove invaluable.

At a later stage in an investigation, all records, including rough notes must be passed to the relevant designated officer; that is the Director of Professional Standards or Safeguarding Officer (as appropriate) and Police.

Any copies of records retained must be kept securely and confidentially.

**It is important not to discuss the incident/concern with anyone other than those detailed in these procedures.**

## **XL. Managing Disclosure**

In addition to the brief checklist guide above, the following points inform your approach when a child or vulnerable adult discloses harm or abuse by someone else:

- Listen carefully to and support the child or vulnerable adult and thank them for helping you to understand.
- Reassure the child or vulnerable adult it is right to tell someone about this.
- Don't be afraid of saying the 'wrong' thing.
- Give the person your full attention.
- Let them take his/her own time.
- Let the person use their own words.
- Accept that the person will disclose only what is comfortable and recognise their bravery/strength for talking about something that is difficult.
- Tell the person what you intend to do next.
- Maintain a calm appearance with a listening style that is compassionate and reassuring. If the information given to you shocks, disgusts or distresses you, do not allow these feelings to show. If you do, you may inadvertently dissuade the person from giving any further information. Reassure the person that you are not upset with them but with the fact that such things can happen.
- Do not make promises you can't keep.
- Do not confront the accused.
- Record all details that support your concerns.



**Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney**  
**Protecting Children and Vulnerable Persons**

- Do not undertake an investigation. This should be undertaken by authorities in accordance with the Eparchial Safeguarding Children and Vulnerable Adults Policy.

When there is a disclosure of an allegation of harm, only ask questions to confirm the need to report the matter to the relevant authorities.

When an employee, volunteer or parishioner witnesses or receives an allegation of harm and/or suspected harm, they must report it to the Manager or Director of the service or the parish priest. Further follow-up on information may be required before an assessment of the situation and reporting requirements can be determined.

In situations where there is uncertainty, question or concern regarding the reporting of an allegation of harm, clarity should be sought from the relevant authorities. This may be done through the Safeguarding Officer.

Suspicion or allegations of harm that involve an offence against a child or vulnerable adult must be reported to the police. Investigation must be undertaken by them.

When it is alleged that an employee or volunteer is the perpetrator of harm against the child or young person, the employee or volunteer may be stood aside from their duties until the matter is investigated and resolved. (An employee stood aside should continue to receive full pay until the matter is resolved. The Vicar General or Diocesan Financial Administrator are to be advised in these circumstances and they will assist.)

If the allegation is proven the employee's or volunteer's employment may be terminated. Further response to those proven guilty of abuse will be in line with Part Two Sections 27, 28 and 29 of 'Towards Healing'.

## **XLI. Documenting the Disclosure**

Notes about a disclosure must be recorded. Immediately after the disclosure discussion, make your own notes and as far as is possible record the actual words spoken. The person reporting must use the Safeguarding Recording Form and guidelines as outlined in this section. It is important to ensure that the child or vulnerable adult is informed that the documentation is occurring and its importance. The explanation should be appropriate to the age and level of understanding of the person.

- Do not be selective. Include detail which to you may seem irrelevant. It may prove invaluable at a later stage in an investigation. All records, including rough notes must be passed to the police or relevant authorities, as appropriate.
- Any copies of records retained must be kept secure and confidential.
- Notification to Police.

The allegation must be reported to relevant government authorities when:

- The alleged case of harm may be caused by a family member.
- The family is not acting to protect their child from harm.
- Disclosure of harm is related to shared family care.
- Disclosure of harm is related to residential services for a child or young person.

Disclosure of harm that indicates a criminal offence has taken place (for example, sexual or physical assault) must be reported to the police.

The police will require the following details:

- the disclosure of harm;
- name, age and address of the child or young person harmed;
- whereabouts of the child or young person at that point in time;
- any identifying information of the alleged perpetrator; and
- details of the person reporting the harm.

The allegation must be reported to the Department of Communities and Justice when:

- a vulnerable person is the victim of harm from any person with whom they are in contact.

Employees and/or volunteers who have been involved with disclosure and suspicion or allegation of harm can be debriefed and supported through the Employment Assistance Program – Phone 1800 81 87 28 or [www.accesseap.com.au](http://www.accesseap.com.au).

Please refer to our Mandatory Reporting Guide manual and Fact Sheet for further detailed information.

## **XLII. CONFIDENTIALITY**

Any issues relating to suspected or alleged harm or / and abuse to children or vulnerable persons is highly sensitive and must be treated in such a way. Any reports or documentation on disclosures must be kept in a secure place, at all times and access to these records is strictly limited to those involved in the matter, according to their capacities. The matter is only discussed with those who are dealing with the situation; no other persons will be involved, without special or prior consent of the Maronite Bishop of Australia.

**Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney**  
**Protecting Children and Vulnerable Persons**

