



# SAFEGUARDING POLICY

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## 1. Introduction

*If one member suffers, all suffer together with it' – 1 Cor 12:26.*

*'A population that does not take care of the elderly, and of children and the young has no future, because it abuses both its memory and its promise' – Pope Francis.<sup>1</sup>*

The Hospitaller Brothers of St John of God, Oceania Province (the Brothers of St John of God) exist to live and manifest hospitality towards the needs of others in the spirit of Saint John of God and the Christian tradition of the Good Samaritan. The values that guide us are compassion, humility, justice and the example of our founder, St John of God.

The Brothers of St John of God understand that we hold a privileged position of trust in the community. We are committed to providing a safe, inclusive and supportive environment which respects and upholds the human rights and dignity of all people.

The Brothers of St John of God acknowledge that we are well placed to recognise people in our community who are particularly at risk and in need of care and support. We welcome them into our community.

This policy has been approved by the Provincial Definitory.

## 2. Safeguarding Commitment Statement

*The Brothers of St John of God uphold the dignity of all and are committed to promoting and maintaining safe and supportive environments, particularly for children and adults at risk. All people have the right to be protected from sexual abuse. Inclusivity, which is at the heart of our values, shapes our relationship with children, adults at risk, their families, and the community.*

*We encourage environments that empower children and adults at risk to speak up and to be listened to. We recognise the role of families and community in safeguarding children and adults at risk and welcome their input on how to improve the way we relate to them. We are building a culture of care, accountability and transparency upheld in our policies and processes including recruitment, induction, and daily operations. We are actively committed to building prevention and safeguarding practices into everyday practice and implementing governance reforms throughout our Church.*

*We act appropriately with children and adults at risk with whom we come into contact, including maintaining boundaries and exercising acceptable standards of behaviour at all times. All staff, volunteers and contractors are aware of their responsibilities in relation to the legislative requirements of relevant jurisdictions and our own complaints and safeguarding policies. Any concerns that are identified or brought forward in any way are acted on appropriately, sensitively and in a timely manner.*

Br Timothy Graham oh  
Provincial

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<sup>1</sup> <https://www.catholicculture.org/culture/library/view.cfm?recnum=10334>



### 3. Purpose and Scope

The purpose of this policy is to provide information and guidance about how the Brothers of St John of God will prevent, identify and respond to abuse and harm towards children and adults at risk. It is approved and endorsed by the Provincial.

#### Definition of Children

Children are people under the age of 18. The Brothers of St John of God do not provide services or activities that involve directly working with children but have/may have incidental contact with children through their personal pastoral outreach.

#### Definition of Adults at Risk

Adults at risk are people aged 18 and over who are at increased risk of abuse, including those who:

- are elderly
- have a disability
- have a mental illness
- have diminished capacity
- have cognitive impairment
- are experiencing transient risks eg. bereavement, relationship breakdown, domestic or family violence, homelessness
- have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation.

Whilst taking care to not make assumptions or generalisations about individuals, we recognise that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, eg:

- being Aboriginal or Torres Strait Islander
- being a refugee or migrant
- diverse gender or sexuality<sup>2</sup>
- speaking a first language other than English
- surviving sexual abuse or child abuse

The Brothers of St John of God have/may have contact with adults at risk through their personal pastoral outreach.

The Safeguarding Policy applies to all personnel, including – religious brothers, sisters and clergy, employees, volunteers, contractors (and others) engaged by the Church Authority to provide services to children and adults at risk. It covers all aspects of service provided by the Brothers of St John of God in any location.

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<sup>2</sup> NCSS, Edition 2, defines term to mean 'all the diversities of sex characteristics, sexual orientations and gender identities, without the need to specify each of the identities, behaviours, or characteristics that form this plurality.'



The policy complies with the National Catholic Safeguarding Standards (the Standards), which outline requirements for Catholic entities across Australia to promote the safety of children and adults at risk through implementing policies and activities to prevent, respond to and report concerns regarding abuse and harm.<sup>3</sup> The policy also reflects relevant safeguarding legislation in New South Wales and Queensland.

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

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

Nothing in this policy affects the expectations outlined in other Church documents.

#### 4. Leading and Promoting a Safeguarding Culture

The Provincial and his Councillors, who make up the Provincial Definitory, are ultimately responsible for ensuring the Brothers of St John of God are a safe environment for children and adults at risk.

The Provincial has established a Safeguarding Committee in accordance with the requirements of the Standards, comprising experts in abuse complaints management, psychology, civil and canon law, and the protection and promotion of human rights and equal opportunity, which is responsible for providing advice on implementing the National Catholic Safeguarding Standards.<sup>4</sup>

The day-to-day safeguarding work of the Brothers of St John of God is led and managed by the Province Professional Standards Manager. This role also acts as the 'Safeguarding Coordinator' as required by the Standards.<sup>5</sup>

The Provincial will lead and promote a safeguarding culture by:

- personally upholding and modelling a standard of behaviour consistent with relevant Church documents
- prominently publishing and displaying the Safeguarding Commitment Statement and making sure the Safeguarding Policy, Code of Conduct and Complaint Handling Policy is readily available to personnel and the broader community
- identifying and taking opportunities to promote whole of community awareness of the dignity and rights of children and adults at risk, and to champion and model safeguarding within the Brothers of St John of God community and more broadly (where appropriate)

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<sup>3</sup> The Standards are based on the child safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse but include additional 'core components.'

<sup>4</sup> NCSS second edition, the Safeguarding Committee means a committee established to advise and support the Church Authority on all matters relating to safeguarding, including the development and implementation of a Safeguarding Implementation Plan and coordination of annual self-audits at a local level. Committee members need relevant and varied professional expertise in relation to safeguarding, child protection, organisational culture and structure, policy development, etc and include lay women and men.

<sup>5</sup> NCSS, second edition, the Safeguarding Coordinator is the individual who champions safeguarding and co-ordinates the implementation of the National Catholic Safeguarding Standards within an entity.



- promoting an inclusive, respectful and responsive approach to the diverse needs of children and adults at risk
- paying particular attention to the needs of children and adults who may be at increased risk of abuse, discrimination or exploitation
- taking all possible steps to ensure that only people who are safe and suitable to have contact with children and adults at risk are engaged by the Brothers of St John of God
- empowering all personnel to take responsibility for safeguarding and providing opportunities for them to have input into improving safeguarding practices
- encouraging people to bring forward concerns or complaints about the safety of children or adults at risk (including disclosures of current or historical abuse) and providing appropriate processes by which to do so, including processes that are suitable for children and people with diminished capacity and/or cognitive impairment
- responding to disclosures and complaints in a manner that is transparent, respectful, fair and accountable
- working with survivor advocacy and support groups, where appropriate, to recognise past wrongs where these have occurred and build a safe, inclusive and supportive faith environment
- welcoming and facilitating dialogue with and feedback from the Brothers of St John of God community, including children, adults at risk and outside experts, about our safeguarding approach, including when reviewing safeguarding policies and procedures
- ensuring the Brothers of St John of God comply with all relevant statutory and legislative requirements
- actively monitoring compliance with the Safeguarding Policy and ensuring continuous improvement of safeguarding practices.

The Safeguarding Commitment Statement, Safeguarding Policy, Code of Conduct and Complaint Handling Policy will be published on the Brothers of St John of God website. At least once a year, the documents will be proactively communicated to all personnel involved in the Brothers of St John of God community.

The Provincial will ensure that the Brothers of St John of God report any safety concerns about children or adults at risk to the appropriate authorities. The processes by which safety concerns will be reported are outlined in section 9 of this policy and include:

- reporting possible criminal offences (including historical allegations of child abuse) to Police
- making a mandatory child protection report to the relevant child protection authority
- making a notification of reportable conduct to the relevant reportable conduct oversight body
- reporting safety concerns for older people or people with disability to the relevant reporting body in the relevant jurisdiction



## Safeguarding Implementation Plan

The Brothers of St John of God will monitor compliance with the Safeguarding Policy and continual improvement of their safeguarding practices through the Safeguarding Implementation Plan<sup>6</sup> constituted by the following:

- Safeguarding will be a standing agenda item of the Province Professional Standards Committee to ensure regular discussion of the following:
  - opportunities to promote safeguarding within the organisation
  - relevant legislative or statutory changes
  - reviewing/updating the Safeguarding Policy and/or related documents
  - safeguarding training and support for personnel
  - trends in complaints about the safety of children or adults at risk (without breaching privacy or jeopardising ongoing complaints), and
  - any other relevant matters related to safeguarding.
  
- The below safeguarding responsibilities are delegated to the Safeguarding Coordinator:
  - maintaining knowledge of current legislation, statutory and other guidance in relation to safeguarding and ensuring these are reflected in the Safeguarding Policy and related documents
  - acting as a contact person for anyone in the Brothers of St John of God community who has questions about safeguarding or concerns about the safety of children or adults at risk
  - ensuring the Safeguarding Policy, Code of Conduct, Risk Management Strategy and Complaint Handling Procedures are regularly reviewed by the Brothers of St John of God according to the specified timeframes in each document
  - monitoring the currency of Working with Children Checks and other relevant background checks held by personnel
  - monitoring participation by personnel in safeguarding training according to the designated schedule
  - regularly reviewing complaints to identify systemic issues related to safeguarding, and improving policies and practices as needed, and
  - engaging with other relevant organisations and seeking specialist advice about safeguarding good practice, as necessary.

The Safeguarding Coordinator's contact details will be provided to families, carers and the broader Brothers of St John of God community.

The Provincial retains overall responsibility for the Safeguarding Implementation Plan.

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<sup>6</sup> NCSS, second edition – The safeguarding implementation plans means a documented plan which articulates actions to be taken across the entity to ensure safeguarding practices are in place. It includes actions, strategies, responsibilities and delegations and tracks review and progress. It is overseen by the Safeguarding Committee.



## 5. Identifying and Managing Risks

The Brothers of St John of God have appropriate processes in place to identify and manage risks to the safety and wellbeing of children and adults at risk. These processes are documented in the Risk Management Strategy.

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

## 6. Recruiting Safe and Suitable People

The Brothers of St John of God are committed to recruiting and engaging people who are safe and suitable to have contact with children and adults at risk. The Brothers of St John of God are also committed to ensuring that existing personnel understand their safeguarding responsibilities and are safe and suitable to have contact with children and adults at risk.

The processes in place to support safe recruitment and engagement forms part of the Brothers of St John of God overall Risk Management Strategy.

## 7. Providing Safeguarding Training and Support

Personnel will participate in the National Catholic Safeguarding Standards Introductory Session for Leaders, or another suitable course delivered by an individual with relevant expertise, within four months of commencement.

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

- Code of Conduct
- providing a culturally safe environment in which diverse circumstances and experiences are respected
- the nature, factors and impact of institutional abuse, including abuse of power
- managing risks to children and adults at risk
- responding to disclosures of abuse
- reporting obligations
- complaint handling, and
- information sharing and record keeping.

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

Further details about ongoing professional development for leaders and members of religious institutes in active ministry, and suitability screening in relation to candidates for priesthood and religious life (both before and during seminary formation prior to ordination as well as during times of initial formation prior to professions of vows), together with related training and mentoring are provided in the Risk Management Strategy.





## 8. Requiring and Upholding Appropriate Standards of Behaviour

The Brothers of St John of God expect all personnel to uphold the human rights, dignity and well-being of all people and safeguard children and adults at risk from abuse and harm.

Personnel will be provided with ongoing supervision and support to meet their safeguarding responsibilities. Annual performance reviews for personnel will include responsibilities for safeguarding children and adults at risk relevant to their role.

### Code of Conduct

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

## 9. Identifying and Responding to Safety Concerns

The Brothers of St John of God strive to effectively identify and respond to concerns about the safety of children or adults at risk at the earliest opportunity. While the Provincial has ultimate responsibility for ensuring the Brothers of St John of God identify and respond to safety concerns, at a practical level this responsibility is shared across the organisation.

During initial and refresher safeguarding training, personnel will be provided with information and equipped with skills to identify safety concerns and potential indicators of abuse or harm; support children and adults at risk to express safety concerns; handle disclosures and meet their internal and external reporting obligations.

The Brothers of St John of God response to concerns about the safety of children or adults at risk will be decisive, timely and consistent with policy and legislative obligations. The safety and care of children and adults at risk will be the primary consideration. The principles of procedural fairness and natural justice will also be adhered to at all times.

### Concerns About Children

Concerns about the safety of children may involve the following:<sup>7</sup>

- **Sexual abuse:** an offence of a sexual nature (under any state, territory or Commonwealth law) committed against, with or in the presence of a child.
- **Physical abuse:** a non-accidental injury or pattern of injuries to a child or young person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

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<sup>7</sup> Adapted from <https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect> and [https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Identifying\\_reportable\\_allegations.pdf.aspx?Embed=Y](https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Identifying_reportable_allegations.pdf.aspx?Embed=Y)



- **Emotional abuse or psychological harm:** behaviour (such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour) that damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma. In general, it is the frequency, persistence and duration of the behaviour that is instrumental in defining the consequences for the child or young person.
- **Neglect:** when a parent or caregiver cannot regularly give a child the basic things needed for his or her growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision, and enough parenting and care.
- **Ill-treatment:** when a parent or caregiver engages in conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel, eg. making excessive or degrading demands, engaging in a pattern of hostile or degrading comments or behaviour, or using inappropriate forms of behaviour management.

### Concerns About Adults

Identifying risks to the safety of adults can be challenging. An adult's vulnerability may not always be readily apparent, and indicators of abuse or harm towards adults at risk may be more difficult to recognise. The right of adults to make their own choices and decisions, and the circumstances in which they may have diminished capacity to do so, are also relevant considerations.

An inclusive, compassionate approach to adults at risk can provide valuable opportunities not only to provide care and support, but also observe and identify any safety or other concerns and connect them with relevant professional services. Personnel will not be dissuaded from seeking to identify, engage and build connections with adults at risk, nor be too 'quick to judge' others who do so. However, personnel should be alert to risks and seek advice as required.

Concerns about the safety of adults at risk may relate to the following:<sup>8</sup>

- **Financial abuse**
  - threatening or coercing re: assets or wills
  - taking control of the person's finances against their wishes and denying access to their own money
  - abusing Powers of Attorney
  - stealing goods, eg. jewellery, credit cards, cash, food, and other possessions
  - unauthorised use of banking and financial documents
  - the recent addition of a signature on a bank account
- **Psychological abuse**
  - pressuring, intimidating or bullying
  - name calling, and verbal abuse
  - treating the adult person like a child
  - threatening to harm the person, other people or pets

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<sup>8</sup> NSW Ageing and Disability Commission <https://www.ageingdisabilitycommission.nsw.gov.au/tools-and-resources>



- engaging in emotional blackmail such as threatening to withdraw access to grandchildren, family, friends, services, telephone or placement in an aged care facility
- preventing contact with family and friends, or denying access to the phone or computer
- withholding mail
- preventing a person from engaging in religious or cultural practices
- moving the person far away family or friends.
- **Neglect**
  - failure to provide basic needs, ie. food, adequate or clean clothing, heating, medicines
  - under- or over-medicating
  - exposure to danger or lack of supervision, such as leaving the person in an unsafe place or in isolation
  - an overly attentive carer in the company of others
  - refusal to permit others to provide appropriate care.
- **Physical abuse**
  - pushing, shoving, or rough handling
  - kicking, hitting, punching, slapping, biting, and/or burning
  - restraining: physical or medical
  - locking the person in a room or home or tying to a chair or bed
  - intentional injury with a weapon or object
  - overuse or misuse of medications.
- **Sexual abuse**
  - an offence of a sexual nature (under any state, territory or Commonwealth law) committed against an adult.

Concerns about adults at risk may also relate to ‘transient risks’ due to life circumstances or experiences such as:

- relationship breakdown
- bereavement
- experience of domestic or family violence
- homelessness
- mental illness
- unemployment
- dependency on alcohol or other substance
- pregnancy/early parenthood

Safeguarding training for personnel will include the identification of ‘transient risks’ and additional support needs.



## Handling Disclosures

Disclosures of abuse or harm may be received directly or indirectly. A direct disclosure is one by a child or adult who discloses current or previous abuse or harm (including historical abuse experienced as a child). An indirect disclosure is when a third person (child or adult) discloses that a child or adult has experienced current or previous abuse or harm (including historical abuse experienced a child).

If any person engaged by the Brothers of St John of God receives a disclosure of abuse or harm, they should:

- listen calmly, patiently and supportively, letting the person use their own words
- let the person know they are doing the right thing by speaking up
- address any concerns the person has about their safety, especially if they are worried about the consequences of disclosing
- explain what the next steps will be, including that they may need to tell certain other people about the disclosure to keep the person and others safe, but that the information will otherwise be treated confidentially, and
- ask the person what they need to feel safe and involved in the process for responding to their disclosure.<sup>9</sup>

## Reporting Obligations

Any person engaged by the Brothers of St John of God who becomes aware of a concern about the safety of a child or adult at risk, whether by a direct or indirect disclosure or any other means, must report it as soon as practical to the Province Professional Standards Manager.

If the concern relates to the Province Professional Standards Manager, it must be reported to the Provincial. Reporters may also contact the National Executive Director, CRA for advice and guidance.

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

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

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

The Province Professional Standards Manager will provide advice and guidance on how the matter should be handled, including whether the conduct is 'reportable' and external authorities need to be notified. The Province Professional Standards Manager may also contact the National Executive Director, CRA for guidance about external reporting obligations.

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<sup>9</sup> Adapted from *Complaint Handling Guide: Upholding the rights of children and young people*, p40, National Office for Child Safety.



## Concerns About Children

**Reporting criminal conduct to Police:** Conduct towards a child/children which may be a criminal offence if proven will be reported to Police as soon as possible (and before making a mandatory child protection report). The Province Professional Standards Manager is responsible for ensuring that the Police report is made

## Criminal Offences

Criminal offences may include:

- **An offence of a sexual nature** (under any state, territory or Commonwealth law) committed against, with or in the presence of a child, eg.:
  - sexual touching
  - sexual assault
  - aggravated sexual assault sexual intercourse and attempted sexual intercourse
  - production/dissemination/possession of child pornography using children to produce pornography
  - filming the private parts of a person without their knowledge
  - grooming or procuring children under the age of 16yrs for unlawful sexual activity
  - sexual activity deemed non-consensual on the basis of special care relationships
- **Assault:**
  - the intentional or reckless application of physical force without lawful justification or excuse, or
  - any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence.
- **Neglect:** Failure by a person with a legal duty of care to provide the necessities of life that causes death, serious injury or the likelihood of serious injury.
- **Failing to protect a child from abuse:** An adult working in an organisation doing child-related work will commit an offence if they know another adult working there poses a serious risk of abusing a child (under 18 years), and they have the power to reduce or remove the risk, and they negligently fail to do so.
- **Concealing a child abuse offence:** All adults are required to report information to the Police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused, unless they have a 'reasonable excuse'. A 'reasonable excuse' is defined by the relevant criminal legislation.

**Reporting Children at Risk of Harm:** Where there are reasonable grounds to suspect that a child or young person (or a 'class of children') is at 'risk of harm' or 'risk of significant harm', a report will be made to the relevant statutory child protection authority.

The Province Professional Standards Manager is responsible for determining if a child protection report is required and if so, ensuring that the report is made. However, this responsibility does not prevent personnel from immediately making a child protection report.



A mandatory reporter has a duty to report, as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of harm. Mandatory reporters are legally protected against retribution for making or proposing to make a report.

### **Notifying Reportable Conduct:**

The Provincial of the Brothers of St John of God must notify the relevant oversight body if he receives a report or becomes aware of a reportable allegation or reportable conviction against any personnel [or relevant contractors] delivering services to children.

The notification must be made at the earliest opportunity and as soon as practicable after the Provincial's becoming aware of the allegation.

The Church Authority must also investigate the reportable allegation and provide a report within the required timeframe to the relevant oversight body, or an interim report as to progress as applicable.

The Province Professional Standards Manager is responsible for determining if a notification of reportable conduct is required and if so, ensuring the notification is made.

### **Definition of Reportable Allegation/Reportable Conviction**

A reportable allegation is an allegation that a worker has engaged in conduct that may be reportable conduct.

Reportable conduct is

- a sexual offence
- sexual misconduct
- ill-treatment of a child
- neglect of a child
- an assault against a child
- an offence under section 43B or 316A or the Crimes Act 1900,
- behaviour that causes significant emotional or psychological harm to a child.<sup>10</sup>

Reportable conduct covers the conduct of personnel towards children both in their personal and professional life.

The Head of the Church Authority must conduct an investigation or arrange for an investigation to be conducted. The Church Authority's report must be provided to the relevant oversight body within the required timeframe after the head of the entity receiving the reportable allegation.

The investigation report must include information about the facts and circumstances of the reportable allegation, the findings made by the head of the Church Authority, and an analysis of the evidence and the rationale for the findings.

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<sup>10</sup> Part 4, *Children's Guardian Act 2019*.



The Provincial can seek guidance from the National Executive Director, CRA about meeting their reportable conduct obligations, including the engagement of an independent investigator.

### **Historical Child Abuse**

Where the Brothers of St John of God become aware of an allegation of historical child abuse (abuse experienced by a child who is now an adult), they will take the following steps:

- A child protection/risk of harm report will be made to the relevant statutory child protection body if there are grounds for suspecting that a child or class of children are at current risk of harm.
- A report will be made to Police in the following circumstances:
  - If the Brothers of St John of God know or believe that a child under 18 years has been abused (sexual abuse, serious physical abuse or extreme neglect of a child) or know or believe that they have information that might materially assist in securing the apprehension, prosecution or conviction of the offender, unless there is a 'reasonable excuse' for not reporting to Police.
- If the Brothers of St John of God know that an adult working at the Brothers of St John of God poses a serious risk of abusing a child (sexual or serious physical abuse).

The Province Professional Standards Manager is responsible for ensuring that a child protection/risk of harm and/or Police report is made, if required, in response to a historical child abuse matter in accordance with legislative requirements.

### **Concerns About Adults at Risk**

The Province Professional Standards Manager is responsible for assessing if a concern about the safety of an adult at risk should be reported to an external agency such as Police, a health service or adult safeguarding agency. The assessment will have regard to:

- legislative requirements
- whether an alleged offender is employed or engaged by the Brothers of St John of God
- the views and wishes of the involved adult
- any diminished capacity on the part of the involved adult to make an informed decision
- the seriousness of the concerns, and
- any potential or actual risks to other children or adults.

Information about how concerns are handled relating to the protection of adults at risk which are covered by independent oversight and regulatory arrangements, is provided by the relevant agency's safeguarding procedures.

### **Criminal Offences**

Where the concerns involve a potential criminal offence (eg. physical or sexual assault) by a person engaged by the Brothers of St John of God, a report will be made to Police as soon as possible. Where the concerns involve a potential criminal offence by any other person, the Province Professional Standards



Manager will offer to support the alleged victim to report the matter to Police. In circumstances where we identify that the alleged victim has diminished capacity to make an informed decision about whether to report the matter to Police, the Brothers of St John of God will do so on their behalf. The Province Professional Standards Manager is responsible for ensuring that the Police report is made.

### **Safety Concerns about Older People or People with Disability**

Several cohorts of adults at risk are covered by legislative schemes and regulatory/oversight bodies, these include:

- Safety concerns for an adult in an aged care facility, respite and day care service or support services delivered in the home should be reported to the Aged Care Quality and Safety Commission
- Safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service should be reported to the NDIS Quality & Safeguards Commission
- Safety concerns that relate to the abuse, neglect or exploitation of an adult with disability or older person living in their home (conduct by a member of the person's family, other informal supports, or members known to them from the community) should be reported to the relevant body such as the NSW Ageing and Disability Commission.

The Province Professional Standards Manager is responsible for ensuring that a report about the safety of an older person or person with a disability is made, if required.

### **Concern that an Adult at Risk May Harm Themselves or Any Other Person**

In an emergency, the Brothers of St John of God will contact Police if there is a concern that an adult at risk may harm themselves or another person.

### **Other Concerns About Adults at Risk**

Where appropriate the Brothers of St John of God may seek specialist advice and/or provide referrals to other agencies that can provide support to adults at risk.

## **10. Responding to Complaints**

The Brothers of St John of God seek to empower people to communicate their concerns and complaints without fear of retribution. We understand that speaking up requires courage and will respond with respect and compassion. We will try to resolve concerns and complaints as efficiently and effectively as possible.

### **Complaint Handling Policy**

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





The Brothers of St John of God will ensure that the processes are communicated in ways that are appropriate and accessible to the diverse needs of our community, including children and adults with diminished capacity/cognitive impairment.

Complaints will be dealt with in a trauma-informed manner that is respectful to both complainant and respondent; prioritises the safety and wellbeing of children and adults at risk; and observes the principles of procedural fairness. Where necessary and appropriate, the Brothers of St John of God will cooperate with other relevant organisations and seeks specialist advice in resolving complaints, including but not limited to Police, child protection authorities, and authorities responsible for safeguarding people with disability and/or older people.

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

## 11. Record Keeping and Information Sharing

The Brothers of St John of God are committed to appropriate and lawful record keeping, storage and sharing of information related to children and adults at risk. We recognise that record-keeping and information sharing is a key risk management strategy.

## 12. Confidentiality and Privacy

The Brothers of St John of God will maintain current knowledge of, and comply with, our legislative obligations to maintain confidentiality and protect personal information and privacy.

Information and records relating to incidents, complaints, responses and decisions will be treated as confidential except where the sharing or distribution of information and/or records is mandated by statutory requirements or principles of natural justice. In this regard, if the complaint involves conduct that is serious and/or potentially criminal, any legal obligations to report relevant information to bodies such as the Police or child protection services will over-ride confidentiality.

In addition, in certain circumstances the obligation to be fair to the subject of a complaint may completely or partially override confidentiality. The Brothers of St John of God will seek to balance fairness and confidentiality requirements and, as far as possible, safeguard the interests of all parties.

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

## 13. Review of Safeguarding Policy and Related Documents

The Safeguarding Policy and related documents will be updated as required and reviewed at least every three years. The Brothers of St John of God will consult stakeholders as part of reviewing the Safeguarding Policy and related documents.

### **Relevant legislation**

- Crimes Act 1900
- Children's Guardian Act 2019



- Child Protection (Working with Children) Act 2012.
- National Disability Insurance Scheme Act 2013
- Aged Care Quality and Safety Commission Act 2018 and the Aged Care Act 1997.

The content of the Code of Conduct will be reviewed whenever a breach is identified and at least every three years. The Provincial is responsible for ensuring the review is completed.

<b>Code of Conduct approved</b>	Timothy Graham oh Provincial	June 2021
<b>Code of Conduct reviewed</b>		



## Glossary

<p><b>Adults at risk</b></p>	<p>Adults at risk are people aged 18 and over who are at increased risk of abuse, including those who:</p> <ul style="list-style-type: none"> <li>▪ are elderly</li> <li>▪ have a disability</li> <li>▪ have a mental illness</li> <li>▪ have diminished capacity</li> <li>▪ have cognitive impairment</li> <li>▪ are experiencing transient risks, eg. bereavement, relationship breakdown, domestic or family violence, homelessness</li> <li>▪ have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation.</li> </ul> <p>Whilst taking care to not make assumptions or generalisations about individuals, we recognise that other aspects of a person’s identity or life experiences may also increase their risk of vulnerability to abuse or harm,</p>
<p><b>Allegation</b></p>	<p>A complaint, still to be verified, claiming or asserting that someone has committed an act of abuse against a child. The term is used interchangeably and in combination with “complaint”.</p>
<p><b>Child/ren</b></p>	<p>Individuals under 18 years of age.</p>
<p><b>Child abuse</b></p>	<p>There are different legal definitions of child abuse in Australia. Most commonly, the categories of child abuse include sexual, physical, psychological, neglect, ill-treatment, exploitation and exposure to family violence.</p>
<p><b>Child Safeguarding Commitment Statement</b></p>	<p>A commitment statement describing an entity’s commitment to keep children safe from harm. It informs the entity’s culture with respect to child safeguarding.</p>
<p><b>Clergy</b></p>	<p>The body of those ordained in sacred ministry in the Church. They are either deacons, priests or bishops.</p>
<p><b>Complainant</b></p>	<p>Any person who makes a complaint that may include any allegation, suspicion, concern, or report of a breach of the entity’s Code of Conduct. It also includes disclosures made to an institution that may be about, or relate to, abuse in the entity’s context.</p>
<p><b>Conflicts of interest</b></p>	<p>Situations where a conflict arises between a person’s official duties and their private interests, which could influence the performance of those official duties. Such conflict generally involves opposing principles or incompatible wishes or needs.</p>



<b>Cultural safety</b>	An environment that is safe for people of all ethnicities and cultural identities: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening.
<b>Disability</b>	Means those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. ( <i>Article 2, United Nations Convention on the Rights of Persons with Disabilities</i> )
<b>Diverse sexuality and gender</b>	Diverse sexuality and gender refers to all the diversities of sex characteristics, sexual orientations and gender identities, without the need to specify each of the identities, behaviours, or characteristics that form this plurality.
<b>Formation/formation program</b>	A program preparing individuals for ordination or profession of vows as well as a life-long journey to the invitation of Christ to proclaim and live the Gospel message within the life of the Church.
<b>Leaders</b>	Personnel who are responsible for important governance decisions within a Church entity and/or who lead and coordinate Church improvement initiatives.
<b>Ministry</b>	Any activity within, or delivered by, an entity that is designed to carry out the good works of the Catholic Church.
<b>Personnel</b>	This includes religious brothers, sisters and clergy, employees, volunteers, contractors (and others) engaged by the Church Authority to provide services to children and adults at risk.
<b>Professional/pastoral supervision</b>	<p>A forum for reflection and learning, an interactive dialogue between at least two people, one of whom is professionally trained as a supervisor. The dialogue shapes a process of review, reflection, critique and replenishment for personnel. Supervision is a professional activity in which personnel are engaged regardless of experience or qualification.</p> <p>Supervision assists personnel in their accountabilities for professional standards (including in relation to maintenance of professional boundaries), defined competencies for their role and understanding and implementation of organisational policy and procedures.</p> <p>For clerics and religious, professional/pastoral supervision assists in the maintenance of boundaries of the pastoral relationship and enhances the quality of their ministry. A cleric/ religious' commitment to conscious and critical reflection on their ministry and ministry experiences is recognised as being important for the wellbeing of the cleric/religious, the people with whom they exercise ministry, the wider Church and the community.</p>



<b>Religious Institute</b>	An institute of consecrated life, a secular institute or society of apostolic life, and their provinces or equivalent.
<b>Safeguarding</b>	Measures to protect the safety, human rights and well-being of individuals, which allow people – in this context children – to live free from abuse, harm and neglect.
<b>Safeguarding Committee</b>	A committee established to advise and support the Church Authority on all matters relating to safeguarding, including the development and implementation of a Safeguarding Implementation Plan and coordination of annual self-audits at a local level. Committee members need relevant and varied professional expertise in relation to, but not limited to safeguarding, child protection, organisational culture and structure, policy development, and need to include lay women and men.
<b>Safeguarding Coordinator</b>	An individual who champions safeguarding and co-ordinates the implementation of the National Catholic Safeguarding Standards within an entity.
<b>Safeguarding Implementation Plan</b>	A documented plan which articulates actions to be taken across the entity to ensure safeguarding practices are in place. It includes actions, strategies, responsibilities and delegations and tracks review and progress. It is overseen by the Safeguarding Committee.
<b>Seminary</b>	A centre for the formation and education of candidates preparing for ordination.
<b>Working with children check</b>	Generic term used in the Standards to denote the statutory screening requirement for people who work or volunteer in child-related work. There is no single national framework setting out requirements for ‘working with children’ checks. Each state or territory in Australia has its own name, procedures and differences in scope regarding what this type of check entails. They are one part of a Church entity’s recruitment, selection and screening processes.