



**Catholic Diocese of Sale**  
**Professional Standards**

**COMPLAINTS HANDLING AND  
REPORTING POLICY FOR THE CARE,  
PROTECTION AND SAFETY  
OF CHILDREN AND  
ADULTS AT RISK**

Version 3.2 December 2021

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## Definitions

**Adults at risk:** This is the new term for ‘vulnerable adults’ which is recommended by the National Catholic Safeguarding Standards Version 2 as the focus is on risk factors rather than on the individual. These are adults with diverse circumstances and experiences that increase the risk of abuse which include being elderly, having a disability, having mental illness, having cognitive impairment, having diminished capacity, being culturally and linguistically diverse, experiencing transient risks such as bereavement or relationship breakdown or having an impairment that makes it difficult for that person to protect themselves from abuse or exploitation.

**Child:** a person who is under the age of 18 years. Throughout this document any reference to either ‘child’ or ‘children’ is a reference to a person or persons under the age of 18.

**Church personnel:** Clergy, Members of Religious congregations, Diocesan and Parish employees (or contractors) and Parish volunteers.

**Complaints:** These are grievances or accusations that manifest as any allegation, suspicion, concern, incident or report of abuse or breach of the Diocese of Sale’s Code of Conduct. It also includes disclosures made to the Diocese that may be about, or relate to, abuse of children or adults at risk conducted by Church personnel.

**Integrity in Ministry:** A document that has been produced by a committee of the Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes which covers the [Principles and Standards for Catholic Clergy and Religious](#).

**Integrity in the Service of the Church:** A resource document that has been produced by a committee of the Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes which covers the [Principles and Standards for Lay Workers in the Catholic Church in Australia](#).

**Mandatory Reporting:** This is the legal requirement to report suspected cases of child abuse and neglect by mandated persons. In terms of Church personnel, these are people in religious ministry which has been defined (in conjunction with the other Dioceses in Victoria) and presented (in Jan 2020) to the DFFH (formerly DHHS) as comprising the Bishop, Priests, Deacons and Religious Brothers and Sisters.

**Reportable Conduct Scheme:** This scheme was established by the Victorian Government in response to recommendations by an inquiry that found some organisations failed to respond and act on early disclosures about child abuse and this allowed perpetrators to continue to abuse children. The Scheme requires certain organisations such as the Diocese and DOSCEL to notify the Commission for Children and Young People (CCYP) about allegations of child abuse and child related misconduct made against their employees, volunteers, contractors or Church personnel. See Appendix E for the five types of Reportable Conduct. The head of Entity is required to notify the CCYP of any allegation within three business days. It is a criminal offence not to notify CCYP.

**Catholic Diocese of Sale**  
**Complaints Handling and Reporting Policy for the Care, Protection and Safety of Children and Adults at Risk**

**Abbreviations**

ACSL	Australian Catholic Safeguarding Limited
CCYP	Commission for Children and Young People
CDS	Catholic Diocese of Sale
Crimes Act	Crimes Act 1958 (Victoria)
CYF Act	Children, Youth and Families Act 2005 (Victoria)
DHHS	Department of Health and Human Services, Victoria (ceased 31 Jan 2021)
DFFH	Department of Families, Fairness and Housing (from 1 Feb 2021)
DOSCEL	Diocese of Sale Catholic Education Limited
DPSO	Diocesan Professional Standards Officer
NCSS	National Catholic Safeguarding Standards Version 2
Privacy Act	Privacy Act 1988 (Commonwealth)
WWC Act	Working with Children Act 2005
WWCC	Working with Children Check
WWC Protocol	Catholic Diocese of Sale Working with Children Protocol

**History of Updates to Policy**

Draft V 1.0	Draft Review Date	September 2016	Reporting Policy - based on the documents from the Archdiocese of Melbourne and Catholic Diocese of Ballarat
Version 1.0	Approval Date	November 2016	
Draft V 2.0	Date of next major Review	July – Oct 2020	Major rewrite of document to: <ul style="list-style-type: none"> <li>• address complaints handling and renaming the document as a ‘Complaints Handling and Reporting Policy’</li> <li>• reflect changes in legislation since 2016, and</li> <li>• include adults at risk.</li> </ul>
Version 2.0	Approved	10 Dec 2020	Approved by the Professional Standards Committee (PSC)
Version 3.0	Amendments & submission to the Professional Standards Committee (PSC)	30 Sep 2021	Sent to the PSC for approval. The amendments have been made as part of the review conducted by Sr Kath Tierney. It includes changes due to the introduction of Pathways Victoria, the change from CPSL to ACSL and inappropriate behaviour under Integrity in Ministry and Integrity in the Service of the Church.
Version 3.1	Subsequent amendments & submission to the PSC	9 Dec 2021	Sent to the PSC for approval. Changes in relation to Roles & Responsibilities, p 10, Currency of Child Safe Standards, p 15 and Supporting respondents faced with allegations, p 20.
Version 3.2	Clarification sought	14 Dec 2021	Approval by the PSC subject to confirmation by Maria Kirkwood of changes made to p 7 and 32.

## 1. INTRODUCTION

The safeguarding of children, young people and adults at risk, is a collective responsibility incumbent on all who are part of the Catholic Diocese of Sale (CDS). It is therefore a responsibility to be taken up by all Church personnel. The CDS has a zero tolerance to all forms of abuse and inappropriate behaviour which comes in many forms.

The Diocese of Sale's Strategic Plan for Safeguarding Children and Adults at Risk, articulates the approach taken to create and maintain safe environments. There are four components:

1. **Safe People** is about changing culture through training, skills and staffing.

Training both face to face and online is aimed at changing the overall culture around safeguarding and developing awareness of inappropriate behaviour and understanding the signs of abuse. It also includes training on how to respond to and report abuse.

2. **Safe Practices** is about policies, practice and the operational model.

It includes prevention strategies such as Codes of Conduct, Risk assessments, Guidelines, Policies and Procedures, of which this document is part of.

3. **Safe Places** is about managing risks.

It includes Guidelines in managing risks in the physical locations of parish ministry and in the online environment.

4. **Safe Data and Information** is about information management.

It includes the provision of robust, secure and confidential management of information which supports the reporting of abuse in all its forms, be it recording concerns, observations, allegations, formal complaints and any other matters.

This Complaints Handling and Reporting Policy encompasses both the components of 'Safe Practices' as well as 'Safe Data and Information'. It aims to address the requirements of the National Catholic Safeguarding Standards (NCSS) Standard 6, 'Effective complaints management' in its entirety.

The audience for this Policy is all Church personnel, so that they understand how complaints are handled and know what to do and expect if they are required to make a report.

This Policy specifically addresses:

- the approaches taken to manage different types of complaints i.e. what to report, including concerns, suspicions, disclosures, allegations and formal complaints both current and historical
- roles and responsibilities
- systems and procedures i.e. record-keeping requirements
- reporting obligations i.e. legislation that is required to be complied with
- how to respond and to report including mandatory reporting and reportable conduct scheme, and
- risk assessments.

## 2. TYPES OF COMPLAINTS AND REPORTING CATEGORIES

The following represent the different types of complaints and reporting categories that may occur.

There are two broad groupings:

A. Church personnel can be made aware of abuse in the following ways:

- They could witness an incident
- Receive a disclosure
- Form a suspicion
- Form a reasonable belief.

B. The victim of the abuse, survivor or spokesperson can undertake the following courses of action:

- Make an allegation. This could be for a current or historical allegation.
- Make a complaint, either formally or informally – This could be for a current or historical complaint.
- Seek recourse to civil litigation
- Choose to have their claim addressed via the Pathways Victoria model
- Seek redress via the National Redress Scheme.

### *A. Church Personnel being made aware of abuse*

#### ***Witnessing an incident***

The characteristic of sexual abuse is that it usually occurs in secret with no other witnesses. It is highly unlikely that such an incident is witnessed. It is more likely that a suspicion or reasonable belief is formed.

However, it is possible for example, to ‘witness’ an incident where nude pictures of children are being shared, even if the distributors of this material are under the age of 18. The sharing of such material is unlawful and needs to be reported. Similarly, persons who come across child abuse material online are required to report this immediately.

It is possible to witness incidents that indicate physical, psychological or emotional abuse.

See ‘6. How to respond and report?’.

#### ***Receiving a disclosure***

Children and young people are most likely to initially disclose abuse to either a parent or same-aged friend<sup>1</sup>. Hearing that a child or young person has been abused is distressing, and this will be felt even

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<sup>1</sup> Australian Institute of Family Studies. <https://aifs.gov.au/cfca/publications/responding-children-and-young-people-s-disclosures-abu>. Accessed 19 Oct 2020.

more acutely if you are a friend or relative. It is possible that the perpetrator is known to you and may even be a family member.

It is important to remember that while it is your role to be a supportive listener, it is not your role to counsel the child or investigate his or her claims.

It is imperative that you report the matter immediately. See '6. How to respond and report?'

### ***Forming a suspicion***

Forming a suspicion based on recognising inappropriate behaviour and unprofessional conduct as well as signs of abuse are provided in more detail in the Appendix of this document.

Note that the presence of indicators of abuse does not prove that the child or adult at risk has been or is being abused. Conversely, the absence of indicators does not necessarily mean that a child or adult at risk is safe.

In any case, the matter is to be recorded in the Parish Issues Register (see Appendix) and reported.

See '6. How to respond and report?'

### ***Forming a reasonable belief***

A reasonable belief is a belief based on facts that would lead a reasonable person to think that reportable conduct may have occurred<sup>2</sup>.

A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it does not require certainty. For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves
- heard from a child that the conduct occurred
- received information from another source (including another person who witnessed the reportable conduct or misconduct).

The Head of Entity for the Diocese has the responsibility, under the Reportable Conduct Scheme (RCS), to report matters to the Commission for Children and Young People (CCYP) after having formed a reasonable belief that the allegation is reportable under the terms of the RCS. Not all allegations are reportable under the RCS and it is the role of the Head of Entity to make this determination and to report within 3 working days of having a *reportable* allegation brought to their attention. Any person may make a report directly to CCYP who will then refer the matter to the Head of Entity of the Diocese for further consideration.

In any case, the matter is to be recorded in the Parish Issues Register and reported immediately.

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<sup>2</sup> This is from the Reportable Conduct Scheme Information sheet FAQ (Accessed from CCYP website) where it cites the case of *George v Rockett* (1990) 170 CLR 104, which determined that 'a reasonable belief requires the existence of facts that are sufficient to induce the belief in a reasonable person. Belief requires something more than suspicion'.

See '6. How to respond and report?'

*B. Victim, survivor (or spokesperson/legal representative) notifies the Diocese:*

**Complaints, either formal or informal**

Complaints notified to the Diocese either in writing or on the telephone are acted on immediately.  
See '6. How to respond and report?'

**Complaints about inappropriate behaviour towards children and adults at risk**

The Diocese of Sale has documented what constitutes inappropriate behaviour in the Diocese Code of Conduct. A copy of this is in the Appendix of this Policy. This is not an exhaustive list and the Professional Standards Office is prepared to include any additional behaviours which are construed to be inappropriate.

Given the introduction of legislation that deems 'grooming' behaviours (which may not have any associated sexual abuse involved) as criminal, it is imperative that inappropriate behaviour be reported immediately. See '6. How to respond and report?'

**Historical incidents**

It is conceivable that disclosures and formal complaints of abuse and unprofessional conduct could be made of incidents that occurred in the past. An appropriate justice mechanism<sup>3</sup> will be sought by the Diocese.

*For child abuse:*

Where the victim is now over 18, such historical incidents are still required to be reported immediately as this would be a requirement of the Reportable Conduct Scheme. See '6. How to Respond and Report?'

*For abuse of an adult at risk* that happened historically, this also needs to be reported to the Diocese. If these are of a criminal nature, these will be reported to Victoria Police.

**Justice mechanisms**

**National Redress Scheme**

The Diocese of Sale is one of the institutions that has joined the National Redress Scheme. This Scheme accepts applications for redress from those who have suffered institutional child sexual abuse. The scheme started receiving applications for historical incidents from 1 Jul 2018 and will run for 10 years to 30 Jun 2027. See '6. How to respond and report?'

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<sup>3</sup> There are a suite of justice mechanisms that span a continuum which include criminal prosecution, financial reparation, independent inquiries, pardons/apologies, institutional reform and interaction of relevant parties in an informal manner such as victim-offender dialogues.



### *Civil litigation*

This is an avenue pursued by complainants who do not wish to access the National Redress Scheme but prefer to seek compensation through civil means. The complainant is legally represented and the Diocese is also legally represented. There is no limitation period on making such complaints. See '6. How to respond and report?'

### *Pathways Victoria*

The Pathways Victoria model provides a mechanism for survivors who do not wish to pursue the other avenues and extends the scope of abuse to those who have suffered physical abuse or adult boundary violation. It is an alternative to civil litigation and the National Redress Scheme (which is confined to child sexual abuse).

The model has been adopted by the Catholic Dioceses of Victoria as a way of implementing the National Response Protocol, which is the framework of response (of concerns and allegations of child sexual abuse) for Catholic entities across Australia.

Pathways Victoria is anticipated to be operational from 1 Jan 2022.

### 3. ROLES AND RESPONSIBILITIES

The following four key roles are involved with respect to complaints handling and reporting.

Role	Responsibilities
Parish Safeguarding Officer	Liaises with the Parish Priest and the Diocesan Professional Standards Officer of Sale in relation to any concerns and complaints. Each Parish has a Parish Safeguarding Officer. The named individuals can be found on the Diocesan website.
Diocesan Professional Standards Officer (DPSO)	To be a point of contact for complaints and reports. Liaises immediately with the Head of Entity. Takes instructions from the Bishop, Head of Entity and the Professional Standards Committee with regards to complaints and matters requiring attention. Supports Church personnel and in particular Clergy and Religious, if they are making a report. Ensure that the Diocese' systems and procedures are being complied with, in particular maintaining a Complaints register. Conducts risk assessments and re-visits these periodically. Provides ongoing support and training to Parishes in complaints handling and reporting, ensuring that this is understood by children, families, carers and all Church personnel.
Clergy (Bishop, Priests and Deacons) and Religious	As mandatory reporters, they are required by law to report any instance where a child has suffered or is at risk of physical injury or has suffered or is at risk of sexual abuse.
Head of Entity for the Diocese – For the purposes of the Reportable Conduct Scheme	Be notified of the complaint immediately. Reports to the Commission for Children and Young People (CCYP) any matters relating to reportable conduct of Church personnel in the Diocese within the specified period.  Oversees the investigation into the complaint.

#### Escalation Pathway

The Parish Safeguarding Officer notifies the Diocesan Professional Standards Officer immediately by telephone. The complaint is notified to the Head of Entity for the Diocese immediately and documented in the Diocesan Complaints Register, which is a confidential document maintained by the Diocesan Professional Standards Officer. Complaints or issues raised by the Parish are also documented in the Parish Issues Register by the Parish Safeguarding Officer.

**Note that even though there are assigned roles for managing complaints and reporting in the Diocese of Sale, any member of the Church no matter who they are, must report suspected child abuse directly and immediately to Victoria Police. They are also required to notify the Diocesan Professional Standards Officer directly (or via their Parish Priest or Parish Safeguarding Officer) that they have made that report.**

## 4.SYSTEMS AND PROCEDURES – RECORD-KEEPING

Documenting a complaint thoroughly enables the ability to report comprehensively and meet legal obligations. It also allows the Professional Standards Office to undertake analysis of:

- the root cause of the problem;
- any systemic issues, including failures; and
- any remaining risks for the Diocese.

This enables Professional Standards Office to continuously improve its practices.

### **Record keeping requirements**

Record keeping systems and procedures have been established both at the Parish and the Diocesan level. Church personnel and in particular, the Parish Safeguarding Officers have been provided with both education and support to maintain records in relation to risks and issues that come to their attention at the Parish level.

Issues are events that have happened. Any matter is an issue which includes all complaints, incidents, allegations, disclosures and concerns of any kind. These are recorded in the Parish Issues Register.

Issues may include the following, both current and historical:

- witnessing an event
- disclosures
- allegations
- concerns and suspicions
- formal complaints of abuse
- formal complaints of unprofessional conduct.

Issues may also include other events, which are also recorded, such as (not exhaustive):

- the use of parish premises by community groups (an appropriate risk assessment is conducted, but the matter has happened and is recorded here)
- the failure of a parish volunteer in obtaining a WWCC
- the resistance given by a parish volunteer to obtain a WWCC
- the lack of due attention given by volunteers to attending safeguarding training.

The Parish and Diocesan Issues Register represents a single point of reference for matters rather like an event log. This is far more preferable than having an amorphous collection of material collated in an unstructured manner (such as face to face discussions, phone calls and email conversations, together with outcomes) which is not contiguous and is difficult to locate if required in the future.

Anything that comes to the attention of the parish in relation to safeguarding are issues and would be recorded in the Parish Issues Register. Issues that are notified to the Diocesan Professional Standards Officer are recorded in the Diocesan Issues Register. A subset of the Diocesan Issues Register would be allocated to complaints and known as the Complaints Register.

The Issues Register sets out the action to be taken with respect to the issue and the person responsible for addressing the issue, together with an expected timeframe. See Appendix for an example of such a Register.

**When an issue arises, immediate action is required. See ‘6. How to Respond and Report?’.**

### **Practice**

In response to the recommendations of the Royal Commission into Institutional Child Abuse, records are to be stored, protected and retained for 50 years.<sup>4</sup>

In addition, the handling of information in these registers should be in accordance with the Federal Privacy Act 1988.

Education has been ongoing with the Parishes as to how to complete these Registers correctly. These Registers are sent to the Diocesan Professional Standards Officer, periodically for review and archiving. This ensures that data is backed up for posterity and becomes a repository for Professional Standards into the future.

At the Diocesan level, the Professional Standards Officer maintains Diocesan Risk and Issue (including Complaints) registers.

The treatment of risks and issues are quite separate. However, it is possible that when an issue arises, it brings about the likelihood of a risk occurring. In this case, an entry is made in the Parish risk register and discussed with the Diocesan Professional Standards Officer as to what risk mitigations / responses need to be taken to address the risk. The Parish Risk Register is sent periodically to the Diocesan Professional Standards Officer for both review and archiving.

### ***Conflicts of interest***

There are also clear procedures that identify and mitigate actual and perceived conflicts of interest. This includes regular reporting of these issues to the Professional Standards Committee to address.

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<sup>4</sup> NCSS Draft Version 2, states this requirement in two places – sections 1.6.2 and 6.1.7.

## 5.LEGISLATION AND REPORTING OBLIGATIONS

The safeguarding of children and adults is underpinned by a range of legislation and frameworks which are listed in the Appendix.

In summary these are grouped into ‘Reporting’ and ‘Regulation’:

### **Legislation in relation to Reporting**

These include:

- A. Mandatory Reporting
- B. Reportable Conduct
- C. Crimes Acts
  - Failure to Protect
  - Failure to Disclose
  - Grooming.
- D. Evidence Act 2008.

#### **A. Mandatory Reporting**

Although teachers have been deemed as mandatory reporters for some time, it was only in February 2020 when people in religious ministry were included. This means that there is a legal requirement for people in religious ministry to report suspected cases of child abuse and neglect. There is a financial penalty for failing to make a mandatory report. In terms of Church personnel, these have been defined with the Department of Health and Human Services (in Jan 2020) for the Diocese of Sale as comprising the Bishop, Priests, Deacons and Religious Brothers and Sisters.

To support this legal requirement, the Evidence Act 2008 was amended at the same time to remove confessions as an exemption from the failure to disclose criminal offence. See D. Evidence Act

<b>Legislation</b>	<b>Focus</b>	<b>Note</b>
Child, Youth and Families Act 2005	Provide protection of children	Amended on 19 Feb 2020 to include those in religious ministry as mandatory reporters (para 182)

**B. Framework for reporting allegations of inappropriate conduct of personnel with respect to children and young people - Reportable Conduct Scheme**

The Victorian Child Wellbeing and Safety Act 2005, states that the head of the organisation<sup>5</sup> is required by law to notify the Commission for Children and Young People (CCYP) of all allegations of reportable conduct. This is referred to as the Victorian Reportable Conduct Scheme, which has been put in place to improve the organisations’ responses to allegations of child abuse and neglect by their workers and volunteers. Reportable Conduct applies to all Church personnel including clergy, employees and volunteers. Reporting to CCYP is required to occur within three business days of learning about the allegation.

Reportable conduct means:

- a sexual offence committed against, with, or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence committed with, against or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse to Victoria Police. Reports are made simultaneously to the respective authorities.

<b>Legislation</b>	<b>Focus</b>	<b>Note</b>
Victoria’s Child Safe Standards [Child Wellbeing and Safety Amendment Act 2015]	Prevention of abuse	Administered by CCYP (Commission for Children and Young People)
Wrongs Amendment (Organisational Child Abuse) Act 2017	Organisational liability for child abuse	In relation to claims: a duty of care on individuals associated with organisations exercising care and supervision of children
Children Legislation Amendment (Reportable Conduct) Act 2017	Allegation of reportable conduct to be made to CCYP	Amendments to the Child Wellbeing and Safety Act 2005, coming into force from 1 Sep 2017.

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<sup>5</sup> Head of Entity for the Catholic Diocese of Sale is Ms Maria Kirkwood, Director of Catholic Education, Diocese of Sale

### C. Crimes Act 1958

There have been three significant amendments to the Crimes Act in recent years which are summarised below.

Legislation	Focus	Note
Crimes Act 1958 – Section 49M	Prevention of grooming for sexual conduct	A person commits an offence if they communicate / behave with a child under 16 which is construed as ‘grooming’
Crimes Act 1958 – Section 327	Failure to disclose a sexual offence	Failure to disclose a sexual offence to police including child abuse material
Crimes Act 1958 – Section 49A – 49L	Failure to protect	Failure to protect against various sexual offences against children.

### D. Evidence Act 2008

Similarly, the Evidence Act has been amended to support Mandatory reporting legislation.

Legislation	Focus	Note
Evidence Act 2008	Law of evidence	Amendment on 19 Feb 2020 to remove confessions as an exemption from the failure to disclose offence (Crimes Act 1958 – Section 327)

### Legislation in relation to Regulation

Legislation	Focus	Note
Working with Children Amendment Act 2016	Prevention of abuse	Amendments to the Working with Children Act 2005

### Frameworks for regulating child safety

Framework	Administered by	Note
Victorian Child Safe Standards, came into effect 1 Jan 2016; Subsequently updated to align with the National Principles.	Commission for Children and Young People (CCYP)	11 Standards (formerly 7 standards). These will commence on 1 Jul 2022.
National Principles for Child Safe Organisations, endorsed nationally Feb 2019.		10 Principles for Child Safe Organisations.
National Catholic Safeguarding Standards	Australian Catholic Standards Limited (ACSL)	10 Standards. These will include adults at risk. Version 2 will be released in early 2022.

**Legislation and Frameworks for regulating the safeguarding of adults at risk**

There are laws in Australia to protect against physical, sexual and financial abuse of all adults. An assault is a crime, regardless of the person it is against. However, there are additional legislative frameworks to protect adults who have a disability or who do not have decision-making capacity.

In Victoria, the Victorian Guardianship and Administration Act 2019 (in force on 1 Jul 2020) aims to protect and promote the human rights and dignity of persons who do not have decision-making capacity which includes cognitive impairment and dementia.

The Victorian Office of the Public Advocate (OPA) promotes the rights, interests and dignity of people with disability (specifically intellectual impairment, mental illness, brain injury, physical disability or dementia) living in Victoria.

The National Catholic Safeguarding Standards (NCSS) version 2 will incorporate ‘adults at risk’, will include further safeguards for this group. This framework is expected to be released in early 2022.

At the time of writing this Policy, the Royal Commission into Aged Care Quality and Safety is being conducted. The final report is expected to be released in February 2021. It is likely to make recommendations that will result in further legislative safeguards for ‘adults at risk’.

The following legislation currently applies to this group.

<b>Legislation</b>	<b>Focus</b>	<b>Note</b>
Victorian Charter of Human Rights and Responsibilities Act 2006	Principles to support equal dignity and rights	Upheld by a range of entities throughout Victoria
Victorian Guardianship and Administration Act 2019	Promoting the human rights and dignity of persons who do not have decision-making capacity	Repeals the Guardianship and Administration Act 1986. Amendments to other Acts including the Victorian Civil and Administrative Tribunal Act 1998. Instrument for a number of authorities including the Victorian Office of the Public Advocate



## 6.HOW TO RESPOND AND REPORT?

### Principles

The following Principles apply in responding to a complaint and making a report:

- The prioritisation of the safety of the child or the adult at risk.
- Complaints are taken seriously and responded to promptly and thoroughly. The Head of Entity is informed immediately.
- Anyone making a report is protected with regard to confidentiality and immunity from legal liability.

### Key Reporting Points

#### *Children*

The obligation to report child sexual abuse applies to **any adult**, not just to those designated as mandatory reporters or to the authorities in the Diocese of Sale.

#### **Mandatory Reporting - Legal Obligation for Clergy and Religious – Reporting Child Abuse**

In Victoria, mandatory reporting legislation revised in Feb 2020 requires that Clergy and Religious are bound legally to report child abuse and neglect.

This means that the Bishop, Priests, Deacons and Religious Brothers<sup>6</sup> and Sisters are legally required to report to Child Protection covering the local government areas where the child lives. For the Diocese, it is the South Division. See Appendix for contact details.

If unsure if the child's circumstances meet the threshold for child protection intervention, then consider making a referral to Child FIRST/ The Orange Door.

#### *Adults at risk*

The definition of what constitutes 'adults at risk' is provided in the front of this Policy document. There are legal obligations under the Victorian Guardianship and Administration Act 2019 which protects the welfare of adults who do not have decision-making capacity (which includes adults who may have cognitive impairment or dementia as an example).

Any abuse (be it physical, sexual, emotional, psychological or financial) to adults at risk or inappropriate behaviour perpetrated by Church personnel is to be reported to the Diocesan Professional Standards Officer either directly or via the Parish Safeguarding Officer.

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<sup>6</sup> At the writing of this document, there are no religious brothers in the Diocese of Sale

## **Five Critical Actions for Church Personnel - Responding to Current Abuse (incidents, disclosures, allegations, suspicions and concerns)**

If it has come to your attention that an abuse has occurred to a child or an adult at risk or that there is a concern raised about possible abuse, the following Actions are to be taken. **See Appendix A.**

### **Action 1 – Respond to an emergency**

If a child's or adult at risk's immediate safety is compromised, you must take reasonable steps to protect them. This includes **reporting immediately to the Police** to protect the health and safety of the child or adult at risk. Keep a record of the police officer's contact details. It is important to ensure that the alleged offender does not have access to the child or adult at risk. You must also inform the Diocesan Professional Standards Officer, who will immediately notify the Head of Entity.

If there is no immediate harm to the child or adult at risk, proceed to Action 2.

### **Action 2- Provide support to the child or adult at risk or person disclosing a concern**

You should:

- reassure them that you are taking what they are saying seriously, that it is not their fault and that they are doing the right thing.
- listen to them carefully and let them use their own words to explain what has occurred; advise them that you will take notes during the discussion to capture all details; people from some cultures may experience anxiety communicating in English on such matters.
- not make promises to the child or adult at risk, such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- explain to them that the information they have told you will need be shared with others, such as their parent/carer, specific people within the Diocese such as the Professional Standards Officer, Child Protection or other agencies (if applicable) and the Police.

As soon as the child's or adult at risk's immediate safety concerns are addressed, proceed to either Action 3A or 3B.

### **Action 3A – Mandatory Reporting Obligations**

If you are a Mandatory Reporter which includes Clergy (Bishop, Priests and Deacons) as well as Religious Brothers and Sisters, under the Mandatory Reporting Legislation, you are required to report abuse that has occurred or suspicion of abuse, immediately to DFFH Child Protection covering the local government area where the child normally lives. If unsure if a child's circumstances meet the threshold for child protection intervention, then consider making a referral to Child FIRST/The Orange Door. **See Appendix A for contact details.** Note that DFFH will notify Victoria Police about the report.

### **Action 3B – Report to Victoria Police**

If you are not a mandatory reporter, you must still report all incidents and disclosures of abuse to Victoria Police by attending a police station in person or reporting over the phone as soon as possible. **See Appendix A for details. You may be committing a criminal offence if you fail to report physical or sexual abuse of a child.**

If the matter concerns unprofessional behaviour of Church personnel under Integrity in Ministry or Integrity in the Service of the Church (rather than incidents and disclosures of abuse), proceed to 3C.

**The total time from Action 1 to the end of Action 3C should be confined to within two working days.**

### **Action 3C – Report to the Diocesan Professional Standards Officer**

All incidents, concerns, allegations, suspicions and disclosures must be reported to the Diocesan Professional Standards Officer (DPSO), even if reports have already been made to the DFFH or Victoria Police (Action 3A or Action 3B). This should be done as soon as possible (and can involve the Parish Safeguarding Officer). The DPSO will inform the Head of Entity for the Diocese immediately.

### **Action 4 - Contact parents, carers or guardians**

Where it is suspected that a child has been, or is at risk of being abused, a parent, carer or guardian of the child must be notified as soon as practicable. Similarly, if it is suspected that the adult at risk has been abused, the respective guardian, power of attorney or family member must be notified.

However, when a child has disclosed allegations of abuse perpetrated by their parent, carer, guardian or another family member, the Head of Entity will contact the appropriate authority such as Child Protection and/or Victoria Police. Similarly, if the adult at risk has disclosed allegations perpetrated by their carer or guardian, then Victoria Police will be notified.

### **Action 5 - Provide ongoing support**

Experiences of abuse can cause trauma and significantly impact the mental health and wellbeing of victims. In liaison with the Diocesan Professional Standards Officer, support will be arranged.

## **Responding to Historical Incidents of Abuse**

The Diocese offers appropriate pastoral care to adult complainants.

### *For child abuse – Reportable Conduct Scheme*

Matters involving abuse brought forward by adults suffered historically as a child need to be reported directly to the Professional Standards Officer in the first instance. This will be brought to the attention of the Head of Entity as there are legal obligations under the Reportable Conduct Scheme that states that:

*Where the victim is now over 18, such historical incidents are still required to be reported immediately. There are legal obligations under the Reportable Conduct Scheme. Any allegation even a historical matter made known after 1 July 2017, constitutes reportable conduct and requires a report to be made to CCYP.*

If the alleged perpetrator is not a current threat to children because they are deceased for example, responding to the complaint still complies with the principle of being responded to promptly and keeping the complainant informed of progress, outcomes and resolution of the complaint. Adult complainants who have suffered abuse as children will be given a compassionate response when they come forward with their complaint. They are offered a range of services including counselling and options for taking the complaint further will be outlined.

### *For child abuse – Civil Litigation*

This is another avenue pursued by victims or survivors. The notification should be made by their legal representatives to the Bishop of the Diocese of Sale.

*For child abuse – National Redress Scheme*

**National Redress Scheme**

If a victim or survivor wishes to seek redress for their suffering that has occurred historically in the Diocese of Sale within an institutional setting, they can make an application to the National Redress Scheme. See details in the Appendix.

*For abuse of an adult at risk:*

Matters brought forward about abuse of adults at risk that happened historically, need to be reported directly to the Professional Standards Officer in the first instance. This will be brought to the attention of the Head of Entity. Although currently there are no legal obligations to report such historical matters in relation to adults at risk in Victoria, the matter will be reported to Police if it is considered that a crime has been committed.

The Diocese will facilitate adult complainants' access to appropriately trained personnel who would listen and address the pastoral needs of the complainant. In addition, a risk assessment will be carried out by the Diocese on the historical matter to ensure that the factors that brought about the incident have been mitigated.

**Reporting child abuse material found online**

If Church personnel consider that online material is child abuse material, then a report is to be made to Victoria Police.

If Church personnel see images online of a child that is not appropriate, this is to be reported to the eSafety Commissioner – Cyber report Team. It is important that the web address or URL is noted. Please do not download the material as possessing such material is a criminal offence in Victoria. See Appendix A for contact details.

**Supporting respondents faced with allegations**

All Church personnel faced with allegations will be supported by the Diocese as they are afforded natural justice, in terms of both civil and canon law. Careful consideration is taken as to whether the respondent is stood down from their role or ministry. This decision is taken by the Head of Entity and the Bishop. If the respondents are stood down, it will be made clear that they are on leave and that no admissions or guilt are implied by this fact. According to Canon 220, care will be taken at all times not to take away the good name of the respondent involved whilst the process of investigation is occurring.

As well as the above, with respect to clergy, the Diocese has an important duty of care for the respondent who is subject to an allegation. The support and wellbeing of the respondent would include access to counselling; an appropriate safe place for them to stay; arrangements for an accused priest to celebrate Mass, but not in public; arrangements for spiritual direction; restrictions on contact with parish; accessibility to visitors and consideration for other practical and financial needs.

## 7.RISK ASSESSMENTS

Risk assessments are carried out by the Diocesan Professional Standards Officer in consultation with the Bishop, Head of Entity and the Professional Standards Committee on any complaint that has been made to ensure that the factors that have brought about the incident have been mitigated.

According to the NCSS Implementation Guide 2019<sup>7</sup>:

Risk assessments should be conducted once an allegation has been made, during an investigation and at the end of the investigation so that a final decision can be made regarding what action, if any, needs to be taken regarding the respondent to address any risk to:

- the child(ren);
- other children with whom the respondent may have contact;
- the respondent; and
- the proper investigation of the complaint.

(NCSS Implementation Guide, 2019, p.46).

The Diocesan Professional Standards Office will conduct risk assessments initially, periodically and after the final decision to ensure that the risks to children and adults at risk are mitigated, if not completely eliminated.

Careful consideration is taken, after an extensive risk management assessment is conducted, whether the respondent is stood down from their ministry. This decision is taken by the Head of Entity and the Bishop. Information is shared with relevant personnel on a need to know basis.

As per best practice risk management, the risk owner for any risk in relation to an allegation will be the Head of Entity. A risk owner has the overall accountability for the mitigation of that risk. However, risk actionee(s) are appointed to carry out the respective actions to safeguard children and adults at risk. It will normally be the Professional Standards Officer but other personnel could be nominated as risk actionees.

Risk assessments will be reported periodically to the Professional Standards Committee on an ongoing basis.

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<sup>7</sup> Note that this Guide has not been updated to include adults at risk. However, the same principles apply.

## 8. CONCLUSION

The Catholic Diocese of Sale is committed to the sensitive and skilful handling and reporting of all types of complaints regardless of whether or not the law requires this to be reported. It ensures that mechanisms are in place to care for the range of complainants and provides a compassionate, confidential and supportive approach.

It is committed to providing ongoing pastoral support to any person affected by physical, emotional, sexual abuse and financial abuse by Church personnel. This commitment is made in the spirit of Christ's teachings and on behalf of the Bishop, clergy, and all other church personnel who serve in parishes across the Diocese.

# APPENDIX A

## FIVE CRITICAL ACTIONS FOR CHURCH PERSONNEL

### Responding to current abuse (incidents, disclosures, allegations, suspicions and concerns)

#### YOU MUST TAKE ACTION:

The safeguarding of children, young people and adults at risk, is a collective responsibility of all who are part of the Catholic Diocese of Sale.

There are Five Critical Actions to be followed as soon as you witness an incident, receive a disclosure or an allegation or have a concern.

You must act if you form a suspicion or have a reasonable belief\*, even if you are unsure and have not directly observed abuse.

\* A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.



If there is no risk of immediate harm, go to **Action 2** →

If the person is at immediate risk of harm, you **must** ensure their safety:

- separate alleged victims and others involved
- administer first aid
- call 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns
- contact Diocesan Professional Standards Officer.

Where necessary, you may also need to maintain the integrity of the potential crime scene and preserve evidence.

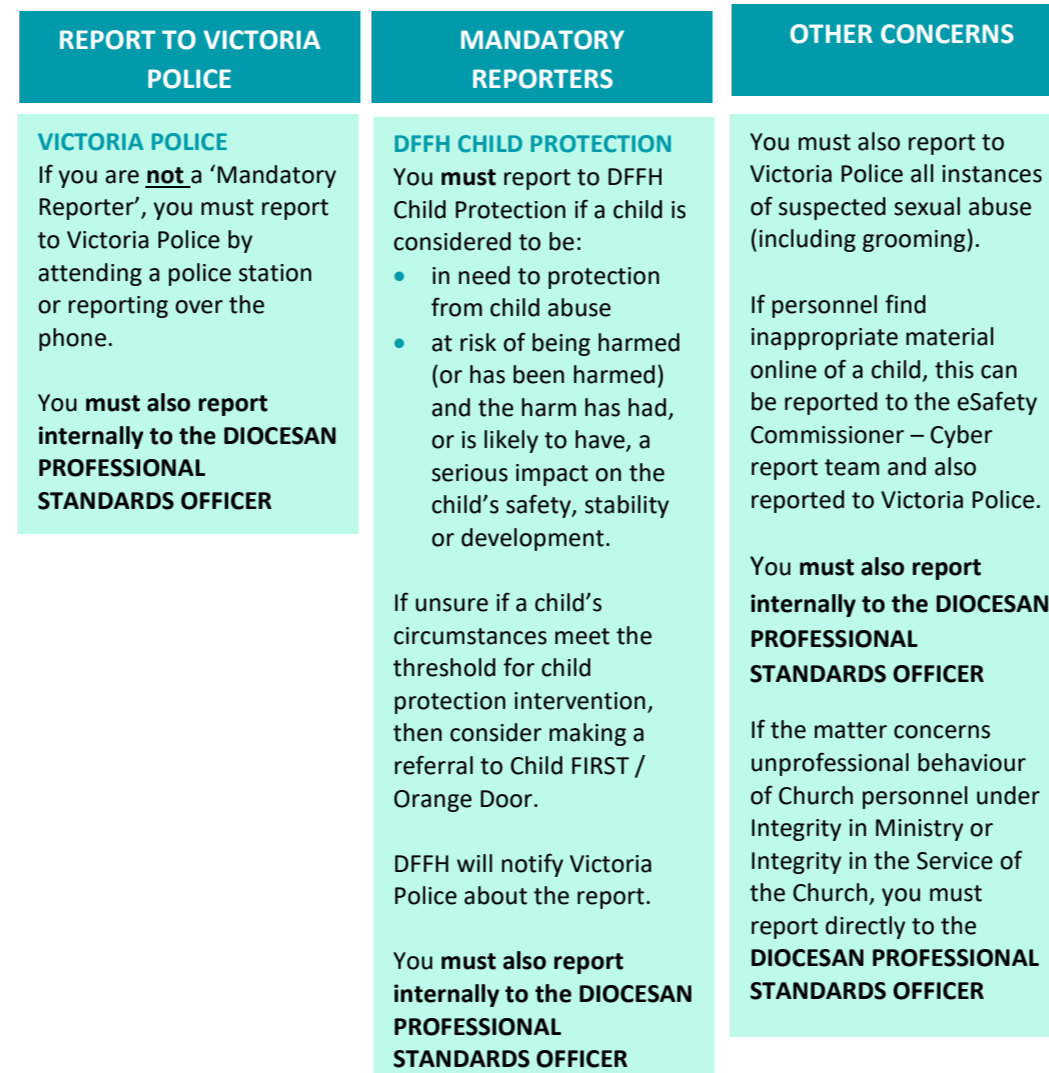
You should:

- reassure them that what they are saying is taken seriously, that it is not their fault and that they are doing the right thing
- listen to them carefully and let them use their own words to explain what has occurred
- not make promises to the child or adult at risk, such as promising not to tell anyone about the incident, except that you will do your best to keep them safe
- explain to them that the information that they have told you will be shared confidentially with the relevant authorities.

As soon as immediate health and safety concerns are addressed, you **must** report all incidents, disclosures, allegations, suspicions and concerns as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

**Contact the Diocesan Professional Standards Officer for support.**

↩ Different pathways, dependent on whether you are a mandatory reporter ↪



Where it is suspected that a child has been, or is at risk of being abused, a parent, carer or guardian of the child must be notified as soon as practicable.

Similarly, if it is suspected that the adult at risk has been abused, the respective guardian, power of attorney or family member must be notified.

If the child has disclosed allegations of abuse perpetrated by their parent, carer, guardian or family member, the Head of Entity will make contact with the appropriate authority such as Child Protection and/or Victoria Police. Similarly, if the adult at risk has disclosed allegations perpetrated by their carer or guardian, then Victoria Police will be notified.

Experiences of abuse can cause trauma and significantly impact the mental health and wellbeing of victims. In liaison with the Diocesan Professional Standards Officer, support will be arranged.

You **must** follow the Five Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

### CONTACT

**DIOCESAN PROFESSIONAL STANDARDS OFFICE**  
Tel: (03) 5622 6600 or  
Mobile: 0409 691 139

**DIOCESE OF SALE SAFEGUARDING**  
<https://www.cdsale.org.au/safeguarding>

**MANDATORY REPORTING FACTSHEET**  
For people in religious ministry  
<https://providers.dffh.vic.gov.au/mandatory-reporting-child-protection-victoria-people-religious-ministry-factsheet>

**ESAFETY COMMISSIONER – CYBER REPORT TEAM**  
<https://www.esafety.gov.au/report>

**DFFH CHILD PROTECTION Area**  
South Division **1300 655 795**  
**AFTER HOURS**  
After hours, weekends, public holidays **13 12 78**

**CHILD FIRST/ORANGE DOOR**  
Postcode specific:  
<https://services.dffh.vic.gov.au/referral-and-support-teams>

**VICTORIA POLICE**  
**000** or your local police station  
<https://www.police.vic.gov.au>



**Catholic Diocese of Sale**

## APPENDIX B - Contact Summary and Links

### CONTACT SUMMARY

Action	Entity	Contact
Reporting	Victoria Police	000
Reporting	Diocesan Professional Standards Officer	03 5614 5140 Mob: 0409 691 139
Reporting	Head of Entity –Diocese of Sale	03 5622 6600
Reporting	DFFH Child Protection, South Division (covers the Diocese of Sale)	1300 655 795
Reporting	DFFH Child First/The Orange Door	Postcode specific
Reporting Online material	eSafety Commissioner – Cyber report team	<a href="https://www.esafety.gov.au/report">https://www.esafety.gov.au/report</a>
Out of hours Emergency	Victoria Police	000
Information and Advice	Diocesan Professional Standards Officer	03 5614 5140 Mob: 0409 691 139

### USEFUL LINKS - REPORTING ABUSE

Mandatory Reporting for people in religious ministry	<a href="#">Mandatory reporting - people in religious ministry factsheet</a>
Child Protection – Department of Health and Human Services	<a href="#">Making a report to Child Protection</a>
Reporting to Police	<a href="https://www.police.vic.gov.au/sexual-offences">https://www.police.vic.gov.au/sexual-offences</a> <a href="https://www.police.vic.gov.au/sexual-offences#reporting-to-police">https://www.police.vic.gov.au/sexual-offences#reporting-to-police</a>
Police Stations	<a href="https://www.police.vic.gov.au/">https://www.police.vic.gov.au/</a>

### OTHER USEFUL LINKS

National Redress Scheme	<a href="https://www.nationalredress.gov.au/">https://www.nationalredress.gov.au/</a>
Diocese of Sale Safeguarding	<a href="https://www.cdsale.org.au/safeguarding">https://www.cdsale.org.au/safeguarding</a>
Parish Safeguarding Officers	Names of particular Parish Safeguarding Officers are on the specific Parish page of the Diocesan website <a href="https://www.cdsale.org.au/find-a-parish">https://www.cdsale.org.au/find-a-parish</a>



## APPENDIX C - Recognising inappropriate behaviour

Note that this list is not exhaustive and suggestions are welcome.

The following inappropriate conduct relate to both children and adults at risk.

### **Inappropriate behaviours could include:**

- Shaming, humiliating, oppressing, belittling or degrading
- Unlawfully discriminating against them
- Engaging in any activity that is likely to physically or emotionally harm them
- Initiating unnecessary physical contact or doing things of a personal nature that they can do themselves
- Being alone with them unnecessarily and for more than a short time
- Developing a “special” relationship with them for one’s own needs
- Showing favouritism through gifts or inappropriate attention
- Making or arranging contact including online contact without consent of parents or guardians
- Photographing, videoing or recording without consent of their parents or guardians
- Engaging with them under the influence of alcohol or drugs
- Engaging in open discussions of topics that would harm this group in their presence
- Using inappropriate language
- Doing anything that is in contravention of the Diocesan Code of Conduct and Guidelines.

### **Inappropriate behaviours specifically in relation to adults at risk:**

- Assuming that the adult at risk requires a visit without ascertaining if they have been invited to their homes.
- Organising medical appointments and accompanying that adult at risk to their appointment without the permission of their appointed guardian
- Organising and transacting financial affairs without permission of the appointed power of attorney.

## APPENDIX D - Signs of abuse - children

There are 6 categories:

1. Grooming
2. Abuse due to Family and Domestic Violence
3. Physical abuse
4. Sexual abuse
5. Emotional abuse
6. Neglect.

### **1. Identifying grooming**

From the Victorian Department of Education and Training. Obtained from <https://www.education.vic.gov.au/school/teachers/health/childprotection>  
[Accessed 19 Oct 2020]

Occurs when an adult's communication or behaviour is linked to the intention of involving a child in sexual activity with an adult. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. Grooming can include developing special relationships with a child; favouring or giving gifts to a child or young person; inappropriate interactions with children either in person or via forms of media and electronic devices; asking a child or young person to keep a secret or any aspect of their relationship; and the testing or ignoring of professional boundaries.

### **2. Identifying child abuse – Family or domestic violence**

From the Australian Institute of Family Studies. Obtained from <https://aifs.gov.au/cfca/publications/domestic-violence-child-abuse-identification>  
[Accessed 19 Oct 2020]

Exposure to family/domestic violence can include watching or hearing a family member assault, threaten, intimidate, dominate and coerce another member of the family. Children can be involved directly (for example, trying to intervene or calling the police), or by experiencing the aftermath of family violence, such as seeing bruises, observing maternal depression or experiencing parents being unavailable to them.

### **3. Identifying child abuse - Physical violence**

From the DFFH (Victorian Department of Families, Fairness and Housing) Factsheet 'Indicators of Abuse' (Child Safe Standards Toolkit, Resource 4B). Obtained from <https://providers.dffh.vic.gov.au/resource-4b-indicators-abuse-word> [Accessed 9 Sep 2021]

Physical violence occurs when a child suffers or is likely to suffer harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or use of objects.

Physical indicators include (but are not limited to):

- unexplained bruises, burns or welts
- fractured bones, sprains or dislocation
- cuts, grazes or scratches
- ligature or bite marks
- bald patches or hair missing in tufts
- missing or loosened teeth
- poisoning or medication overdose.

Behavioural indicators include (but are not limited to):

- inconsistent, vague or unlikely explanations of an injury
- wariness, fear or distrust of adults
- avoidance of physical contact
- disproportionate reactions or limited emotion displayed when hurt or threatened
- wearing clothing that is unsuitable for the weather conditions (to hide injuries)
- unexplained absences and decline in academic performance
- substance abuse, self-harm or suicide attempts.

#### **4. Identifying child abuse - Sexual offences**

From the DFFH Factsheet 'Indicators of Abuse' (Child Safe Standards Toolkit, Resource 4B).

Sexual offences occur when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.

Physical indicators include (but are not limited to):

- bruising, bleeding or discharge from the genital or rectal area
- signs of pain, itching or discomfort in the genital or rectal area
- presence of sexually transmitted diseases
- frequent urinary tract infections
- pregnancy (actual or suspected)
- self-mutilation.

Behavioural indicators include (but are not limited to):

- displaying age-inappropriate sexual behaviour or knowledge
- promiscuity or inappropriate expressions of affection
- sudden fears of specific places or particular adults
- obsessive and compulsive washing
- complaining of headaches, stomach pains or nausea
- sleeping difficulties
- poor self-care or personal hygiene
- regressive behaviours such as bedwetting and speech loss
- substance abuse, self-harm or suicide attempts.

#### **5. Identifying child abuse - Serious emotional or psychological abuse**

From the DFFH Factsheet 'Indicators of Abuse' (Child Safe Standards Toolkit, Resource 4B).

Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation or by threats of violence. It can include derogatory name-calling, put-downs or persistent and deliberate coldness from a person, to the extent where the child's behaviour is disturbed and/or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Physical indicators include (but are not limited to):

- delays in emotional, mental or physical development
- speech impairments such as stuttering or being selectively mute
- rocking, thumb-sucking or other infantile behaviours
- eating disorders.

Behavioural indicators include (but are not limited to):

- exhibiting high anxiety or symptoms of stress
- poor self-image or low self-esteem
- displaying aggressive, demanding or attention-seeking behaviour
- compulsive lying or stealing
- unexplained mood swings or depression
- poor social and interpersonal skills
- excessive neatness or cleanliness
- substance abuse, self-harm or suicide attempts.

#### **6. Identifying child abuse - Serious neglect**

From the DFFH Factsheet 'Indicators of Abuse' (Child Safe Standards Toolkit, Resource 4B).

Serious neglect is the continued failure to provide a child with the basic necessities of life such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.

Physical indicators include (but are not limited to):

- frequent hunger or signs of malnutrition
- poor personal hygiene
- appearing dirty and unwashed
- lack of adequate or suitable clothing
- unattended health problems
- appearing pale and weak
- inadequate shelter or unsanitary living conditions.

Behavioural indicators include (but are not limited to):

- stealing or begging for food
- aggressive or self-destructive behaviour
- involvement in criminal activity
- poor, irregular or non-attendance at school
- refusal or reluctance to go home
- limited positive interaction with parents, carers or guardians
- poor academic performance
- substance abuse.

## APPENDIX E - Signs of abuse – adults at risk

The term 'Elder abuse' refers to any act that causes harm to an older person and is carried out by someone they know and trust, such as a family member or friend. The abuse may be physical, social, financial, psychological or sexual and can include mistreatment and neglect.

Note that the presence of indicators of abuse does not prove that the adult has been or is being abused. However, they should act as a trigger as to the possibility that an adult at risk may be at risk of significant harm from abuse or neglect.

There are 5 categories:

1. sexual abuse
2. physical abuse
3. neglect
4. psychological abuse
5. financial abuse.

### **1. Identifying abuse of adults at risk – sexual abuse**

From the Office of Safeguarding, Diocese of Maitland-Newcastle.

<https://officeofsafeguarding.org.au/reporting-abuse/indicators-of-abuse-neglect-of-vulnerable-adults/>

[Accessed 20 Oct 20]

Physical indicators:

- Trauma to the breasts, buttocks, lower abdomen or thighs
- Difficulty in walking or sitting
- Injuries (tears or bruising), pain or itching to genitalia, anus or perineal region
- Human bite marks
- Torn, stained or blood-stained underwear or bedclothes
- Unexplained STD or incontinence (bladder or bowel)
- Unexplained accumulation of money or gifts
- Pregnancy (for younger vulnerable adults)
- Anxiety around the perpetrator and other psychological symptoms

Victim behavioural signs:

- Repeat use of words, for example, "bad", "dirty"
- Self-destructive behaviour, self-mutilation
- Sudden changes in behaviour or temperament, for example, depression, anxiety attacks including crying, sweating and trembling, withdrawal, agitation, anger, violence, absconding, seeking comfort and security
- Inappropriate advances to others
- Sleep disturbances, refusing to go to bed, going to bed fully clothed
- Eating disorders
- Refusing to shower, or constant showering
- Changes in social patterns, refusing to attend usual places
- Excessive compliance

## **2. Identifying abuse of adults at risk – physical abuse**

From the Office of Safeguarding, Diocese of Maitland-Newcastle.

<https://officeofsafeguarding.org.au/reporting-abuse/indicators-of-abuse-neglect-of-vulnerable-adults/>

[Accessed 20 Oct 20]

Physical indicators:

- A range of injuries to the body which are unexplained.

Victim behaviour signs:

- Explanation inconsistent with the injury; explanation varies
- Avoidance or fearfulness of a particular person or staff member
- Sleep disturbance such as nightmares or bedwetting
- Changes in behaviour including out-of-character aggression, withdrawal, excessive compliance

## **3. Identifying abuse of adults at risk – neglect**

From the Office of Safeguarding, Diocese of Maitland-Newcastle.

<https://officeofsafeguarding.org.au/reporting-abuse/indicators-of-abuse-neglect-of-vulnerable-adults/>

[Accessed 20 Oct 20]

Physical indicators:

- Unexplained weight loss, dehydration, poor skin integrity, malnutrition and persistent hunger
- Poor hygiene, unkept appearance
- Poor hair texture
- Inappropriate or inadequate clothing for climatic conditions
- Inappropriate or inadequate shelter or accommodation
- Unattended physical problems or medical needs or absence of prescribed or required aids
- Health or dietary practices that endanger wellbeing or development
- Social isolation
- Lack of medical or dental care, or injuries that have not been properly cared for
- Exposure to unsafe, unhealthy, and/or unsanitary conditions

Victim behavioural signs:

- Requesting, begging, scavenging or stealing food
- Constant fatigue, listlessness or falling asleep
- Direct or indirect disclosure
- Extreme longing for company
- Anxiety about being alone or abandoned
- Displaying inappropriate or excessive self-comforting behaviours

## **4. Identifying abuse of adults at risk – psychological abuse**

From the Office of Safeguarding, Diocese of Maitland-Newcastle.

<https://officeofsafeguarding.org.au/reporting-abuse/indicators-of-abuse-neglect-of-vulnerable-adults/>

[Accessed 20 Oct 20]

Physical indicators:

- Speech disorders
- Weight loss or gain

Victim behavioural signs:

- Resignation, shame
- Depression, tearfulness
- Confusion, agitation
- Feelings of helplessness
- Unexplained paranoia or excessive fear
- Disrupted appetite or sleep patterns, such as insomnia
- Unusual passivity or anger
- Sadness or grief at the loss of interactions with others
- Withdrawal or listlessness due to people not visiting
- Changes in levels of self-esteem
- Worry or anxiety after a visit by specific person/people
- Social isolation, feelings of worthlessness about life and self, extreme low self-esteem self-abuser, self-destructive behaviour
- Extreme attention-seeking behaviour and other behavioural disorders, for example, disruptiveness, aggressiveness, bullying
- Excessive compliance

#### **5. Identifying abuse of adults at risk – financial abuse**

From the Office of Safeguarding, Diocese of Maitland-Newcastle.

<https://officeofsafeguarding.org.au/reporting-abuse/indicators-of-abuse-neglect-of-vulnerable-adults/>

[Accessed 20 Oct 20]

Physical indicators:

- Restricted access to, or no control over, personal funds or bank accounts
- No records or incomplete records kept of expenditure and purchases
- Missing money, valuables or property
- Forced changes to wills or other legal documents

Victim behavioural signs:

- Unexplained disappearance of belongings
- Unexplained inability to pay bills
- Significant bank withdrawals and/or changes to wills
- Inability of the adult at risk to access bank accounts or statements
- Stockpiling of unpaid bills or an empty fridge
- Disparity between living conditions and money
- No money to pay for essentials for the home including food, clothing, and utilities
- Changes to the adult at risk's behaviour towards others/peers indicative of financial distress, for example, stealing from others, borrowing money or begging

## APPENDIX F - Reporting Obligations for the State of Victoria

The following table sets out reporting obligations as required by the State of Victoria.

Who must report?	What must be reported	Legal provision
<p><i>Mandatory reporters:</i></p> <p>Anyone who is a mandatory reporter (such as a VIT registered teacher, registered doctor, nurse, registered psychologist) who worships at the Parish is obliged to report.</p> <p>As of Feb 2020, Mandatory reporters include persons in religious ministry. Those in this category as documented by the Diocese of Sale together with the other Dioceses of Victoria (Archdiocese of Melbourne, Diocese of Ballarat, Diocese of Sandhurst) to DHHS (Letter of Jan 2020) as:</p> <ul style="list-style-type: none"> <li>• Bishop</li> <li>• Priest</li> <li>• Deacons</li> <li>• Religious Brothers and Sisters</li> </ul>	<p>Belief on reasonable grounds formed in the course of practising their profession or carrying out the duties of their office, position or employment that a child is in need of protection because the child has suffered, or is likely to suffer</p> <ul style="list-style-type: none"> <li>• significant harm as a result of physical injury</li> <li>• sexual abuse</li> <li>• emotional or psychological harm</li> <li>• neglect</li> </ul> <p>The person must report to the Secretary of the Department of Human Services as soon as practicable after forming the belief, and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.</p>	<p><i>Children, Youth and Families Act 2005 (Vic), s. 182</i></p>
<p><i>Religious confessions:</i></p> <p>A person who is a priest or Bishop is not exempt from reporting what is divulged in confession.</p>	<p>A person who is or was a member of the clergy of any church or religious denomination is not entitled to refuse to divulge that a religious confession was made, or the contents of a religious confession, in a proceeding for an offence against s. 184 of the Children, Youth and Families Act 2005 or a proceeding for an offence against s. 327(2) of the Crimes Act 1958 (see above).</p>	<p><i>Evidence Act 2008 (Vic), s. 127(2)</i></p>
<p><i>Reportable conduct:</i></p> <p>The Head of Entity, having formed a reasonable belief that an allegation is reportable under the terms of the Reportable Conduct Scheme (RCS), is required by law to notify the Commission for Children and Young People (CCYP) of all allegations of reportable conduct within three business days.</p>	<p>Reportable Conduct applies to all Church personnel including all volunteers and clergy.</p> <p>Reportable conduct means:</p> <ul style="list-style-type: none"> <li>• a sexual offence committed against, with, or in the presence of a child</li> <li>• sexual misconduct committed against, with or in the presence of a child</li> <li>• physical violence committed with, against or in the presence of a child</li> <li>• any behaviour that causes significant emotional or psychological harm to a child</li> <li>• significant neglect of a child.</li> </ul>	<p><i>Child Wellbeing and Safety Act 2005 (Vic)</i></p>



<b>CRIMINAL OFFENCES</b>		
<b>Who must report?</b>	<b>What must be reported</b>	<b>Legal provision</b>
<p><i>Failure to Disclose sexual offences committed against a child under the age of 16 years.</i></p> <p>A person of or over the age of 18 years (whether in Victoria or elsewhere) must make the report to Police.</p>	<p>Any information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years.</p> <p>A criminal offence is committed if the person fails to report the information to the police, as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so. This law applies whether the adult has a child related job or not.</p>	<p><i>Crimes Act 1958 (Vic), s. 327</i></p>
<p><i>Failure to Protect against various sexual offences against children.</i></p> <p>A person who occupies a position in the Diocese of Sale who becomes aware of a risk of child sexual abuse by another person associated with the Diocese has a duty of care to remove or reduce that risk.</p>	<p>A criminal offence is committed if the person who by reason of their position of authority in the organization fails to reduce or remove a risk that a child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the organization.</p>	<p><i>Crimes Act 1958 – Section 49A – 49L</i></p>
<p><i>Grooming</i></p> <p>A person of or over the age of 18 years (whether in Victoria or elsewhere) must make the report to Police.</p>	<p>A criminal offence is committed by a person who is over 18 years of age who communicates by words or by conduct with a child under the age of 16 years. It also applies to communication with a person over 18 who has care and supervision for the child that is subject to the predatory conduct of the groomer.</p> <p>The aim of the communication is to facilitate the child in engaging or being involved in a commission of a sexual offence regardless of who that offence is conducted with.</p> <p>Communication can be electronic and can occur outside of Victoria so long as the intended sexual offence would occur in Victoria.</p> <p>Grooming does not necessarily involve any sexual activity, or even discussion of sexual activity.</p>	<p><i>Crimes Act 1958 – Section 49M</i></p>

## APPENDIX G - Other important legislation, reports and documents

Type	Description	Legal provision
Federal Legislation	<p>An act to establish the National Redress Scheme for Institutional Child Sexual Abuse, and for related purposes.</p> <p>The aim is to provide support to people who experienced institutional child sexual abuse.</p> <p>The scheme started on 1 Jul 2018 and will run for 10 years to 30 Jun 2027.</p> <p>Administered by the Department of Human Services (Federal)</p> <p>The Diocese of Sale is one of the institutions that have joined the Scheme</p>	<i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i>
Significant Report	<p>Royal Commission into Institutional Responses to Child Sex Abuse 2017. It ran for 5 years from 2013 to 2017.</p>	Through the recommendations of this Report, a suite of legislation has been put into place. See App E.
Significant Report	<p>Victoria’s Betrayal of Trust Report 2013</p> <p>The inquiry resulted in a significant report.</p>	The report spawned the creation of a statutory duty of care placed on the organization for negligence in organizational child abuse. See Wrongs Act 1958.
Significant Global Convention	<p>United Nations Convention on the Rights of the Child. Convention stating Articles of the Rights of the Child</p>	

## APPENDIX H - Parish Issues Register

This is a sample template of a Parish Issues Register which is completed by the Parish Safeguarding Officer.

This Register is reviewed periodically with the Diocesan Professional Standards Officer and sent to the Diocese for archiving purposes.

ISSUE IDENTIFICATION				ASSESSMENT	ISSUE RESOLUTION				
ID	DATE RAISED	RAISED BY	ISSUE DESCRIPTION	IMPACT DESCRIPTION	RESOLUTION ACTION(S)	ASSIGNED TO	STATUS	RESOLUTION DUE DATE	COMMENTS (INCLUDE LAST DATE UPDATED)
1					Note on accompanying documents				
2									

If an entry in the Register requires accompanying documents, these are provided with the Issue Register.