

# **Annexure 7**

Towards Healing – Principles and Procedures in Responding to  
Complaints of Abuse Against Personnel of the Catholic Church in  
Australia, December 2000

# *Towards Healing*

Principles and procedures in responding to  
complaints of abuse against personnel  
of the Catholic Church of Australia  
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Australian Catholic Bishops' Conference & the  
Australian Conference of Leaders of Religious Institutes

## *Towards Healing*

Principles and procedures in responding to  
complaints of abuse against personnel of the  
Catholic Church of Australia

Dialogue or comments about the principles and  
procedures in this document are invited and should  
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## *Introduction*

As bishops and leaders of religious institutes of the Catholic Church in Australia, we acknowledge with deep sadness and regret that a number of clergy and religious have abused children, adolescents and adults who have been in their pastoral care. To these victims we offer our sincere apology.

In December 1996 we published a document, *Towards Healing*, setting out the principles that must form the basis of the Church's response to complaints of abuse and the procedures to be followed in responding to individual complaints. We stated that this document would be in force for only a limited time and was "intended as a means of seeking the comments of all interested persons in the community".

In accordance with this intention, Professor Patrick Parkinson, pro-Dean of the Faculty of Law at Sydney University and author of the book *Child Sexual Abuse and the Churches*, was asked to lead the process of revision of the document. This process included broad consultation with complainants, accused, church authorities, and the various persons who had a role in responding to complaints - contact persons, assessors etc. Consideration of the requirements of Canon Law was also part of the revision, so that decisions made through *Towards Healing* could be securely implemented.

As a result of the experience of the last four years and the feedback provided during the consultation, a number of changes have been made. The major change in the principles is the extension of abuse to include sexual, physical and emotional abuse, formalising a change that had already been accepted as experience unfolded. The more numerous changes to the procedures aim to clarify the steps to be taken and provide a document that is clear and able to be applied to the many and varied matters that can be brought forward. The goal of moving "towards healing" remains paramount.

Like the earlier document, this document establishes public criteria according to which the community may judge the resolve of Church leaders to address issues of abuse within the Church. If we do not follow the principles and procedures of this document, we will have failed according to our own criteria.

We express our gratitude to Professor Patrick Parkinson and to all who contributed to the process of revision.<sup>1</sup>

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1 The Archdiocese of Melbourne and the Society of Jesus have in place sets of procedures that are of similar intention to those set out in Part 2 of this document. Both sets of procedures are designed to meet the principles of Part 1. Accordingly it is acknowledged that the procedures of Part 2 do not apply to the Archdiocese of Melbourne and the Society of Jesus.



**Part One**

## **PRINCIPLES FOR DEALING WITH COMPLAINTS OF ABUSE**

### **SEXUAL ABUSE**

1. Clergy and religious are in a special position of trust and authority in relation to those who are in their pastoral care, e.g. those in their parish, people seeking advice, students at a Catholic school. Any attempt to sexualise a pastoral relationship is a breach of trust, an abuse of authority and professional misconduct. Such sexualisation may take the form not only of sexual relations, but also harassment, molestation, and any other conduct of a sexual nature which is inconsistent with the integrity of a pastoral relationship. Compliance by the other person does not necessarily imply meaningful consent. Even when the other person concerned is the one who seeks to sexualise the relationship, it is the professional responsibility of clergy or religious to guard the boundary against sexual contact.
2. Other people who are employed by an official agency of the Catholic Church or appointed to voluntary positions may also be in a pastoral role. This includes, for example, pastoral workers in parishes, teachers in Catholic Schools, counsellors in Catholic welfare organisations, health care professionals, youth workers, staff in child care centres, and volunteers conducting religious education classes in schools or parishes.
3. Any form of sexual behaviour with a minor, whether child or adolescent, is always sexual abuse. It is both immoral and criminal.
4. Sexual abuse by clergy, religious, or other Church personnel of adults in their pastoral care may be subject to provisions of civil or criminal law. Even when there are no grounds for legal action, we recognise that serious harm can be caused.

### **PHYSICAL AND EMOTIONAL ABUSE**

5. Physical and emotional cruelty also constitute an abuse of power. Where a priest, religious or another person appointed to a position of pastoral care by an agency of the Church has acted towards a child or young person in a way which causes serious physical pain or mental anguish without any legitimate disciplinary purpose as judged by the standards of the time when the incidents occurred, then this constitutes abuse.



## TRUTH

13. The Church makes a commitment to seek to know the full extent of the problem of abuse and the causes of such behaviour within a community that professes the values of Jesus Christ.
14. Concealing the truth is unjust to victims, a disservice to offenders and damaging to the whole Church community.

## HUMILITY

15. It is very humbling for a Christian Church to have to acknowledge that some of its clergy, religious and other Church personnel have committed abuse. We must recognise that humility is essential if we are to care for victims and prevent abuse in the future.

## HEALING FOR THE VICTIMS

16. Whenever the offender is a clergyman, religious or another person appointed to a position of pastoral care by an agency of the Church, Church authorities accept that they have a responsibility to seek to bring healing to those who have been victims of abuse.
17. A compassionate response to the complainant must be the first priority in all cases of abuse.
18. This attitude must be present even at a time when it is not yet certain that the allegations are accurate. At the first interview complainants should be assured that, if the facts are truly as stated, abuse must be named for what it is and victims assisted to move the blame from themselves to the offender. They should be asked what needs to be done to ensure that they feel safe from further abuse. They should be offered whatever assistance is appropriate. These responses do not pass judgment on or prejudice the rights of the person accused, but they are part of the Christian response to the very possibility that the person present is a victim of abuse.
19. Whenever it is established, either by admission or by proof, that abuse did in fact take place, the Church authority shall listen to victims concerning their needs and ensure they are given such assistance as is demanded by justice and compassion. Details concerning the procedures to be followed are contained in the second half of this document.

## ASSISTANCE TO OTHER PERSONS AFFECTED

20. We shall also strive to assist in the psychological and spiritual healing of those persons who, as well as the victims, have been seriously affected by incidents of abuse.

### ASSISTANCE TO OTHER PERSONS AFFECTED *cont...*

21. The effect on the family of the victim can be profound. Sometimes the disclosure is so terrible that the family would rather reject the victim than face the reality. Parents can feel guilty that they did not protect their child more effectively.
22. The parish, school or other community in which the abuse occurred may be deeply affected. The more popular and respected the perpetrator, the greater will be the shock.
23. The family and close friends of the offender may also be deeply hurt. They can find it difficult to know how to respond and how to act towards the offender.
24. When clergy or religious are found to have committed child abuse, then other clergy and religious are affected, and the thought that other people might be looking at them as potential child abusers can be a cause of personal stress. Clergy and religious have had to make changes in their manner of relating to all young people and some good things have been lost in these changes.
25. The whole Church community has been affected by incidents of abuse, for all Catholic people have been dismayed by the stories they have heard. The reputation of the whole Church has been affected and the religious faith of many has been disturbed.

### A RESPONSE TO THOSE ACCUSED

26. All persons are presumed innocent unless and until guilt is either admitted or determined by due process. If Church personnel accused of abuse are asked to step aside from the office they hold while the matter is pending, it is to be clearly understood that they are on leave and that no admissions or guilt are implied by this fact. Unless and until guilt has been admitted or proved, those accused should not be referred to as offenders or in any way treated as offenders.

### A RESPONSE TO THOSE GUILTY OF ABUSE

27. If guilt has been admitted or proved, the response must be appropriate to the gravity of what has happened, while being consistent with the precepts of Canon Law or civil law which govern that person's position. Account will be taken of how serious was the breach of professional responsibility, the degree of harm caused, and whether there is a likelihood that such behaviour could be repeated. Serious offenders will not be given back the power they have abused. Those who have made the best response to treatment recognise this themselves and no longer claim a right to return to ministry.

### A RESPONSE TO THOSE GUILTY OF ABUSE cont...

28. We accept that the community expects of us a serious and ongoing role in seeking to ensure that offenders are held accountable for what they have done, come to a true appreciation of the enduring harm they have caused, seek professional help in overcoming their problems, and do whatever is in their power to make amends.
29. In order to carry out this responsibility, Church authorities need to have some contact with offenders and some form of influence over their conduct. In order to achieve change, they need to hold out to them something more than the prospect of unending condemnation. They need to be able to tell them that there can be forgiveness, by human beings as well as by God, and that change is possible.

### PREVENTION

30. We commit ourselves to making every effort to reduce the risk of abuse by Church personnel. Special care shall be taken in relation to all work with children and young people. No person shall be permitted to work in a position if the Church authority believes, on the basis of all the information available, that there is an unacceptable risk that children or young people may be abused.
31. We continue to review the selection of candidates for priesthood and religious life and their ongoing formation. We commit ourselves to a process of community education and awareness in recognising and responding to abuse.

### COMMITMENT

32. We commit ourselves to the principles presented in this document. We invite the whole Church to assist us in offering whatever healing is possible to victims of abuse and in preventing abuse in the future.



**Part Two**

**PROCEDURES FOR DEALING WITH COMPLAINTS OF ABUSE**

**33. NOTES**

- 33.1 This section of the document deals with the procedures to be applied where victims (or other complainants on their behalf) seek a response from the Church as a result of abuse. It is to be implemented in the context of the previous sections on principles.
- 33.2 These procedures are a revised version of the document published by the Australian Catholic Bishops' Conference and the Australian Conference of Leaders of Religious Institutes in 1996.
- 33.3 These procedures are intended to apply to all complaints of abuse by Church personnel, whether they be clerics, religious personnel, lay employees or volunteers. In the case of current lay employees, the response of the Church authority will be made in conjunction with the relevant body for employment relations in each state or territory.
- 33.4 A complaint of abuse may raise medical, psychological, spiritual, legal and practical questions. An appropriate response may, therefore, need to be based on a team approach

**34. DEFINITIONS**

'Abuse' means:

- Sexual assault, sexual harassment or any other conduct of a sexual nature that is inconsistent with the integrity of the relationship between Church personnel and those who are in their pastoral care.
- Behaviour by a person with responsibility for a child or young person which causes serious physical pain or mental anguish without any legitimate disciplinary purpose as judged by the standards of the time when the behaviour occurred.

'Accused' means the person against whom a complaint of abuse is made.

'Children and young people' refers to those persons under the age of 18.

## THE VICTIMS

6. Victims of abuse can experience fear, shame, confusion and the violation of their person. They can feel guilty, blame themselves and take responsibility for what has happened. Children and adolescents can suffer distortions in the process of determining their identity as persons. They may find it difficult to trust those in positions of authority or pastoral care or to believe in or trust in God. Victims can go through a long period of silence, denial and repression. Other people can refuse to believe them, reinforcing their sense of guilt and shame.
7. The intensity of the effects of abuse on victims will vary. Some of the factors involved are the age and personality of the victim, the relationship with the offender, the duration and frequency of the abuse, the particular form of the abuse, the degree of force used, the threats used to compel secrecy, the degree of violation of trust and abuse of power involved and the reaction of those in whom the victim confides.
8. We recognise that responses to victims by the many Church authorities vary greatly. We express regret and sorrow for the hurt caused whenever the response denies or minimises the pain that victims have experienced. Through this document we commit ourselves to principles and procedures that apply to all Church authorities.

## THE OFFENDERS

9. In most cases of abuse free choices are made and many serious and sacred obligations are violated. These very facts argue to a clear awareness by the offender of the wrong that is being done.
10. Offenders frequently present as respectable, good and caring people. They can be quite exemplary in their public life, and they can actually use this as an excuse for a private life that contradicts their public image.
11. At the same time, a number of offenders are disturbed persons and some have serious psychological problems. A significant number were themselves victims of abuse in their earlier years.

## THE RESPONSE OF THE CHURCH

12. The Church makes a firm commitment to strive for seven things in particular: truth, humility, healing for the victims, assistance to other persons affected, an effective response to those who are accused, an effective response to those who are guilty of abuse and prevention of abuse.

34. **DEFINITIONS** cont...

'**Church authority**' includes a bishop, a leader of a religious institute and the senior administrative authority of an autonomous lay organisation, and their authorised representatives, responsible for the Church body to which the accused person is or was connected.

'**Church body**' includes a diocese, religious institute and any other juridical person, body corporate, organisation or association, including autonomous lay organisations, that exercise pastoral ministry within, or on behalf of, the Catholic Church.

'**Church personnel**' includes any cleric, member of a religious institute or other persons who are employed by a Church body, or appointed by a Church body to voluntary positions in which they work with children or young people, or engage in other forms of pastoral care.

'**Church procedure**' means a penal process under canon law, or a disciplinary process in relation to a person who is employed by a Church body, or an assessment process under Clause 40 of these procedures.

'**Civil authorities**' include members of the police service as well as officials of the government departments responsible for child protection, for the administration of laws relating to complaints of sexual harassment, for the discipline of professions and for industrial relations.

'**Complainant**' means the person who has alleged abuse against Church personnel. In most but not all cases the complainant will also be the person against whom it is alleged that the abuse was directed, and this is to be understood in this document unless the context suggests otherwise.

'**Offender**' means a person who has admitted abuse or whose responsibility for abuse has been determined by a court of law or by due process in accordance with canon law, or a disciplinary process in relation to a person who is employed by a Church body, or an assessment process under Clause 40 of these procedures.

'**Pastoral care**' means the work involved or the situation which exists when one person has responsibility for the wellbeing of another. This includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need. All work involving the supervision or education of children and young people is a work of pastoral care.

'**Victim**' means the person against whom the abuse was directed.



### 35. STRUCTURES AND PERSONNEL

- 35.1. The Australian Catholic Bishops' Conference and the Australian Conference of Leaders of Religious Institutes have jointly established a National Committee for Professional Standards (National Committee) to oversee the development of policy, principles and procedures in responding to complaints of abuse against Church personnel.
- 35.2 The bishops and leaders of religious institutes of the Catholic Church in Australia have established and shall maintain a Professional Standards Resource Group (Resource Group) in each State and the Northern Territory.
- 35.2.1 The Resource Group shall consist of at least one priest and one religious and a suitable number of other persons (no more than ten), both men and women, of diverse backgrounds, skilled in areas such as child protection, the social sciences, civil and Church law and industrial relations. Members of the Resource Group shall be appointed by the bishops and leaders of religious institutes.
- 35.2.2 The Resource Group shall act as adviser to all Church bodies in the State in matters concerning professional standards.
- 35.2.3 In addition to responding to requests for assistance, the Resource Group shall also act in a proactive manner. It shall be free to offer advice within its mandate to any Church body in the State as it sees fit.
- 35.3 The bishops and leaders of religious institutes for each State shall jointly be responsible for appointing a Director of Professional Standards in each State.
- 35.3.1 The Director shall manage the process in relation to specific complaints, appoint assessors, facilitators and reviewers when required, convene and chair meetings of the Professional Standards Resource Group as required; liaise with the National Committee, other Resource Groups, and individual Church bodies and their professional advisers; have an overview of all matters dealt with under these procedures within their State; and be responsible for the safe-keeping of all documentation connected with these procedures.
- 35.3.2 The bishops and leaders of religious institutes for each State may nominate a Deputy Director who may exercise any of the responsibilities which are delegated to him or her by the Director.

35. **STRUCTURES AND PERSONNEL cont...**

- 35.4 Each Resource Group shall appoint suitable persons from among its own members or otherwise, to be available to fulfil the following roles:

**CONTACT PERSONS**, who shall be the usual persons to receive complaints of abuse and pass them on to the Director of Professional Standards. Contact persons shall be skilled listeners, sensitive to the needs of complainants. After the initial complaint has been received, they may act as a support person for the complainant and may assist, where appropriate, with communication between the complainant, assessors and the Church authority. The contact person is not a counsellor to the complainant and shall not be the complainant's therapist.

**ACCUSED'S SUPPORT PERSONS**, who shall represent the needs of the accused to the Church authority and assist, where appropriate, with the care of the accused and with communication between the accused, assessors and the Church authority. The accused's support person shall not be the accused's therapist.

- 35.5 Each Resource Group shall maintain a list of suitable persons, not from its own members, to fulfil the following roles:

**ASSESSORS**, who shall be responsible for investigating the complaint.

**FACILITATORS**, who shall facilitate processes by which agreements may be reached between a victim and the Church authority about what the Church body can and should do to assist the victim.

**REVIEWERS**, who shall, where appropriate, conduct a review of process. Reviewers must be independent and impartial. They should not have close associations either with the complainant or with the Church authority responsible for dealing with the complaint.

- 35.6 All members of the Resource Group shall abide by the highest possible standards of professional conduct in all aspects of their work, including the maintenance of confidentiality.
- 35.7 The Group shall act in an advisory capacity to the Director of Professional Standards concerning any aspect of his or her work.



### **36. RECEIVING A COMPLAINT**

- 36.1 If a complaint of abuse comes to the notice of any Church personnel and the person who has made this complaint wishes to invoke the procedures outlined in this document, the Church personnel shall refer the matter to a Contact Person as soon as possible.
- 36.2 Information shall be widely circulated to the public, and especially among Church counselling agencies, parishes and schools, to make people aware that these procedures exist. The information shall set out as simply as possible the manner for making a complaint about abuse.
- 36.3 Anonymous complaints are to be treated prudently. An anonymous complaint cannot have the full force of one made by an identified person, but anxiety and fear may persuade some complainants not to reveal their identity immediately. The Church authority may be unable to act on the complaint under these procedures unless at some point the name of the complainant becomes known.
- 36.4 The Contact Person shall listen fully, honestly and compassionately to the person laying the complaint, both concerning the facts of the situation and its emotional, psychological and spiritual effects. The Contact Person shall explain the procedures for addressing the complaint and ensure that the complainant gives his or her consent to proceeding on the basis laid down in this document.
- 36.5 The Contact Person shall either receive a written and signed complaint, or provide written notes of the details of the complaint and these notes are to be confirmed by the signature of the complainant. The complaint should have sufficient information about the nature of the complaint for the accused person to know what has been alleged against him or her.

### **37. CRIMINAL OFFENCES AND THE REPORTING OF CHILD ABUSE**

- 37.1 When the complaint concerns an alleged crime or reportable child abuse, the Contact Person shall tell the complainant of the complainant's right to take the matter to the police or other civil authority and, if desired, provide assistance to do so. The Contact Person should also explain the requirements of the law of mandatory reporting.
- 37.2 In all cases other than those in which reporting is mandatory, if the complainant indicates an intention not to take the matter to the police or other civil authority, this should be recorded by the Contact Person and confirmed by the signature of the complainant.



37. **CRIMINAL OFFENCES AND THE REPORTING OF CHILD ABUSE cont...**

- 37.3 All Church personnel shall comply with the requirements for mandatory reporting of child abuse that exist in some States/Territories, and State or Territory law regarding the reporting of knowledge of a criminal offense must be observed. The appropriate Church authority shall also be notified of any such report.
- 37.4 No Church investigation shall be undertaken in such a manner as to interfere in any way with the proper processes of criminal or civil law, whether they are in progress or contemplated for the foreseeable future. However, where the complainant has chosen not to report the matter to the police or other civil authority, or the civil authorities have decided not to take further action under the criminal law or child protection legislation, the Church authority must act on the complaint.
- 37.5 The Director of Professional Standards shall endeavour to establish a protocol with the police in each relevant State or Territory to ensure that church assessments do not compromise any police action.

38. **RESPONDING TO A COMPLAINT**

- 38.1 The following procedures apply only where the complaint does not concern a criminal matter, or where a complainant has chosen not to report the matter to the police or other civil authority, or the civil authorities have decided not to take further action under the criminal law or child protection legislation.
- 38.2 The Contact Person shall forward the report promptly to the Director of Professional Standards.
- 38.3 The Director of Professional Standards shall determine whether the complaint concerns conduct which could reasonably be considered to fall within the definition of abuse in this document. If the complaint does not concern a matter which is to be dealt with by this procedure, or the behaviour complained of does not represent a serious breach of pastoral ethics and can properly be dealt with by correction and apology, he or she shall advise the complainant of other means of addressing the issue. This may include voluntary mediation or a complaint under *Integrity in Ministry*. The Director may assist in making the referral. The Director should advise the Church authority of the action taken.
- 38.4 Apart from matters dealt with under 38.3, on receiving the complaint of abuse, the Director shall forward it to the appropriate Church authority and may make a recommendation concerning any immediate action that needs to be taken in relation to the protection of vulnerable children and adults. The Director may also make recommendations concerning the funding of counselling or other such assistance for the complainant pending the outcome of the investigation.

**38. RESPONDING TO A COMPLAINT cont...**

- 38.4.1 In the event that a complaint of abuse is received against a bishop or leader of a religious institute, or the accused person is living overseas, the Director should consult with the Chairpersons of the National Committee for Professional Standards concerning how to deal with the complaint.
- 38.5 As soon as possible after receiving notice of the complaint, the Church authority or its representative shall inform the accused of the nature of the complaint if it is possible to do so. The accused needs to be given enough detail about the complaint, and the complainant, to be able to offer a response. The Director of Professional Standards may be involved in such a process. The accused shall be entitled to information about his or her rights and about the process for dealing with the complaint. The accused shall be offered a support person.
- 38.6 The Church authority (or his or her delegate) shall seek a response from the accused in order to determine whether the facts of the case are significantly disputed. If they are not, then the Church authority shall proceed in accordance with Clause 42 of these procedures.
- 38.7 Where there is a significant dispute about the facts, or the accused is unavailable to give a response, the matter shall be investigated in accordance with the procedures set out in this document.
- 38.8 At any time, the Director of Professional Standards may recommend to the Church authority that the accused be asked to stand aside from a particular office or from all offices held in the Church, pending investigation. The Church authority may seek the opinion of others involved in the matter before making a decision, and shall give the accused the opportunity to be heard on the matter. Where the accused is a priest or religious, the Church authority shall comply with canon 1722.1
- 38.8.1 If there is seen to be any significant risk of abuse of other persons, this advice must be given and acted upon by the Church authority at the earliest possible moment.

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1 This canon requires that the Ordinary shall consult with the promotor of justice and shall summon the accused to appear, before prohibiting the accused from exercising some ecclesiastical office or position.



**38. RESPONDING TO A COMPLAINT CONT..**

38.8.2 If accused persons are asked to stand aside from any office they hold while the matter is pending, it is to be clearly understood that they are on leave and that no admissions of any kind are implied by this fact. Accused persons who are clergy or religious shall, therefore, receive their normal remuneration and other entitlements while the matter is pending and they are standing aside. They shall be provided with an appropriate place to live. Where possible, they should be given some suitable activity. They shall not engage in any public ministry during this time.

**39. SELECTING THE APPROPRIATE PROCESS**

39.1 If the allegations concern a current employee of a Church body, other than a priest or religious, then the Director should refer the complaint to the relevant body for employment relations to investigate in accordance with the applicable procedures of employment law (and any other relevant laws) in that State or Territory. The Director of Professional Standards should liaise with the relevant body when the investigation has been completed, concerning how to respond to the victim if the complaint is validated. The response to the victim should follow the principles and procedures outlined in this document.

39.1.1 The documents or other material arising from the investigation are to be kept in accordance with the practices of the employing authority and any relevant laws.

39.2 If the allegations concern a priest or religious, the Church authority shall consider whether a penal process should be commenced in accordance with Canon Law.<sup>2</sup> If a penal process is commenced, the Director of Professional Standards should liaise with the Church authority when the penal process has been completed, concerning how to respond to the victim if the complaint is validated. The response to the victim should follow the principles and procedures outlined in this document.

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2 This may involve an administrative or a judicial procedure as laid down in canons 1720-1728. Canon 1341 provides that administrative or judicial procedures should be invoked only when pastoral approaches have failed.



**39. SELECTING THE APPROPRIATE PROCESS CONT...**

39.2.1 Where the accused is a priest or religious, the documents associated with the penal process shall be preserved in accordance with canon 1719 and canons 489-490 of the Code of Canon Law.<sup>5</sup>

39.3 In all other cases where the facts of a case are in dispute, the Director of Professional Standards shall act in accordance with Clause 40 of these procedures.

39.4 If in the course of a Church procedure, allegations emerge for the first time which indicate that a criminal offense may have been committed, the Church procedure shall cease immediately and the matter will be dealt with in accordance with 37.1-37.3. If the complainant indicates an intention not to take the matter to the police, this should be recorded and confirmed by the signature of the complainant before the Church procedure resumes.

**40. ASSESSMENT**

40.1 In all cases to which this Clause applies, the Director of Professional Standards shall appoint assessors. Two assessors shall be appointed unless the Director considers that in the circumstances one professional assessor is sufficient. A list of assessors shall be maintained by the Resource Group. The appointment of the assessors shall occur as soon as practicable.

40.1.1 The assessors chosen must be, and be seen to be, independent of the Church authority, the complainant and the accused.

40.2 The purpose of an assessment is to investigate the facts of the case where there is a significant dispute as to the facts, or where there is a need for further information concerning the complaint.

40.3 The assessor or assessors shall arrange an interview with the complainant. Where there is more than one assessor, both should interview the complainant and the accused.

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5 Code 1719 requires that all documents which form part of the investigation process or which preceded the investigation, should be retained in the secret curial archive. Canons 489-490 govern the maintenance of this archive and issues about access to it.

40. ASSESSMENT cont...

- 40.3.1 Where the complainant is not the victim, then the assessors shall not seek to interview the victim without first discussing the matter with the complainant and the Director of Professional Standards. If the facts are disputed, and it is not possible to interview the person who it is said has been victimised, then it may not be possible to proceed any further in dealing with the complaint unless other relevant information, such as a police record of interview, is available.
- 40.3.2 The complainant shall be invited to have another person present at the interview.
- 40.3.3 Under no circumstances shall there be any attempt to intimidate a complainant or to dissuade a complainant from proceeding with a complaint.
- 40.3.4 No interview with a child will take place if there is a risk that this will interfere with the proper process of civil or criminal law. No interview, either by a Contact Person or an assessor, shall be conducted with a child without the express written authority and in the presence of the parent or guardian. An interview with a child shall only be conducted by personnel who are professionally recognised as skilled practitioners in interviewing children.
- 40.3.5 Special care shall also be taken in interviewing persons with an intellectual or psychiatric disability, and any such interview shall be conducted only by an appropriately qualified and experienced person.
- 40.3.6 The Director of Professional Standards has a discretion to close a matter if the complainant decides not to co-operate with an assessment process.
- 40.4 The assessor or assessors shall arrange an interview with the accused, if he or she is available and willing to speak to them. If the accused does not wish to co-operate with the assessment, the assessment shall still proceed and the assessors shall endeavour to reach a conclusion concerning the truth of the matter so that the Church authority can make an appropriate response to the complainant.
  - 40.4.1 Where an interview with the accused takes place, the assessor or assessors shall inform the accused that in both civil and Church law a person is presumed innocent until proven guilty.
  - 40.4.2 An accused person may be invited to admit to an offense but is not bound to do so, nor may an oath be administered.<sup>4</sup>

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<sup>4</sup> Canon 1728, #2.



40. ASSESSMENT cont...

40.5 The accused has the right to obtain independent legal advice.

40.5.1 This advice shall be at the accused's expense, although the Church authority may exercise a discretion to make loans or to reimburse an accused for reasonable legal expenses if he or she is unable to afford legal assistance.

40.6 The accused is entitled to have other persons present during any interviews (e.g. accused's support person or legal representative).

40.7 The assessors shall interview any other persons who could be of assistance. Decisions about who should be interviewed should be made after taking account of any wishes expressed by the complainant and the accused, and following consultation with the Director of Professional Standards. They may also need to put to the complainant the accused's version of events.

40.8 Church authorities shall comply with all reasonable requests made by assessors for access to documents which may assist them in their work. Church authorities are not required to disclose documents concerning which it has an obligation of confidentiality to the accused or to any other person.

40.9 A written or taped record shall be made of all interviews.

40.10 The contact person and the accused's support person shall have ready access to the assessors and shall have the responsibility of keeping the complainant and accused, respectively, informed of the progress of the assessment.

40.11 After the assessment is completed, the assessors shall provide a written report to the Church authority and the Director of Professional Standards. The assessors shall review the evidence for the complaint, examine the areas of dispute and may advise the Church authority whether they consider the complaint to be true.

40.11.1 The assessors must provide reasons for their conclusions. If they are unable to reach a determination of the truth of the matter with a sufficient degree of certainty, they may nonetheless make recommendations to the Church authority concerning its response to the complainant.

40.11.2 Where the behaviour about which complaint has been made was not a criminal offense, the assessors may also comment on how serious was the abuse of the pastoral role.



#### 40. ASSESSMENT cont...

- 40.11.3 The complainant is entitled to know the findings of the assessment promptly. The accused is also entitled to know the findings of the assessment if he or she has participated in the assessment or otherwise could be subjected to disciplinary action as a consequence of it by the Church authority. The Director of Professional Standards is responsible for communicating the relevant findings.
- 40.12 The Church authority shall discuss the findings and recommendations of the report with the Director of Professional Standards as quickly as possible. If the assessors consider the complaint to be true, then the Church authority must consider what action needs to be taken under Clauses 41 and 42 of these procedures. The Director of Professional Standards may be called upon by the Church authority for advice on these matters. If the Church authority decides to reject the complaint, then it must provide reasons for its decision to the complainant.
- 40.13 Mindful that the assessment process is a difficult and trying time for all concerned, particularly the complainant and the accused, the process of the assessment shall be undertaken and concluded as quickly as possible and the process shall be as transparent as possible to all concerned. The Director of Professional Standards shall seek to ensure that all parties adhere to this principle.
- 40.14 During the assessment, and therefore, at a time when guilt has been neither admitted nor proven, the issue of guilt, liability or the particular course of action that may follow assessment cannot be commented upon. Any comment regarding these issues must always be referred to the Church authority and its professional advisers.
- 40.15 The records of interview and all other documents or material associated with the assessment are to be treated as confidential. The Director of Professional Standards shall maintain a confidential record of all findings and any documents relevant to the suitability of the person for future ministry. The Director shall not retain any other documents or material for longer than five years following the completion of the assessment unless required to do so by law.

#### 41. OUTCOMES RELATING TO THE VICTIM

- 41.1 In the event that the Church authority is satisfied of the truth of the complaint, whether through admission of the offender, a finding of a court, a canon law process or a Church assessment, the Church authority shall respond to the needs of the victim in such ways as are demanded by justice and compassion. Responses may include the provision of an apology on behalf of the Church, the provision of counselling services or the payment of counselling costs. Financial assistance or reparation may also be paid to victims of a criminal offense or civil wrong, even though the Church is not legally liable.

41. **OUTCOMES RELATING TO THE VICTIM cont...**

- 41.2 The Church authority may seek such further information as it considers necessary to understand the needs of the victim.
- 41.3 Facilitation shall be the normal means of addressing the needs of the victim. The Church authority and the victim shall mutually agree on a Facilitator from the approved panel.
- 41.3.1 The Facilitator shall arrange and moderate a process for communication between the victim and Church authority (or delegate with power to make binding decisions). This may involve a meeting, under the direction of the Facilitator, in which apologies can be offered and unresolved problems addressed.
- 41.3.2 The victim may have a support person or adviser present at the meeting. The Church authority or delegate may also have an adviser if required. The presence of any other persons accompanying either the victim or the Church authority shall be subject to the agreement of the Facilitator. The Director of Professional Standards should not participate in the facilitation process.
- 41.3.3 The Facilitator shall seek to know the ongoing needs of the victim and the response of the Church authority to these needs.
- 41.3.4 The Facilitator shall also seek to know the needs of the victim's family and of the community in whose midst the abuse occurred.
- 41.3.5 The Facilitator shall seek to identify any outstanding issues where the victim is not satisfied with the response received and shall explore with both parties the best means of dealing with such issues.
- 41.3.6 Issues concerning reparation may either be dealt with in a facilitation, addressed through a compensation panel or dealt with through some other such process in order to reach a resolution on this aspect of the matter.
- 41.3.7 The Facilitator shall ensure that there is a record of any agreement reached and of any outstanding areas of disagreement.
- 41.3.8 The Director of Professional Standards shall be informed of the outcome, and whether the Facilitator considers that any other processes or actions would assist further in bringing the matter to a conclusion.
- 41.3.9 The Church authority shall bear all ordinary and reasonable expenses of the process of facilitation.



#### 41. OUTCOMES RELATING TO THE VICTIM cont...

- 41.4 No complainant shall be required to give an undertaking which imposes upon them an obligation of silence concerning the circumstances which led them to make a complaint, as a condition of an agreement with the Church authority.
- 41.5 If the victim remains of the view that the response of the Church authority is unsatisfactory, the victim shall be informed about access to a review of process.

#### 42. OUTCOMES RELATING TO THE ACCUSED

- 42.1 If either a police investigation or a Church process makes it clear that the accused did not commit the alleged wrong, the Church authority shall take whatever steps are necessary to restore the good reputation of the accused.
- 42.2 If abuse is admitted, or a Church process reaches the conclusion that on the basis of the findings of the assessment there are concerns about the person's suitability to be in a position of pastoral care, the Church authority in consultation with the Director of Professional Standards shall consider what action needs to be taken concerning the future ministry of the person. It may commission such other reports or inquiries as are necessary to determine what action should be taken.
- 42.3 Where the offender is a current employee of the Church other than a priest or religious, the offender's future must be determined in accordance with the applicable procedures of employment law.
- 42.4 The process of determining the future ministry of a priest or religious shall be consistent with the requirements of the Code of Canon Law.<sup>5</sup> If a cleric or religious has admitted to or been found guilty of abuse, the Church authority shall, in person or through a nominated representative, meet with the offender to discuss honestly and openly the offender's future options. The offender may be accompanied by a support person and/or legal representative. The discussion shall take into account the seriousness of the offense and all relevant circumstances. It is unfair to hold out to a serious offender any hope of a return to ministry when it is clear that this will not be possible.

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5 Canon law provides a number of principles and procedures which may be relevant to determining the future of a priest or religious in cases of alleged abuse. In addition to an administrative or judicial procedure as laid down in canons 1720-1728, there is the procedure for the removal of a parish priest under canons 1740-1747. Reliance may also be placed upon Canons 1041 and 1044 if it is considered that the priest or religious is incapable of fulfilling ministry due to psychological infirmity. In some cases it will be appropriate to commence a formal penal process even where guilt is admitted in order to reach a judgment in accordance with canon law.



## 42. OUTCOMES RELATING TO THE ACCUSED cont...

- 42.5 In making decisions on the future of a person found guilty of abuse, Church authorities shall take such action as the situation and the seriousness of the offense demand. In relation to child abuse, Church authorities shall be guided by the principle that no-one should be permitted to exercise a public ministry if doing so presents an unacceptable risk of abuse to children and young people.
- 42.6 As far as it is within its power to do so, the Church authority shall require the offender to address the issue of restitution to the victim and to the Church community.
- 42.7 The Church authority shall promptly communicate the outcomes in relation to an offender to the Director of Professional Standards.

## 43. REVIEW OF PROCESS

- 43.1 A review of process of the procedures contained in Parts 40 and 41 is available for complainants who are not satisfied with the response of the relevant Church authority. A review of process of the procedures contained in Parts 40 and 42 is also available for accused persons if they co-operated with the assessment process.
- 43.2 A complainant or an accused person who is entitled to a review of process may request in writing to the Director of Professional Standards a review of process within 3 calendar months of the completion of the process. The process is complete in relation to the complainant when either the Church authority gives its response to the complaint or if the Church authority fails to offer a response within three calendar months of the time when an assessment has been completed or the facts otherwise established. The process is complete in relation to the accused when the Church authority has made its decision concerning the future ministry of the accused in response to the complaint of abuse.
- 43.3 If the request is accepted, the Director shall appoint one of the Reviewers named by the Resource Group.
- 43.3.1 If the request is to be denied, the Director must first consult the other members of the Resource Group.
- 43.3.2 If any party objects to the Reviewer named, the matter shall be considered at a meeting of the Resource Group which may nominate another Reviewer.
- 43.3.3 The Director shall inform the Church authority that a review of process has been requested and approved. He or she shall also ensure that the complainant or accused person as the case may be, is informed that a review has been requested and approved. This only applies to accused persons who have co-operated with the process.

**43. REVIEW OF PROCESS cont...**

- 43.4 The review of process is an independent evaluation, not only of whether the procedures set out in this document have been properly observed, but also of whether the principles established in the first part of the document have been adhered to. A review of process is not a review of outcomes unless the Church authority requests the reviewer to consider this aspect of the matter.
- 43.5 The Reviewer shall determine the procedures for the conduct of the review.
- 43.5.1 The Reviewer shall have authority to interview all Church personnel concerned and will have access to all relevant documentation.
- 43.5.2 The Reviewer shall conduct the review expeditiously and certainly within three calendar months, unless the Director provides for a further extension of time.
- 43.6 At the end of the review, the Reviewer shall provide a written report with recommendations to the Resource Group. If the Reviewer considers that there has been a failure to observe the required processes, he or she shall indicate whether the decided outcomes ought to be called into question.
- 43.7 The Director shall provide a copy of the report to the person requesting the review and the Church authority. As soon as convenient, the Director (or delegate if appropriate) shall discuss with all parties the implementation of the recommendations.
- 43.8 The Church authority shall bear all ordinary and reasonable expenses of the review of process.

**44. PREVENTIVE STRATEGIES**

- 44.1 Each Church authority shall ensure that all Church personnel are made aware of the seriousness of abuse. They should be warned of behaviour that is inappropriate or which might be misunderstood as involving improper behaviour.
- 44.2 Each Church authority shall ensure that those working with children and young people are made aware of the issue of child abuse and are given information concerning processes for reporting disclosures of abuse. They should also be given information on how to conduct children's and youth ministry in such a manner as to reduce the risk of child abuse occurring.



**44. PREVENTIVE STRATEGIES cont...**

- 44.3 Church bodies, especially those involved in providing care for children, shall have in place procedures, consistent with good child protection and industrial relations practice, for verifying the suitability of persons for employment or for participation as volunteers. They shall obey all applicable laws concerning employment screening and the prohibition of certain convicted persons from employment involving children.
- 44.4 Whenever a Church authority is concerned about the behaviour of any person connected with that Church body which might lead to a complaint of abuse, this fact should be brought to the attention of that person and appropriate steps taken to determine whether the behaviour is the symptom of a deeper problem requiring attention.
- 44.5 Church personnel who feel that they might be in danger of committing abuse shall be offered opportunities to seek both spiritual and psychological assistance before the problem becomes unmanageable and they offend. Names of suitable therapists and treatment programs should be made available.
- 44.6 Whenever a cleric or religious is to transfer from one diocese or institute to another, or is to carry out a ministry or apostolate in another diocese or institute, the Church authority to which the person is to be transferred shall ask for a written statement from the priest or religious indicating whether there have been any substantiated complaints of abuse against him or her or whether there are known circumstances that could lead to a complaint of abuse. Such statements shall be held as confidential documents by the Church authority.
- 44.7 In these same circumstances the Church authority in the diocese or institute where the cleric or religious previously lived and worked, shall provide a statement in writing to the new diocese or institute indicating whether such authority knows of any complaints of abuse which have been substantiated or is aware of circumstances that could lead to a complaint of abuse. Where there has been a substantiated complaint, the Church authority shall furnish all information necessary to evaluate the seriousness of the offense, and shall report on all treatment undertaken, and other measures employed to ensure that further offences do not occur. Such statements shall be held as confidential documents by the Church authorities.
- 44.8 Each Church authority shall have in place procedures for verifying the suitability of candidates for seminaries or religious institutes. In particular, candidates must be asked to state in writing whether they have a criminal record, or any complaints of abuse have been made against them, or whether there are any known circumstances that could lead to a complaint of abuse against them.



**44. PREVENTIVE STRATEGIES cont...**

- 44.9 While due process must be observed, any proven incident of sexual assault or other serious abuse must lead to the dismissal of a seminarian from a seminary or a candidate from an institute's program of formation.
- 44.10 Church authorities shall be honest and frank in references and shall not act in a way which would allow an offender to obtain employment in circumstances where others might be at risk.

**45. CONCLUDING STATEMENTS**

- 45.1 All Church authorities shall take the necessary steps to conduct such in-service programs for Church personnel as may be necessary to inform them of the principles and procedures set down in this document.
- 45.2 While the distribution of this document is unrestricted, the publication of the document, its implementation, and all matters of interpretation are reserved to the National Committee for Professional Standards.
- 45.3 Abuse of both children and adults by Church personnel has done great harm to individuals and to the whole Church. Despite this, it can become an opportunity to create a better Church, but only if the response given by the leaders and all the members of the Church is humble, honest and thoroughly Christian.

# **Annexure 8**

Towards Healing – Principles and Procedures in Responding to Complaints of Sexual Abuse Against Personnel of the Catholic Church in Australia, December 1996

# **TOWARDS HEALING**

**PRINCIPLES AND PROCEDURES  
IN RESPONDING TO COMPLAINTS  
OF SEXUAL ABUSE  
AGAINST PERSONNEL  
OF THE CATHOLIC CHURCH IN AUSTRALIA**

December, 1996



# **TOWARDS HEALING**

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IN RESPONDING TO COMPLAINTS  
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**Australian Catholic Bishops' Conference  
& the Australian Conference of Leaders  
of Religious Institutes**

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**TOWARDS HEALING**

PRINCIPLES AND PROCEDURES  
IN RESPONDING TO COMPLAINTS OF SEXUAL ABUSE  
AGAINST  
PERSONNEL OF THE CATHOLIC CHURCH IN AUSTRALIA

Dialogue or comments about the principles and procedures in this document are invited and should be addressed to:

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## INTRODUCTION

As bishops and leaders of religious institutes of the Catholic Church in Australia, we acknowledge with deep sadness and regret that a number of clergy and religious have sexually abused children, adolescents and adults who have been in their pastoral care. To these victims we offer our sincere apology.

In seeking to move towards healing, we are publishing this document of principles and procedures. The first part names the principles that must form the basis of the Church's response to complaints of sexual abuse. The second part details the procedures to be followed in particular cases.

We recognise that in itself this document is nothing more than words on paper. It will become credible only to the extent that it is actually put into effect. At the same time, it is a public document that establishes public criteria according to which the community may judge the resolve of Church leaders to address sexual abuse within the Church. If we do not follow the principles and procedures of this document, we will have failed according to our own criteria.

This document binds us *ad interim*, that is, we bind ourselves to follow the provisions of this document until a further development of it takes place.<sup>1</sup> We are not publishing it as the last word to be said on the subject. On the contrary, the publication of the document is intended as a means of seeking the comments of all interested persons in the community, so that we can continue to improve the quality of the document and that the response of the Church may truly move 'towards healing'.

We express our profound gratitude to the victims of sexual abuse who have advised us in the preparing of this document.

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<sup>1</sup> The Archdiocese of Melbourne has already implemented a set of procedures that are of similar intention to those set out in Part 2 of this document. Both sets of procedures are designed to meet the principles in Part 1. Accordingly, it is acknowledged that the procedures in Part 2 do not apply to the Archdiocese of Melbourne.



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**PART ONE: PRINCIPLES FOR DEALING WITH COMPLAINTS OF SEXUAL ABUSE**

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## **SEXUAL ABUSE**

1. Clergy and religious are in a special position of trust and authority in relation to those who are in their pastoral care, e.g. those in their parish, people seeking advice, students at a Catholic school. Any attempt to sexualise a pastoral relationship is a breach of trust, an abuse of authority and professional misconduct. Such abuse may take the form of suggestive comments, unnecessary questions or physical contact. Failure by the other person to reject such conduct does not necessarily imply meaningful consent. Even when the other person concerned is the one who seeks to sexualise the relationship, it is the professional responsibility of clergy or religious to guard the boundary against sexual contact.
2. Any form of sexual behaviour with a minor, whether child or adolescent, is always sexual abuse. It is both immoral and criminal.
3. Sexual approaches by clergy or religious to adults in their pastoral care are sexual harassment or, in more serious cases, sexual assault. They may be subject to provisions of civil or criminal law. Even when there are no grounds for criminal action, we recognise that elements of abuse of authority can be present and serious harm can be caused.

## **THE VICTIMS**

4. Victims of sexual abuse can experience fear, shame, confusion and the violation of their person. They can feel guilty, blame themselves and take responsibility for what has happened. Children and adolescents can suffer distortions in the process of determining their sexual identity, and even their identity as persons. Victims can go through a long period of silence, denial and repression. Other people can refuse to believe them, reinforcing their sense of guilt and shame.
5. The intensity of the effects of sexual abuse on victims will vary. Some of the factors involved are the age and personality of the victim, the relationship with the offender, the duration and frequency of the abuse, the particular form of the abuse, the degree of force used, the threats used to compel secrecy, and the degree of violation of trust and abuse of power involved.
6. We recognise that responses to victims by the many Church authorities vary greatly. We express regret and sorrow for the hurt caused whenever the response denies, distorts or minimises complaints. Through this document we commit



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ourselves to principles and procedures that apply to all Church authorities.

## THE OFFENDERS

7. In most cases of sexual abuse free choices are made and many serious and sacred obligations are violated. Vulnerable persons are carefully selected as potential victims and care is taken to threaten them not to tell anyone what has happened. These very facts argue to a clear awareness by the offender of the wrong that is being done.
8. Offenders frequently present as respectable, good and caring people. They can be quite exemplary in their public life, and they can actually use this as an excuse for a private life that contradicts their public one.
9. At the same time, a number of offenders are disturbed persons and some have serious psychological problems. A significant number were themselves victims of sexual abuse in their earlier years. For many the abuse can quickly become a compulsion that leads to denial and self-deception.

## THE RESPONSE OF THE CHURCH

10. The Church makes a firm commitment to strive for seven things in particular: truth, humility, healing for the victims, assistance to other persons affected, an effective response to those who are accused and those who are guilty of abuse, and prevention of abuse.

### TRUTH

11. The Church makes a commitment to seek to know the full extent of the problem of sexual abuse and the causes of such behaviour within a community that professes the values of Jesus Christ.
12. Concealing the truth is unjust to victims, a disservice to offenders and damaging to the whole Church community.

### HUMILITY

13. It is very humbling for a Christian church to have to acknowledge that some of its clergy and religious have committed the offence of sexual abuse. We must recognise that humility is essential if we are to care for victims and prevent abuse in the future.

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## HEALING FOR THE VICTIMS

14. Whenever the offender is a clergyman or religious, Church authorities accept that they have a responsibility to seek to bring healing to those who have been victims of abuse.
15. A compassionate response to the victim must be the first priority in all cases of abuse. A balance must be kept between the primary concern for the needs of victims and the effort to ensure that the response is fair and just to all parties.
16. These attitudes must be present even at a time when it is not yet certain that the allegations are accurate. At the first interview complainants should be assured that, if the facts are truly as stated, abuse must be named for what it is and victims assisted to move the blame from themselves to the offender. They should be asked what needs to be done immediately to ensure that they feel safe from further abuse. They should be offered both psychological and spiritual assistance. These responses do not pass judgement on or prejudice the rights of the person accused, but they are part of the Christian response to the very possibility that the person present might be a victim of sexual abuse.
17. Whenever it is established, either by admission or by proof, that sexual abuse did in fact take place, the Church authority shall immediately enter into dialogue with victims concerning their needs and ensure they are given such assistance as is demanded by justice and compassion. Details concerning the procedures to be followed are contained in the second half of this document.

## ASSISTANCE TO OTHER PERSONS AFFECTED

18. We shall also strive to assist in the psychological and spiritual healing of those persons who, as well as the victims, have been seriously affected by incidents of sexual abuse.
19. The effect on the family of the victim can be profound. Sometimes the disclosure is so terrible that the family would rather reject the victim than face the reality. Parents can feel guilty that they did not protect their child more effectively.
20. The parish, school or other community in which the abuse occurred may be deeply affected. The more popular and respected the clergyman or religious, the greater will be the shock.
21. The family and close friends of the offender may also be deeply hurt. They can find it difficult to know how to respond and how to act towards the offender.
22. All clergy and religious are affected, and the thought that other people might be looking at them as potential child abusers can be a cause of personal stress. They have had to make changes in their manner of relating to all young people and some good things have been lost in these changes.



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23. The whole Church community has been affected, for all Catholic people have been dismayed by the stories they have heard. The reputation of the whole Church has been affected and the religious faith of many has been disturbed.

#### A RESPONSE TO THOSE ACCUSED

24. All persons are presumed innocent unless and until guilt is either admitted or proved. If clergy or religious accused of sexual abuse are asked to step aside from the office they hold while the matter is pending, it is to be clearly understood that they are on leave and that no admissions are implied by this fact alone. Unless and until guilt has been admitted or proved, those accused should not be referred to as offenders or in any way treated as offenders.

#### A RESPONSE TO THOSE GUILTY OF ABUSE

25. If guilt has been admitted or proved, the response must be appropriate to the seriousness of what has happened. Serious offenders will not be given back the power they have abused. Those who have made the best response to treatment recognise this themselves and no longer claim a right to return to ministry.
26. We accept that the community expects of us a serious and ongoing role in seeking to ensure that offenders are held accountable for what they have done, come to a true appreciation of the enduring harm they have caused, seek professional help in overcoming their problems, and do whatever is in their power to make amends.
27. In order to carry out this responsibility, Church authorities need to have some contact with offenders and some form of influence over their conduct. In order to achieve change, they need to hold out to them something more than the prospect of unending condemnation. They need to be able to tell them that there can be forgiveness, by human beings as well as by God, and that change is possible.

#### PREVENTION

28. We commit ourselves to making every effort to reduce the risk of abuse by clergy or religious. We continue to review the selection of candidates for priesthood and religious life and their ongoing formation. We commit ourselves to a process of community education and awareness in recognising and responding to sexual abuse.

#### COMMITMENT

29. We commit ourselves to the principles presented in this document. We invite the whole Church to assist us in offering whatever healing is possible to victims of abuse and in preventing abuse in the future.



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**PART TWO: PROCEDURES FOR DEALING WITH COMPLAINTS OF SEXUAL ABUSE<sup>2</sup>**

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**1. NOTES**

- 1.1 This section of the document deals with procedures. It is to be implemented in the context of the previous section on principles.
- 1.2 These procedures are a revised version of the draft document published by the Australian Catholic Bishops' Conference and the Conference of Leaders of Religious Institutes in April 1992.<sup>3</sup>
- 1.3 These procedures are intended to apply to all complaints of sexual abuse by Church personnel, whether they be clerics, religious personnel, lay employees or volunteers.<sup>4</sup>
- 1.4 In applying these procedures, the penal and procedural provisions of the Code of Canon Law should be kept in mind.
- 1.5 If a complaint concerns a criminal offence, Church authorities shall not jeopardise the right of the police or other civil authorities to investigate the matter and to take appropriate action.
- 1.6 A complaint of sexual abuse raises medical, psychological, spiritual, legal and practical questions. An appropriate response will, therefore, need to be based on a team approach.

**2. DEFINITIONS**

'Accused' means the person against whom a complaint of sexual abuse is made.

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<sup>2</sup> It is noted that the Archdiocese of Melbourne has already implemented a related but different set of procedures. Accordingly the procedures in this Part do not apply to that Archdiocese.

<sup>3</sup> This document drew on various documents published in Australia, Canada and the United States of America. In particular it drew on the document, *Procedures to be Applied in Cases of Alleged Sexual Misconduct by a Priest* by Rev. Francis G. Morrissey O.M.I. (*Studia Canonica* 26(1992)39-73)

<sup>4</sup> The section on principles concentrated on clergy and religious because of the added betrayal of trust that is present in such cases, but this section wishes to ensure that procedures are in place concerning all Church personnel.

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'Church authority' includes a bishop, a leader of a religious institute and the senior administrative authority of an autonomous lay organisation, and their authorised representatives, responsible for the Church body to which the accused person is connected.

'Church body' includes a diocese, religious institute and any other juridical person, body corporate, organisation or association, including autonomous lay organisations, that are generally perceived to be part of the Catholic church.

'Church personnel' includes any cleric, member of a religious institute, employee or volunteer who is connected with a Church body.

'Civil authorities' includes members of the police service as well as officials of the government departments responsible for child protection, for the administration of laws relating to complaints of sexual harassment, for the discipline of professions and for industrial relations.

'Complainant' means the person who has alleged sexual abuse against Church personnel. In most but not all cases the complainant will also be a victim, and this is to be understood in this document unless the context suggests otherwise.

'Offender' means a person who has admitted sexual abuse or been found guilty of sexual abuse by a court of law.

'Sexual abuse' includes any form of criminal assault, sexual harassment, or other conduct of a sexual nature that is inconsistent with the public vows taken by a priest or religious, with the integrity of the relationship between a priest or religious and a person in their pastoral care, or with the duties or professional responsibilities of Church personnel.

'Victim' means the person against whom the sexual abuse was directed.

### **3. STRUCTURES AND PERSONNEL**

- 3.1 The Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes have jointly established a National Committee for Professional Standards (National Committee) to oversee the development of policy, principles and procedures in responding to complaints of sexual abuse against Church personnel.
- 3.2 The bishops and leaders of religious institutes of each province of the Catholic Church in Australia have established and shall maintain a Professional Standards Resource Group (Resource Group) in each province.<sup>5</sup>

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<sup>5</sup> There are five provinces in the Catholic Church in Australia, based on Brisbane, Sydney, Melbourne, Adelaide and Perth. The Australian Capital Territory goes with New South Wales, Tasmania with Victoria and the Northern Territory with South Australia. It is



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- 3.2.1 The Resource Group shall consist of at least one priest and one religious and a suitable number of other persons (no more than ten), both men and women, of diverse backgrounds, skilled in the areas of child protection, the social sciences, civil and Church law and industrial relations.
- 3.2.2 The Resource Group shall act as adviser to all Church bodies in the province in matters concerning professional standards, both in general and in relation to specific cases.
- 3.2.3 In addition to responding to requests for assistance, the Resource Group shall also act in a proactive manner. It shall be free to offer advice within its mandate, to any Church body in the province as it sees fit.
- 3.3 Each Resource Group shall nominate from among its members a Convenor (and deputy), who shall convene and chair meetings as required; liaise with the National Committee, other provincial Resource Groups, and individual Church bodies and their professional advisers; have an overview of all matters dealt with by the Resource Group; and be responsible for the safekeeping of all documentation connected with the Resource Group.

3.3.1 All Church personnel shall deal with documents in accordance with the provisions of the Code of Canon Law.<sup>6</sup>

- 3.4 Each Resource Group shall ensure that, from amongst its own members or elsewhere, suitable persons are available to fulfill the following roles:

**CONTACT PERSONS**, who shall be the usual persons to receive complaints of sexual abuse and pass them on to the appropriate Church authority. Contact Persons shall be skilled listeners, sensitive to the needs of complainants and victims.

**ASSESSORS**, who shall be responsible for assessing any aspect of the complaint.

**VICTIMS' SUPPORT PERSONS**, who shall represent the needs of the victim to the Church authority and assist, where appropriate, with the care of a victim and with communication between the victim, assessors and Church authority. The victim's support person shall not be the victim's therapist.

**ACCUSED'S SUPPORT PERSONS**, who shall represent the needs of the accused to the Church authority and assist, where appropriate, with the care of the accused and with communication between the accused, assessors and Church authority. The

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noted that although the Archdiocese of Melbourne will be represented on the Victorian Resource Group, the procedures set out in this Part need not be implemented in relation to that Archdiocese.

<sup>6</sup> Especially canon 474, which states that all documents designed to have legal effect must be signed by the authority issuing them and by a notary.



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accused's support person shall not be the accused's therapist.

- 3.5 The Resource Group shall draw up a list of facilitators not from its own members. FACILITATORS shall facilitate meetings between victims and Church authorities concerning what the Church body can and should do to assist the victim.
- 3.6 The Resource Group shall draw up a list of reviewers not from its own members. REVIEWERS shall, where appropriate, conduct a review of process. Before a list of reviewers is named, the Convenor shall guarantee their independence and impartiality by seeking recommendation of the list of names from the appropriate professional peak bodies.
- 3.7 The Convenor shall cause the Resource Group to establish criteria concerning when an individual member of the Resource Group may act alone or act only after consulting with other members.
- 3.8 All members of the Resource Group shall abide by the highest possible standards of professional conduct in all aspects of their work. They shall receive appropriate inservice training and support from the National Committee.

#### **4. COMPLAINTS**

- 4.1 If a complaint of sexual abuse against Church personnel comes to the notice of any member of the Church, he or she shall take contact details and immediately (and within 24 hours) refer the matter to a Contact Person.
- 4.2 Information shall be widely circulated to the public, and especially among Church counselling agencies, parishes and schools, giving the names and contact details of Contact Persons. The information shall set out as simply as possible the manner for making a complaint about sexual abuse. A national phonenumber, with the number published in every parish, shall be established by the National Committee to advise complainants concerning the availability of a local Contact Person.
- 4.3 All Church personnel shall comply with the requirements for mandatory reporting of child sexual abuse that exist in some States/Territories. The appropriate Church authority shall also be notified of any such report.
- 4.4 Anonymous complaints are to be treated prudently. An anonymous complaint cannot have the full force of one made by an identified person, but anxiety and fear may persuade some complainants not to reveal their identity immediately.
- 4.5 The person hearing the account of the complaint shall listen fully, honestly and compassionately to the person laying the complaint, both concerning the facts of the situation and its emotional, psychological and spiritual effects.
- 4.6 The Contact Person shall provide written notes of the details of the complaint in the

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form of a report to the appropriate Church authority and these notes are to be confirmed by the signature of the complainant.

- 4.7 The Contact Person shall forward the report promptly to the appropriate Church authority. If necessary, a recommendation may be made concerning any immediate action that needs to be taken in relation to the protection of vulnerable children and adults. The Contact Person shall forward a copy of the report to the Convenor of the Resource Group.

## **5. ASSESSMENT**

- 5.1 The Contact Person in receipt of a complaint shall make a recommendation to the responsible Church authority concerning whether there needs to be a formal assessment of any aspect of the matter.
- 5.2 No Church assessment shall be undertaken in such a manner as to interfere in any way with the proper processes of civil law, whether they are in progress or contemplated for the future.
- 5.3 When the complaint concerns an alleged crime, the Contact Person shall tell the complainant of the right to take the matter to the police and, if desired, provide assistance to do so. The appropriate Church authority is to be notified of any action by the Contact Person.
- 5.4 If the victim indicates an intention not to take the matter to the police, this should be recorded by the Contact Person and confirmed by the signature of the victim.
- 5.4.1 State or Territory law regarding the reporting of knowledge of a criminal offence must be observed.
- 5.5 The Resource Group shall liaise with civil authorities regarding the proper processes to be followed and the principles that should determine the timing and manner of Church assessments.
- 5.6 If in the course of a Church assessment, what had been thought not to be a crime is in fact revealed as an alleged crime, the Church assessment procedure shall cease immediately and the complainant told of the right to take the matter to the police. The Contact Person is to assist the complainant if requested.

## **6. ASSESSMENT PROCEDURES**

- 6.1 If the Contact Person advises that some aspect of the matter needs to be assessed, the Church authority shall appoint two assessors from those named by the Resource Group. The appointment of the assessors shall occur within twenty four hours of receipt of the Contact Person's report.



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- 6.1.1 The two assessors chosen must be, and be seen to be, independent of the Church authority, the victim and the accused.
- 6.2 At any time prior to or during the assessment, the Contact Person and the assessors may recommend to the Church authority that the accused be asked to stand aside from a particular office or from all offices held in the Church. If only one of these persons makes the recommendation, the Church authority shall seek the opinion of the others before making a decision.
- 6.2.1 If there is seen to be any risk of sexual abuse of other persons, this advice must be given and acted upon by the Church authority at the earliest possible moment.
- 6.2.2 If accused persons are asked to stand aside from any office they hold while the matter is pending, it is to be clearly understood that they are on administrative leave and that no admissions of any kind are implied by this fact alone. Accused persons who are employees shall, therefore, be on full pay while standing aside.
- 6.3 The assessors shall not seek to interview the victim without first discussing the matter with the relevant Contact Person.
- 6.3.1 If the decision is made to seek further statements from the victim, the victim shall be invited to have another person present at the interview (e.g. victim support person or legal representative).
- 6.3.2 Under no circumstances shall there be any attempt to intimidate a victim or to dissuade a victim from proceeding with a complaint.
- 6.3.3 If the complainant is not the victim, the assessors shall seek advice from the complainant, the Contact Person and the Convenor of the Resource Group regarding the wisdom and prudence of seeking to interview the victim.
- 6.3.4 No interview with a child victim will take place if there is the slightest risk that this will interfere with the proper process of civil law. No interview, either by a Contact Person or an assessor, shall be conducted with a child victim without the express written authority and in the presence of the parent or guardian. An interview with a child victim shall only be conducted by personnel who are professionally recognised as skilled practitioners in interviewing children.
- 6.4 The assessors shall inform the accused of the complaint and arrange an interview. Both assessors are to be present for interviews with the accused.
- 6.4.1 The assessors shall inform the accused that in both civil and Church law a person is presumed innocent until proven guilty.



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- 6.4.2 An accused person may be invited to admit to an offence but is not bound to do so, nor may an oath be administered (canon 1728, #2).<sup>7</sup>
- 6.5 The accused has the right to obtain independent legal advice.
- 6.5.1 This advice shall be at the accused's expense. It is not appropriate that a Church authority should indemnify a person for legal expenses relating to alleged criminal behaviour or professional misconduct.
- 6.5.2 An exception to the above rule may be necessary in the case of a member of a religious institute who has taken a vow of poverty.
- 6.6 The accused is entitled to have other persons present during any interviews (e.g. accused's support person, union official or legal representative).
- 6.6.1 Any interview with an employee shall comply with the grievance procedures (if any) of the employment contract.
- 6.6.2 Insofar as they apply, the provisions of canons 1717–1719 regarding the preliminary investigation stage of the penal process, shall be observed.
- 6.7 The assessors shall interview any other persons who could be of assistance.
- 6.8 A written account shall be made of all interviews.
- 6.9 The victim's support person and the accused's support person shall have ready access to the assessors and shall have the responsibility of keeping the victim and accused, respectively, informed of the progress of the assessment.
- 6.10 After the assessment is completed, the assessors shall provide a written report with recommendations to the Church authority. The assessors shall provide a copy of the report to the Contact Person and the Convenor of the Resource Group.
- 6.11 The Church authority shall act on the recommendations of the report as quickly as possible. The Resource Group may be called upon by the Church authority for advice on their implementation.
- 6.12 Mindful that the assessment process is a difficult and trying time for all concerned, particularly the victim and the accused, the process of assessment shall be undertaken as quickly as possible and the process shall be as transparent as possible to all concerned. The Convenor of the Resource Group shall seek to ensure that all parties adhere to this principle.
- 6.13 During the assessment, and therefore, at a time when guilt has been neither admitted

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<sup>7</sup> 'The accused person is not bound to admit to an offence, nor may the oath be administered to the accused.'

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nor proven, the issue of guilt, liability or the particular course of action that may follow assessment cannot be commented upon. Any comment regarding these issues must always be referred to the Church authority and its professional advisers.

## **7. OUTCOMES RELATING TO THE COMPLAINANT AND/OR VICTIM**

7.1 Following the completion of the assessment process, one of the assessors shall meet with the complainant and express the findings of the assessment.

7.2 In the event of proven guilt, whether through admission of the offender or through a finding of a civil court or through a Church assessment, the Church authority and the victim shall mutually agree on a Facilitator from the approved panel.

7.2.1 The Facilitator shall arrange and moderate a meeting between the victim and Church authority (or delegate with power to make binding decisions). Both the victim and Church authority may have one other person present with them.

7.2.2 The Facilitator shall seek to know the ongoing needs of the victim and the response of the Church authority to these needs.

7.2.3 The Facilitator shall also seek to know the needs of the victim's family and of the community in whose midst the abuse occurred.

7.2.4 The Facilitator shall seek to identify any outstanding issues where the victim is not satisfied with the response received and shall explore with both parties the best means of confronting such issues.

7.2.5 The Facilitator shall draw up a record of any agreement reached and of any outstanding areas of disagreement. A copy of this shall be forwarded to the Convenor of the Resource Group and, in doing so, the Facilitator may make any appropriate comments on the reasons for disagreement.

7.2.6 The Church authority shall bear all ordinary and reasonable expenses of the process of facilitation.

7.3 If the victim remains of the view that the response of the Church authority is unsatisfactory, the Facilitator shall inform the victim of access to a review of process.

## **8. A REVIEW OF PROCESS**

8.1 A review of process is available for complainants who are not satisfied with decisions taken by the relevant Church authority in relation to any aspect of the complaint.



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- 8.2 The review of process is an independent evaluation, not only of whether the procedures set out in this document have been properly observed, but also of whether the principles established in the first part of the document have been adhered to.
- 8.3 A complainant who is dissatisfied with the decisions of a Church authority may request in writing from the Convenor of the Resource Group a review of process.
- 8.4 If the request is accepted, the Convenor shall appoint one of the Reviewers named by the Resource Group.
- 8.4.1 If the request is to be denied, the Convenor must first consult the other members of the Resource Group.
- 8.4.2 If the victim objects to the Reviewer named, the matter shall be considered by the whole Resource Group who shall nominate another Reviewer.
- 8.4.3 The Convenor shall inform the Church authority that a review of process has been requested and approved.
- 8.5 The Reviewer shall determine the procedures for the conduct of the review.
- 8.5.1 The Reviewer shall have authority to interview all Church personnel concerned and will have access to all relevant documentation.
- 8.5.2 The Reviewer shall conduct the review expeditiously and certainly within three calendar months, unless the Convenor provides for a further extension of time.
- 8.6 At the end of the review, the Reviewer shall provide a written report with recommendations to the Convenor of the Resource Group.
- 8.7 The Convenor shall provide a copy of the report to the complainant and the Church authority. As soon as convenient, the Convenor (or delegate if appropriate) shall discuss with all parties the implementation of the recommendations.
- 8.8 The Church authority shall bear all ordinary and reasonable expenses of the review of process.

## **9. OUTCOMES RELATED TO THE ACCUSED**

- 9.1 If the complaint is not resolved, either through the processes of civil law or through a Church assessment, the Church authority must decide whether it is appropriate for the accused to continue in ministry or return to ministry while the doubt remains.



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- 9.1.1 Whenever a risk of abuse to others is feared, or there is likely to be scandal, an accused who is an employee shall be suspended on full pay and a volunteer shall be required to step aside.
- 9.1.2 In the same circumstances, clerics or religious shall take administrative leave, in accordance with the principles of canon 1722,<sup>8</sup> until the matter is resolved. They shall be provided with a suitable place to live and some useful activity. They shall not engage in any public ministry during this time.
- 9.1.3 These actions do not involve a penalty and do not imply guilt.
- 9.2 If Church authorities are satisfied that an accused is guilty of sexual abuse, they shall take such action as the situation and the seriousness of the offence demand. In relation to serious offences: in the case of an employee, this will mean a process of dismissal from employment; in the case of a volunteer, it will involve a prohibition from being involved in any activity associated with a Church body; in the case of a cleric or religious, it means that they will never be given back the power they have abused, and it can include a request that the person concerned apply to return to the lay state, or even the commencement of a canonical penal process in accordance with canons 1717-1731.
- 9.2.1 If a cleric or religious has admitted to or been convicted of sexual abuse, the Church authority shall, in person or through a nominated representative, meet with the offender to discuss honestly and openly the offender's future options. The offender may wish to be accompanied by a support person and/or legal representative. The discussion shall take into account the seriousness of the offence and all relevant circumstances. It is unfair to hold out to an offender any hope of a return to ministry when it is clear that this will not be possible.
- 9.2.2 The Church authority shall require the offender to address the issue of restitution to the victim and to the Church community.
- 9.3 If a police investigation and/or a Church assessment make it clear that the accused was not guilty of the alleged offence, the Church authority shall take whatever steps are necessary to vindicate the reputation of the accused.
- 9.3.1 In the case of paid employees relevant industrial relations law will be observed.

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<sup>8</sup> 'At any stage of the process, in order to prevent scandal, protect the freedom of the witnesses and safeguard the course of justice, the Ordinary can, after consulting the promotor of justice and summoning the accused person to appear, prohibit the accused from the exercise of the sacred ministry or of some ecclesiastical office and position, or impose or forbid residence in a certain place or territory, or even prohibit public participation in the blessed Eucharist. If, however, the reason ceases, all these restrictions are to be revoked; they cease by virtue of the law itself as soon as the penal process ceases'.

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- 9.4 The Church authority shall inform the Convenor of the Resource Group of all steps taken in relation to an offender.

## **10. PREVENTIVE STRATEGIES**

- 10.1 Each Church authority shall ensure that all Church personnel are made aware of the seriousness of sexual abuse. They should be warned of behaviour that is inappropriate or which might be misunderstood as involving improper sexual behaviour.
- 10.2 Whenever a Church authority is concerned about the behaviour of any person connected to that Church body, this fact should be brought to the attention of that person and appropriate steps taken to determine whether the behaviour is the symptom of a deeper problem requiring attention.
- 10.3 Church personnel who feel that they might be in danger of committing sexual abuse shall be offered opportunities to seek both spiritual and psychological assistance before the problem becomes unmanageable and they offend. Names of suitable therapists and treatment programs should be made available.
- 10.4 Whenever a cleric or religious makes a request to transfer from one diocese or institute to another, or to carry out a ministry or apostolate in another diocese or institute, the appropriate Church authority shall ask for a written statement from the priest or religious that there are no known circumstances that could lead to a complaint of sexual abuse.
- 10.4.1 In these same circumstances the Church authority shall request from the Church authority in the diocese or institute where the cleric or religious previously lived and worked, a statement in writing that such authority is not aware of any circumstances that could lead to a complaint of sexual abuse.
- 10.5 Before candidates are accepted into a seminary or religious institute, they must be asked to state in writing that they are not aware of any circumstances that could lead to a complaint of sexual abuse against them.
- 10.6 While due process must be observed, any incident of proven sexual abuse must lead to the dismissal of a seminarian from a seminary or a candidate from an institute's program of formation.
- 10.7 Church bodies, especially those involved in providing care for children, shall have in place procedures, consistent with good industrial relations practice, for obtaining police checks, for checking references and verifying the suitability of persons for employment or for participation as volunteers.
- 10.8 Church authorities shall be honest and frank in references and shall not act in a way

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which would allow an offender to obtain employment in circumstances where others might be at risk.

## **11. CONCLUDING STATEMENTS**

- 11.1 All Church authorities shall take the necessary steps to conduct such in-service programs for Church personnel as may be necessary to inform them of the principles and procedures set down in this document.
- 11.2 While the distribution of this document is unrestricted, the publication of the document, its implementation, and all matters of interpretation are reserved to the National Committee for Professional Standards.
- 11.3 Sexual abuse of both children and adults by Church personnel has done great harm to individuals and to the whole Church. Despite this, it can become an opportunity to create a better Church, on the strict condition that the response given by the leaders and all the members of the Church is humble, honest and thoroughly Christian.



# **Annexure 9**

Joint Statement by Catholic Archbishops of Melbourne and Sydney,  
June 2002

# A JOINT STATEMENT BY THE CATHOLIC ARCHBISHOPS OF MELBOURNE AND SYDNEY

In light of publicity this week about sexual abuse by Catholic priests, we wish to issue the following statement:

## Apology

We again acknowledge with deep sadness and regret the evil of sexual abuse and other betrayals of trust which have been committed by a small minority of Catholic clergy. The integrity of the overwhelming majority of priests and religious is beyond question.

We reaffirm the words first stated by the Catholic Bishops of Australia in a 1996 Pastoral Letter. "We cannot change what has happened in the past, undo the wrongs that have been done, or banish the memories and the hurt".

Our goal of moving "towards healing" is paramount.

At all times, we strive for complete openness and transparency in our dealings with victims of abuse.

We remain fully committed to the Church's policies and procedures that provide healing, on-going support and compensation for victims and the prevention of such offences in the future.

On behalf of the Catholic Church in Melbourne and Sydney, and personally, we apologise, sincerely and unreservedly, to all victims of abuse, and to the Australian community, for the wrongs and hurt suffered.

## Complaints

We urge anyone wishing to make allegations or complaints to do so. We remind anyone wishing to make allegations that may involve criminal conduct of their complete right to refer those allegations to the police at any time.

A range of initiatives are available in Melbourne and Sydney for victims.

In Melbourne, please call the Independent Commissioner Peter O'Callaghan QC on (03) 9225 7979. In Sydney, please call the Contact Line of the Professional Standards Office on 1300 36 99 77.

Making contact is the first step in:

- *being listened to with openness and compassion*
- *having your complaint investigated*
- *accessing free counselling and support (as required)*
- *seeking appropriate compensation*

## Compensation and Help

There has been some confusion this week about the nature of the Melbourne compensation system that has been in place since 1996. The compensation arrangements for Sydney are somewhat different.

In Melbourne, when the Independent Commissioner is satisfied that abuse has occurred he can refer the victim to the Compensation Panel. The Compensation Panel holds a hearing and can recommend ex-gratia compensation of up to \$55,000. This is a free process.

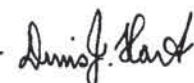
In Sydney, compensation is available under the national *Towards Healing* protocol. *Towards Healing* is administered through the Professional Standards Office.

Under both systems:

- 1 Compensation payments are not an attempt to buy silence.
- 2 They are offered in response to the needs of victims as an alternative to litigation, and in some cases where there are no grounds for litigation.
- 3 When a compensation offer is made, it can be accepted or rejected.
- 4 If it is accepted, the applicant will be required to sign a release, which brings any further legal proceedings to an end. However, if the offer is rejected the applicant's rights to commence or continue legal proceedings are not affected.
- 5 The discussions and documents produced in the compensation process are confidential. (This occurs all the time in out-of-court and mediated settlements).
- 6 Victims are not prevented from discussing the abuse they have suffered with anyone at any stage, but many prefer that their privacy be respected. Victims are not silenced as a condition for receiving counselling or compensation.

Regrettably, the Catholic Church has taken a long time to come to grips effectively with the sexual abuse issue. But there have been good protocols in Australia for the last six years. We will continue to work for further improvement.

Be assured that our goal is to assist people who have been abused to move "towards healing".

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Denis J Hart  
Archbishop of Melbourne

+ 

George Pell  
Archbishop of Sydney

# **Annexure 10**

Integrity in Ministry – A Document of Principles and Standards  
for Catholic Clergy & Religious in Australia, June 2004  
(Reprinted April 2010)



# *Integrity in Ministry*

A Document of Principles and Standards for  
Catholic Clergy & Religious in Australia

June 2004  
(Reprinted April 2010)

# *Integrity in Ministry*

A Document of Principles and Standards for  
Catholic Clergy & Religious in Australia

June 2004  
(Reprinted April 2010)



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*(A committee of the Australian Catholic Bishops Conference and  
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# Foreword

Conscious of the privilege it is for clergy and religious to be called to minister among the People of God, the committee members appointed to revise *Integrity in Ministry* hope that this new edition of the document will serve to renew and enhance the ministry of deacons, priests and religious throughout the Catholic Church in Australia.

A code of conduct formulated for any profession aims to breathe freedom and energy into practitioners of that particular profession as they interact with the people who come to them seeking to benefit from their expertise. A code of conduct is not intended to restrict or stifle the conduct of those professionals to whom it applies. Rather, it is a set of behavioural standards to ensure that professionals themselves preserve their own dignity and respect the human dignity of all to whom they relate in the exercise of their profession.

*Integrity in Ministry* has been compiled to serve as a resource for those preparing for ministry in the Catholic Church and as a code of conduct and guide for reflection for those already involved in ministry. It sets out behaviour for clergy and religious to integrate into their day-to-day ministry and serves as a check-list against which they can review the quality of the ministerial activities in which they engage. It is likewise a valuable resource for those whose particular ministry is the formation of men and women preparing for ministry.

Church ministers are not exempt from the inadequacies and failures to be found among other professions. Religious and clergy sometimes fall short of the behavioural standards they set for themselves. Chapter 8 of *Integrity in Ministry*, entitled *When Communion is Broken*, outlines procedures to be followed when a serious breach of the code of conduct is brought to the notice of a Church Authority. As part of the process of dealing with the misconduct, Bishops and Congregational Leaders are to seek advice from the same Consultative Panel established under the guidelines of *Towards Healing*.

The Revision Committee is grateful to all who provided critical and constructive comment on various aspects of the previous edition of *Integrity in Ministry*. Such comment has been invaluable to the Committee as it has gone about its work of shaping this new edition of the document.

The Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes have jointly agreed that this revised edition of *Integrity in Ministry* shall take effect immediately and will apply to all clergy and religious in ministry until the next planned revision scheduled for the latter part of 2010. May it be an instrument that facilitates faithful and effective collaborative ministry among the People of God throughout Australia.

Archbishop Philip Wilson DD JCL  
Co-Chair  
National Committee for Professional Standards

Br Michael Hill fms  
Co-Chair  
National Committee for Professional Standards

# Preamble

## For whom is this document intended?

Integrity in Ministry is a code of conduct for clergy and religious engaged in Ministry on behalf of the Catholic Church in Australia. It has been written for the guidance of those in Ministry and for the information of those people with and among whom clergy and religious exercise their Ministry. The values inherent in this document apply also to lay people who have been engaged to carry out formal ministries in the Catholic Church.

Note: Throughout the document bishops and leaders of religious institutes are included in references to clergy and religious.

## Context

The ecclesiology of Vatican II provides the framework from which principles for pastoral practice and religious life are drawn in this document. After each principle an illustrative list of behavioural standards is suggested. The commitment to provide a positive and holistic context for standards prevents this document appearing simply as a list of forbidden behaviours. It also means that behaviours that support good health or spiritual growth are found on the same page as those that guard against acts of professional misconduct. Various behaviours will call for different degrees of compliance. Responses to non-compliance will also vary widely, from loving support, to formal and even legal procedures depending on the nature and severity of the particular issue.

While acknowledging fully the harm caused by the misconduct of some clergy and religious, this document begins from the recognition that the majority of those professed or ordained for service in the Church live in a committed effort to follow and serve the mission of the Church faithfully.

## Aim

The aim of this document is to support Australian religious and clergy and others who work or minister on behalf of the church in their effort to live dedicated and committed lives. It seeks to offer them an ecclesial context for measuring their behaviours as witnesses and ministers of the Church's mission. While conscious of the need to protect against harm, its goal is to provide positive guidelines both for healthy lives among clergy and religious, and for the highest standards of pastoral practice.

## Objectives

The objectives of this document are:

- ◆ to offer a theology of Church as the context for shaping and measuring behavioural standards for religious and clergy;
- ◆ to encourage clergy and religious in their vocation as witnesses and ministers of the reign of God through lives of respect, service, integrity and selfless love;
- ◆ to support clergy and religious in their efforts to care for themselves and one another;



Structure

- ◆ to support religious and clergy in their efforts to be visibly accountable as witnesses and ministers of the Church’s mission;
- ◆ to support clergy and religious in their concern to protect children and adults from all abuses of power, including sexual abuse and harassment;
- ◆ to support the Church in responding to instances of sexual abuse and professional misconduct, in the best interests of those who have been harmed, the wider community, and the offender.
- ◆ A brief outline of the theological background to the document is offered on the following page.
- ◆ Each chapter of the document begins with a summary of the ecclesial vision relevant to its particular topic, signified by italic script.
- ◆ A number of principles that flow from that vision relevant to the life and ministry of clergy and religious are then outlined, signified by bold print.
- ◆ Below each principle an illustrative list of behavioural standards is provided. The list is not intended to be exhaustive, but to suggest a number of key behavioural standards that follow from the principle. As already noted, standards range from those that promote good health, through those that support the highest levels of pastoral practice, to those that guard against professional misconduct. The degree of compliance required, and the nature of the response to non-compliance, will vary from standard to standard.
- ◆ Behaviours necessary to safeguard integrity and clarity around issues of sexual and professional boundaries are signified by a shaded background. These call for a high degree of compliance.
- ◆ The final chapter offers some guidance for responding to instances of non-compliance.

Legislation

- ◆ In view of the frequent changes to legislation which relates to *Integrity in Ministry*, the National Committee for Professional Standards has decided not to list all the relevant legislation in force in the various jurisdictions throughout Australia. However, the Committee reminds those to whom *Integrity in Ministry* applies of their serious obligation to comply with legislation relating to such matters as Privacy, Discrimination, Harassment and the Protection of Children. It is incumbent on clergy and religious to familiarize themselves with the relevant legislation and to abide by such legislation.

## An Outline of the Theological Context of this Document

### Theology of Communion

*Integrity in Ministry* has been written on the foundation of a theology of communion. It is an understanding of the Church and its mission that has its origins in Jesus' life and teaching, which consciously directed the life of the Church in its first ten centuries, and has been reemphasized in the teaching of Vatican II.

This notion, so central to the life of the Church, shapes the lives of all the baptised, and offers a reference by which the ways clergy and religious live and minister may be evaluated.

In *Integrity in Ministry* the word 'communion' is always used to translate the Latin word *communio*, or the Greek word *koinonia*.

Throughout the first millennium the concept of communion held a central place in the Church: the development of the Christian Scriptures, creeds and doctrine all served to establish and safeguard communion. Communion between various local churches, under the care of the Church of Rome, was signified and celebrated by mutual admission to Eucharistic communion. Vatican II has shown how communion can contribute to the Church's self understanding in the modern world.

How can such a large and significant notion be simply defined? At its broadest level it refers to God's plan for the whole of creation. God 'missions' the Son and the Spirit into the world to heal the wounds of sin and division. The world God wants is a world where all brokenness is mended, where all divisions are reconciled, where *shalom* (unity and peace) prevail throughout creation, and every human person is loved, respected and honoured as a son or daughter of God. Creation itself awaits its "share in the glorious freedom of the children of God."<sup>1</sup> On that day when God's plan is fulfilled to "bring all things together under Christ"<sup>2</sup>, the whole of creation will share in God's own life as a perfect communion in love.

Through the Church Christ's mission in the world is continued in two particular ways. Firstly, each day the members of the Church seek to live a life of communion in love as completely as they are able and at the Eucharist share sacramentally in the perfect communion of the Father with the Son and the Holy Spirit. Secondly, the members of the Church live a service of love in the world to build communion and *shalom* among men, women and children everywhere.

The Church is to be a "sign of unity, and an instrument of God's peace."

It could be said that the mission of the Church, its nature and its way of life are one: a communion of love committed to the love of God, humanity and God's creation, and to the healing of all hurt and division.

The lives and actions of all the baptised, and particularly clergy and religious who hold positions of leadership and trust in the Church, are to be evaluated in the light of this understanding of the Church's nature and mission.

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<sup>1</sup> Romans 8:21

<sup>2</sup> Ephesians 1:10

When clergy and religious live and minister in ways that contribute to the healing of creation, and to the love, honour and respect due to all God's children, they honour their vocation and build up the communion of the Church.

When clergy and religious live and minister in ways that contribute to the brokenness of the world, and damage the love, honour and respect due to all God's children, they dishonour their vocation and fracture the communion of the Church. In those moments communion is broken and needs to be restored.

Communion lies at the heart of Jesus' mission and his understanding of the reign of God. The first words spoken by Jesus in the gospel of Mark are these: *'The time is fulfilled and the kingdom of God is close at hand. Repent and believe the gospel.'*<sup>3</sup> In the description of the day that follows Jesus gathers disciples to share his mission, proclaims the word of God, heals men and women of physical and spiritual illness, and spends time in prayer. The day models life under the reign of God, where women and men are healed and gathered together in a communion of faith, hope and love.

Luke begins Jesus' public ministry with the quote from Isaiah: 'The Spirit of the Lord is upon me, for he has anointed me to bring good news to the afflicted. He has sent me to proclaim liberty to captives, sight to the blind, to let the oppressed go free, to proclaim a year of favour from the Lord.'<sup>4</sup>

Throughout Luke's gospel Jesus reveals the meaning of God's rule when he heals, mends, reconciles, teaches, forgives and restores life to the men and women of his time. The 'kingdom of God is among us'<sup>5</sup> when women and men are restored to communion with one another and with God.

The Acts of the Apostles shows the Church continuing the mission of Jesus and the Spirit by becoming both a sign and an instrument of God's rule of love in the world. The Church brings good news, proclaims liberty, ministers healing and announces God's favour.

It is a mission that transforms the ordinary values of the world. It grows slowly, from small beginnings, often unnoticed but always carried forward by the powerful Spirit of God.<sup>6</sup> Its foundation is love: *'You must love the Lord your God with all your heart, with all your soul, and with all your mind'; 'You must love your neighbour as yourself.'*<sup>7</sup> In fact the mission to live the reign of God is a commitment to a way of love. *'I give you a new commandment; love one another; you must love one another just as I have loved you. It is by your love for one another that everyone will recognise you as my disciples.'*<sup>8</sup>

When the Spirit of love rules in the hearts of the men and women of the Church they are not just formed as a human community but they share in the communion of God's own life as Trinity: *'May they all be one, just as, Father, you are in me and I am in you, so that they also may be in us...'*<sup>9</sup> St. Paul speaks of this as the great mystery of God's plan, *'that he would bring everything together under Christ as head, everything in the heavens and everything on earth.'*<sup>10</sup>

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<sup>3</sup> Mark 1:14f.

<sup>4</sup> Luke 4:18f.

<sup>5</sup> cf., Matt 12:28.

<sup>6</sup> cf., Matt, chp 13.

<sup>7</sup> Luke 10:27f.

<sup>8</sup> John 13:34f.

<sup>9</sup> John 17:21.

<sup>10</sup> Eph 1:10.



There is no division here between the mission of the Church and its way of life. It is a communion of love, committed in love to the mending of divisions, the healing of wounds, the praise of God, and the celebration of faith, hope and love. The relationships between the women and men of the Church, and their relationships with the world, are in this sense the very mission of the Church. Out of love we desire the deepest well being of one another.

We commit ourselves to relationships that embody respect, love and service: *'You know that among the gentiles the rulers lord it over them, and the great men make their authority felt. Among you this is not to happen. No; anyone who wants to become great among you must be your servant, and anyone who wants to be first among you must be your slave...'*<sup>11</sup>

The Church, by its life, mission, relationships and worship, strives to be a sign and an instrument of the communion that is God's plan for creation.

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<sup>11</sup> Matt 20:25-27

# 1. A Communion of Love

*By daily acts that often surprised his contemporaries, Jesus made God's love for every human person very clear. He made a special effort to make it clear in the case of those who might have doubted it the most: the poor, the vulnerable, the sick, the young and those publicly regarded as sinners. He showed to them in particular that they were invited into the communion of God's love. For this reason the Church also, in all of its actions, makes clear the dignity and value of every human person, especially those most vulnerable. The Church is committed to protect and respect the rights of all persons, among them children, youth, members of cultural and ethnic minorities and all whose rights and dignity are devalued or at risk.*

*Clergy and religious, because of their particular ministries, have a responsibility to protect, honour and advance the dignity of every human person. They are often welcomed into the lives of people at sensitive and important moments, when people are more than usually vulnerable. Their relationships with people in these moments are guided by a spirit of love, sensitivity and personal disinterest that has the well being of the other as its foundation. Sometimes the desire for personal relationship or nourishment will be set aside for the sake of a greater love.*

*Care for others is expressed in many ways: words, silence, presence and touch all might convey love and solidarity. The area of physical touch calls for great sensitivity. Throughout his life Jesus held, embraced, reached towards and laid hands on those he loved. God is pictured as holding people against a cheek or in the palm of a hand, and nursing them within folded arms. Touch can communicate healing, love and respect. Touch may also be ambiguous, confusing, even threatening to those who are vulnerable. It can be used as a means of control, harassment or abuse. The use of touch in pastoral relationships needs to be guided by prudent judgment that has the deepest well being of the other as its basis.*

## **1.1 In their lives and ministries clergy and religious witness God's love for every human person by sensitivity, reverence and respect in their relationships.**

Among the behavioural standards that follow from this principle are:

- ◆ treating all to whom one provides pastoral support with respect and courtesy;
- ◆ actively avoiding all forms of harmful discrimination;
- ◆ honouring the equality of women, men and children;
- ◆ resolving disputes through respectful dialogue, negotiation and/or professional mediation.

To safeguard integrity, and to preserve clarity of sexual and professional boundaries with regard to this principle, it is essential that clergy and religious:

- ◆ avoid any behaviour that could reasonably be interpreted as harassment;

Harassment encompasses a broad range of behaviours, including but not limited to:

- physical, verbal, written or psychological abuse
- bullying
- racial and religious insults
- derogatory ethnic slurs
- unwelcome touching and inappropriate behaviour
- sexual jokes and comments
- requests for sexual favours
- display of pornographic materials.

Harassment can occur as a result of a single incident or a pattern of behaviour where the purpose or effect is to create a hostile, offensive humiliating or intimidating environment.

## **1.2 Clergy and religious witness to the inclusive embrace of God's love.**

Among the behavioural standards that follow from this principle are:

- ◆ reaching out to all people, especially those who feel alienated from or marginalised within the Catholic Community;
- ◆ being sensitive to the diverse forms of spirituality and theology in the Church;
- ◆ responding sensitively to the issues that arise when different cultures meet, and respectfully welcoming minorities;<sup>12</sup>
- ◆ encouraging inter church and inter faith dialogue.

## **1.3 Religious and clergy witness and minister God's nurturing love for every person.**

Among the behavioural standards that follow from this principle are:

- ◆ behaving in ways that nurture the growth and vocation of all;
- ◆ behaving and speaking in ways that indicate a respect for the role and function of all;
- ◆ working in ways that respect different charisms, spiritualities, qualifications and ministries;<sup>13</sup>
- ◆ avoiding every impulse to 'lord it over'<sup>14</sup> those they serve;
- ◆ avoiding the fostering of dependency or subservience by encouraging collaboration and mutual respect.

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<sup>12</sup> cf., Vita Consecrata, art.80.

<sup>13</sup> cf. 1 Cor 12:12-27

<sup>14</sup> Matt.20:25ff.



**1.4 Pastoral love requires that clergy and religious respect the physical and emotional boundaries appropriate to relationships with adults and minors.**

Among the behavioural standards that follow from this principle are:

- ◆ exercising sensitivity with regard to the physical and emotional space others require in pastoral encounters;
- ◆ exercising a prudent judgment, that has the well-being of the other as its goal, in initiating and responding to physical contact, such as giving a comforting hug or an affirming touch;
- ◆ providing pastoral ministry only in places that offer a sufficiently safe environment where there is openness and visibility;
- ◆ exercising prudent judgment in the expression of affection and regard, and in the giving of gifts.

To safeguard integrity, and to preserve clarity of sexual and professional boundaries with regard to this principle, it is essential that clergy and religious:

- ◆ do not provide pastoral ministry in the sleeping quarters/bedrooms of one's community house or of the presbytery/parish house.

**1.5 Religious and clergy witness to God's care for the most vulnerable by their concern for the dignity and safety of children and youth.<sup>15</sup>**

Among the behavioural standards that follow from this principle are:

- ◆ avoiding any form of over-familiarity or inappropriate language;
- ◆ ensuring whenever reasonably possible that another adult is present or close by when providing pastoral ministry to a minor;
- ◆ avoiding, whenever reasonably possible, being alone with a minor or group of minors in sleeping, dressing or bathing areas, making sure to exercise prudent judgment and behaviour when another adult cannot be present;
- ◆ familiarising oneself with the causes and signs of child abuse or neglect, the steps to be taken for the protection of children, and the procedures to follow if abuse or neglect is suspected or observed;
- ◆ familiarising oneself with the procedures outlined in the document *Towards Healing*.<sup>16</sup>

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<sup>15</sup> John Paul II, *Familiaris Consortio*, 27.

<sup>16</sup> See *Towards Healing: Principles and Procedures in Responding to Complaints of Sexual Abuse Against Personnel of the Catholic Church in Australia* (2010)

To safeguard integrity, and to preserve clarity of sexual and professional boundaries, it is essential that clergy and religious in the exercise of their ministry:

- ◆ behave with due prudence, not staying overnight in the same room as a minor or vulnerable person unless it is impossible to avoid. In that circumstance every provision needs to be made to provide a safe environment, eg the permission of a parent or guardian, and appropriate openness and visibility;
- ◆ never administer corporal punishment;
- ◆ use electronic and print media responsibly;
- ◆ do not supply or serve alcohol or any controlled substance to a minor without the express permission of a parent or guardian.

## 2. At the Service of Communion

*Jesus served God's plan by serving the men and women of his time. He came 'as one who serves'<sup>17</sup>, and he invited those who followed him to do the same, 'washing each other's feet'<sup>18</sup> as he had done. His followers would not 'lord it over'<sup>19</sup> one another, but each would count themselves least of all for the sake of the others. The lost would be sought, the wounded healed, the sinful forgiven, the walls of division brought down, so that 'all may be one'<sup>20</sup> in the communion of love that unites human beings. Religious and clergy witness to that spirit of service by their way of life and by their pastoral conduct.*

### 2.1 Religious and clergy, among them religious leaders and bishops, are particularly called to witness a spirit of service. Because of the trust they are given and the visibility of their witness and leadership, they are conscious of the unique power and responsibility they have in pastoral relationships.

Among the behavioural standards that follow from this principle are:

- ◆ relating to all people in a spirit of humility, reverence and respect, with a commitment to the deepest well being of the other;
- ◆ creating cooperative and harmonious relationships in the communities in which one lives and works;
- ◆ respecting the call to collaborative effort between women and men in accord with the Gospel;
- ◆ encouraging and supporting all members of the community in the fulfillment of their vocations;
- ◆ consulting widely, seeking consensus and providing feedback where possible, before making important decisions;
- ◆ exercising caution in the use of one's status or institutional power, never using these for one's own advantage;
- ◆ taking up leadership and service in a community with respect for the life, customs, history and vision of the persons who already make up that community;
- ◆ seeking opportunities to share decision-making responsibilities;
- ◆ discouraging the development of personality cults centred on oneself;
- ◆ creating environments where others feel confident to offer constructive criticism.

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<sup>17</sup> Luke 22:27.

<sup>18</sup> John 13:1-20.

<sup>19</sup> Matt 20:25ff

<sup>20</sup> John 17:21.



**2.2 In addition to their own professional development and formation, bishops and leaders of religious institutes are called to a service of support for those clergy and religious towards whom they exercise pastoral care.**

Among the behavioural standards that follow from this principle would be the provision of:

- ◆ educative and support structures that assist clergy and religious to achieve the standards set out in this document;
- ◆ opportunities for formation, development and renewal;
- ◆ selection and initial formation processes that support students to address the concerns and issues of *Integrity in Ministry*;
- ◆ clear communication concerning roles, expectations and outcomes;
- ◆ fair and consistent treatment;
- ◆ healthy and safe working and living conditions;
- ◆ open and consultative appointment procedures, which are impartial and in response to the needs of the communion and mission of the Church;
- ◆ personnel management practices based on fairness and equity;
- ◆ appropriate grievance procedures;
- ◆ structures that ensure adequate human and financial support.

**2.3 Clergy and many religious serve the communion of the Church by ministering or presiding at prayer, sacraments and eucharist. In those moments they are at the service of a community of active and equal persons, seeking to enable the best and fullest expression of the community's prayer, praise and communion with the life of God.<sup>21</sup>**

Among the behavioural standards that follow from this principle are:

- ◆ preparing for and participating in liturgies and services of prayer, either as president or minister, with reverence, humility and respect for all persons in the community;<sup>22</sup>
- ◆ supporting and participating in processes that prepare and assist people to celebrate in prayer and sacrament as fully and well as possible;
- ◆ celebrating the sacrament of reconciliation in ways that respect penitents' right to privacy and to a safe environment. This will include providing options for openness and visibility for those who desire them;
- ◆ continuing development of one's knowledge of liturgical norms, theology and practice;
- ◆ preparing carefully, and developing skills for all the occasions in which the word of God is preached or proclaimed;<sup>23</sup>

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<sup>21</sup>cf., *Sacrosanctum Concilium*, art.14.

<sup>22</sup>cf., *Directory on the Ministry and Life of Priests*, art.47.

<sup>23</sup>*Code of Canon Law*, Canon 762; 769;279§3.

### 3. Ministers of Communion: A Life of Commitment

*Following in Jesus' footsteps, religious and clergy promise their lives to the service of God's plan, to 'reconcile all things to him, everything in heaven and on earth, by making peace through his death on the cross.'<sup>24</sup> They are, by the witness of their way of life and their pastoral work, ministers of communion. This is a vocation and a way of life that continually invites openness, growth, humble reverence and ongoing commitment.*

#### 3.1 Led by the Spirit, religious and clergy continually open themselves in response to a vocation that comes from God and is lived in the midst of the Church and the human community.

Among the behavioural standards that follow from this principle are:

- ◆ faithful commitment to prayer, meditation, spiritual reading, scripture and the celebration of the sacraments;
- ◆ commitment to a life of faith, hope and love;
- ◆ prayerful reflection on, and commitment to, the virtues of poverty, chastity and obedience in ways appropriate to one's way of life;
- ◆ reflection on and commitment to the charism of one's religious community;
- ◆ participation in the process of spiritual direction;
- ◆ the undertaking of annual retreats and ongoing spiritual formation;
- ◆ development of knowledge and understanding of scripture, theology, Church teaching and tradition.<sup>25</sup>

#### 3.2 As part of their vocational commitment clergy and religious also continue to develop the pastoral and professional skills their ministries require.

Among the behavioural standards that follow from this principle are:

- ◆ participation in support processes such as:
  - a specially formed support group
  - an existing support group or programme, such as community meetings, clergy fraternity, or the *Ministry to Priests* programme
  - a one-to-one support relationship with a colleague

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<sup>24</sup> 1 Col 1:20.

<sup>25</sup> *Code of Canon Law*, Canon 279§1;663§3.

- ◆ participation in continuing education programmes;<sup>26</sup>
- ◆ participation in regular professional supervision;
- ◆ establishing processes to evaluate the quality of one's work, including assessment by one's peers and those one serves;
- ◆ engaging in guided self appraisal;
- ◆ participation in local and national associations of one's peers;<sup>27</sup>
- ◆ implementing the outcomes of such reflection and evaluations.

**3.3 It is healthy for religious and clergy to develop relationships beyond those of their pastoral relationships wherever that is possible, so that pastoral relationships do not bear the burden of providing affirmation and affective support to the minister.**

Among the behavioural standards that follow from this principle are:

- ◆ the development of a network of supportive peers and friends with whom one has no formal pastoral relationship;
- ◆ cultivation of a sensitivity to the inequalities and risks that might accompany a personal relationship with any person with whom one has or had a pastoral relationship; exercise of similar care with regard to establishing a pastoral relationship with a close friend;
- ◆ ensuring that one's actions serve the well being of the other in the situations described above;
- ◆ reflecting on any such relationships with one's support person or group when that is appropriate, to review how effectively the boundaries between the pastoral and the personal have been maintained.

**3.4 Commitment to one's vocation as a minister of communion means that religious and clergy will act with integrity in all their human relationships.**

Among the behavioural standards that follow from this principle are:

- ◆ establishing relationships that are able to develop and mature within the context of gospel values;
- ◆ establishing and maintaining relationships that are characterised by openness, honesty and integrity;
- ◆ not establishing a relationship through an abuse of power.

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<sup>26</sup> *Code of Canon Law*, Canon 279 § 2, *Pastores Dabo Vobis*, Chapter VI; cf *Directory on the Ministry and Life of Priests*, Chapter III; *Vita Consecrata*, art.69.

<sup>27</sup> *Code of Canon Law*, Canon 278



**3.5 By virtue of their commitment, religious and clergy give witness to a way of life that respects the dignity and worth of everyone they meet in the exercise of their ministry. Consequently, they act with integrity in all their relationships and interactions with others.<sup>28</sup>**

Among the behavioural standards that follow from this principle:

- ◆ avoidance of all actions or language that could reasonably be interpreted as sexually provocative;
- ◆ never seeking to initiate sexual behaviour;
- ◆ rejection of any invitation to participate in sexual behaviour;
- ◆ as far as reasonably possible avoidance of situations and relationships that place undue stress on one's ability to remain committed to celibacy.

These standards also apply to relationships between married clergy and anyone other than their spouses.

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<sup>28</sup> Cf., Presbyterium Ordinis art. 16 & Code of Canon Law, Canon 599 & Perfectae Caritatis article 12.

## 4. Ministers of Communion: Developing and Maintaining Competence

*The Spirit leads clergy and religious in various ways into the service of God's reign of love, to witness and to minister the healing and communion God desires for creation. Because of this many people are drawn to them in the hope that their 'grief and anguish'<sup>29</sup> might find healing. They come to the Church's ministers in trust and vulnerability, and are received with a love that has their deepest well-being as its goal.*

*In addition to love and faith, many of these situations call for the pastoral application of professional skills. 'Professional skills' indicates recognised competence in areas such as psychology, social work, spiritual direction and counselling. In keeping with their vocation, religious and clergy develop and maintain the skills their particular ministry or way of life requires. The demand of love also means that ministers recognise the limitations of their skills, and ensure that those in need have access to the best possible resources and care when their own limit is reached.*

### 4.1 In response to their vocation clergy and religious are committed to develop and maintain the pastoral skills that their particular ministry or way of life requires.

Among the behavioural standards that follow from this principle are:

- ◆ keeping abreast of literature in the area of pastoral care;
- ◆ attending seminars/in-services related to pastoral care;
- ◆ reflecting regularly on one's pastoral practice with a competent supervisor or colleague;
- ◆ ongoing development of one's knowledge and understanding of Scripture, Church tradition and teaching;
- ◆ remaining updated in the social sciences and disciplines that contribute to pastoral skill.

### 4.2 Similarly religious and clergy develop and maintain the professional skills their particular ministry or way of life requires.

Among the behavioural standards that follow from this principle are:

- ◆ regularly undertaking appropriate professional development;
- ◆ keeping up-to-date with the literature and developments relevant to their ministry;
- ◆ active membership of relevant professional associations.

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<sup>29</sup> *Gaudium et Specs*, art 1.

**4.3 Out of desire for the well-being of those who come to them, religious and clergy recognise the limits of their own skills. While often called upon to give advice, they should offer counselling only when professionally qualified to do so.**

Among the behavioural standards that follow from this principle are:

- ◆ clarifying the context, purpose and expectations accompanying a request for spiritual direction, counselling, support or advice;
- ◆ understanding the processes of counselling and spiritual direction, and recognising one's limitations in those areas;
- ◆ maintaining an awareness of the professionals to whom one can refer people with specific needs;
- ◆ assessing the needs of a person who seeks assistance with any complex personal or relationship problem, and then referring the person on to an appropriately qualified professional;
- ◆ not using psychological tools or tests unless accredited and supervised in their use;
- ◆ not acting as a spiritual director or counsellor unless professionally qualified and supervised.

**4.4 The vocation to serve as ministers of healing means that clergy and religious will be sensitive to the risks accompanying relationships in which professional and personal lines are blurred. In such relationships the well-being of the other, the avoidance of any risk of exploitation, and the maintenance of professional judgment will determine the ministers' decisions.**

Among the behavioural standards that follow from this principle are:

- ◆ being careful to avoid potential conflicts of interest when called upon to advise family members, employees and close friends; refraining from entering into formal counselling relationships with family members, employees and close friends;
- ◆ avoiding as far as possible close business relationships with persons to whom one is providing intensive and/or one-to-one pastoral ministry;
- ◆ exercising prudent judgment before ministering in a situation where a conflict of interest may arise, e.g. when offering counselling, advice or spiritual direction to more than one person from the same family;
- ◆ exercising prudent judgment in the giving and receiving of gifts;
- ◆ keeping relevant, appropriate, dated notes and records when providing counselling, advice or emotional support.



**4.5 Pastoral care requires that a pastoral relationship be terminated when it becomes reasonably clear that the person seeking support is not benefiting. In such a case the person will be offered help to find another source of assistance.**

Among the behavioural standards that follow from this principle are:

- ◆ reviewing pastoral relationships with a colleague or supervisor to assess their effectiveness when that is in doubt;
- ◆ developing and maintaining a referral network;
- ◆ being clear about the limits of pastoral relationships when they commence.

To safeguard integrity, and to preserve clarity of sexual and professional boundaries with regard to this principle, it is essential that clergy and religious:

- ◆ seek professional advice and review of pastoral relationships where one is aware of:
  - feeling continually frustrated or angry in the relationship
  - being sexually attracted to the person one is supporting
  - projecting one's own feelings and issues onto the other person or persons in the pastoral relationship;
- ◆ seek professional advice and review of pastoral relationships where the person one is supporting:
  - acts in a sexual manner
  - is continually angry or frustrated in the context of the support relationship
  - shows no movement towards resolution of the issues at hand. In some cases the appropriate response will be to terminate the relationship, making an appropriate referral to another suitably qualified professional.

**4.6 Keeping appropriate records is an aspect of pastoral care.**

Among the behavioural standards that follow from this principle are:

- ◆ keeping an accurate diary of appointments, written and/or electronic, ensuring that those kept electronically are backed up;
- ◆ retaining one's written/electronic diaries;
- ◆ keeping a record of significant phone calls and other communications;
- ◆ making and retaining confidential notes of any events in the course of a pastoral relationship that provoke concern in the minister, with such notes to include a record of the date, time and matter of concern;
- ◆ collating, maintaining and disposing of personal and sensitive information in accordance with the National Privacy Principles. Some confidential records may need to be retained if these provide evidence of maintaining appropriate boundaries and relationships;
- ◆ storing all records securely.

## 5. Ministers of Communion: Commitment to Justice

*There is a thread of revelation that runs through the Old Testament reminding the people of God that their ritual and activities are incomplete if they do not live and act justly as a community. The prophet Amos expresses this clearly: 'I hate, I scorn your festivals, I take no pleasure in your solemn assemblies ... but let justice flow like water, and uprightness like a never failing stream.'<sup>30</sup> Jesus took up the same message many times in his stories and actions. The reign of God is revealed when the hungry are fed, the naked are clothed,<sup>31</sup> the poor and the outcast are gathered back into the communion of God's love and receive their just share in the gifts of creation.*

*For the Church which is committed to be a sign and an agent of God's reign, justice is central to its way of life and mission.*

### 5.1 Clergy and religious serve as witnesses and agents of God's justice by living and ministering justly in all things.

Among the behavioural standards that follow from this principle are:

- ◆ living a life committed to 'do justice, to love tenderly, and to walk humbly with God';<sup>32</sup>
- ◆ supporting one's community to live justly in its own relationships and structures and in its relationships with the wider community;
- ◆ encouraging one's community to support local, national and universal actions for justice;
- ◆ collaborating with other Christian churches, faith groups and other organizations;
- ◆ knowing and promoting the social justice teachings of the local, national and universal Church;
- ◆ encouraging just action among those to whom one ministers.

### 5.2 Religious and clergy who have responsibility to supervise the work of others witness justice by ensuring just working conditions.

Among the behavioural standards that follow from this principle are:

- ◆ ensuring that all employment procedures are based on principles of justice and equity, appropriate to each particular situation;
- ◆ negotiating clear documented agreed descriptions of each person's roles, responsibilities and duties, including one's own;
- ◆ providing safe and healthy working conditions;

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<sup>30</sup> Amos 5:21-24.

<sup>31</sup> cf., Matt 25:31-46.

<sup>32</sup> Micah 6:8.

- ◆ providing adequately resourced access to training, professional development and professional supervision;
- ◆ making accessible to employees and volunteers copies of *Integrity in Ministry* and *Towards Healing*;
- ◆ providing just rates of remuneration for skill, responsibility and performance;
- ◆ implementing appropriate grievance procedures against improper or unreasonable administrative acts;
- ◆ ensuring that all State and Commonwealth legislation regarding terms and conditions of employment are observed.

### **5.3 Clergy and religious act with integrity and fairness when they receive complaints of sexual, physical or psychological abuse.**<sup>33</sup>

Among the behavioural standards that follow from this principle are:

- ◆ responding to information promptly and seriously, and with pastoral sensitivity;
- ◆ promptly informing the relevant church authority;
- ◆ alerting the complainant to the existence of the *Towards Healing* process and providing relevant contact and referral details;
- ◆ working with the complainant to identify what needs to be done immediately to ensure that he or she feels safe from further abuse;
- ◆ explicitly assuring those who allege abuse that immediate assistance can be made available to provide independent support;
- ◆ in collaboration with the church authority, supporting the healing of others who, as well as the victims, have been seriously affected by incidents of abuse – family, friends and community of both the alleged victim and offender.

### **Legal Compliance**

It is essential that clergy and religious abide by the requirements of mandatory reporting and other relevant civil legislation.<sup>34</sup> They also take care to ensure that the proper processes of law are not interfered with, nor hindered. Notwithstanding the civil law requirements, clergy and religious are required to alert Church authorities in accordance with section 5.3.

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<sup>33</sup> cf., *Relevant Legislation on Mandatory Reporting*. cf., *Towards Healing*, clause 37.5

<sup>34</sup> cf., *Relevant Legislation on Mandatory Reporting*



## 6. Ministers of Communion: Integrity in Administration

*While the experience of Pentecost was still fresh among them, the first Christians developed a way of life and prayer together that expressed their communion in Christ: 'The whole group of believers was united, heart and soul; no one claimed private ownership of any possessions, as everything they owned was held in common.'<sup>35</sup> It was a first attempt to exercise stewardship of the community's goods in a way that nurtured ecclesial communion. They followed their Jewish heritage in believing that the gifts of creation and the fruits of human effort were to be used in the service of God's plan and for the good of all people.*

*Religious and clergy who have responsibility for property and finance recognise that they are stewards, not owners of those goods. In the spirit of the first disciples they administer their responsibilities with justice and integrity.*

### 6.1 Clergy and religious who share responsibility for the administration of property and finance exercise their responsibilities in the service of communion and in the light of Church tradition.<sup>36</sup>

Among the behavioural standards that follow from this principle are:

- ◆ exercising their administration in the light of the Gospel, and the spirit and charism of their religious community;
- ◆ exercising their administration in conformity with the Church's teaching regarding its mission and call to justice;
- ◆ observing the rules of office relating to administration of property and finances, as set out in Canon Law and/or in their constitutions and statutes.

### 6.2 As an aspect of integrity, religious and clergy plan and review their stewardship of property and finance.

Among the behavioural standards that follow from this principle are:

- ◆ exercising responsible stewardship and accountability;
- ◆ drawing up a budget of income and expenditure each year;<sup>37</sup>
- ◆ keeping accurate records of income and expenditure;<sup>38</sup>
- ◆ having all accounts audited or monitored each year;
- ◆ providing financial statements and reports on property administration and maintenance at least annually to stakeholders;<sup>39</sup>

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<sup>35</sup> Acts 4:32.

<sup>36</sup> cf., *Catechism of the Catholic Church*, art. 2451.

<sup>37</sup> cf., *Code of Canon Law*, Canon 1284§3.

<sup>38</sup> Ibid. Canon 1284§7.

<sup>39</sup> cf., Ibid, Canon 1284§2:8<sup>0</sup>.

- ◆ complying with all reporting and accountability laws as required by church, state and national legislation.

**6.3 As an aspect of integrity and justice, clergy and religious avoid using their positions to seek or obtain any financial or other personal advantage.**

Among the behavioural standards that follow from this principle are:

- ◆ recording, by the issuing of receipts, the acceptance of all financial gifts or benefits for and on behalf of the ministry in which one is engaged;
- ◆ refusing gifts, rewards or benefits which might compromise the integrity of one's ministry;
- ◆ not soliciting gifts, rewards or benefits for oneself;
- ◆ exercising prudent judgment in the giving of gifts or benefits;
- ◆ not borrowing or misappropriating money from accounts.

## 7. Ministers of Communion: Responsibility for Personal Well-Being

*The Gospel commands us: 'You shall love your neighbour as yourself.'<sup>40</sup> The Church is a communion of persons who, in love, care deeply for themselves and for one another. Each recognises in themselves and in each other the 'image of God' and a 'temple of the Spirit.'<sup>41</sup> Because of this we are moved to care for ourselves and one another, recognising that our physical, emotional and spiritual health are gifts from God.<sup>42</sup>*

### 7.1 For the sake of their own well being, and for the service of the Gospel and the people of God, religious and clergy strive to maintain their spiritual health.

Among the behavioural standards that follow from this principle are:

- ◆ regularly nourishing oneself through scripture, eucharist, and the sacrament of reconciliation;<sup>43</sup>
- ◆ following a regular discipline of reflective reading, prayer, spiritual direction and other spiritual practices;
- ◆ making an annual retreat;<sup>44</sup>
- ◆ participation in ongoing formation;
- ◆ nurturing one's understanding of and commitment to celibacy.

### 7.2 Clergy and religious exercise a stewardship over their own physical and emotional health.

Among the behavioural standards that follow from this principle are:

- ◆ periodically discussing one's physical and emotional health with a colleague or appropriate support person;
- ◆ seeing that one's overall health is regularly checked by appropriately qualified persons;
- ◆ seeking timely professional help and the support of a trusted colleague or friend when in difficulty in one's pastoral or personal life.

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<sup>40</sup> Luke 10:27ff.

<sup>41</sup> cf., 1 Cor 6:19-20; 15:44-45.

<sup>42</sup> *Gaudium et Spes*, art. 14:1; *Catechism of the Catholic Church*, art. 2288.

<sup>43</sup> *Code of Canon Law*, Canon 276§2;663§2.

<sup>44</sup> *Ibid.* Canon 276§2:4<sup>o</sup>; 663§5.



**7.3 Out of reverence for the gift of life and well being, religious and clergy seek to live healthy lives.**

Among the behavioural standards that follow from this principle are:

- ◆ taking regular balanced meals, regular exercise and adequate sleep;
- ◆ taking scheduled days off, and annual holidays;
- ◆ moderate and appropriate use of alcohol and prescribed medicines;
- ◆ nurturing friendships apart from one's pastoral relationships;
- ◆ supporting colleagues who appear to be in difficulty in their pastoral or personal life.

**7.4 Bishops and religious leaders share a responsibility for promoting and encouraging the health and well being,<sup>45</sup> just working conditions and professional development of the clergy and religious in their Dioceses and Congregations.**

Among the behavioural standards that follow from this principle are:

- ◆ creating structures, resources, environments and opportunities in their communities or dioceses to support the spiritual, physical and emotional health of those in their care;
- ◆ providing specific opportunities for those who express a desire or need to address issues concerning their health;
- ◆ monitoring issues of stress, isolation, and other risks to health among the members of their community and/or clergy;
- ◆ addressing health as a topic in the exercise of their pastoral care and accountability towards individual clergy or community members;
- ◆ providing opportunities for ongoing formation and education in the challenges of living out their celibate commitment;
- ◆ ensuring just working conditions by applying, where appropriate, the behavioural standards as set out in paragraph 5.2;
- ◆ providing structures and environments and providing resources and opportunities to support the professional development and professional supervision for clergy and religious in accordance with paragraphs 3.2, 4.1 and 4.2.

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<sup>45</sup> cf., *Christus Dominus*, art.16.

## 8. When Communion is Broken

*When from time to time communion is broken by the harmful misconduct of one to whom the Church has entrusted leadership and responsibility, then the Church will seek to restore communion as quickly and fully as possible. That responsibility lies with the whole community, and in a particular way with the bishops and religious leaders of the Church. Their first concern is for the healing and care of those who have been hurt by the Church's ministers. Their next concerns are for justice and the healing of the community of the Church, its relations with the wider human community, and for the healing and well-being of those who have caused damage by their behaviour.*

*This will always mean full cooperation with civil authorities and processes in the cases where that is required, and will sometime mean that a cleric or religious is relieved of pastoral duties and responsibilities, depending on the nature of the harm that has been done.*

### 8.1 Where there is a complaint of a serious violation of the principles and standards set out in this document, it is essential that:

- ◆ the responsible Church authority ensure that it is listened to fully and compassionately;
- ◆ the responsible Church authority act promptly, on advice from the Consultative Panel,<sup>46</sup> to determine how the complaint should be investigated.

Options for dealing with the matter include:

- reporting to the police
- referral to be dealt with under *Towards Healing*
- appropriate industrial procedures, where applicable
- investigation in accordance with canon law (e.g. canon 1717)
- referral to conflict resolution processes.

### 8.2 Where there is a complaint against a bishop or religious leader, the complaint should be referred to the person designated as the appropriate Church authority for the case in accordance with *Towards Healing* Clause 35.3.2<sup>47</sup> and the footnote of Clause 35.3.2<sup>48</sup>.

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<sup>46</sup> *Towards Healing* Clause 35.8

<sup>47</sup> *Towards Healing* Clause 35.3.2

<sup>48</sup> *Towards Healing* Footnote of Clause 35.3.2

**8.3 In cases of proven violation of the principles of this document, Church authorities should have as their first concern the care and healing of those who have been harmed by ministers of their community.**

To express the primacy of this concern, it is essential that Church authorities:

- ◆ have a concern both for those who have been directly harmed and also for others who have been affected, eg the parents and family of those harmed and the community where the violation has occurred;
- ◆ be concerned both to heal any harm that has been done and to prevent future harm;
- ◆ offer support and assistance, as appropriate, to those who have been harmed.

**8.4 In determining the appropriate response to be made to the parties concerned on completion of the investigation, the Church authority shall have regard to advice from the Consultative Panel.<sup>49</sup>**

**8.5 In cases of proven violation of the principles of this document, Church authorities also have a concern for the care and healing of the cleric or religious concerned.**

To express this concern, it is essential that Church authorities observe towards the person involved the same standards of care as are set out in 2.2 in relation to all clerics and religious.

**8.6 Since this document applies to all clergy and religious, bishops and religious leaders ensure that they themselves are subject to its provisions. They submit themselves to all the principles, standards and procedures of *Integrity in Ministry*.**

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<sup>49</sup>*Towards Healing* Clause 35.8



# APPENDIX 1

## Integrity in Ministry and the Code of Canon Law

The provisions of *Integrity in Ministry* go beyond the provisions of the Code of Canon Law and yet they are based on the Code.

Canons No. 208-223 set out the basic obligations and rights of all Christ's faithful. The first of these reads: 'Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful' (Canon 208). *Integrity in Ministry* indicates a number of the elements of this 'equality of dignity and action.'

In a similar way *Integrity in Ministry* points to elements that might be considered in interpreting and applying several of the following canons, e.g. 212 (the right to make known spiritual needs to pastors and to express views), 213 (the right to the word of God and the sacraments), 214 (the right to one's own form of spiritual life), 220 (the right to a good reputation). In this manner it can help to make these canons more alive within the Church.

The same may be said of those canons that speak of the obligations and rights of clerics (273-289), bishops (381-402), and religious (662-672). In relation to clerics *Integrity in Ministry* indicates useful elements in relation to canons 275 (promoting the mission of the laity), 276 (seeking holiness), 277 (observing celibacy and chastity), 282 (following a simple way of life), 284 (wearing suitable dress), 385 (avoiding whatever is foreign to their state). In relation to bishops there are provisions concerning care for everyone in the diocese (383), special care for priests (384), being an example of holiness in charity, humility and simplicity of life (386). In relation to religious, one may usefully point to canons 663 (contemplation and prayer), 664 (community life), 668 (poverty and the use of temporal goods).

In a quite different field, canon 1741 sets out the reasons for which a parish priest can lawfully be removed from his parish. They include 'a manner of acting which causes grave harm or disturbance to ecclesiastical communion' and 'the loss of the parish priest's good name among upright and serious minded parishioners.' It could never be a matter of simply checking a priest's conduct against this or that particular provision of *Integrity in Ministry*, but taken as a whole the document will assist in giving objectivity to the study of 'a manner of acting which causes grave harm.' It will help in determining whether parishioners are being 'upright and serious minded' in deciding whether a priest has lost his good name (Canons 694-704 deal with the procedures for dismissal of members of Religious Institutes.).

In short, *Integrity in Ministry* is not in itself canon law and it does not take the place of canon law. At the same time, it will be of assistance in implementing, interpreting and applying canon law. It will do this in cases of perceived misconduct, but its more important role will be to help clerics and religious fulfill their roles in the Church and to know that they are fulfilling their roles.

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## Website Address:

*Australian Catholic Bishops Conference: [www.acbc.catholic.org.au](http://www.acbc.catholic.org.au)*

*Australian Conference of Leaders of Religious Institutes: [www.acri.catholic.org.au](http://www.acri.catholic.org.au)*

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# **Annexure 11**

Integrity in the Service of the Church – A Resource Document  
of Principles and Standards for Lay Workers in the Catholic Church  
in Australia, September 2011

# *Integrity in the Service of the Church*

**A Resource Document of Principles and Standards for  
Lay Workers in the Catholic Church in Australia**



## ***Integrity in the Service of the Church***

### **A Resource Document of Principles and Standards for Lay Workers in the Catholic Church in Australia**

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## Introduction

*Integrity in the Service of the Church* (A Resource Document) represents the third stage in the compilation of a document of principles and behavioural standards which will serve as a resource for Lay Church Workers, both employees and volunteers.

The principles and standards in this document, with due distinction, parallel those for religious and clergy found in *Integrity in Ministry*, and reflect the fundamental belief that all people are made in the image of God and are worthy of respect. *Integrity in the Service of the Church* aims to help Church Workers reflect on and uphold Christian vision and values in all relationships and actions.

The service of Church Workers has its origins in the Gospel and in particular in Jesus' statement that he had come that all might have life, 'life in all its fullness.' (John 10:10). The principles and standards put forward in this document are extensions of five basic principles for Church Workers in which they:

- 1. are committed to justice and equity**
- 2. uphold the dignity of all people and their right to respect**
- 3. are committed to safe and supportive relationships**
- 4. reach out to those who are poor, alienated or marginalised**
- 5. strive for excellence in all their work.**

**Service, given according to these principles, is life-enriching for both providers and recipients.**

The National Committee for Professional Standards is grateful to all who assisted in the preparation of this Document and its 2007 and 2009 consultation and trial precursors. Their work takes us a significant step forward in the generation of appropriate behavioural standards across the Australian Church.

It is to be noted that the document is not, itself, a code of behaviour but aims to provide resources which groups of Church Workers might use in devising their own specific guidelines, documents and processes.

Your organisation may already have behavioural guidelines and processes. When you review your guidelines and processes, it may be useful to refer to this Resource Document. The National Committee welcomes any suggestions for further improvement of its Resource Document which arise in such a review.

Archbishop Philip Wilson DD JCL

Co-Chair

National Committee for Professional Standards

Sr. Annette Cunliffe RSC

Co-Chair

National Committee for Professional Standards

## Preamble

### What is this Document about?

This Document outlines principles of conduct for any lay person who performs paid or unpaid work in the service of the Church (*Church Worker*). Church Workers, along with clergy and religious, contribute to the mission of the Church. This document deals with the behavioural standards expected of them in their work.

The principles and standards in this document, with due distinction, parallel those for religious and clergy found in *Integrity in Ministry*.

### Who is the Document for?

- organisations or bodies within the Church to which Church Workers belong.
- those who employ, engage, assign, supervise, train or are responsible for Church Workers.

### What use is to be made of the Document?

**This document is not a code of conduct.** It is meant as a guide to assist organisations to develop new, or review existing, behavioural processes and/or guidelines to meet their own particular circumstances or needs. It is also non exhaustive in its content. Different groups may draw from principles and standards given here and adapt them and extend them according to their own situations.

Organisational guidelines, policies and procedures are developed by organisations to assist in the effective management of their business. Such guidelines, policies and procedures are not intended to be legally binding on the organisation. They are not incorporated in contracts of employment. The organisation may modify, replace or withdraw any of its guidelines, policies and procedures at any time and it reserves the right to depart from them in individual cases. Copies of these documents are to be available and readily accessible to all employees.

Behavioural guidelines arising from the use of this Resource Document are intended to apply to all Church Workers including Clergy and Religious engaged in any place where paid or unpaid work is performed (*workplace*).

### Working with this Document

The National Committee will supply, at the time of issue of this document and from time to time thereafter, a number of ancillary documents to assist in using this document to devise guidelines, processes and documents suited to particular workers and workplaces.

## When Church Workers Breach Guidelines

Unfortunately, organisational guidelines are not always observed. When guidelines are breached, effective response by individuals and by the appropriate authority in the Church is necessary. Concern for justice and healing requires full co-operation with applicable civil authorities and processes.

### Therefore:

- All Church bodies need to have appropriate Policies in place for protection of vulnerable persons, and Church Workers need to be aware of and understand and comply with them.
- All Church bodies and agencies must comply with all relevant State and Commonwealth legislation.
- Guidelines need to specify the *Responsible Authority* to whom Church Workers are to report any breaches of guidelines.
- All *Responsible Authorities* in the Church and all Church Workers need:
  - to be aware of their obligations in reporting suspected abuse of children or other vulnerable persons under both civil law and Church protocols.
  - to see that reports of breaches of guidelines are dealt with appropriately and in compliance with relevant legislation.
  - to follow the principles of natural justice and procedural fairness in dealing with breaches of the guidelines.
- A primary concern of *Responsible Authorities* within the Church is to remedy any harm that has been done and to prevent harm to others.



# The Principles and Behaviours associated with the Service of Church Workers

## 1. Church Workers are committed to Justice and Equity

*For the Church justice is central to its mission and way of life. There is a thread of revelation that runs through the First Testament reminding the people of God that their ritual and activities are incomplete if they do not live and act justly as a community. The prophet Amos expresses this clearly: "I hate, I scorn your festivals, I take no pleasure in your solemn assemblies...but let justice flow like water, and uprightness like a never failing stream." (Amos 5:21,24) Micah continues the theme: "You have been told what is good and what the Lord requires of you: To act justly, to love tenderly and to walk humbly with your God."(Micah 6:8) Jesus took up the same message many times in his stories and actions. The reign of God is revealed when the hungry are fed, the naked clothed, the poor and outcast gathered back into the communion of God's love and given their just share in the gifts of creation.*

Principle	People observing this principle will:
<p><b>1.1 Church Workers exhibit justice and fairness in relationships and service.</b></p>	<p>1.1.1 Familiarise themselves with the social justice teachings of the Church as they apply to paid workers and volunteers;</p> <p>1.1.2 Encourage just action among all those in whose interests they work.</p> <p>1.1.3 Extend courtesy and respect to all in the workplace.</p> <p>1.1.4 Refrain from attributing motives and blame to those seeking help.</p> <p>1.1.5 Behave in ways that are not discriminatory and use language that is appropriate and not sarcastic or belittling of others.</p>
<p><b>1.2 Church Workers promote proper working conditions characterised by justice and fairness.</b></p>	<p>1.2.1 Promote just structures for paid workers and volunteers.</p> <p>1.2.2 Have the necessary knowledge and skills for the optimum exercise of their roles and responsibilities.</p> <p>1.2.3 Provide clear, detailed and manageable role descriptions for staff they lead and ensure that alterations are made by negotiating with the people concerned.</p> <p>1.2.4 Comply with statutory requirements in matters such as work-place safety, privacy, anti-discrimination.</p> <p>1.2.5 Observe all relevant State and Commonwealth legislation regarding terms and conditions of employment.</p> <p>1.2.6 Pay workers justly and fairly on the basis of skill, responsibility and performance.</p> <p>1.2.7 Provide paid workers and volunteers with access to adequately resourced training, professional development and, where appropriate, professional supervision.</p>

Principle	People observing this principle will:
<p><b>1.3 Church Workers recognise injustice, unfairness and abuse when it occurs in the workplace and respond appropriately</b></p>	<p>1.3.1 Be alert to workplace inadequacies/injustices and responding promptly, sensitively and decisively.</p> <p>1.3.2 Implement appropriate grievance procedures against improper and unreasonable administrative acts and any other expressions of injustice in the workplace.</p> <p>1.3.3 Alert proper authorities to signs and acts of injustice, unfairness and abuse.</p> <p>1.3.4 Inform complainants of appropriate resources and procedures for redress.</p> <p>1.3.5 Remain impartial when allegations of injustice, unfairness and abuse arise.</p> <p>1.3.6 Provide support impartially for both accused and complainant when grievances arise.</p> <p>1.3.7 Familiarise staff and volunteers with the Church's protocols and procedures for addressing complaints for the specific workplace and as contained in <i>Towards Healing</i> and <i>Integrity in Ministry</i>.</p>
<p><b>1.4 Church Workers act responsibly and are accountable in the use of resources</b></p>	<p>1.4.1 Exercise responsibility and accountability for the financial and material resources they manage and use.</p> <p>1.4.2 Exercise prudent judgment and proper accountability in relation to financial and property matters.</p> <p>1.4.3 Keep accurate records of income and expenditure.</p> <p>1.4.4 Maintain an assets register.</p> <p>1.4.5 Have all accounts audited or monitored annually.</p> <p>1.4.6 Present to stakeholders, at least annually, budgets, financial statements and reports on property administration and maintenance.</p> <p>1.4.7 Not solicit gifts or favours from clients, even by implication.</p> <p>1.4.8 Not misappropriate funds allocated for their work.</p> <p>1.4.9 Issue receipts for all financial gifts and benefits for and on behalf of the works and projects in which they are engaged.</p> <p>1.4.10 Use responsibly and ethically all work equipment and resources.</p>

## 2. Church Workers uphold the dignity of all people and their right to respect.

*“By daily acts that often surprised his contemporaries, Jesus made God’s love for every human person very clear. He made a special effort to make it clear in the case of those who might have doubted it the most: the poor, the vulnerable, the sick, the young and those publicly regarded as sinners. He showed to them in particular that they were invited into the communion of God’s love. For this reason the Church also, in all of its actions, makes clear the dignity and value of every human person, especially those most vulnerable.” (Integrity in Ministry)*

Principle	People observing this principle will:
<p><b>2.1 Church Workers treat all people with respect, sensitivity and courtesy</b></p>	<p>2.1.1 Listen attentively to and respond courteously towards all.</p> <p>2.1.2 Respect gender difference and honour the dignity of women, men and children.</p> <p>2.1.3 Resolve disputes amicably, fairly, justly through dialogue and mediation.</p>
<p><b>2.2 Church Workers embrace diversity and difference in those they serve or with whom they work.</b></p>	<p>2.2.1 Respectfully welcome diversity and difference.</p> <p>2.2.2 Respond sensitively to the issues that arise when different cultures meet.</p> <p>2.2.3 Be sensitive and helpful to those who have difficulty with language or communication.</p> <p>2.2.4 Seek to understand and respect the beliefs, fears and desires of all irrespective of disability, culture, race, religious affiliation, gender or sexual orientation.</p>
<p><b>2.3 Church Workers promote personal growth and development in those with whom they come in contact.</b></p>	<p>2.3.1 Respect and promote the mission and vision of the Church through performance and behaviour consistent with the Gospel values articulated in this document.</p> <p>2.3.2 Seek to bring out the best in people.</p> <p>2.3.3 Develop decision making skills</p> <p>2.3.4 Be eager to learn relevant new skills and encourage such learning in others.</p> <p>2.3.5 Set realistic goals and encourage others to do likewise.</p> <p>2.3.6 Show cultural and social awareness.</p> <p>2.3.7 Exhibit perseverance, dedication and commitment.</p> <p>2.3.8 Witness to respect, compassion and sensitivity.</p>

### 3. Church Workers are committed to safe and supportive relationships

*“The ministry of serving society, human dignity and human rights is intrinsic to the church’s mission and life...*

*In the context of the relationship with society, the Church’s role is based on its religious ministry, but that ministry must be conducted in such a way that it contributes to four socially significant objectives:*

- *The protection of human dignity*
- *The promotion of human rights*
- *The unity of the human family*
- *The provision of a sense of meaning to every area of activity.”*

*From: Towards a More Just World: The social mission of the Church and new Catholic approaches - July 2008 – pp6, 10 - Duncan MacLaren*

Principle	People observing this principle will:
<p><b>3.1 Church Workers know, understand and respect the physical and emotional boundaries of adults, children and young people</b></p>	<p>3.1.1 Understand that:</p> <p>an unsafe relationship is one that poses risk to the emotional, physical or sexual health of any of the individuals involved;</p> <p>an unsupportive relationship is one that does not recognise the needs of those it is supposed to assist; and</p> <p>unsafe and unsupportive relationships have an extremely harmful impact on human dignity and self-esteem.</p> <p>3.1.2 Be conscious of and respect the physical and emotional space and privacy required by others.</p> <p>3.1.3 Provide pastoral support always in accordance with proper accountability guidelines.</p> <p>3.1.4 Provide pastoral support in places that offer sufficient safe, open and visible environments.</p> <p>3.1.5 Recognise that physical contact can be necessary and helpful in giving care, comfort or affirmation, and follow the appropriate standards for such contact.</p> <p>3.1.6 Interact with others in a consistent professional manner.</p> <p>3.1.7 Work within a well-defined role description that complies with the relevant legal obligations associated with the tasks.</p>
<p><b>3.2 Church Workers are aware of the dangers involved when the boundaries between personal and service relationships are blurred</b></p>	<p>3.2.1 Consciously draw distinctions between the role as church worker and other social interactions.</p> <p>3.2.2 Monitor any unavoidable dual relationships and evaluate their impact on those being served with the assistance of a third party if appropriate or needed.</p>
<p><b>3.3 Church Workers understand the importance of meeting their own personal emotional needs outside work relationships</b></p>	<p>3.3.1 Reflect on the reasons for undertaking Church work to determine that they are grounded in a desire to be of service to others rather than in a need for emotional attachment or fulfilment.</p> <p>3.3.2 Maintain a reasonable balance between time spent at work and other aspects of life, such as family, friends and community.</p>



Principle	People observing this principle will:
<p><b>3.4 Church Workers take appropriate action when a relationship is not benefitting those being served.</b></p>	<p>3.4.1 Recognise when service relationships are becoming unsafe and/or ineffective and be prepared to terminate those relationships with appropriate referral.</p>
<p><b>3.5 Church Workers understand the problems which can occur because of the imbalance of power in a service relationship.</b></p>	<p>3.5.1 Understand that by virtue of their position of trust Church workers are placed in a position of power in the relationship.</p> <p>3.5.2 Exercise this power in a caring, compassionate and non-patronising way that enriches a safe and supportive relationship.</p> <p>3.5.3 Not engage in any form of physical, psychological or emotional coercion within relationships.</p>

#### 4. Church Workers reach out to those who are poor, alienated or marginalised.

*“In its various forms – material deprivation, unjust oppression, physical and psychological illness and death – human misery ... elicited the compassion of Christ the Saviour, who willingly took it upon himself and identified himself with the least of his brethren. Hence, those who are oppressed by poverty are the object of a preferential love on the part of the Church which, since her origin and in spite of the failings of many of her members, has not ceased to work for their relief, defence, and liberation...” (CDF instruction Libertatis conscientia, ' 68)*

Principle	People observing this principle will:
<p><b>4.1 Church Workers, in word and action, cooperate in bringing about a just world and a truly human community</b></p>	<p>4.1.1 Accept responsibility for sustainable and equitable stewardship of the earth's resources.</p> <p>4.1.2 Be involved in advocacy for the poor and disenfranchised.</p> <p>4.1.3 Build partnerships with government and non-government agencies to influence policy and legislation that protects the vulnerable in our society as well as the global community.</p> <p>4.1.4 Seek to build strong partnerships with the whole community in the service of others.</p>
<p><b>4.2 Church Workers involved with people who are vulnerable or abused express particular concern, care and protection for them</b></p>	<p>4.2.1 Listen in a non-judgemental way to the story of one who speaks of abuse or neglect.</p> <p>4.2.2 Familiarise themselves with:</p> <ul style="list-style-type: none"> <li>-the causes and signs of child and adult abuse and neglect;</li> <li>-the steps to be taken for the protection of the vulnerable;</li> <li>-the procedures to follow if abuse or neglect is suspected or observed.</li> </ul> <p>4.2.3 Avoid any form of over-familiarity or inappropriate language.</p> <p>4.2.4 Provide, whenever reasonably possible, for another adult to be present or close by when providing any form of pastoral care to a child or young person or to a disturbed/vulnerable adult.</p> <p>4.2.5 Avoid, whenever reasonably possible, being alone with a child or young person, or group of such people, in sleeping, dressing or bathing areas, and exercise prudent judgement and behaviour when another adult cannot be present.</p> <p>4.2.6 Follow relevant laws and protocols concerning supply or use of alcohol, drugs, and the supply or administration of medication.</p>

Principle	People observing this principle will:
<p><b>4.3 Church Workers treat those who are alienated or marginalised with understanding and compassion.</b></p>	<p>4.3.1 Encourage and support programmes of outreach that seek to meet needs of those who are alienated.</p> <p>4.3.2 Seek to understand the factors that have led to alienation through listening non-defensively to people, especially when they express their pain or anger.</p> <p>4.3.3 Behave in conformity with the Gospel values of justice and charity, so as not to contribute further to alienation.</p>
<p><b>4.4 Church Workers act with justice and consideration towards those who are poor or disadvantaged.</b></p>	<p>4.4.1 Recognise the personal and social factors that contribute to poverty and disadvantage in today's society.</p> <p>4.4.2 Listen sensitively to people's needs and put them in touch with government and church resources that address these needs.</p> <p>4.4.3 Recognise the need to work with and care for those who bear the scars of poverty and struggle and not just those who are less confronting.</p>
<p><b>4.5 Church Workers who are policy and decision makers work to create conditions where those who are poor, alienated or marginalised are treated with understanding and compassion.</b></p>	<p>4.5.1 Establish and support programmes that reach out to those who are poor, alienated or marginalised.</p> <p>4.5.2 Assist all Church Workers for whom they are responsible to act always with sensitivity and compassion.</p> <p>4.5.3 Provide a climate of warmth, welcome and connection when those who feel alienated or marginalised from the Church take tentative steps to return.</p>

## 5. Church Workers strive for excellence in the performance of their work

**Now as you excel in everything - in faith, in speech, in knowledge, in utmost eagerness, and in our love for you- so we want you to excel also in this enormous undertaking.** [2Cor 8:7 (NRSV)]. *Church Work calls for the application of skills appropriate to different types of service in the Church. Competence in the skills needed for each particular area of Church work is necessary for all Church Workers. The demand of justice means that they develop and maintain the skills their particular work requires. It also means that they recognise the limitations of their skills, and the implications that has for those being served.*

Principle	People observing this principle will:
<p><b>5.1 Church Workers commit themselves to providing professional and competent service</b></p>	<p>5.1.1 Carry out all requirements of their role with due diligence and commitment;</p> <p>5.1.2 Strive for optimum performance in all areas of their work.</p> <p>5.1.3 Respect and promote the particular mission/vision of the organisation.</p> <p>5.1.4 Be conscious of their leadership role and responsibility as role models.</p> <p>5.1.5 Work within their defined role and avoid the overstepping of boundaries.</p> <p>5.1.6 Observe appropriate confidentiality and privacy.</p> <p>5.1.7 Be open to processes of personal and organisational review and development.</p> <p>5.1.8 Maintain an appropriate balance between pastoral concern and professional responsibilities.</p> <p>5.1.9 Provide mutual encouragement and support and affirm the initiatives of co-workers.</p>
<p><b>5.2 Church Workers commit themselves to ongoing professional development</b></p>	<p>5.2.1 Maintain the currency of their competence.</p> <p>5.2.2 Engage in ongoing spiritual formation, especially when holding a leadership or teaching role.</p> <p>5.2.3 Provide appropriate modelling, advice and guidance to assist others in their professional development.</p>
<p><b>5.3 Church Workers commit themselves to effective professional working relationships with colleagues, clients and all to whom they minister</b></p>	<p>5.3.1 Maintain appropriate boundaries in their working relationships.</p> <p>5.3.2 Establish professional relationships that prioritise needs of others.</p> <p>5.3.3 Be alert to the inherent risks of conflict of interest, personal gain, manipulation and emotional dependence.</p> <p>5.3.4 Be fair and equitable in dealing with others, and use consistent and appropriate methods of settling grievances.</p> <p>5.3.5 Maintain clear communication with colleagues, clients and with their designated supervisor/mentor.</p> <p>5.3.6 Use consultation methods that provide appropriate transparency, collaboration and involvement in decision-making.</p>



Principle	People observing this principle will:
<p><b>5.4 Church Workers do not operate beyond the limits of their competence and qualifications</b></p>	<p>5.4.1 Show willingness to seek guidance and advice from others.</p> <p>5.4.2 Not engage in tasks or activities for which they have inadequate expertise or qualifications, especially Pastoral Care, Counselling or Spiritual Direction.</p> <p>5.4.3 Recognise the appropriate time to make referrals to those with proper qualifications/expertise.</p>
<p><b>5.5 Church Workers exercise responsible stewardship.</b></p>	<p>5.5.1 Maintain accurate and reliable records and documents as appropriate.</p> <p>5.5.2 Comply with relevant legislation and directives.</p> <p>5.5.3 Follow all policies, procedures and other requirements particular to their organisation and position.</p> <p>5.5.4 Seek advice and guidance from appropriately qualified supervisors when in doubt.</p> <p>5.5.5 Be mindful of privacy principles and manage information accordingly.</p> <p>5.5.6 Avoid misuse of position for personal or financial advantage.</p>

**NOTES**

# **Annexure 12**

May Our Children Flourish – Code of Conduct for Caring for Children  
in the Catholic Archdiocese of Melbourne, 2011

# May our children flourish

CODE OF CONDUCT FOR CARING FOR CHILDREN



CATHOLIC ARCHDIOCESE OF MELBOURNE



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## Definitions

The following definitions apply to this Code of Conduct:

<p><b>Child:</b> a person who is under the age of 18 years. Throughout this Code of Conduct, any reference to either ‘child’ or ‘children’ is a reference to a person or persons under the age of 18.</p>
<p><b>Parent/guardian:</b> has its ordinary meaning – that is, a person who has the authority and responsibility for the day-to-day care of a child.</p>
<p><b>Parish or diocesan activities involving children:</b> includes any activity involving children that is conducted or organised by, or under the auspices of, a parish or agency (which includes diocesan agencies and auspiced bodies) of the Catholic Archdiocese of Melbourne, and any activity conducted by other persons or groups using parish or diocesan name or property. Some examples of such activities are given at paragraph 11 of this Code of Conduct.</p>

## Abbreviations

<b>CAM</b>	Catholic Archdiocese of Melbourne
<b>CEOM</b>	Catholic Education Office Melbourne
<b>CYF Act</b>	<i>Children, Youth and Families Act 2005</i>
<b>DHS</b>	Department of Human Services (Victoria)
<b>WWC Act</b>	<i>Working with Children Act 2005</i>
<b>WWC Check</b>	Working with Children Check
<b>WWC Protocol</b>	Catholic Archdiocese of Melbourne Working with Children Protocol
<b>HR Office</b>	Human Resources Office of the Catholic Archdiocese of Melbourne
<b>HR Manager</b>	Human Resources Manager of the Catholic Archdiocese of Melbourne

## INTRODUCTION

1. The Church's social doctrine constantly points out the need to respect the dignity of children. 'In the family, which is a community of persons, special attention must be devoted to the children by developing a profound esteem for their personal dignity, and a great respect and generous concern for their rights. This is true of every child, but it becomes all the more urgent the smaller the child is and the more the child is in need of everything, when the child is sick, suffering or handicapped.'<sup>1</sup> Indeed it was Jesus who, when his disciples were arguing among themselves about who was the greatest, directed his attention to a little child and said to his disciples, 'Whoever welcomes one such child in my name welcomes me, and whoever welcomes me welcomes not me but the one who sent me' (Mark 9.37).
2. The Catholic Church values children as an important part of its life. It also values and respects parents as the first teachers of the faith to their own children and protectors of their children.
3. The Church engages the community in a broad range of activities and strives to make these a positive and rewarding experience. Where children take part in Church activities it is of paramount importance that adults planning and guiding those activities should create a positive environment that is caring, harmonious, safe and free from harm. In all Church activities a high standard of behaviour is required, and this Code of Conduct is intended to communicate the standards expected of those entrusted with the care of children, or likely to come into direct contact with children, within the Catholic Archdiocese of Melbourne.
4. The principles of this Code of Conduct can contribute to building a stronger Church where those who work within it may, through their actions, foster respect and responsibility and create a resilient sense of Church community.
5. Church activities take many forms, including those organised by, or falling under the auspices of, a parish or agency of the Catholic Archdiocese of Melbourne. Some activities are more formal than others. Most are only possible through the tireless efforts of priests, religious brothers and sisters, parishioners, other volunteers, and parish and diocesan employees.
6. This Code of Conduct is for all those who work or volunteer to work with children within an agency or parish of the Catholic Archdiocese of Melbourne. It is designed to:
  - a. Promote the wellbeing of children involved in Church activities;
  - b. Assist people who arrange and participate in children's activities (and those who engage them), to plan and carry out their work with confidence; and
  - c. Provide a framework for parents and guardians by which they may have confidence in the conduct of their children's activities.
7. This Code of Conduct is intended to be broad in scope but it cannot hope to explicitly treat the endless variety of activities, settings and situations that might occur in parishes and agencies across the Catholic Archdiocese of Melbourne. A prudent approach is required to apply it to particular circumstances and, given the broad variety of activities and people in the Catholic Archdiocese of Melbourne, what is appropriate in one set of circumstances may not be appropriate in others. Parishes may need to supplement this Code of Conduct to encompass their specific circumstances. If you are in any doubt about how to apply this Code of Conduct in your particular situation, please contact the Office of Professional Conduct, Ethics and Investigation on 03 9267 0221 or after hours on 0417 774 504.
8. This Code of Conduct is not intended to cover those activities where the child is under the direct care and supervision of a parent or guardian, for example, when children are attending a social gathering after Mass with a parent or guardian.

<sup>1</sup> Apostolic Exhortation, *Familiaris Consortio*, 26

9. It is expected that all persons who participate in (or could reasonably be expected to participate in) parish or diocesan activities involving children will read this Code of Conduct, seek further information regarding anything that is not understood, and comply with it.

## Scope and application

10. The scope of this Code of Conduct is intentionally broad. It applies throughout the Catholic Archdiocese of Melbourne to all persons who have, or may be expected to have, contact with children in the course of any parish or diocesan activities. This may include parishioners, parents, volunteers, visitors, employees, contractors, religious brothers and sisters, and clergy. It does not apply to CEOM or any Catholic systemic school to which the policies of the CEOM apply. CatholicCare while subject to this policy is in addition subject to its own range of policies in accordance with requirements for mandatory reporting of abuse and registration at the Commonwealth and State Government levels as an accredited Community Service Organisation. These policies are available from CatholicCare on request.
11. Parish or diocesan activities that involve contact with children may include the following. This list and these examples are not intended to be exhaustive.
- Activities organised or conducted at parish level, be they on church land or facilities or elsewhere, including associated communications over and use of the internet and telephone. These may include children's liturgies, youth group meetings, preparations for sacraments, and altar service.
  - Activities organised or conducted at a diocesan level, be they on church land or facilities, or elsewhere, including associated communications over and use of the internet and telephones. These may include retreats, youth group meetings and pilgrimages.
  - Activities conducted by other groups using parish or diocesan facilities or land, or using a parish or diocesan name. These may include recreational or sporting activities by groups that use a parish name or facilities.
12. This Code of Conduct applies in addition to existing policies of the Catholic Archdiocese of Melbourne, including the following policies:
- Working with Children Protocol  
For more information on the WWC Protocol, please see paragraphs 16-20.
- National Police Record Check Policy  
For more information on National Police Record Check Policy, please see paragraphs 21-22.
- A copy of these policies may be found at [www.cam.org.au/policies](http://www.cam.org.au/policies).
13. This Code of Conduct is intended to complement the principles and standards that apply to clergy and religious brothers and sisters such as those set out in *Integrity in Ministry: A Document of Principles and Standards for Catholic Clergy & Religious in Australia* and Codes of Conduct which may apply to employees, contractors or volunteers.<sup>2</sup>
14. The reporting protocols set out at page 14 of this Code of Conduct are in addition to any mandatory reporting requirements imposed under the CYF Act.<sup>3</sup>

<sup>2</sup> A copy of which may be found at [http://www.catholic.org.au/index.php?option=com\\_docman&Itemid=180&limitstart=5](http://www.catholic.org.au/index.php?option=com_docman&Itemid=180&limitstart=5)

<sup>3</sup> For further information regarding the mandatory reporting requirements under the CYF Act, please see *Protecting the Safety and Wellbeing of Children and Young People*, available at <http://www.cyf.vic.gov.au/child-protection-family-services/library/child-protection-publications/protecting-the-safety-and-wellbeing-of-children-and-young-people>, or contact the Office for Caring for Children



## **Children's Code of Conduct**

15. Relevant parts of this Code of Conduct also apply (with any necessary modifications) to children who are involved in parish or diocesan activities. Parish priests, agency heads and those leading activities should make children aware of the standards in the Children's Code of Conduct, and should display a copy of the Children's Code of Conduct at prominent places within parishes and diocesan agencies and, if practical, in venues where children's activities are conducted. A copy of the Children's Code of Conduct may be found at the Attachment to this Code of Conduct.

## **Working with Children Checks**

16. Many people who work or volunteer in Church activities that involve children are required to hold a WWC Check under the WWC Act or under the Catholic Archdiocese of Melbourne's WWC Protocol<sup>4</sup>. If you are participating in or planning children's activities, or if you are responsible for others who are, you should review the WWC Protocol and ensure that you comply with the requirements of the WWC Act and the WWC Protocol.
17. It is an offence under the WWC Act to engage in 'child related work' (as defined in the WWC Act) without a WWC Check. Responsibility rests with both the individual and those who engage him or her.
18. It is the policy of the Catholic Archdiocese of Melbourne that all adults working in a parish setting hold a WWC Check with very limited exceptions. This is intended to cover employees, contractors and volunteers, and includes clergy, seminarians, and religious brothers and sisters. Adults who are staying overnight with children should always be required to produce a WWC Check. The WWC Protocol provides further details.
19. Always remember that the mere fact of holding a current WWC Check does not of itself imply that a person is suitable to care for children. Holding a WWC Check simply indicates (in general terms) that the holder has neither been convicted of certain sexual, violent or drug related offences, nor has charges for such offences pending.<sup>5</sup> It does not guarantee or imply that a person has the skills or personal attributes of a responsible carer. Clergy, parish staff, volunteers and parents must maintain constant vigilance in assessing the suitability of all persons (both those with, and those without, a WWC Check) for taking children into their care. Clergy, parish staff, volunteers and parents should not discount the value of their instincts or observations.
20. For more information regarding WWC Checks, please ring the HR Office on 03 9926 5677.

## **National Police Checks Policy**

21. At the parish level, a National Police Records Check is compulsory for every:
  - a. Seminarian and priest, including a member of a Religious Order on initial and every subsequent appointment;
  - b. Priest from another diocese undertaking religious duties for a period in excess of three months or where the anticipated period is likely to be in excess of three months; and
  - c. Employee, contractor volunteer and religious working in a parish setting who occupies a position of leadership or handles assets. This would include adults who are staying overnight with children.
22. The National Police Check Policy provides details.

<sup>4</sup> A copy of the Catholic Archdiocese of Melbourne's WWC Protocol may be found at [http://www.cam.org.au/index.php?option=com\\_docman&task=cat\\_view&gid=92&Itemid=182](http://www.cam.org.au/index.php?option=com_docman&task=cat_view&gid=92&Itemid=182)

<sup>5</sup> Or, if the person has been convicted of some specified offences or has charges pending, that it has been determined that this fact not pose an unjustifiable risk to the safety of children.

## Developing awareness of inappropriate behaviour

23. While the welfare of children is a fundamental priority for the vast majority of our community, it is incumbent on all adults to be vigilant about keeping children safe from harm. An open and aware culture where adults and children alike feel able to raise their concerns, and can see that those concerns are acted upon, is the best protection for children. Likewise, an environment in which parents and guardians are encouraged to be involved in their children's activities affords a level of openness and accountability that makes harmful conduct less likely.
24. All those who deal with children should familiarise themselves with the types of behaviour which may be warning signals of harmful conduct. Parents and guardians in particular have a strong protective instinct and should always pay heed to behaviour that offends that instinct.
25. Systematic inappropriate behaviour can be observed and recognised. It may be a precursor to abuse and may include:
  - a. Isolating an individual, giving him or her undue attention or prized gifts;
  - b. Asking a child to keep shared secrets;
  - c. Allowing a child to participate in activities that are prohibited such as drinking alcohol or using illicit drugs, and other activities which could reasonably be assumed to be prohibited by the child's parents/guardian;
  - d. Excessive touching;
  - e. Age inappropriate or emotionally inappropriate relationships.
26. Systematic behaviour of this type may be designed to make a child feel special and to create opportunities for abuse, often while gaining the trust of the child or children's family. It may also create an atmosphere of secrecy where a child will feel unable or unwilling to tell anyone about the abuse.
27. If a person who works or volunteers to work with children in a parish or agency setting witnesses such behaviour (whether in the context of activities within a parish or diocese, or elsewhere), that person should act and report it to the appropriate authorities. Reporting procedures for inappropriate behaviour that occurs in a parish or diocesan setting may be found at page 14 of this Code of Conduct.

## Review of this Code of Conduct

28. This Code of Conduct is intended to be a living, working document. The Catholic Archdiocese of Melbourne will review this document regularly and welcomes any comments or suggestions for improvement. These may be forwarded to the HR Office at [human.resources@cam.org.au](mailto:human.resources@cam.org.au).

## Compliance

29. The Catholic Archdiocese of Melbourne will conduct a compliance audit on a regular basis.

## Publication

30. A current version of this Code of Conduct and an A4-sized summary may be found at [www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren).

## CODE OF CONDUCT

31. This section sets out general guidance for adults who organise or conduct children's activities or who are involved with children in their work in a parish or in the Catholic Archdiocese of Melbourne. It is also intended to communicate to parents and guardians the Archdiocese's standards for children's activities.
32. This section of the Code of Conduct is divided into four key parts:
  - Creating a positive environment
  - Providing a safe environment
  - Appropriate behaviour for adults
  - Promoting appropriate behaviour by children
33. The principles set out in this Code of Conduct are intended to support and underpin the pastoral care role of parish priests, religious brothers and sisters, pastoral associates, pastoral workers, contractors and the invaluable contribution of parishioners and other volunteers. The principles aim to address perceptions of risk in interactions between children and adults and to provide guidance as to behaviours and practices that are beyond reproach. They are not intended to unnecessarily restrict the work of clergy, religious and lay people but to promote an open and accountable environment in which the dignity and safety of adults and children alike is paramount.
34. It is understood that in exceptional circumstances, such as an emergency situation, a departure from the principles set out in this Code of Conduct may be necessary or unavoidable. Where this is the case, any departure should be taken in such a way as to ensure safety and accountability to the maximum extent possible. This might include reporting a proposed departure from this Code of Conduct in advance to your parish priest or another appropriate person or, where this is not possible, reporting the departure immediately afterward. If you are not sure who to report something to, please see the reporting procedures from page 14 of this Code of Conduct. If it is appropriate to make a record of any incident or circumstance, you should use the Confidential Incident Recording Form which can be located at [www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren).
35. In many cases, appropriate preparation and planning for your activity will enable you to act in accord with this Code of Conduct and assist you to manage any unexpected circumstances should they arise. Depending on the nature of your activity, good preparation may include:
  - a. Ensuring you have contact details for parents/guardians and emergency contacts if a parent/guardian cannot be contacted;
  - b. Ensuring that medical forms have been returned and contingency plans made for any children with a condition that may put them at risk.
36. It is acknowledged that not all situations or issues which might arise in all the variety of parish and diocesan life can be explicitly covered by this Code of Conduct. It may be necessary to adapt and apply the principles set out in this Code of Conduct to your particular circumstances. If you require any assistance in preparing for and planning your activity, or in adhering to this Code of Conduct, please contact the Office of Professional Conduct, Ethics and Investigation on 03 9267 0221 or after hours on 0417 774 504.

## Creating a positive environment

37. The protection and promotion of children's wellbeing is the responsibility of all adults. Adults who are involved in children's activities within the Catholic Archdiocese of Melbourne or a parish of the Catholic Archdiocese of Melbourne are responsible for creating a harmonious and nurturing environment.
38. Be a positive role model. Children's encounters with adults in the Church may have lasting consequences. It is important for children's formation that such encounters create a positive experience of the Church. Adult conduct that positively embraces Gospel beliefs and values is of paramount importance.
39. Treat children with dignity and respect; listen to and value their ideas and opinions.
40. Where possible and appropriate, involve children in decision making.
41. Reward efforts as well as achievements, and provide praise and positive encouragement where appropriate.
42. Respect children's privacy – for example avoid discussing a child's personal problems or situations in a group setting unless the child has consented to and feels comfortable with this.

## Providing a safe environment – matters for consideration

### *Code of Conduct*

43. Display the A4 summary Code of Conduct for Caring for Children which can be located at [www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren) in a prominent place at the parish or at your agency and, if appropriate, in the venue where activities are held. As appropriate, ensure that adults who have contact with children within your parish or agency are familiar with and understand this Code of Conduct.

### *Planning*

44. When planning an activity, consider the possible risks associated with the activity and how likely those risks are to eventuate. Consider what actions you can take or how you can structure the activity to minimise those risks and, if a situation should arise, to manage it effectively. Consider each circumstance on its merits.

### *Supervision*

45. Ensure that children in your care are appropriately supervised at all times.

### *Adult/children ratio*

46. Where possible, plan all activities on the basis that more than one adult will be present at all times. Consider how many adults will be required to properly care for the children at the activity, taking into account the children's ages, the nature and location of the activity, and any children with special requirements.

### *Physical Environment*

47. Ensure that the physical environment is safe, taking into account the age and developmental level of children involved in your activities. For instance, can younger children safely be contained in an area? Are there any obvious hazards such as sharp edges, poisonous or hazardous substances, water hazards or similar? Take steps to manage any risks you identify.



48. Where children are involved with adults in a regular activity, physical structures should be reviewed and where necessary changed. Other than in exceptional circumstances that warrant special consideration, dressing areas for children should be gender specific and segregated from adult areas.

### ***Emergency procedures***

49. Be aware of emergency exits and emergency procedures in your parish or agency and in your immediate physical environment.
50. Ensure that a telephone will be available at all times. If you are using a mobile, check that it is properly charged and assess whether you are likely to be in range for emergency calls to triple zero (000). If using an out-of-range mobile, dial 112 for emergency access through another mobile phone network (if one is available).
51. A First Aid Kit should be accessible in any agency or parish environment utilised by children. Familiarise yourself with the location of First Aid Kits and consider who is trained in First Aid and available to respond in an emergency.

### ***Parental consent***

52. Ensure that you obtain appropriate consent from a parent/guardian for any activities for which children are released into your care. What constitutes appropriate consent will vary with the nature of the activity; for instance, for an informal activity where a parent/guardian hands the child into your care and remains on the same premises (such as a children's liturgy which occurs at the same time as a parent or guardian is at Mass in a Church in the same location), the consent for the child to participate while in your care would usually be implicit. However for a formal activity where children are taken to a location away from parents/guardians and which is of longer duration (such as a camp or overnight retreat), it is necessary to obtain formal, written consent for the child to participate. A sample written consent form may be found at **[www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren)**. If you require any guidance on obtaining consent, please contact the Office of Professional Conduct, Ethics and Investigation on 03 9267 0221 or after hours on 0417 774 504.

### ***Emergency contacts***

53. If a child's parent/guardian will not be present or nearby during your activities, ensure you have details of each parent's/guardian's name, address and contact phone numbers. In addition, it is good practice to obtain at least one emergency contact number other than that of a parent/guardian. Keep these details accessible throughout the activity. A sample Emergency Contacts form may be found at **[www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren)**.

### ***Alcohol and drugs***

54. The provision of tobacco, alcohol or illicit drugs to a child is unacceptable and use of these substances by a child in the context of a Church activity cannot be condoned, nor can the misuse of other medication.
55. No person who is caring for children or involved in any activity with children should consume or be under the influence of alcohol or illicit drugs or have misused other medication. It is not appropriate to smoke tobacco while in the presence of children.
56. Be aware that some prescription medication may adversely affect your capacity to effectively supervise children and keep them safe.
57. Medication should not be given to children without written instructions from a parent or guardian, unless this is done by a doctor or paramedic in an emergency situation.

### ***Collection of children***

58. At the conclusion of activities, release children only into the care of a parent/guardian or the person with the express permission of the parent or guardian. If you are using the sample form at **[www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren)** to obtain contact details, it should be used to ask parents/guardians to indicate who may (and may not) collect the child.
59. For older children where a parent/guardian consents to the child leaving the activity unsupervised, ensure that appropriate arrangements are in place for them to return home. If you are in any doubt about to whom you may release the child, or whether his or her arrangements for leaving are safe and appropriate, you should always check with the child's parent/guardian.
60. If you are taking a child home at the end of an activity, ensure that a parent/guardian has given consent (whether oral or written) and that, as a general rule, you are not alone with the child.

### ***Medical conditions***

61. The paragraphs below constitute general guidelines about the process you should follow if you are called upon to care for a child who is at particular risk due to a medical condition. This process will assist in creating an environment where medical conditions may be effectively planned for and managed. These paragraphs are not intended to replace professional or medical advice for specific circumstances, but to prompt those caring for a child with a medical condition to seek guidance from the child's parents/guardians and from appropriate authorities, and to put in place an appropriate individual management plan.
62. You should always ask parents/guardians at the commencement of any activity whether their child has any medical condition of which you should be aware (for instance, asthma, allergies, and anaphylaxis) and, if so, what particular care is required. Except in circumstances where the parent or guardian is in attendance, such as during Children's Liturgy, ask parents/guardians to complete a form. Keep completed forms accessible throughout the activity. A sample Medical Conditions Form may be found at **[www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren)**.
63. If a child has a condition that requires particular care, an appropriate individual management action plan should be prepared and implemented. You will need to consider:
  - a. Are you able to put in place arrangements to minimise or remove the risk to that child, such as ensuring that substances that can cause allergies (for example, nuts and nut products) are not at, or brought, to the activity? Speak to the child's parents and seek medical guidance about what arrangements are suitable for the condition.
  - b. Are you (or another adult who will be available throughout the activity) appropriately qualified, willing and competent to properly care for the child, and to deal with an emergency situation should it arise? For instance, if you are caring for a child at risk of anaphylaxis, have you put in place an emergency anaphylaxis action plan and are you or at least one other adult trained in the administration of an EpiPen (or similar device)?
  - c. If not, you will need to consider how to make appropriate arrangements for the child's care. You will need to discuss this with the child's parents/guardians and may need to seek professional guidance. Practical solutions may be found, for instance:
    - (i) If you are caring for a child at risk of anaphylaxis, a parent/guardian might agree to remain with the child during the activity.
    - (ii) Adopt a no-sharing-of-food policy and a nut-free policy particularly where there are children at risk.
    - (iii) Some carers who regularly care for children at risk might choose to undergo appropriate training.

- d. When you have formulated an individual management plan, it is a good idea to write it down and keep it accessible throughout your activity. Ensure that the child's parents are satisfied with the plan and that all other adults who may be called on to supervise the child are aware of the plan.
64. If you cannot put appropriate arrangements in place to care for the child you will need to speak to the child's parent/guardian about whether it is safe for the child to participate in the activity. This is not intended to place unnecessary restrictions on children with particular conditions but rather to ensure that their safety is always the paramount concern.
65. If you have any questions about making appropriate and safe arrangements for children with medical conditions or allergies, please contact the Office of Professional Conduct, Ethics and Investigation on 03 9267 0221 or after hours on 0417 774 504. Further information about some particular conditions may be found at: [www.allergy.org.au](http://www.allergy.org.au) and [www.asthma.org.au](http://www.asthma.org.au).

### ***Food hygiene***

66. If your activity will involve eating or sharing food, ensure that appropriate food hygiene is maintained, including, for example, keeping food refrigerated where necessary and adults and children washing hands before handling food. If any child in your group has a food allergy or intolerance you will need to put in place arrangements (as discussed in paragraph 63) to prevent the child coming into contact with the food.

### ***Sun protection***

67. Consider whether sun protection will be necessary and, if so, make appropriate arrangements. Sunscreen and a hat should be worn by adults and children when exposed to the sun during daylight savings periods (or in tropical environments, all year round).

### ***Use of the internet***

68. All parish or diocesan internet services (and particularly those which may be used by children or young people) should have appropriate filtering devices in place. If using services provided by other organisations, ensure that filtering devices are in place.
69. Educate children in safe and responsible internet practices. The same principles that apply to relationships and conduct generally apply to online situations; for instance, children should never arrange to meet someone they have met online in a chat room or social networking site and must not access sites containing pornographic material. Make it clear that behaviour that is unacceptable or unsafe offline is also unacceptable or unsafe online. For more information, please see [www.cybersmart.gov.au](http://www.cybersmart.gov.au).
70. As with any unlawful behaviour, any illegal activities conducted over the internet or through use of a computer should be reported to the appropriate authority in accordance with this Code of Conduct.

## **Appropriate behaviour for adults**

71. It is best practice to always have another adult with you (or at least within eyesight) when you are with a child or children, and/or to have other children present. Avoid being alone with a child or children unless an open and supervised environment can be maintained.
72. Activities, which by their very nature give rise to one-on-one child/adult encounters (such as the Sacrament of Reconciliation), should be conducted in a manner and space in clear view of other people. This creates an environment that safeguards both the child's wellbeing and the adult's integrity.
73. Do not touch a child in an inappropriate or unnecessary fashion. In particular, do not touch breasts, buttocks or groin, and avoid touching or behaviour which could be construed as sexual.
74. Any steps you take to manage disruptive or unsafe behaviour should not degrade or isolate a child. Corporal punishment is never acceptable.
75. If a child's behaviour is causing immediate danger to those around him or her, you should ask for assistance and, if necessary, contact police. Physical restraint should only be used as a last resort or in an emergency.
76. When caring for children or young people you are in a position of trust and authority. Take care not to form inappropriate relationships with a child; for instance, by placing yourself in a position where a child may come to rely on you emotionally, or by attempting to act as a surrogate parent. It is always the responsibility of the adult, not the child, to set appropriate guidelines and boundaries.
77. Favouritism to any particular child; for instance, through gifts or continually showing greater attention than is given to others, is to be avoided.
78. It is generally inappropriate to spend time alone with, or arrange to meet, a child or children outside parish or diocesan activities, or to contact them through social networking sites or through mobile phones (such as texting). Do not accept or offer friend status on social network sites from a child for whom you have a duty of care.
79. Avoid providing assistance of a personal nature that the child can manage for him or herself (such as using the toilet or changing clothes) except where the child's developmental level or incapacity is such that he or she requires assistance. Ensure the presence of another adult in such circumstances.
80. Where activities involve overnight stays, an elevated level of care in choosing group leaders is required. Adults who are staying overnight with children need to be persons worthy of the great trust placed in them and, as noted in paragraphs 16-22, should always be required to produce a current Police Check and a WWC Check.
81. The following guidelines should be followed for overnight sleeping arrangements, having thoughtful regards to the activity:
  - a. Depending on the ages of the children, but always in the case of teenagers, males and females should sleep in separate rooms.
  - b. If supervising adults are to sleep in the same room as children, more than one adult should always be present.



82. Always obtain the permission of a parent/guardian before using a child's name, image or other record in any report, website or other publication. A sample form for this purpose may be found at **[www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren)**.
83. Take care not to swear or use offensive language within earshot of children.
84. Avoid behaving or speaking in a manner that may embarrass or humiliate.
85. If you become aware of circumstances that cause you to believe or suspect that a child is being, or is at risk of being, harmed, whether physically, emotionally or psychologically; is suffering from serious neglect; is being sexually abused or exposed to violence, you should act in accordance with this Code of Conduct. If you are designated as a mandatory reporter under the CYF Act you may be legally required to make a report to DHS.<sup>6</sup>

### **Promoting appropriate behaviour by children**

86. Display the Children's Code of Conduct, which may be found at the Attachment, in your parish or agency and in venues where children's activities are held. Discuss the Children's Code of Conduct with children and familiarise them with its contents. Ensure they know how and to whom they can report anything they are worried about.
87. Provide children with guidance about what constitutes acceptable behaviour. This will vary with the age group and developmental level of the children in your activity. It may be useful to discuss acceptable and unacceptable behaviours appropriate for their age group.
88. If children act outside acceptable limits, use oral directions to manage behaviour.
89. A child's behaviour (whether verbal, physical, psychological or sexual) which could be construed as bullying is not acceptable.
90. Where a child's behaviour is disruptive to the group activity, unsafe, or otherwise breaches the Children's Code of Conduct, you will need to take steps to manage the behaviour. The steps you take should be appropriate having regard to the circumstances, behaviour and age of the child. Appropriate steps may include:
  - a. Directing other children away from a dangerous or disruptive situation;
  - b. Discussing the behaviour with the child, and asking him or her to stop;
  - c. Giving the child an opportunity to explain his or her behaviour;
  - d. Discussing the consequences of the behaviour with the child;
  - e. Asking for assistance from other adults;
  - f. Removing the child from the activity to another supervised environment;
  - g. If the behaviour continues, calling the child's parent/guardian and asking them to remove the child from the activity.

<sup>6</sup> For further information regarding the mandatory reporting requirements under the CYF Act, please see *Protecting the Safety and Wellbeing of Children*, available at <http://www.cyf.vic.gov.au/child-protection-family-services/library/child-protection-publications/protecting-the-safety-and-wellbeing-of-children-and-young-people>, or contact the Office of Professional Conduct, Ethics and Investigation on 9267 0221 or after hours on 0417 774 504.

## DEALING WITH BREACHES AND MATTERS OF CONCERN

91. The Catholic Archdiocese of Melbourne aims to deal with all reports under this Code of Conduct fairly and appropriately, and to act on the following principles:
- a. Promoting a positive experience of the Church and creating a strong community of faith;
  - b. Preventing misconduct where this is possible;
  - c. Ensuring fair process for persons against whom allegations are made; and
  - d. Dealing effectively with any allegations which are substantiated, including responding compassionately to anyone who has been affected.
92. A **flow chart** setting out how and to whom to make reports may be found at page 18.

### What should you report?

93. You may come across possible breaches of this Code of Conduct, or matters that cause you concern, in any number of ways. These might include:
- a. A disclosure made to you by a child;
  - b. Observing events that cause you to form an objectively reasonable belief that a child is being harmed or abused, or is at risk of being harmed or abused (whether by a family member or by another person);  
or
  - c. Being present and witnessing an event or incident.
94. Alternatively, an incident may occur during an activity you are responsible for, such as:
- a. A child being lost;
  - b. A child being injured; or
  - c. A medical emergency.
95. Regardless of the way in which an issue arises, you should always report circumstances that cause you concern and you should certainly always report:
- a. Any material breach of this Code of Conduct;
  - b. Any incident in which a child is harmed or goes missing;
  - c. Any emergency situation including a medical emergency;
  - d. Any hazard or risk of harm to a child that is not being adequately addressed;
  - e. Any allegation of sexual misconduct;\*
  - f. Any disclosure by a child, or an objectively reasonable belief you have formed, that a child is being abused or is at risk of abuse of any kind;\*
  - g. Any allegation of violence inflicted by an adult upon a child;\*

- h. Any allegation in which an adult has been under the influence of drugs (illicit or misused medication) or alcohol while responsible for children;
  - i. Any incident in which a child has been harmed or injured (either physically or psychologically) or is at risk of harm or injury;\*
  - j. Any allegation of conduct which is or might be unlawful;\* and
  - k. Any conduct which would or might give rise to a mandatory requirement to report under the CYF Act.<sup>7</sup>
96. If you are not sure whether to report a matter, please contact the Office of Professional Conduct, Ethics and Investigation on 03 9267 0221 or after hours on 0417 774 504.

### Who may make a report?

97. Any person may make a report. If an allegation involves sexual or other abuse of a child you should not investigate the matter yourself, or raise it with parents/guardians or the alleged abuser directly. You should report the matter using the procedures set out in paragraphs 101-110.

### How can a report be made?

98. If you would like any guidance about how to report a breach of this Code of Conduct or a matter of concern, please contact the Office of Professional Conduct, Ethics and Investigation on 03 9267 0221 or after hours on 0417 774 504. The process for reporting and dealing with any concerns or breaches of this Code of Conduct will vary depending on the type of conduct and who is responsible for the conduct.
99. A Confidential Incident Recording Form [www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren) may be used to record details of any incident or matter of concern.
100. Nothing in this Code of Conduct restricts the right of any person to report any matter to the police or other authorities.

### To report sexual and other abuse

101. Sexual and other abuse by Church personnel should be reported to the Independent Commissioner, whose office has been established by the Archbishop of Melbourne to enquire into and advise him with respect to allegations of sexual misconduct by any priest of the Catholic Archdiocese of Melbourne, and religious and lay persons working and volunteering within the Catholic Archdiocese of Melbourne.
102. The Role of the Independent Commissioner and the procedures that will be followed upon the receipt by him of a complaint can be located at [www.cam.org.au/caringforchildren](http://www.cam.org.au/caringforchildren).
103. Nothing in this Code of Conduct is intended in any way to affect the role of the Independent Commissioner or the ability of any person to make or refer a complaint to the Independent Commissioner.
104. The Independent Commissioner may be contacted at 03 9225 7979.

<sup>7</sup> \* Any matters which involve sexual or other abuse by Church personnel fall within the purview of the Independent Commissioner and all such matters should be reported to him. For further information regarding the mandatory reporting requirements under CYF Act, please see Protecting the Safety and Wellbeing of Children, available at <http://www.cyf.vic.gov.au/child-protection-family-services/library/child-protection-publications/protecting-the-safety-and-wellbeing-of-children-and-young-people>, or contact the Office of Professional Conduct, Ethics and Investigation on 9267 0221 or after hours on 0417 774 504.

## To report all other matters

105. All matters other than those within the purview of the Independent Commissioner should be reported as follows:
- a. **Any matter that arises within a parish** should be reported in the first instance to your parish priest (unless the matter involves the parish priest, in which case it should be reported in accordance with paragraph 106. The parish priest will listen to the allegations and decide what action to take in accordance with the procedures below at paragraph 108. If, after a reasonable time has elapsed, you are not satisfied with the parish priest's response to your report you may then refer the matter to the Vicar-General of the Archdiocese of Melbourne 03 9926 5677 or vicargeneral@cam.org.au
  - b. **Any matter, that arises within an agency of the Catholic Archdiocese of Melbourne,** should be reported in the first instance to the head of the agency (unless the matter involves the agency head, in which case it should be reported in accordance with paragraph 106). The agency head will listen to the allegations and decide what action to take in accordance with the procedures below at paragraph 108. If, after a reasonable time has elapsed, you are not satisfied with the response to your report, you may refer the matter to the HR Office on 03 9926 5677 or human.resources@cam.org.au.
106. Matters relating to parish priests, agency heads, or any other matters should be reported as follows:
- a. **Any report that relates to a parish priest** should be reported in the first instance to the Vicar-General on 03 9926 5677 or vicargeneral@cam.org.au
  - b. **Any report that relates to an agency head** should be reported to the HR Office on 03 9926 5677 or human.resources@cam.org.au.
  - c. **Any other matter** may be reported to the HR Office on 03 9926 5677 or human.resources@cam.org.au.

Reports will be dealt with in accordance with the procedures at paragraph 108.

107. **Any medical emergency, a missing child, or any other emergency situation** should be reported in the first instance to the appropriate authorities (such as police, fire or ambulance by dialling 000). As soon as possible thereafter, the child's parent/guardian should be notified and a report should be made (at the latest within 24 hours) to the HR Office on 03 9926 5677 or human.resources@cam.org.au.



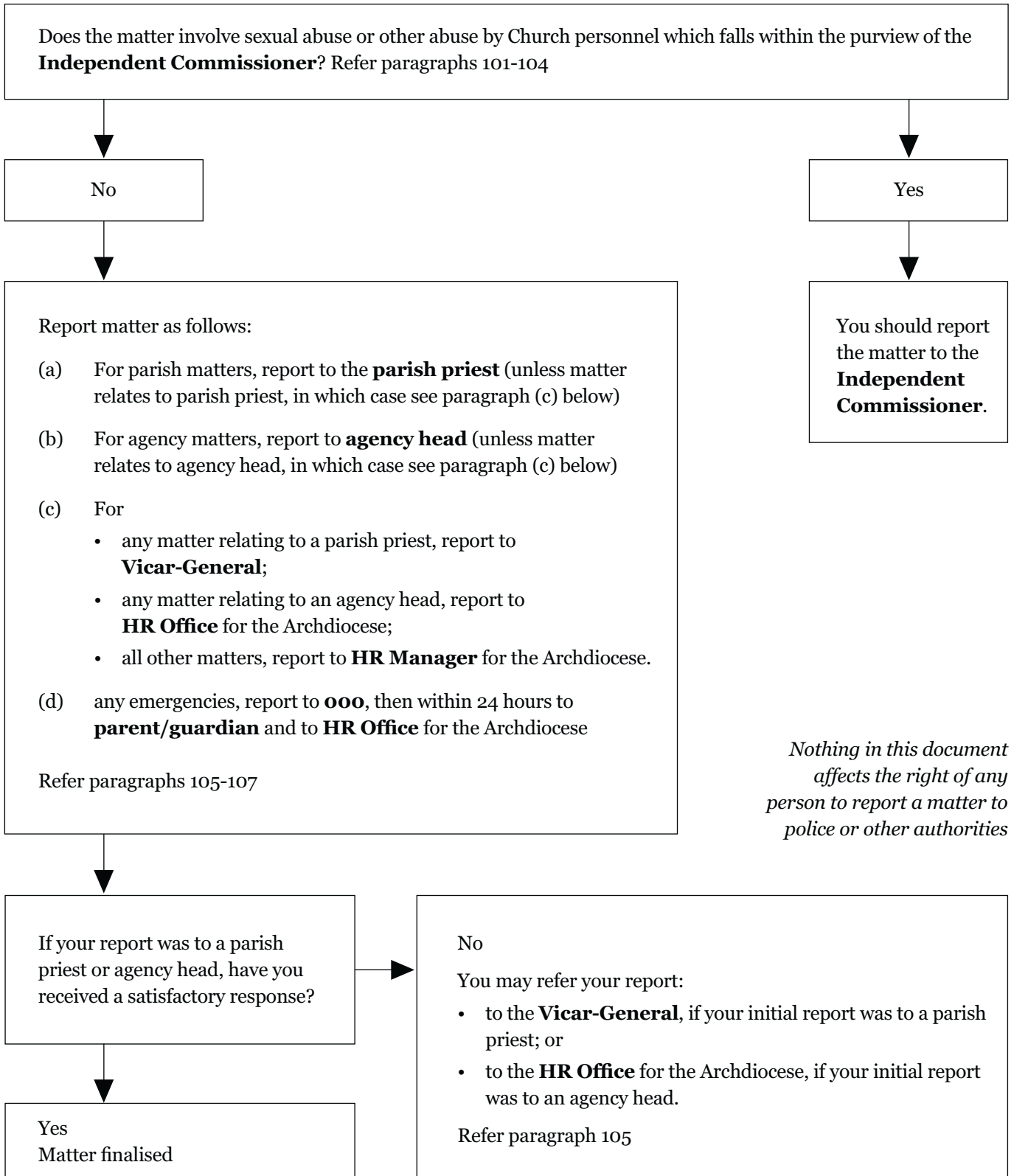
## **What happens when a report is made?**

108. When a report is made in accordance with paragraph 105, the person receiving the report shall:
- a. Listen carefully to the report and ensure it is fully understood;
  - b. Consider whether it is appropriate or necessary to advise others within the Catholic Archdiocese of Melbourne or to inform relevant authorities;
  - c. Determine what action will be taken (if any);
  - d. Document all action taken; and
  - e. Maintain the confidentiality of all parties (including the person making the report, and any person to whom the report relates) at all times to the extent this is possible. In some cases, it may be necessary to inform relevant authorities or others within the Catholic Archdiocese of Melbourne or the person to whom the report relates. Depending on the nature of the allegation it may be necessary to:
    - (i) Inform the police, if the behaviour is or might be criminal;
    - (ii) Consider whether a mandatory report must be made to the DHS under the CYF Act;
    - (iii) Make or refer a report to the Independent Commissioner.

## **Dealing with disclosures by children or a reasonable belief that abuse is or may be occurring in a setting to which this protocol applies**

109. If:
- a. A child makes a disclosure to you that sexual, physical or psychological abuse is occurring, or
  - b. You form an objectively reasonable belief that a child is being harmed, or is at risk of being harmed,
- you should immediately report the matter to the Independent Commissioner who will discuss your concerns and advise you on the next steps to take.
110. Be aware that the child may be feeling ashamed, guilty and scared, and may be worried about the consequences of telling someone about the abuse. Stay calm and listen carefully to the child. Tell them you believe them and that they did the right thing by telling you. Do not make promises you cannot keep such as promising that you will not tell anyone else.

### Flow chart – Reporting breaches of this Code of Conduct



## RESOURCES AND FURTHER INFORMATION

<b>Reporting</b>	<i>HR Office</i>	03 9926 5677 human.resources@cam.org.au
	<i>Vicar-General's Office</i>	03 9926 5677 vicargeneral@cam.org.au
	<i>Office of the Independent Commissioner</i>	Mr Peter O'Callaghan QC Owen Dixon Chambers West, Room Level 18, Room 15, 205 William Street, Melbourne Telephone: 03 9225 7979
<b>Information and advice</b>	<i>Office of Professional Conduct, Ethics and Investigation</i>	Telephone: 03 9267 0221 or after hours on 0417 774 504
<b>Documents produced by the Catholic Archdiocese of Melbourne</b>	<i>WWC Protocol</i>	<a href="http://www.cam.org.au/policies">www.cam.org.au/policies</a>
	<i>National Police Record Check Policy</i>	<a href="http://www.cam.org.au/policies">www.cam.org.au/policies</a>
	<i>This Code of Conduct</i>	<a href="http://www.cam.org.au/caringforchildren">www.cam.org.au/caringforchildren</a>
<b>Other publications</b>	<i>Protecting the Safety and Wellbeing of Children and young People</i>	<a href="http://www.cyf.vic.gov.au/child-protection-family-services/library/child-protection-publications">www.cyf.vic.gov.au/child-protection-family-services/library/child-protection-publications</a>

## Attachment: Children's Code of Conduct

### Children's Code of Conduct

I will:

1. Treat all with respect and kindness
2. Listen to what other people have to say
3. Not use rude or offensive language
4. Not hurt, abuse, bully, tease anyone else or form inappropriate relationships
5. Not have or use tobacco, alcohol or banned drugs, or misuse other medication
6. Listen to all instructions given by an adult leading my activity and obey any rules
7. Tell an adult who I trust about anything that makes me feel worried, afraid or unsafe
8. Make sure that an adult leading my activity knows my whereabouts at all times
9. Treat other people's property with respect
10. Always try my best to participate





CATHOLIC ARCHDIOCESE OF MELBOURNE

Cardinal Knox Centre  
383 Albert Street  
East Melbourne, VIC 3002

**Postal Address:**  
P.O. Box 146, East Melbourne, VIC 8002

**Tel: (03) 9926 5677**

