

POLICY STATEMENT

Child Safeguarding Policy

Sisters of Mercy North Sydney

PREAMBLE

This Child Safeguarding Policy (the Policy) expresses our commitment, as Sisters of Mercy, to live and work in accordance with the Gospel ideals and the values and principles as articulated in the *Constitutions of Sisters of Mercy North Sydney*, together with the documents, *Integrity in Ministry (IM)* ¹, *National Response Protocol* and *Integrity in the Service of the Church (ISC)* ³.

The Policy comprises seven sections:

1. Underlying Legislative and Social Context
2. Purpose and Scope
3. Statement of Commitment
4. Roles and Responsibilities
5. Related Policies and Procedures
6. Declaration
7. Annexures

1. UNDERLYING LEGISLATIVE AND SOCIAL CONTEXT

We accept that the principles and procedures of *The National Response Protocol, Integrity in Ministry, Integrity in the Service of the Church* and *The National Catholic Safeguarding Standards* provide the basis for responding with justice to persons who may have a complaint against the Congregation.

In context of this Policy, the Congregation is committed to the safety and wellbeing of all children that come into contact with Sisters, Staff and Volunteers of the Congregation.

We consider our commitment to the safeguarding of children, young people and adults at risk to be at the forefront of our work and our decision making. We place the highest value on a child-centred approach to safeguarding; putting their wellbeing and safety above any perceived reputational risk to the Congregation. We are always mindful of our moral responsibility to maintain the high standards expected of us by those who we serve. Therefore, we represent the Congregation with utmost integrity as just members of society.

The Child Safeguarding Policy along with all Safeguarding Policies has been developed in line with the principles of the National Catholic Safeguarding Standards (NCSS). The NCSS have created a framework

which Catholic organisations can utilise to ensure they build safe environments for an ongoing and proactive approach to safeguarding and professional standards.



The Sisters of Mercy North Sydney Child Safeguarding Policy and other related policies and procedures are also consistent with the National Principles for Child Safe Organisations, recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse (**Annexure 1**) and form the basis for the NCSS.

The policy and other related policies and procedures are underpinned by, and are consistent with relevant state and territory child protection legislation (Annexure 2).

2. PURPOSE AND SCOPE OF THE POLICY

This Policy complements the documents *The National Response Protocol*, *Integrity in Ministry*, *Integrity in the Service of the Church* and NCSS. It is intended to:

- ❖ provide an informative safeguarding model that Sisters, Employees and Volunteers and with all whom we collaborate, can utilise to foster and commit to a culture of child safety throughout the congregation.
- ❖ express our ongoing commitment and proactive approach to safeguarding and professional standards and to empower all children and young people where we minister;

- ❖ ensure all with whom we collaborate are aware of the child safeguarding roles and responsibilities;
- ❖ signal a Sisters of Mercy North Sydney zero-tolerance approach to child abuse in all its forms and embed practice in all locations where we minister that protects children and young people from harm and prevents harm from occurring.

3. STATEMENT OF COMMITMENT

The Sisters of Mercy North Sydney acknowledge and recognise that every child has the right to feel safe. The Congregation is committed to building safe physical and online environments for all children who interact with the Congregation. The Congregation encourages any person harmed by a member of the Congregation or the Church to come forward and it also respects the view that it is often easier for survivors of abuse to stay silent than to tell their story.

The Congregation is committed to assisting any survivor of abuse through their healing process in whichever way they choose including the National Redress Scheme for institutional sexual abuse, of which the Congregation is a signatory. Anybody who brings forward a concern or allegation relating to the safety or wellbeing of a child will be listened to and treated with respect. All matters relating to the safeguarding of children will be

responded to sensitively and handled with the utmost levels of confidentiality. The Congregation will fully participate in any relevant exterior investigative process whether that be a criminal or civil investigation.

The Congregation encourages **open communication whereby families and communities are informed** of safeguarding issues and participate in decisions about the safety of children. It is particularly important to us to look for **ways for children and young people to have a say and be listened to**, not just through our own particular ministries but across the wider community.

4. ROLES AND RESPONSIBILITIES

<p>Congregational Leader and Council</p>	<p>Congregational Leader and Council are ultimately responsible for:</p> <ul style="list-style-type: none">• endeavouring to ensure that all with whom Sisters of Mercy work and engage will feel safe and supported in our Congregational life and mission, especially in relation to their safeguarding obligations;• implementing and monitoring compliance procedures for Sisters, Employees and Volunteers to all legislation and standards especially in relation to protection of children and adults at risk of abuse.
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	<ul style="list-style-type: none"> • The Congregational Leader is responsible for chairing the Safeguarding Committee which consists of herself, a member of Council, Monte Sant Angelo College Principal and the Congregational Safeguarding Coordinator.
<p>Congregational Safeguarding Coordinator</p>	<p>The Congregational Safeguarding Coordinator is responsible for:</p> <ul style="list-style-type: none"> • providing advice to the Congregational Leader and Council on matters relating to the protection of children, young people and adults at risk; • maintaining knowledge of relevant legislation relating to child protection and the protection of adults at risk to ensure compliance across jurisdictions in which the Sisters live and minister; • reviewing safeguarding policies, at least annually, to reflect any changes in legislation and communicating those changes to Sisters and employees; • providing and/or co-ordinating training and education for Sisters and employees as part of induction, formation and ongoing professional development; • ensuring all Sisters and employees are aware of the importance of child safety and embedding a child safe

	<p>culture;</p> <ul style="list-style-type: none"> • ensuring all Sisters are aware of their responsibilities under internal Church documents such as <i>Integrity in Ministry</i> and <i>The National Response Protocol</i> • ensuring all employees are aware of their responsibilities under relevant church documents such as <i>Integrity in the Service of the Church</i> and <i>The National Response Protocol</i>.
<p>All Sisters</p>	<p>All Sisters are responsible for:</p> <ul style="list-style-type: none"> • formalising their commitment to child safeguarding by reading and signing the child safeguarding policy; • undertaking a proactive approach to the safeguarding of children and young persons; • endeavouring to ensure they are aware of their obligations for responding to and reporting child safeguarding concerns or incidents in accordance with relevant legislation. Where Sisters are unsure of their obligations, they are responsible for seeking clarification from the Congregational leader or member of Council. • undertaking training and ongoing formation on the Code of Conduct, Child Safeguarding Policy and relevant Child Protection legislation; • maintaining a current Working with Children Check, where applicable, and

	<p>updating Sisters of Mercy North Sydney of any changes to their status;</p> <ul style="list-style-type: none"> • demonstrating an ongoing commitment to their responsibilities under Church documents including <i>Integrity in Ministry</i> and <i>The National Response Protocol</i>.
<p>All Employees</p>	<p>All employees of The Sisters of Mercy North Sydney are responsible for:</p> <ul style="list-style-type: none"> • formalising their commitment to child safeguarding by reading and signing the child safeguarding policy; • undertaking a proactive approach to the safeguarding of children and young persons; • periodically reflecting on the Code of Conduct and Child Safeguarding Policy; • endeavouring to ensure they are aware of their obligations for responding and reporting child safeguarding concerns or incidents in accordance with relevant legislation. Where they are unsure of their obligations, they are responsible for seeking clarification from the Congregational Leader or direct supervisor. • employees in child related employment maintaining a current Working with Children Check and updating the Congregation of any changes to their status;

	<ul style="list-style-type: none"> • undertaking training and professional development on the NCSS and the Congregation's child safeguarding principles and practices; • an ongoing commitment to their responsibilities under Church documents including <i>Integrity in the Service of the Church</i> and <i>The National Response Protocol</i>.
<p>All Volunteers</p>	<p>All volunteers of the Sisters of Mercy are responsible for:</p> <ul style="list-style-type: none"> • complying with the Congregation's Code of Conduct; • undertaking a proactive approach to the safeguarding of children and young persons; • undertaking the relevant statutory police and working with children and adults at risk clearance checks where applicable to their role; • participating in appropriate induction for the service they provide; • those who volunteer in a child related role, being aware of their mandatory reporting responsibilities and all relevant child protection legislation; • conducting himself or herself in accordance with the Congregation's relevant processes and procedures;

	<ul style="list-style-type: none">• demonstrating an ongoing commitment to their responsibilities under Church document <i>Integrity in the Service of the Church</i>.
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5. RELATED POLICIES AND PROCEDURES

This Policy is underpinned by the following Congregational Policies:

- Professional Standards Policy
- Working with Children Policy
- Code of Conduct

6. DECLARATION

I, _____, have received and read a copy of the Sisters of Mercy North Sydney Child Safeguarding Policy. I understand the key principles, values and behaviours that are at the heart of life and mission as a Sister of Mercy North Sydney.

I commit to honour and practise these values and behaviours as outlined in this document.

Name:

Signature:

Date:

Appendix 1: National Principles for Child Safe Organisation and National Catholic Child Safety Standards



¹ Australian Human Rights Commission, <https://childsafe.humanrights.gov.au/national-principles/about-national-principles>

¹ Catholic Professional Standards Ltd – National Catholic Child Safety Standards

Appendix 2: Key State and Territory Child Safety and Mandatory Reporting Legislation

New South Wales	
Legislation	What does it mean?
<p>Children and Young Persons (Care and Protection) Act 1998</p>	<p>The Act establishes the legislative framework governing child wellbeing and providing child protection and out-of-home care services in NSW. Any person who has reasonable grounds to suspect a child is at risk of harm may make a report to the appropriate authority.</p> <p>Mandatory reporters must report where they have reasonable grounds to suspect that a child is at risk of significant harm. Mandatory reporters include anyone who in the course of their employment delivers or manages an organisation that provides:</p> <ul style="list-style-type: none"> • Healthcare, welfare, education, children’s services, residential services or law enforcement wholly or partly to children
<p>Crimes Act 1900</p>	<p>Failure to Report:</p> <p>All adults in NSW are required to report information to Police if they:</p> <ul style="list-style-type: none"> • Know, believe or reasonably ought to know that a child has been abused or • Know, believe or ought to reasonably know that they have information that might materially assist in securing the apprehension, prosecution or conviction of the offender

	<ul style="list-style-type: none"> • The offence covers sexual abuse, serious physical abuse and extreme neglect of a child (under 18 years) <p>Failure to Protect:</p> <p>An adult working in an organisation that engages workers in child-related work commits an offence if they:</p> <ul style="list-style-type: none"> • Know that an adult worker engaged by the organisation in child related work poses a serious risk of abusing a child (under 18 years), and • Have the power or responsibility to reduce or remove the risk, and • Negligently fail to reduce or remove that risk. • The offence covers failures to protect against sexual or serious physical abuse and is punishable by up to two years imprisonment. <p>Grooming: The grooming offence was broadened in 2018. It now covers:</p> <ul style="list-style-type: none"> • An adult person who engages in conduct that exposes a child to indecent material or provides a child with an intoxicating substance or offers a child or adult with a child in their care a material or financial benefit with the intention of making it easier to access the child for sexual activity with that or any other person.
Children’s Guardian Act 2019	On 01 March 2020 the Reportable Conduct Schemes oversight was transferred from the NSW Ombudsman to

	<p>the Office for the Children’s Guardian. In doing so the Reportable Conduct Scheme is now legislated by the Children’s Guardian Act 2019.</p> <p>The Reportable Conduct scheme is legislation that requires child related entities to report certain allegations to the office of the Children Guardian. The role of the Children’s Guardian in NSW is to prevent reportable conduct from occurring and oversight reportable allegations and convictions involving employees of child related entities. Reportable conduct includes:</p> <ul style="list-style-type: none"> - Any sexual offence or sexual misconduct committed against, with or in the presence of a child - Any assault, ill-treatment - Any neglect of a child - Any behaviour that causes psychological harm to a child even if the child consented to the behaviour
<p>Child Protection (Working with Children) Regulation 2012</p>	<p>The Child Protection (Working with Children) Act 2012 makes a WWCC a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct.</p>

A guide on how to report child abuse is outlined in The Sisters of Mercy Reporting Child Abuse Policy.

Appendix 3: Forms of Child Abuse

Emotional Abuse: Emotional abuse occurs when a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve:

- Being repeatedly rejected, name called or put down
- Being frightened by threats
- Continual coldness to the extent that it significantly damages the child's physical, social, intellectual or emotional development
- Repeated exposure to family violence

Family Violence: Family violence is behaviour by a person towards a family member that is:

- Physically or sexually abusive
- Emotionally abusive
- Coercive or controlling or dominating behaviour toward a family member, causing the family member to fear for their safety or that of another family member
- Behaviour by a person that causes a child to hear or witness or otherwise be exposed to the effects of behaviour referred to above

Exposure to family violence includes children seeing, hearing or experiencing the violence in a number of ways.

Grooming: Many perpetrators of sexual offences against children and purposely create relationships with children and young people, their families and carers in order to create a situation where abuse could occur. Grooming concerns predatory conduct undertaken to prepare a child for sexual activity. Examples include:

- Spending special time with a child e.g. in private settings, away from the organisation, online
- Isolating the child or young person from family and peers
- Giving gifts to a child
- Showing favouritism
- Allowing the child to step out of boundaries or rules
- Touching the child
- Testing and breaking professional boundaries

Neglect: Neglect is the failure to provide the for the child's basic needs for life e.g.

- Food
- Shelter
- Clothing
- Medical attention
- Supervision or care

Physical Abuse: Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver or any other adult. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child.

Sexual Abuse: Sexual abuse occurs when a person uses power, force or authority to involve a child in any form of sexual activity. Sex offenders may engage in both contact and non-contact behaviours. Behaviours sex offenders may engage in include:

- Touching or fondling
- Obscene or suggestive phone calls/text messages
- Exhibitionism and/or voyeurism
- Pornographic images
- Penetration with penis, finger or other object into the mouth, anus or vagina.

It is important to note that sexual abuse includes both contact and non-contact behaviour.

Sexual Exploitation: Sexual exploitation is considered a specific form of sexual abuse because children, by virtue of their age and development, are unable to give informed consent. Sexual exploitation of children takes different forms. It can include children being involved in sexually exploitive relationships, exposing a child to pornography, receiving money, goods, drugs or favours in exchange for sex with one or more adults, or being exploited in sex work. In all cases, those exploiting the children have power over them by virtue of their age, gender, physical strength, economic or other resources, such as access to drugs or gifts.³

Online Abuse: Online abuse is child abuse that occurs when children and young people use the internet. Online abuse occurs in many forms including but not limited to

- Image based abuse

- Verbal abuse
- Grooming
- Exposure to pornographic images
- 'Revenge porn'

In 2019 in Australia the E-safety Commission completed over 12 000 investigations into the alleged abuse of children online. That number is expected to rise in 2020 as children and young people are educated on what constitutes online abuse and are encouraged to voice their concerns.

Related Terms:

Cumulative Harm: Involves repeated and ongoing abuse and/or neglect which detrimentally impacts a child's development and wellbeing

Multi-Dimensional Harm: Occurs where a child is subjected to multiple forms of abuse.

Harmful sexualised behaviour in children – There is no universally recognised or accepted terminology that describes children that display harmful sexualised behaviour. The term refers to harmful sexualised behaviour by a child or young person (17 years of age or younger). Harmful sexualised behaviour can occur in children in many forms and includes but is not limited to:

- Inappropriate sexual touching of another child without consent
- Sharing of sexually explicit images
- Encouragement of sexualised behaviour in other children
- Any sexualised behaviour that is harmful to themselves or others

Harmful sexualised behaviour can be an indicator that a child **may** have experienced abuse or neglect; however this is not always the case. Where harmful sexualised behaviour occurs, the Congregation has a duty of care to all involved children.

Racial, cultural, religious, spiritual safety– Where safety is impacted through conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race,

culture, religion or spiritual beliefs. Conduct may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture. This conduct may result in significant emotional abuse of a child and/or increase the risk of harm and vulnerability of the child to other forms of abuse.

Appendix 4: Child Abuse Indicators

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not mean that abuse or neglect has occurred. However, the occurrence of an indicator or multiple indicators should alert employees and volunteers to the possibility of child abuse and neglect. Equally, abuse and neglect may occur without the presence of obvious indicators, so employees and volunteers should remain open and aware and utilise their professional judgment to assess risk.

The following list includes examples of indicators and is not exhaustive.

Abuse Type	Indicators
Physical	<ul style="list-style-type: none"> • Disclosure of abuse • Bruises, burns, sprains, dislocations, bites, cuts. • Pressure marks from fingers • Bite marks • Location and extent of injury do not fit the explanation given • Fractured bones, especially in an infant where a fracture is unlikely to occur accidentally • Poisoning • Internal injuries • Showing wariness or distrust of adults. • Wearing long sleeved clothes on hot days (to hide bruising or other injury) • Demonstrating fear of parents and of going home; running away • Becoming fearful when other children cry or shout • Being excessively friendly to strangers • Being very passive and compliant
Sexual Abuse and Exploitation	<ul style="list-style-type: none"> • Child telling someone that sexual abuse has occurred • Complaining of headaches or stomach pains • Experiencing problems with schoolwork • Sexually transmitted infections • Genital injuries • Bleeding • Bite marks • Pregnancy • Displaying sexual behaviour or knowledge which is unusual for the child's age • Excessive masturbation which doesn't respond to boundaries • Showing behaviour such as frequent rocking, sucking and biting • Experiencing difficulties in sleeping

	<ul style="list-style-type: none"> • Persistent soiling or bed wetting • Having difficulties in relating to adults and peers • Unexplained absences, unexplained gifts or money are often signs of sexual exploitation
Emotional	<ul style="list-style-type: none"> • Disclosure of abuse • Developmental delays • Displaying low self esteem • Tending to be withdrawn, passive, tearful • Displaying aggressive or demanding behaviour • Being highly anxious • Showing delayed speech • Fear of the dark, sleep disturbances • Acting like a much younger child, e.g. soiling, wetting pants • Displaying difficulties in relating to adults and peers • Avoiding home • Running away
Neglect	<ul style="list-style-type: none"> • Disclosure of neglect • Frequent hunger • Malnutrition • Poor hygiene • Inappropriate clothing, e.g. Summer clothes in winter • Left unsupervised for long periods • Medical needs not attended to; ill more than average • Abandoned by parents • Stealing food • Staying at school outside school hours • Often being tired, falling asleep in class • Abusing alcohol or drugs • Displaying aggressive behaviour • Not getting on well with peers
Family Violence	<ul style="list-style-type: none"> • Disclosure of family violence • Physical injuries • Concentration difficulties • Adjustment difficulties • Anxious or nervous • Depression • Fear of a parent or partner of parent • Isolation from friends and family • Unusual absences

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| | <ul style="list-style-type: none">• Fear of conflict• Violent outbursts• Aggressive language• Headaches, abdominal pain, stuttering. |
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Appendix 5: Policy Definitions

- **Aboriginal and Torres Strait Islander** – A person who is of Aboriginal or Torres Strait descent, identifies as Aboriginal or Torres Strait Islander and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
- **Adult** – a person 18 years of age or older and includes persons who are employees, volunteers and associates of the Sisters of Mercy.
- **Adult at Risk** - A person over the age of 18, who is or may be unable to care for themselves, unable to protect themselves against harm or exploitation due to age, illness, trauma, disability or any other reason.²
- **Child** – any person under the age of 18.
- **Child Safe** – refers to an organisational environment that has an open and aware culture, understands child abuse, is supported by well-known child safeguarding policy, promotes the empowerment and participation of children, manages child safety risks; and expects all personnel to report all allegations, disclosures or concerns. Child safety encompasses matters related to protecting all children from child abuse and neglect, intervening early where concerns arise, preventing abuse where possible, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse. Child safety includes **cultural safety** for children.
- **Child Protection** – refers to legislation, statutory authority responsible for child protection, and all measures taken to minimise the risk of child abuse. Child protection is a core part of the broader, over-arching concept of child safety.
- **Code of Conduct** – Policy which specifies behaviours expected of all Sisters, employees, volunteers and contractors in the organisation.
- **Contractor** – A person or organisation that undertakes a contract to provide materials, tasks or labour to do a service or job.

² Department of Social Services, <https://www.dss.gov.au/>

- **Cultural safety** – the positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity. It is an environment which is socially and emotionally safe, as well as physically safe for children. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening³.
- **Culturally and/or linguistically diverse background (CaLD)** – identification with particular cultural or linguistic affiliations by virtue of place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of parents’ identification on a similar basis.
- **Disability** – any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child’s ability to undertake everyday activities. A disability can occur at any time in life. Some disabilities may be clearly recognisable while others are hidden.
- **Disclosure** – refers to a child telling someone (through words, drawings or actions) that he or she feels unsafe or has been harmed.
- **Employee/Employees** – refers to any individual employed by Sisters of Mercy
- **Gender Identity** – a person’s concept of self as male, female, a blend of both or neither. Gender identity refers to how individuals perceive themselves and how they self-identify. One’s gender identity can be the same or different from their sex assigned at birth. ⁴
- **Leader** – For the purposes of this document, leader will refer to any employee or volunteer whose role means they hold lead responsibility for key organisational functions including recruitment, selection, supervision, program planning, risk management and program delivery.
- **Mandatory Reporter** – any adult who engages in regular contact with children for the purposes of their role is mandated to report any concern that may amount to an immediate risk of harm to a child or young person.

³ Revised from *An Overview of the Victorian Child Safe Standards* (November 2015) -State of Victoria, Department of Health and Human Services and

A Guide for Creating a Child Safe Organisation (Version 2.0 December 2015)- Commission for Children and Young People

⁴ Human Rights Campaign, www.hrc.org

- **Member of Council** – A Sister elected by the congregation to assist and advise the superior in the exercise of her leadership and stewardship of the entire congregation.
- **National Catholic Safeguarding Standards:** 10 standards make up the National Catholic Safeguarding Standards, with the aim of creating child safe cultures and guiding child safeguarding practice across Catholic organisations in Australia⁵:
 - Standard One: Committed leadership, governance and culture
 - Standard Two: Children are safe, informed and participate
 - Standard Three: Partnering with families, carers and communities
 - Standard Four: Equity is promoted, and diversity is respected
 - Standard Five: Robust human resource management
 - Standard Six: Effective complaints management
 - Standard Seven: Ongoing education and training
 - Standard Eight: Safe physical and online environments
 - Standard Nine: Continuous Improvement
 - Standard Ten: Policies and procedures support child safety
- **Reasonable Grounds of Belief** - A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. A 'reasonable belief' might be formed when:
 - a child states that they have been abused
 - a child states that they know someone who has been abused (sometimes the child may be talking about themselves)
 - someone who knows a child states that the child has been abused

⁵ Catholic Professional Standards: National Catholic Safeguarding Standards

- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been abused
- signs of abuse lead to a belief that the child has been abused.
- **Sexual Orientation** – An inherent or immutable enduring emotional, romantic or sexual attraction to other people⁶
- **Superior** -The superior is entrusted with the governance of the entire congregation according to church law and the laws of the congregation.
- **Sister** – Vowed member of the congregation of the Sisters of the Mercy
- **Visitor** – a person who is not a volunteer, or employee, who participates in, or is present at, any Sisters of Mercy activity.
- **Volunteer** – means an unpaid member of the Sisters of Mercy supporting program delivery or operations

⁶ Human Rights Campaign, www.hrc.org