

SAFEGUARDING CHILDREN AND YOUNG PEOPLE

Reporting Procedure

This document should be read in conjunction with the Safeguarding and Wellbeing of Children and Young People Policy (SWCYP Policy).

This document replaces the Catholic Archdiocese of Melbourne's Safeguarding Children and Young People Policy and 'Reporting child safety related misconduct and/or abuse child abuse' information sheet (version 1, July 2019)



CATHOLIC ARCHDIOCESE
OF MELBOURNE

The Archdiocese is committed to the safety, wellbeing and human dignity of children, young people and adults.

Purpose

The Catholic Archdiocese of Melbourne is committed to ensuring that children and young people who access the Catholic Archdiocese of Melbourne's services, religious celebrations, events and programs are kept safe from harm and the risk of harm.

The Archdiocese has zero tolerance of any form of child abuse, harm, racism or discrimination and is committed to protecting children and young people from harm.

The Safeguarding Children and Young People (SCYP) Reporting Procedure helps to create a safe environment for children and young people by setting a clear process for reporting in accordance with the Catholic Archdiocese of Melbourne's legal and moral obligations to keep children and young people safe from harm.

If any person believes a child or young person is at immediate risk of child abuse or harm, they should telephone 000.

For a full list of definitions used throughout this procedure, please refer to the back of the Safeguarding and Wellbeing of Children and Young People (SWCYP) Policy.

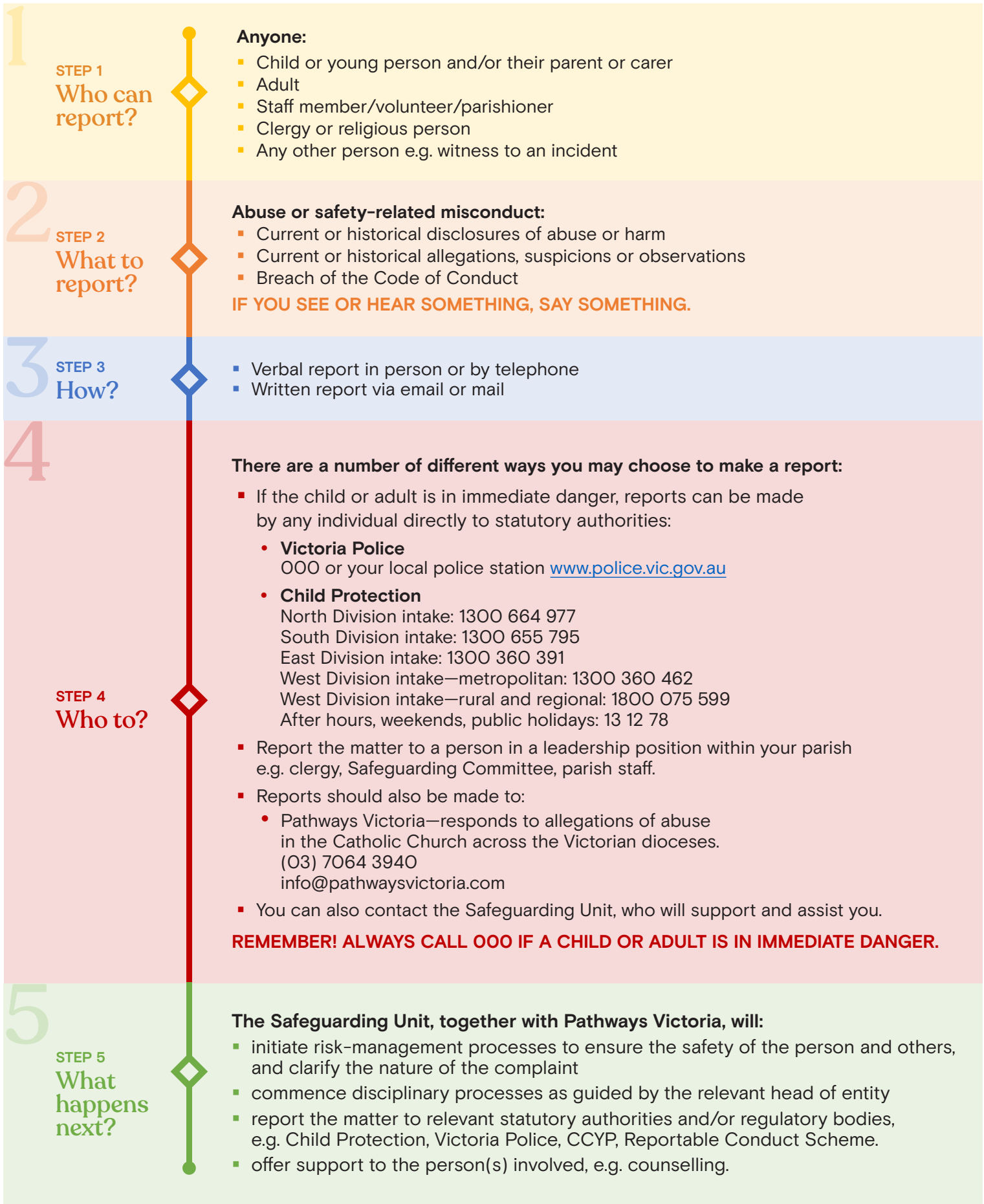
Scope

This SCYP Reporting Procedure applies to all Church personnel engaged by the Catholic Archdiocese of Melbourne and should be read in conjunction with the Catholic Archdiocese of Melbourne safeguarding documents.

The application of this procedure extends to all Archdiocesan environments and all interactions with children and young people, including:

- physical and face-to-face contact
- contact by post or other written communication
- contact by telephone or other oral communication
- contact by email or other electronic communication, including online messenger services, social media, or online seminars, ministry, prayer groups or liturgies.

REPORTING ABUSE OR SAFETY-RELATED MISCONDUCT



Who can report?

Duty of care and complying with the procedure

Child safety is everyone's responsibility.

Any person, including a child, young person, parent, Church personnel or parishioner, can make a report or disclosure if they hold a concern that a child or young person has been, or is, at risk of child abuse or harm.

All Church personnel have a duty of care to protect children and young people from harm and have a moral, legal and ethical duty to effectively respond to and report all concerns, allegations, complaints or risks of child-safety related misconduct and/or child abuse or harm.

It is a requirement of the SWCYP Policy and Safeguarding Children and Young People (SCYP) Code of Conduct that Church personnel make a report if they form a reasonable belief that a child or young person has experienced, is experiencing or is at risk of abuse or harm. A report must be made, even if others do not hold a reasonable belief or do not believe a report should be made.

All Church personnel who form a reasonable belief that a child is in need of protection from child abuse or harm *should* report their concerns to the parish priest, or head of agency or entity and/or the Safeguarding Unit (SU), in accordance with this procedure. If a person determines not to report internally, they *must* ensure they comply with all external reporting obligations.

When the Catholic Archdiocese of Melbourne suspects that a child or young person has been harmed or is at risk of harm, the Archdiocese will handle that suspicion seriously and in a manner that prioritises the safety of children and young people.

Failing to report child safety concerns, complaints or allegations or preventing, influencing or coercing a person from making a report, is a breach of the SWCYP Policy and may result in disciplinary action and/or possible legal action.

When to act

If a person forms a 'reasonable' belief that a child or young person has experienced abuse, is experiencing abuse or is at risk of harm, they must act.

A reasonable belief is formed if a reasonable person in the same position would have formed the same belief on the same grounds. Definitive proof or evidence that abuse has occurred or is occurring or that a child or young person is at risk is *not* required. The person is *not* required to undertake an investigation, nor is it appropriate to do so; this will be done later by a properly qualified investigator.

What is a reasonable belief?

A reasonable belief may be formed when one or more of the following occurs:

- A child or young person discloses abuse.
- A child or young person shows indicators of harm.
- One or more [physical and/or behavioural indicators of abuse are observed](#).
- A complaint or allegation is made about behaviour that compromises the safety, health or wellbeing of children or young people.
- Behaviour is witnessed that suggests that a child or young person is being harmed or is at risk of abuse.
- A child or young person reports that someone else is experiencing abuse. (They may be referring to themselves.)
- A perpetrator discloses that they are harming a child or young person.
- A child or young person creates drawings or stories that involve themes or events involving abuse.
- An adult discloses historical abuse that occurred when they were a child.

It is important to note that the concerns, allegations and complaints that arise will vary. In some instances, we can immediately form a reasonable belief and proceed to make a report (such as when a child has made a disclosure of abuse). In other instances, forming a reasonable belief may require careful observation and monitoring of the situation over a period of time (for instance, to determine possible indicators that may suggest that a child is experiencing abuse).

The disclosure of abuse can be a very difficult and emotionally challenging process for a child, young person or adult and needs to be handled sensitively and respectfully. See the 'Responding to disclosures' information sheet for useful information and guidelines for responding to disclosures in a supportive and effective manner.

All information relating to a concern, allegation or complaint is to be treated with sensitivity and

the utmost confidentiality. Disclosing or sharing information with those not directly responsible for responding to a concern or allegation (e.g. gossip) may have serious consequences for the safety and wellbeing of those involved, may diminish the integrity of any future investigation (e.g. evidence may be destroyed, witnesses may be threatened or the alleged perpetrator may be 'tipped off') and is considered a breach of privacy. Unauthorised breaches of confidentiality will result in disciplinary action.

Reporting obligations

Church personnel are not required to consult with the Catholic Archdiocese of Melbourne or with the parish, agency or entity; nor do they need to gain the support of the Archdiocese or the parish, agency or entity prior to making a report.

Prior to making a report directly to your immediate supervisor, it is important to consider whether that supervisor is implicated in the alleged abuse that has taken place. If your immediate supervisor is involved in the complaint, report the matter directly to the Safeguarding Unit for advice and guidance.

Where an allegation involves a staff member of the Catholic Archdiocese of Melbourne, the matter should be referred to the Director of Human Resources, who will take the necessary action to report the matter to statutory authorities and/or organise an independent investigation of the matter.

Where the matter involves a bishop or an archbishop, procedures articulated in the *motu proprio* (apostolic letter) of Pope Francis *Vos estis lux mundi* will be activated, with oversight from Australian Catholic Safeguarding Limited (ACSL).

It is important to remember that the safety and wellbeing of the child, young person or adult making a disclosure takes priority over the interests of any other person or the parish, agency or entity.

Reporting obligations to police

Failure to disclose

Church personnel who form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by an adult *must* make a report to Victoria Police as soon as practicable.

Failure to protect

Church personnel who are aware of a risk that a child under the age of 16 years will become the victim of a sexual offence committed by another adult associated with the Archdiocese must reduce or remove the risk, for example by reporting to the Department of Families Fairness and Housing (DFFH) or Victoria Police.

Reporting obligations to the Department of Families Fairness and Housing (DFFH)—Child Protection and/or police

Mandatory reporters

Church personnel who, in the course of carrying out their duties, form a belief on reasonable grounds that a child is in need of protection because they have suffered or are likely to suffer from significant harm as a result of physical injury or sexual abuse, and who believe the child's parents cannot or will not protect the child, *must* disclose that information to the police and the DFFH if they are a *mandatory reporter*.

Those who fall under the definition of a mandatory reporter include:

- a person in religious ministry, including those who are ordained, appointed or recognised as a religious or spiritual leader
- a registered medical practitioner, nurse or midwife
- a person registered as a teacher or early childhood teacher
- a principal of a school
- a police officer
- an approved provider or nominated supervisor of a children's service, or a person with a post-secondary qualification in the care, education

or minding of children who is employed by or engaged by a children's service

- a person with a post-secondary qualification in youth, social or welfare work who works in the health, education or community or welfare services field
- a youth and child welfare worker
- a registered psychologist.

All Church personnel

In complying with the requirements of the Safeguarding Children and Young People Framework, all Church personnel who form a reasonable belief that a child is in need of protection from child abuse (including physical, sexual, emotional and psychological abuse and/or neglect) must make a report to DFFH or Victoria Police.

If the parish priest or head of agency or entity, the Safeguarding Unit or a member of the safeguarding committee becomes aware or is notified that a child is, or may be, at risk of harm, they must:

- take immediate steps to ensure the safety and wellbeing of any child or young person who may be at risk or in danger
- confirm that the concern has been reported and, if not, assist the Church personnel to make the report
- complete the incident report and/or direct the Church personnel to complete the report.

Notification to the Commission for Children and Young People (CCYP)— Reportable Conduct Scheme (RCS)

The CCYP provides independent oversight of organisations' investigative responses to allegations of child abuse and misconduct perpetrated by an employee or volunteer of an organisation. The Catholic Archdiocese of Melbourne has a legal responsibility under the RCS to notify the CCYP of reportable allegations against Church personnel.

The head of entity and/or Pathways Victoria will report any reportable allegation made against Church personnel to the CCYP within three business days of the head of entity becoming aware of the allegations, in accordance with the RCS.

Church personnel are strongly encouraged to advise the parish priest or head of agency or entity, Pathways Victoria and/or the Safeguarding Unit if they become aware of conduct that may constitute a reportable allegation, which includes conduct that occurs outside the course of a person's employment.

A reportable allegation arises when a person forms a reasonable belief that Church personnel have engaged in reportable conduct or in misconduct that may involve reportable conduct. Types of reportable conduct include:

- sexual offences 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 against, with or in the presence of a child
- conduct that causes significant emotional and/or psychological harm to a child
- significant neglect of a child.

How to make a report— reporting procedure actions

Action 1: Protect the child or young person from immediate danger

- If Church personnel believe the child or young person is at immediate risk of abuse, they must notify Victoria Police immediately by telephoning 000.
- Church personnel must stay with the child or young person and take all reasonable steps to ensure their immediate safety if they are reasonably able to do so, including:
 - administering first aid
 - calling 000 for urgent medical assistance to address immediate health and safety concerns.

Action 2: Make a report

In Victoria, alleged child abuse perpetrated by:

- *Church personnel* is reported to the Sexual Offences and Child Abuse Investigation Team (SOCIT) within Victoria Police and/or the CCYP pursuant to the RCS
- *family members* is reported to Child Protection (DFFH) and/or Victoria Police.
- *a child or young person* is reported to Child Protection (DFFH) and/or the SOCIT (Victoria Police) (e.g. in relation to sexually harmful behaviour, aggression, violence or online exploitation).

Church personnel should report concerns to the parish priest or head of agency or entity, to Pathways Victoria and/or to the Safeguarding Unit.

Church personnel must make a report either in person or by telephone to the relevant authority as follows:

Report to Victoria Police

- by dialling 000 if it is an emergency
- by contacting the [Sexual Offences and Child Abuse Investigation Team](#) (SOCIT)
- by contacting the [local police station](#), or
- by reporting through [Crime Stoppers Australia](#)

Report to DFFH—Child Protection

Child Protection performs a range of functions, including:

- investigating matters where it is alleged that a child or young person is at risk of harm
- referring families to services to support them to provide a safe and supportive environment for their children (e.g. counselling, parenting support)
- taking action to ensure the safety of children and young people.

When making a report to Child Protection, the reporting person may choose to identify themselves or make a report anonymously. Notifying family members that a report is being made may, in some cases, place the child or young person at further risk. Church personnel should not inform family members that a report is being made to Child Protection unless Child Protection has indicated it is safe to inform the family.

Report to DFFH services

During business hours, you can report to DFFH services by contacting the relevant [division intake team](#) (determined by the location of the child):

- North Division intake: 1300 664 977
- South Division intake: 1300 655 795
- East Division intake: 1300 360 391
- West Division intake—metropolitan: 1300 664 977
- West Division intake—rural and regional: 1300 360 462

Between 5pm and 9am from Monday to Friday, or at any time on a weekend, you can report to DFFH by calling the After Hours Child Protection Emergency Service on 13 12 78.

A new report must be made by Church personnel each time that person becomes aware of any further information that forms their belief a child may have suffered or is likely to suffer harm as a result of physical injury or sexual abuse.

Report to the Commission for Children and Young People

If the head of entity determines that a reportable allegation has been made in relation to current Church personnel:

- the head of entity, or Pathways Victoria on behalf of the head of entity, must make a report to the CCYP within three business days of forming a reasonable belief that a Church personnel has committed reportable conduct or engaged in misconduct that may involve reportable conduct, irrespective of whether the conduct in question is alleged to have occurred within the course of the Church personnel's engagement with the Archdiocese
- the Catholic Archdiocese of Melbourne will refer the management of the investigation to Pathways Victoria in accordance with this procedure
- the head of entity, or its delegate, must provide the CCYP with updates in accordance with the Reportable Conduct Scheme, including providing a 30-day report and any other updates requested by the CCYP
- the head of entity, or its delegate, will provide CCYP with the final outcome of the investigation, including the investigation report, annexures and findings
- the Catholic Archdiocese of Melbourne will cooperate and share information with all regulatory authorities in relation to the investigation, including DFFH, Victoria Police and the CCYP.

Report to Pathways Victoria

The parish priest or head of agency or entity, the Safeguarding Unit and/or the Archbishop may refer the following matters to Pathways Victoria:

- reportable allegations under the Reportable Conduct Scheme
- any other incident, complaint or allegation of abuse in accordance with the Pathways Victoria model.

Information in relation to Pathways Victoria can be found at [Pathways Victoria | Survivors of Abuse within the Catholic Church](#), and Pathways Victoria can be contacted by calling (03) 7064 3940 or by submitting an online form at [Contact | Pathways Victoria](#).

Safeguarding Unit (SU)

The Safeguarding Unit, together with Pathways Victoria, is responsible for coordinating reports of current and historical abuse or child-safety related misconduct and liaising with statutory authorities and regulatory bodies such as Victoria Police, Child Protection (DFFH), and the CCYP (Reportable Conduct Scheme) in relation to any action that may be required to respond to allegations, promote the safety and wellbeing of those involved and ensure the integrity of future investigations.

The SU will conduct a risk assessment to ensure the safety and wellbeing of the alleged victim and the safety of others who may be at risk (e.g. the alleged perpetrator, other children and young people, family members, witnesses and other Church personnel). The risk assessment will inform action to be taken and may include risk mitigation such as suspending the alleged perpetrator from their position until an investigation has been completed or placing the alleged perpetrator on a safety plan.

The safety and support needs of all parties involved in a report will be considered and addressed as part of this process, including counselling and additional supports as required.

A 'Child-safety related misconduct and/or child abuse report form' must be completed and shared with the SU as soon as practicable after forming a reasonable belief that misconduct or abuse may have occurred or that a child or young person is at risk of harm. This form is to be retained for record-keeping purposes by the parish, agency or entity.

Please do not hesitate to contact the SU if you require any assistance:

- by phone on 9926 5621 (Monday–Friday, 9am–5pm)
- by email at safeguardingunit@cam.org.au.

Action 3: Cooperate with regulatory authorities

The Catholic Archdiocese of Melbourne and all Church personnel must cooperate with any investigation by Victoria Police, DFFH or any other regulatory authority, or with any independent investigation conducted on behalf of the Archdiocese.

The Catholic Archdiocese of Melbourne will provide support to any children or young people who are alleged victims or witnesses in the investigation. This may include pastoral support and/or referrals to relevant counselling and support services.

An investigation may be carried out by Victoria Police if the matter meets the threshold for criminal investigation. The SU will ensure that it complies and fully cooperates with Victoria Police and Child Protection in relation to managing child safety complaints. When a police officer or child protection practitioner from DFFH attends an Archdiocesan or a parish premises, the parish priest, or head of agency or entity, should request to see identification before permitting them to have access to the child or young person. DFFH or Victoria Police may conduct interviews with children and young people without the knowledge of the Archdiocese or parental consent.

The Catholic Archdiocese of Melbourne will not commence or cause to commence any investigation and/or interim disciplinary action until Victoria Police and/or the DFFH have given express authority to do so.

Action 4: Stand down Church personnel and/or commence interim disciplinary action

Where the Catholic Archdiocese of Melbourne is aware of any allegations or concerns that any Church personnel may have engaged in conduct that may put a child or young person at risk, the Archdiocese may, at its discretion:

- stand the Church personnel down while an investigation is conducted
- modify the Church personnel's role to mitigate risk, which may include removing or limiting their contact with children and young people and/or any other action deemed appropriate to mitigate the risk of harm to children and young people
- direct the Church personnel to return any keys, passes or equipment and to provide any access codes or passwords
- limit the Church personnel from having access to Archdiocesan environments
- require the Church personnel to sign a safety agreement, which may be amended or revoked following the conclusion of the investigation.

For more information, refer to the 'Managing persons who may pose a risk to children and young people' information sheet.

Action 5: Commence an independent investigation

In accordance with the Reportable Conduct Scheme (RCS), once clearance has been provided to the Archdiocese by the relevant regulatory authorities, it will notify Pathways Victoria to commence an independent investigation.

The SU provides support to Pathways Victoria, who will facilitate reportable conduct investigations, appoint an independent investigator and undertake the following responsibilities:

- providing information to statutory authorities, including Victoria Police and Child Protection, for the purposes of cooperating with external investigations, including criminal investigations
- facilitating the investigation and/or provision of information in relation to matters of concern once Victoria Police has concluded its own investigation, to determine appropriate action in relation to the alleged perpetrator
- facilitating an independent investigation of allegations of misconduct, even if the threshold for a criminal investigation is not met
- acting in accordance with the requirements of the RCS, including making required notifications and updates, and appointing independent investigators to properly investigate the concerns pursuant to the RCS.

If the conduct is not subject to the RCS or is not otherwise being managed by Pathways Victoria, the Catholic Archdiocese of Melbourne may decide to conduct its own internal investigation.

The Vicar General will appoint a relevant person to manage the internal investigation. If required, an external investigator will be appointed.

All reportable conduct investigations undertaken by Pathways Victoria or by an independent investigator appointed by the Archdiocese will be undertaken in accordance with the principles of procedural fairness and natural justice, and will comply with the obligations under the RCS (if applicable).

All Church personnel must fully cooperate with any investigation and provide information in good faith.

Action 6: Ensure confidentiality

Confidentiality and privacy in relation to reports of child abuse and harm will be maintained consistent with the principles of natural justice and the Catholic Archdiocese of Melbourne's duty of care to safeguard children and young people.

Following a report and during an investigation, Church personnel are required to protect confidentiality in respect to:

- the alleged victim(s), including children, young people and their families
- the persons who made the report
- any witnesses who are involved in the investigation process
- any representative of the Archdiocese, or another person associated with the Archdiocese, who is implicated in the report.

Action 7: Finalise internal investigation

Following a reportable conduct investigation conducted by Pathways Victoria or the Catholic Archdiocese of Melbourne, findings and recommendations are made to:

- the Archbishop, in relation to priests and clergy, or
- the parish priest or head of agency or entity, in relation to all other Church personnel.

The Archdiocese will assist the parish priest or head of agency or entity to put in place safety-management plans or to take disciplinary action where it forms a reasonable belief that it is not safe for Church personnel to interact with children and/or young people in accordance with its duty of care.

Following an investigation, an outcome is determined and recommendations are made. If an allegation is substantiated, recommendations may include disciplinary sanctions such as additional supervision, training or education, redeployment, adjustment of role duties, or termination of employment or volunteering role.

In the case of clergy, disciplinary action comes under the jurisdiction of the Archbishop, and will be considered in accordance with canon law and may include any of the following:

- pastoral supervision
- counselling
- suspension of faculties
- permanent removal of faculties
- recommendation to the Holy See for a penal precept or dismissal from the clerical state (laicisation)
- recommendation to the Holy See for the penal sanction of excommunication.

The findings and any risk-mitigation strategies in relation to the investigation will be reported to any external body as required.

The Archdiocese will endeavour to offer support to any Church personnel or member of the community, as required. This may include pastoral support and/or referrals to relevant counselling and support services.

Action 8: Conduct an evaluation and review

Following the finalisation of all child safety investigations, the Catholic Archdiocese of Melbourne will ensure that it reviews the findings of the investigation and takes all actions required to mitigate any identified risks or systemic issues, to reduce the likelihood of future harm to children and young people.

The Archbishop is then notified, and policies and procedures will be reviewed on an ongoing basis and as required.

The SU will centrally record and monitor child-safety related misconduct and/or child abuse investigations to provide the Archbishop with oversight in relation to the safety and wellbeing of children and young people across the Archdiocese. Records of complaints and allegations of abuse will be kept in their entirety by the SU in compliance with the Safeguarding Children and Young People Record Keeping Policy, and will be kept in a secure location, with access restricted to the Archbishop and SU personnel. These records will not be destroyed.

Responding to historical abuse

Complaints of historical abuse must be dealt with in accordance with this procedure, regardless of whether the alleged perpetrator is alive or deceased.

Where the allegation or complaint relates to historical abuse by, or on behalf of, someone who is now over 18 years of age, but was under 18 years of age when the alleged abuse took place, Church personnel continue to have an obligation to make a report to Victoria Police and/or the CCYP. It is important to respect the wishes and privacy of the survivor and to provide support and assistance to them. As children may continue to be at risk of harm by the alleged perpetrator, and/or the alleged perpetrator may continue to hold a role in the Church, a legal obligation to report continues to exist regardless of the adult survivors' views and wishes. Reports in relation to historical abuse can be referred to Victoria Police's SANO Taskforce.

SANO Taskforce—Victoria Police

The SANO Taskforce investigates historical abuse that has occurred in religious and non-government organisations, and can be contacted:

- by phone on 1800 110 007
- by email at sanotaskforce@police.vic.gov.au.

Other reporting options

The survivor may also choose to report the matter directly to the SU and/or Pathways Victoria. The Catholic Archdiocese of Melbourne will maintain its legal obligations under the RCS in relation to historical as well as current alleged incidents of abuse—see the 'Reportable Conduct Scheme' section of this procedure. The survivor can also make a direct report to the CCYP under the RCS.

Reportable Conduct Scheme (CCYP)

The CCYP can be contacted by phone on (03) 8601 5281, or by email at contact@ccyp.vic.gov.au. Further information can be found on their website at www.ccyp.vic.gov.au.

Redress

A survivor may choose to contact the following bodies in relation to redress:

- **Pathways Victoria** is an independent entity that provides therapeutic supports to victims/survivors of abuse and manages complaints of sexual and other abuse by Church personnel in the Catholic Archdiocese of Melbourne, including applications for redress in relation to institutional abuse matters. They can be contacted:
 - by phone on (03) 7064 3940
 - by email at info@pathwaysvictoria.com
- The **National Redress Scheme** (effective 1 July 2018 until 30 June 2027) allows survivors of institutional child sexual abuse to seek redress. The scheme can be contacted by phone on 1800 737 377, and more information can be found on its website: at www.nationalredress.gov.au.
- **Knowmore** is an independent community legal service funded by the Commonwealth Government to provide free legal advice and support to survivors of institutional abuse. More information is available on their website at www.knowmore.org.au.

Policy administration schedule

Policy owner	Director, Safeguarding Unit
Who the policy applies to	All Church personnel within the Catholic Archdiocese of Melbourne
Approval authority	Catholic Archdiocese of Melbourne
Approval/reviewed date	October 2023
Version number	Version 1.0
Modifications made this version	Replacement of the Catholic Archdiocese of Melbourne's Safeguarding Children and Young People Policy and 'Reporting child safety related misconduct and/or child abuse' information sheet (version 1, July 2019)
Next review date by policy owner	2025 A review of this policy will be conducted every two years and may be subject to amendment prior to the review date as a result of: <ul style="list-style-type: none"> • relevant feedback from stakeholders, including children, young people, parents, carers and the community • legislative changes • a review of critical incidents • a commitment to promote continuous improvement.

Version control

Version number	Purpose/change	Date
1.0	Approved by the Catholic Archdiocese of Melbourne	October 2023