

The Catholic Churches Response to Reports of Abuse of Children and Vulnerable Adults in Victoria.

My name is Glenn Davies.

[REDACTED] I do not want my address published or referred to publically. I am not a victim of abuse. I do not wish my submission to be confidential. I am happy to speak to the Inquiry although I will be overseas working in the next 12 months. [REDACTED]
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Policing Experience

I was a member of Victoria Police for 29 years having resigned in May of 2012 at the rank of Detective Inspector. For most of my career I was a detective working specialising in the area of criminal investigations. I worked in many drug investigation areas, task forces and then specialising in investigating crimes against the person. I worked for 5 years at the Armed Robbery Squad before being promoted to Sergeant working in inner suburban Fitzroy and in the Melbourne at the Regional Response Unit. I worked as a Detective Sergeant at the Caulfield Criminal Investigation Unit before taking charge of the Region 1 South Embona Task force working exclusively on the investigation of armed robbery offences. I took promotion to a training position, with responsibility for not only the roll out of existing training programs but also the evaluation of organisational behaviours and attitudes and tailoring new training to address these issues. After 2 years I returned to criminal investigations working at the South Melbourne C.I.U. relieving and then was appointed the Officer in Charge of the Melbourne Regional Response Unit. The core duties of this area was developing and mentoring junior members to ready them to take on Detective roles.

Expertise

I took promotion as Detective Inspector in 2007 working at the Crime Department's Crime Strategy group. Whilst at this position I took charge of a number of strategic management portfolios and projects including the Nexus program which was a long running project exploring the management of convicted sex offenders and their risk to the community. In 2008, I travelled to New Zealand to research best practice programs currently being run in Wellington and Dunedin regarding working with sex offenders and support people and agencies to mitigate risk. I remained part of this project until December, 2012. In February, 2009, I was selected to lead an investigation team in the field at Kilmore East after the Black Saturday bushfires.

I was appointed the officer in Charge of the Sexual Crimes Squad in June 2009, a role I remained in until December, 2010. During this time Victoria Police was going through some significant change in addressing the investigation of sexual

crimes. Much of these changes were as a result of a number of reviews including the 2006 Ombudsman's Inquiry and some internal research undertaken by Dr's Melanie Heenan and Sue Ellen Murray. During this time a number of sweeping recommendations were made regarding the investigation of sexual crimes. In my role I had oversight and supervision for a large portion of serious sexual crimes investigations. As part of my duties I conducted a daily review of every reported serious sexual crime and assessing the investigative response. I also was responsible for the oversight of reports of sexual crimes, active investigations and the prosecution of offenders.

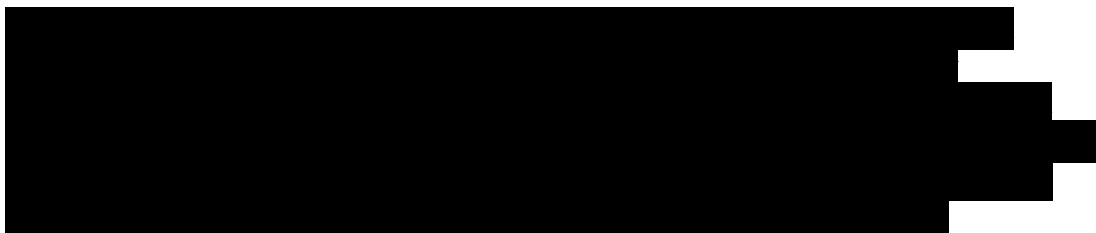
As well as having responsibility for the Crime Department's Sexual Crimes Squad comprising of 50 officers, my office provided an investigative support commitment to all serious regional sex crimes investigations. I also worked in very closely with the implementation of the Victoria Police Sexual Offence and Child Abuse Investigation Teams project on matters of governance, training, leadership and operational matters. On a daily basis I reviewed briefs of evidence for prosecution and provided advise too regional investigators on individual investigations. On an operational and strategic level, I liaised with other partners such as the Office of Public Prosecutions, Police Prosecutions, The Centres Against Sexual Assault and The Victorian Institute of Forensic Medicine. My strategic work involved also working proactively in the prevention area with stakeholder groups such as the AFL and the White Ribbon Foundation. I also had some detailed dialogue and advising with Child Protection groups such as Child Wise and Brave hearts. At this time I had an intricate and informed knowledge of the best practices in relation to interviewing, investigation, prosecution and victim care, management and engagement. I was an active contributor and a project manager of a number of projects that were part of Victoria Police sponsored research relating to sexual crime and child abuse area and was selected as a member of the Government's Therapeutic Treatment Board. I was also a member of the national ANZPAA Child Protection Committee that comprised of senior officers in charge of sexual crime squads Australia wide. In 2009, I also completed the AFPs Management of Serious Crime course – Themed in Child Protection. This course was attended by child protection, law enforcement professionals from around Australia with a 30% representation of International officers. My participation and contribution to this course was highly commended.

During 2009, I also commenced studying a Post Graduate course as a Master of Education specialising in Organisational Leadership, Policy and Change. Within this course of study, I examined other research conducted by a from a number of experts relating to sexual crimes, investigations of sexual crimes by police and best practice in relation to victim interaction. This research informed a number of evaluations and reflections of police interactions with victims and guided me in developing and implementing my own change management strategies for my own group and the wider sexual crimes investigation cohort. I examined the implementation of new training and systems designed to change the culture attached to sexual crimes investigations and the behaviours and attitudes of investigators. I successfully completed this degree in June 2012 and also hold a Graduate Diploma of Applied Management.

I was stood down from Victoria Police in 2010, as a result of an OPI probe. In May, 2012 after resigning from Victoria Police, I pleaded guilty to 2 summary charges with offences of disclosing information contrary to my duty Section 127 a of the Police Regulation Act in May 2012. The offences arose in the context of informal discussions and media briefings about current investigations. The Magistrate saw fit not to record a conviction against me with regard to these matters.

Constraints of my submission

I am making this submission largely from my own memory, not being granted access to my personal Victoria Police computer notes on this issue. I am also aware that Victoria Police has in the past put considerable pressure on police making submissions to Government Inquiries with recently considering charging individuals for making submissions to the Bushfire Royal Commission. I have received legal advice that consideration was given to charging those making submissions under 127 a of the Police Regulation Act which deals with disclosure of confidential information. As such the legal advice I have received in relation to this issue is that in the absence of receiving some guarantee in this regard that I should not make a submission that deals with my communications with the Melbourne Catholic Archdiocese. To ameliorate the risk I have provided a briefing note for Victoria Police where I have reviewed much of my extensive interactions with the Melbourne Archdiocese and in relation to my assessments of the Melbourne Archdiocese process in dealing with reports of abuse and sexual abuse on children or vulnerable adults. I have been assured that these will form part of the Victoria Police response.



Methodology and Methods

What I propose to refer to in my submission is information that was made public at the time when I was working in Victoria Police and my subsequent work now working as a consultant to Victims Advocacy groups and other organisations. This work focuses on creating systems and processes for inclusive and equitable organisations that are open to learning, sustainability and positive change. In my dealings with victims advocates groups I have had the opportunity to meet with and interview victim/survivors, examine case studies and files. I have in partnership with a number of these groups conducted a number of information forums relating to this Inquiry to inform victim/survivors of the Inquiry and to encourage participation. As a result of these forums and working with In Good Faith and Associates, The Melbourne Victims Collective and other groups, I have spoken to many victim/survivors (approximately over 200) who have told me of

their interactions with the Melbourne Archdiocese and the Towards Healing process. I have also examined many documents and correspondence from the Melbourne Archdiocese and victims. I have evaluated a number of these investigations as a result of this. In relation to my analysis of these issues, I make them on the bases of my years of experience as a police member, my specialist experience and education in organisational learning, culture and leadership and in the area of sexual crime and child protection.

TERMS OF REFERENCE IN BRIEF

- How the organisation responds to criminal abuse by personnel
- Practices, policies and protocols in response to concerns
- Systemic practices policies or protocols operating to preclude or discourage reporting to state authorities

Evaluation of Melbourne Catholic Archdiocese Response to Reports of Sexual Assault on Children and Vulnerable Adults.

In 1996, I was astounded at the implementation of the Melbourne Catholic Archdiocese “Response” appointment of Independent Commissioner was made, As a Catholic and a police officer I was confounded as to how the church was able to set up an alternative pathway to handling allegations of criminal sexual abuse. I thought that surely this process would have had to have significant and close police involvement.

Whilst I understand the Independent Inquiry was set up that is to compensate and provide care for those who were the victims of clergy sexual abuse, why I think it was doomed to failure is that it was an introverted process aligned without feedback loops, accountability, avenues for appeal, true independence and commitment to change.

In 2009, it came to my attention that there were a number of practices employed by the Melbourne Catholic Archdiocese that may have been having some impacts on the Victoria Police’s Strategic policy direction outcomes. Specifically, given the historical and situational low numbers of victims prepared to report sexual crime, one of the key outcomes of our Prevention of Violence against Women and Children Strategy was to increase the numbers of reports to police. There was also some public reporting via the Age Newspaper articles written by Nick McKenzie of cases where police were unhappy with the Melbourne Archdiocese cooperation with investigators. My actions in relation to this information between 2009 and 2010 should be the subject of a submission made by Victoria Police.

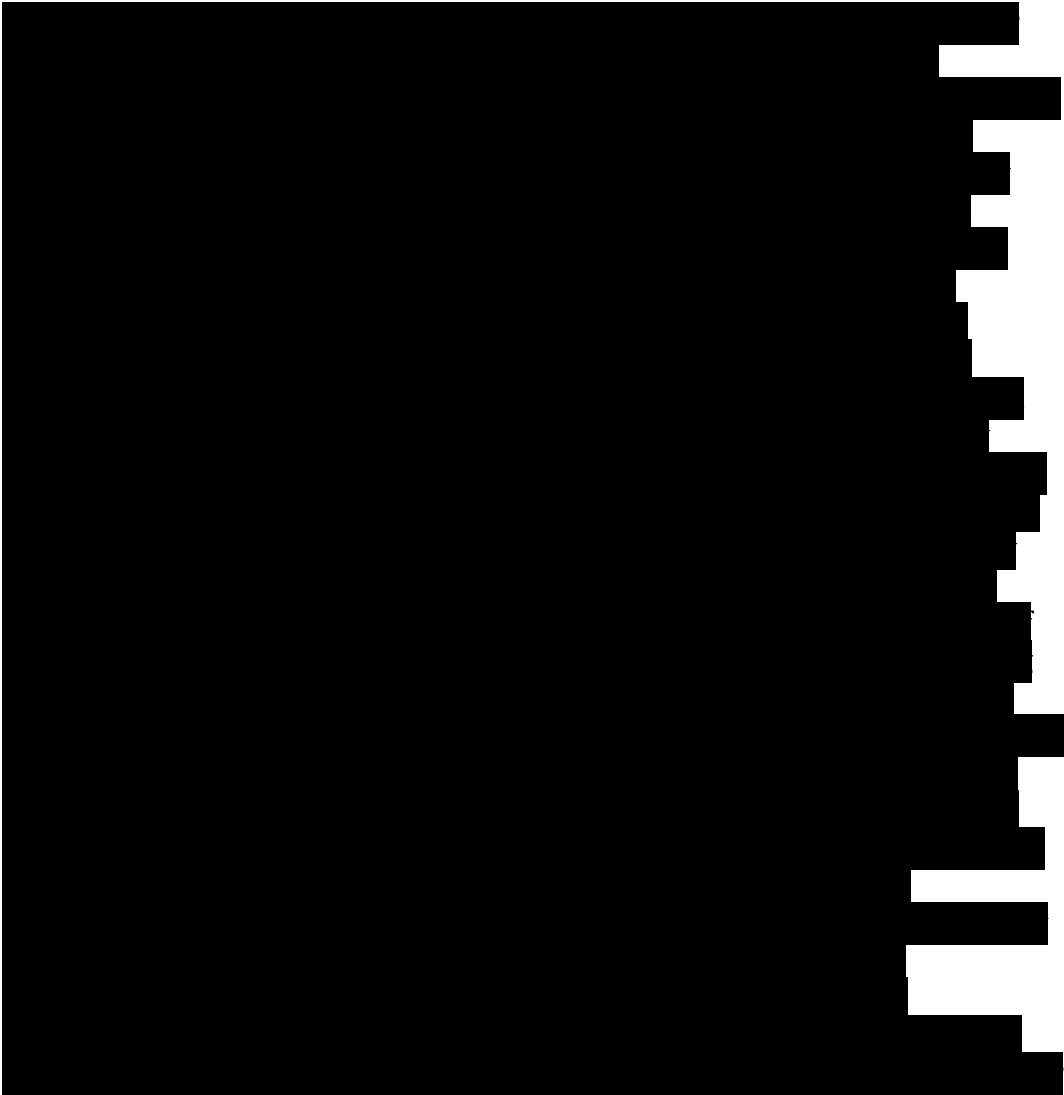
My learning, perspective and understanding of this issue, however, has become more sophisticated after speaking with victims using the church reporting process and examining the systems being used by the Catholic Church in Victoria. After my informed examination, it is now my view that the policies and practices of both the Melbourne Catholic Archdiocese and the Towards Healing process are operating in a manner that is detrimental to the administration of justice and impeding the detecting, apprehending, prosecuting or convicting of persons who are known or believed to have committed sexual crimes against

children or vulnerable adults. Specifically it was my view these processes and practices.

1. Actively and systematically dissuaded victims of sexual crime from reporting their victimisation to the police or secular authorities.
2. The system and processes undertaken by the Melbourne Archdiocese were detrimental to police investigative process and the prosecution of those suspected of criminal sexual crimes against children and vulnerable adults.
3. Provided suspects very soon after allegations were made, specific details of these allegations resulting in the possible loss or destruction of evidence.
4. Failed to engage in a meaningful way police liaison in their process.
5. Allowed administrators misrepresented themselves as having independence of the church when the truth is they were no more than reputational risk managers for their employers organisation.
6. Provided protection and sanctuary to offenders who were known or suspected of committing sexual offending against children and vulnerable adults.
7. Failing to make offenders accountable to the law.
8. Failing to protect communities from offenders and indeed facilitating further access for offenders to children and vulnerable adults.
9. Failing to have open learning systems that would have alerted the church to inadequate and ineffective prevention processes.
10. Failing to adequately acknowledge victims in their own right as people needing information, support and autonomy when making decisions about their own recovery.

Whilst my evaluation and conclusions centre on the Melbourne Catholic Archdiocese I am also aware of similar criticisms at the systems and processes engaged with by the Towards Healing process. Towards Healing is the process used by the rest of Australia.





Victims not reporting Sexual crimes to police

The issue of victims of sexual abuse not coming forward to report their victimisation has been a problem and well recognised by police and the judicial authorities for quite some time. Additionally, when it comes to victims of Catholic Clergy abuse, an extra layer of complexity is added as the church's religious observance and loyalty remains deeply and generationally ingrained into the lives of those in the church. Priests and clergy are revered and respected with the construct of the church placing these individuals in positions of great situational and appointed power and authority in church communities. Today police are extremely reticent in investigating any sexual assault where the victim does not want to report such victimisation to the police. There is a freedom given to unfortunate victims of sexual crime that the next steps to recovery and healing should be decided by them and whilst this is recognised as best practice it is not without some difficulty with perpetrators and blockers and enablers exploiting this situation. In no other crime of assault where serious assault has occurred does a victim have such a choice. Police acknowledge that victims cannot consent to such serious

crimes and have pursued a prosecution of assaults in some circumstances in spite of victim's wishes. There has been successful prosecutions undertaken in these circumstances. Recently, the family violence laws have been altered to adopt a pro-prosecution approach which effectively takes the heat away from victims being the instigators of charges. Notably people who are murdered are never able to bear witness or give permission to their own victimisation and of course many are convicted. Whilst not advocating for taking away the rights of a victim of sexual crime to decide the direction of an investigation, police have a role in protecting the community and should be made aware of individuals that pose such a grave risk to vulnerable children and adults. It is my view that organisations should be mandatory reporters when the identity of offenders or suspected offenders is known and where disclosures have been made.

Why Victims Don't Report to Police

Victims were not always comfortable reporting to police as police and the legal system had deservedly established a poor reputation for not exhibiting best practice in appropriately dealing with such reports. There are a number of reasons why people don't report their crimes of sexual assault to police and at this point I would like to reference a report and research conducted by Denise Lievore in 2003. Lievore's research cited the number of reasons why victims choose not to report to authorities. These reasons are widely accepted as accurate and have also been highlighted in a number of reports compiled by the Victorian Ombudsman in 2006. The reasons why victims do not report to police include

- A fear of not being believed.
- Minimising the offending and purporting it not to be a crime.
- Purporting that police or authorities would not be interested.
- Indicating a lack of support or validity of the report.
- A fear of the legal system itself and what it may expose individuals to.
- Shame and embarrassment
- Fear of the offender
- Fear of any positive outcomes being able to be achieved.

Conversely people who do report to police do so.

- Wanting this type of offending not to happen to others.
- Offenders being brought to justice.
- As part of their own recovery.

There is also further supportive research having been conducted on policing responses and victims reactions by Professor Jan Jordan, a New Zealand academic, who conducted a number of studies referring to police interactions with sexual crime victims (Jordan 2001; 2004). It is important to recognise these not just as an insight into why there is low rates of reporting but also as areas that investigators or church authorities can manipulate or dissuade a victim into non-reporting. It has also been recognised that in being aware of these "triggers" an investigator can actually encourage reporting to authorities and Victoria Police recent training of sexual crime investigators

highlights this as an important area of focus. This area of manipulating or persuading victims to undertake not reporting to police is an issue that I will address in more depth later in this submission. By using these triggers during an interview process an interviewer can “prime the schema” or sell one option as being a lot more attractive than another. In this sense the police system offers a whole range of safeguards from having the CASA worker speak immediately to a victim, to checks with police supervisors and an accountable complaints process. The process of lodging a complaint does exist not just against police but provides pathways when a prosecution is not undertaken.

Complaints against the Melbourne Response – “Independent Commissioner”

His processes dissuaded victims of sexual crime from reporting their victimisation to the police or secular authorities.

Advising or encouraging victims to go to the police although part of a policy, was done in an ad-hoc manner.

After speaking to many victims, victims lawyers and the Melbourne Archdiocese it was apparent that victims were not encouraged to go to the police. In some examples questions were put with the answers already assumed. Words to the effect that once I get your ok that you don't want to report to the police I can get my processes underway. Other victims say they were not encouraged to report. Many victims I have spoken to had believed that police reporting was put forward as a viable option. It was my view that the “options talk” was heavily weighted in favour of the Melbourne Archdiocese taking on the role of providing some relief, counselling and compensation for a victim quickly. It should be remembered that these people were in many cases seriously hurt people often with chaotic lives. Some of these people as a result of their victimisation also have drug or alcohol dependence and some with psychological and emotional issues. Often victims lives were so damaged that organising their own lives was such a chore that they were unable to manage money, housing and basics of living. The legal system with its the long and onerous pace, invasive court cases and threats to privacy offered little compared to immediate counselling and a speedy hearing that could yield a moderate to large amount of money. In all cases the Melbourne Archdiocese to my knowledge never offered independent legal advice or to bring in a police member to speak with the complainant. Some victims I have spoken to were told they did not need legal advice as they had Mr O'Callaghan acting for them. Some victims believed he was their lawyer others believed he was representing the State and others thought he was employed by the Church. It is my view that there was not a process that recorded accurately a complainants understanding of Mr O'Callaghan's encouragement to report to the police. As it is expressed in his terms of appointment the “continuing and

unfettered right” to report to the police still remains an unnecessarily legalistic piece of language that not all people could readily understand.

Advising Victims he will stop if they report to the police.

Many victims have also spoken to me about the language used by Mr O’Callaghan that he would stop if they reported to the police. Victims felt that this pronouncement was manipulative and directed them away from reporting. Many said they went to him for help and why would they want him to stop.

Failure to report offending to Police

On any view if the Independent Commissioner received complaints identifying the same offenders committing the same sexual crimes he would have a responsibility to report this behaviour to police. My evaluation of many cases of suspected sexual abuse of children and vulnerable adults was reported to church authorities and not acted upon. Clergy was not removed and investigations were not conducted. Appropriate protections for children and vulnerable adults were not planned, provided or embedded into parishes or church communities. It is my submission that the church has a civil duty and a moral and ethical responsibility to the community to report suspected offenders to authorities without any delay or further consideration.

“Flourish Document” an example of the insight of the church’s lack of understanding of prevention.

In partnership with experienced educator Pam Kistic, I have conducted an evaluation of a document, “May our Children Flourish” which was released in late 2011 by the Melbourne Archdiocese. (Document and Comments attached.) This document professes to be the Melbourne Archdiocese best practice response and was constructed in the climate where victims groups were becoming very vocal and public in their complaints of the church covering up offending and not caring about the abuses of children. In this climate it would be expected this Child Protection policy would be of a particularly high standard with input from contemporary sources, references and in consultation with secular best practice models and experts in the field. One would have thought even police may have been consulted. My understanding is that they were not. Without deflecting from the many criticisms Pam and I had of the document, one in my eyes stood out and that was that the reporting of suspected child sexual assault still remained through the Independent Commissioner and not the Police. I don’t know how widely known this document is or whether there was any attempt to provide further information to parishioners but my parish priest and a number of others I spoke to had never heard of it.

Mr O’Callaghan’s Ability to judge criminal conduct.

Perhaps the reason why Mr O'Callaghan had not exercised this option is that he was not able to make that assessment. There are a number of examples where Mr O'Callaghan's judgment in this regard was less than sound and not informed by contemporary research, prosecuting perspectives or policing expertise. There are a number of examples cited and will be included in the Police submission that have publically exposed Mr O'Callaghan as inadequate in this area.

There is of course another explanation why the "Independent Commissioner" may not be making determinations regarding the criminality of conduct and that is to deter people from reporting the offending to the police.

Failing to allow transparency and others to advise victims of their rights and options.

From victims accounts the Independent Commissioner did not encourage independent advice from a lawyer, police or CASA. This process would have ensured a level of best practice and fairness that may have alleviated concerns from victims and truly encouraged reporting to the police.

Copies of notes of Interviews not routinely provided to victims

Victims have stated to me that they were not given copies of the notes of their interviews or copies of their recordings. This is a fairly standard procedure and would have allowed victims at least to have some accountability around the process. Transcripts of recordings were provided on request but in some cases couldn't be found or no records kept. Accurate and highly detailed interviews could have assisted police investigations and preserved evidence to allow a prosecution.

The focus and style of Interviews inconsistent.

Many victim I spoke to stated the interview with Mr O'Callaghan was unnecessarily invasive or over focussed on identifying who the offender was. Whilst the name of the offender of course would have been important, traumatised children often cant remember such details from 15 or 30 years prior. In this instance Mr O'Callaghan's access to parish records could have revealed the identity. In my discussions with victims I have not heard them refer to any identification processes such as photo boards. In evaluating a number of interviews conducted by Mr O'Callaghan I believe he has limited skills in extracting information from victims and many of the interviews were brief and lacking what I would view as critical detail relating to identity of other offenders or enablers, blockers or those covering up the behaviour. It is my belief that Mr O'Callaghan has received no further accreditation or specialist training in dealing with victims of sexual crimes. With some of his pronouncements regarding what is and what is not a crime or what the courts would be

interested in, I doubt that he has engaged in any meaningful dialogue with the OPP or police prosecutions personnel.

Investigations and Inquiries not exhaustive or complete.

Many victims and cases I have reviewed demonstrate an investigation that only went so far to satisfy a corroboration of the priest or accused being in the vicinity or possibly having contact with the complainant. Whilst this may have satisfied establishing the probability of the offending taking place it did little to identify how and why this offending may have taken place. It also did little to establish or identify other offenders and enablers or those who sponsored or covered up for the abuse. These questions in my view should have been of high priority for the Independent Commissioner and in his brief to enable prevention strategies and plans to be put in place and allocation of resources to prevent repetition of offending. For example, what were the patterns of offenders, who are the common supervisors or direct reports, where did the offences take place, what is the process of investigation or recording of such investigations, is there consideration given to cumulative reports.

A common theme I heard was that victims could not prove what occurred. Where is the proof? Is the phrase I heard many say what was said to them. Many witnesses I spoke to felt those in positions of authority in the Melbourne Archdiocese demanded absolute proof and failed to give consideration to similar facts and acts which is a legitimate measure of validity when deciding the likelihood of someone being an offender. An example of this was the Peter Searson case from Doveton where Searson had many allegations made against him but was barely recognised as a risk. There was no effective management or communication around Searson and as a result children were sexually assaulted by him over again. I'm sure there are other examples of this in other prolific offenders.

Comment

If the Melbourne Archdiocese was truly committed to eliminating this type of behaviour they not only need to provide a disincentive for offending in the form of sanction but also constant reflection and adjustment of its policies and procedures. It is my understanding they have had a poor record of this. It is my understanding there is little in the way of non religious psychological treatment, counselling or mentoring for priests or clergy dealing with challenges to their everyday interactions with people. The religious commitment relies a lot on faith, prayer and moral strength and commitment to deal with these issues. The reality is that the secular world has many evidence based and educated people and processes that would be able to provide a more balanced and helpful contribution to the health of its own people which translates into more healthy interaction with parishioners. My experience of the organisation is that it is inherently protectionist, elitist and dismissive of suggestions

for change. The progression of my work with the police and the “Flourish” Document are clear examples of this.

The system and processes undertaken by the Melbourne Archdiocese were detrimental to police investigative process and the prosecution of those suspected of criminal sexual crimes against children and vulnerable adults.

Processes impact on any potential police investigation

- Not an Investigation.

In truth the Independent Commissioner does not conduct an investigation per say. The police definition of an investigation being “a search for the truth in the interests of justice in accordance with the specifications of the law.” The rigor applied to his enquires is sporadic and incomplete and the framing of the problem to be solved is only limited to establishing whether the victim can be determined as a bonifide victim of clergy abuse. Mr O’Callaghan also had some power in recommending the removal of the offender from active ministry. The search for the truth he embarked upon does not seek to secure all the available evidence, documents, witness testimony or physical evidence. Many victims I have spoken to over time have articulated the view that the primary aim of the “independent Commissioner’s” enquires revolved around only identifying the primary offender. I have an example of one victim who mentioned another person in the room but was not ever questioned who that person may be. Years later the other person was identified as another molesting priest.

Comment.

In my view more complete and thorough investigations conducted by more independent people would have enabled the church to identify the enablers and blockers, instigate some realistic prevention or education and contribute to formation of other policies that would have been able to contribute to some meaningful processes and policies that would have protected children.

Ironically the key to fixing the Independent Commissioner process is to have some real independence. As in models proposed in the UK and Ireland the church is removed from the policing of its own people. Those in positions of review are made of members of the community who have no ties, loyalties or vested interest in the church or reputational risk.

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- Language used unnecessarily legalistic

It is my view that the language used in explaining the victims rights and what has been publicised on the Melbourne Archdiocese own web site is unclear and unnecessarily legalistic.

-Independent Commissioner being likened to Royal Commissioner unhelpful.

It was also of the view that the term "Independent Commissioner" is a misleading term given that he was an employee of the Melbourne Archdiocese and that his actions were entirely consistent with a person who was not acting independently of his employer. Witnesses have told me there were many instances where Mr O'Callaghan referred to himself and his role as likened to that of a Royal Commissioner, when in reality he is a really a reputational risk manager who makes recommendations that individuals receive money for how they have experienced abuse by people working for the church in the Melbourne Archdiocese.

Commissioner Aware of Many Series and Serial Offenders.

From victims accounts and documentation, I believe Mr O'Callaghan was aware of many serial offenders and series of serious sexual offending that were perpetrated by those under the administration of the Melbourne Archdiocese and refused to report offenders for investigation by authorities or make recommendations that would have protected children and vulnerable adults from further victimisation. This had the effect of authorities never knowing the identities of suspects and therefore when the first reports came through there were no avenues of enquiry with other sources to establish a similar fact or similar act case.

- Allegation that suspects are effectively tipped off.

As reported by the Age newspaper questioned by journalist Nick McKenzie Mr O'Callaghan believed in the principle of natural justice and as soon as possible after an allegation is made he notifies the alleged offender with the details. Providing information to the suspect, that the police are now investigating could have resulted in the fabrication or the loss or destruction of evidence. Of course the argument from the Melbourne Archdiocese is that they are proceeding to notifying the suspect in the belief that a victim is not going to go to the police. What remains incongruous to this fact is that by the Commissioner's own process the reporting person is informed of his or her unfettered right at any time to report to the police and therefore they may have exercised that option at any time.

Allowed administrators misrepresented themselves as having independence of the church when the truth is they were no more than reputational risk managers for their employers organisation.

Victims not clear on the Independent Commissioner's role.

Many victims articulated to me a misunderstanding of the role of the Independent Commissioner. Some believed he was a lawyer acting on their behalf. Some believed he was part of an Independent Government sponsored process. Others believed Mr O'Callaghan was a Royal Commissioner acting in this official capacity. Victims informed me that Mr O'Callaghan likened himself to a Royal Commissioner and when confronted with this criticism he provided a nuanced argument about this in response to some questions asked by Nick McKenzie, journalist. In any sense the mere referral to the comparison evokes some sense of questionable legitimacy and independence. If victims were to think that the Melbourne response in being compared to a Royal Commission was independently and impartially investigating issues of child clergy sexual abuse/assault, they would be disappointed.

Provided protection and sanctuary to offenders who were known or suspected of committing sexual offending against children and vulnerable adults.

Failing to protect communities from offenders and indeed facilitating further access for offenders to children and vulnerable adults.

Many victims informed me that the person they made their complaint against remained in place sometimes for years. Others complained that the offenders were moved from parish to parish without a management plan or supervision. Examples of some include priests, Searson and Rubeo. The results of these actions left communities vulnerable. Some priests it was reported were put into positions that allowed another vulnerable group to become the target of abuse.

[REDACTED]

[REDACTED] The fact that [REDACTED] had already previously been accused of another sexual crime made no difference to the appointment which allowed him to prey on other vulnerable women. It is my belief that in the Melbourne Archdiocese Mr O'Callaghan makes recommendations in regards to placement, removal and supervision of priests accused of misconduct or sexual offending.

Comment – All credible research identifies a formula for the perpetration of sexual violence and family violence against women and children. The crimes are

crimes of an exercise of power and entitlement and predominately of a gendered nature. That is that the offending is more likely where offenders are placed in a more privileged and entitled position where authority is not questioned and where opportunities exist to exercise this power. Within the patriarchal constructs of the Catholic church where the priest has unquestioned power and authority over parish communities, schools and the church, the opportunities for those wanting to offend against vulnerable children and adults are abound. Some of the cases I have examined involved priests being able to request the assistance of children and removing them from class rooms from teachers. (Peter Searson and Kevin Odonnell) It should also be noted that priests run the parish. In many parishes they have the final vote and they hire and fire staff including teachers. They also hold the purse strings on the money and through the right of confession know many of the secrets of a lot of people. It is this sort of power that can be exercised over those in the parish and often it has been witnessed as coercive power. Sexual offending and other family violence are overwhelmingly committed by males and the victims of these violent acts are more often than not women or children. There is other evidence that indicates that an over emphasis on the adherence to traditional gendered constructs of masculine roles or hyper masculinity and the absence of consequence only supports the normalisation of this behaviour and thus encouraging further offending. It is a common understanding of a gendered violence perspective however one that is completely unrecognised by the Church and the Melbourne Archdiocese.

There are a number of assumptions made about child sexual offending that are patently not correct and inaccurate.

Most sex offenders are suffering from some psychological illness or personality disorder. – The fact is that only a small percentage have been recorded as having such disorder. (Richards 2011) There is also very credible research to rebut many of societies commonly held assumptions in relation to sexual crimes against children.

- not all sex offenders are ‘paedophiles’ not all child sex offenders are. That is, child sex offenders are a heterogeneous group with varying offender profiles;
- children are usually abused by someone they know, although data suggest that strangers comprise nearly one in five perpetrators of child sexual abuse against males
- not all child sex offenders have been victims of sexual abuse themselves and there are complex relationships between being a victim of child sexual abuse and becoming a perpetrator. It is important to recognize that while many offenders report a history of being sexually abused, most victims of child sexual abuse do not become perpetrators later in life;

I recommend reading (Richards 2011)

What is well recognised by many researchers is that these crimes are about power and the exploitation of power, authority and their role to enable sexual gratification. Richards (2011) and others also stress the point that responses to child sexual assault should be founded in credible empirical research.

Failing to have open learning systems that would have alerted the church to inadequate and ineffective prevention processes.

Many victims told me that they felt they had no where to go if they had a complaint about the process of gaining support or compensation from the Melbourne Archdioces. There were what they believed as silencing clauses that the were forced to sign before they were able to have any access to further services or compensation and in some instances an audience with the Archbishop. Most informed me that the however that their complaints would always be sent straight back to the Independent Commissioner for his consideration. So in effect the person who was being complained against was the person who would consider the complaint. It seems there is no feedback loops and commitment towards a learning organisation. There were undiscussible issues and often negotiations resulted in lawyers writing intimidating letters. People coming to the system were not encouraged or advised to seek any independent legal advice.

I am also aware of the Towards Healing process employing ex police not having contemporary knowledge of current cases, legislation or prosecution standards. I understand Paul Murnane is one of these officers along with others and I am reliably informed he too never referred a single case to the police and giving his reasons that there was not enough corroboration. This is a common misinterpretation of the law relating sex crimes by those who do not have contemporary knowledge. "There is no legal requirement for evidence that independently confirms the evidence of a single witness (corroborating evidence) in any Australian jurisdictions. An accused charged with any crime can be convicted of the offence on the evidence of a single witness, provided the jury accepts that his or her evidence proves the offence beyond reasonable doubt (Mack 1998).In the ACT, NT and VIC, the law states that the judge must not warn the jury or suggest to them in any way that the law views victim-complainants in sexual offences as unreliable witnesses. However, courts retain the capacity to comment on evidence as appropriate to the circumstances in the interests of justice." (Heath 2005)

PROPOSED CHANGES

It is my recommendation that the Church becomes a mandatory reporter of all suspected child abuse and that offences of breaching this reporting reflect the seriousness of the offences that were or likely to have been committed. I believe that the confessional box, which has been used as a haven for offending priests and enablers as a reason not to report sexual offending should have no legal entitlement. Just as other religious practices cited as being legitimate and in contradiction of our laws are not tolerated so should this. Female genital mutilation, honour killings and assaults are not tolerated why should the confessional. In the middle ages priests were put to death for not divulging the secrets of the confessional, and as such a few years jail would be an easy

alternative. It would test out their commitment to such a contradictory religious ritual.

In the USA there is a law of child endangerment. There is also a law of misprision of a felony that demands that people report criminal activities that they are not a party to. These are two laws that I see as having some relevance and consideration.

I also would like to see the Catholic Properties trusts act amended to allow the church to be sued civilly by victims.

I don't think the church should have any role in the investigation of sexual crime against children or vulnerable adults and this should be left to the state run authorities.

I don't believe they should also be trusted for the administration of appropriate compensation and although I have not covered this issue in my submission it is abundantly clear that compensation offered and given out is clearly inadequate. I would propose a state run system and the church has to contribute to this fund.

I also propose that any internal investigations of abuse and abusive clergy or church people should be oversighted by an truly independent panel of people sponsored and selected by the government.

I also propose that the church funded and linked support and counselling service be taken away from the church in favour of a state sponsored system with appropriate oversight and no conflict of interest with the church.

I would also like to see some funded case work for this issue where professional and experienced advocates and health professionals can work with victims to assist in the healing process.

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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>Child: 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>Parent/guardian: 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>Parish or diocesan activities involving children: 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

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

Introduction

ⁱ See commentary ⁱⁱ See commentary

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.'¹ 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. ⁱⁱⁱThis 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. ^{iv}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. ^vThis 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.

¹ Apostolic Exhortation, *Familiaris Consortio*, 26

9. ^{vi}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. ^{vii}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. ^{viii}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. ^{ix}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.

13. ^xThis 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.²

14. ^{xi}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.³

² A copy of which may be found at http://www.catholic.org.au/index.php?option=com_docman&Itemid=180&limitstart=5

³ 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. ^{xiii}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. ^{xiii}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 Protocol⁴. 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. ^{xiv}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.⁵ 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:
- Seminarian and priest, including a member of a Religious Order on initial and every subsequent appointment;
 - 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
 - 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.

⁴ 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

⁵ 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. ^{xv}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. ^{xvi}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. ^{xvii}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. ^{xviii}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.

Compliance

29. ^{xix}The Catholic Archdiocese of Melbourne will conduct a compliance audit on a regular basis.

Publication

30. ^{xx}A current version of this Code of Conduct and an A4-sized summary may be found at 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. ^{xxi}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. ^{xxii}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.
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. ^{xxiii}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. ^{xxiv}Display the A4 summary Code of Conduct for Caring for Children which can be located at **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.

Children. If they have to included in the same document box them up this way.

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**. 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**.

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 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.
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 and 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.
70. ^{xxv}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 eyeshot) 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. ^{xxvi}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. ^{xxvii}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. ^{xxviii}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. ^{xxix}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. ^{xxx}

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**.
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. ^{xxxi}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.⁶

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. ^{xxxii}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. ^{xxxiii}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.

⁶ 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. ^{xxxiv}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. ^{xxxv}A **flow chart** setting out how and to whom to make reports may be found at page 18.

What should you report?

93. ^{xxxvi}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. ^{xxxvii}
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.^{7xxxviii}
96. ^{xxxix}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. ^{xl}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. ^{xli}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 may be used to record details of any incident or matter of concern.
100. ^{xlii} 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. ^{xliii}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.
103. ^{xliiv}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.

⁷ * 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. ^{xlv}**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. ^{xlvi}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

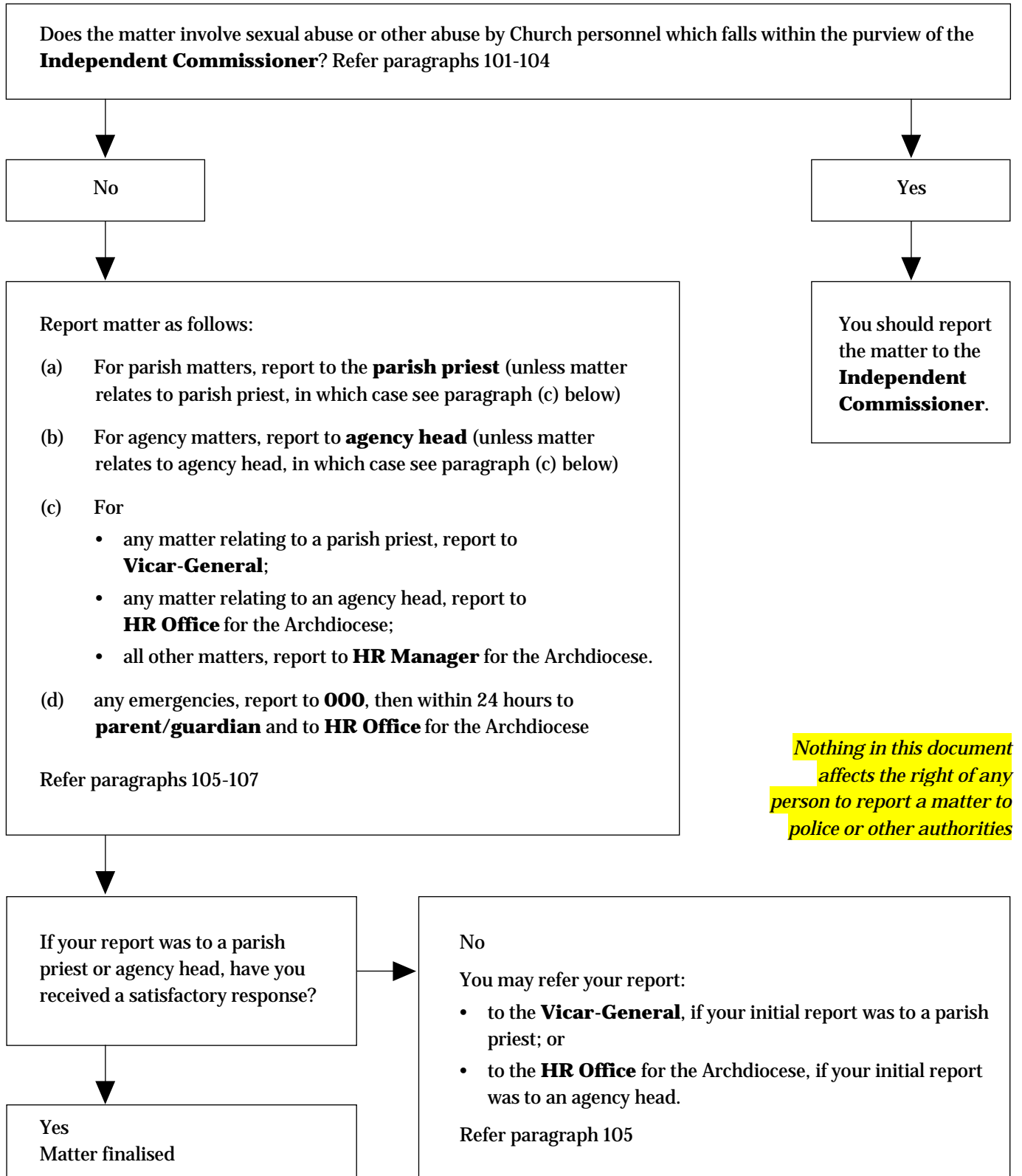
109.
^{xlvii}If:

- 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.

xlvi Flow chart – Reporting breaches of this Code of Conduct



xlix Resources and further information

Reporting	<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
Information and advice	<i>Office of Professional Conduct, Ethics and Investigation</i>	Telephone: 03 9267 0221 or after hours on 0417 774 504
Documents produced by the Catholic Archdiocese of Melbourne	<i>WWC Protocol</i>	www.cam.org.au/policies
	<i>National Police Record Check Policy</i>	www.cam.org.au/policies
	<i>This Code of Conduct</i>	www.cam.org.au/caringforchildren
other publications	<i>Protecting the Safety and Wellbeing of Children and young People</i>	www.cyf.vic.gov.au/child-protection-family-services/library/child-protection-publications

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

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383 Albert Street
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tel: (03) 9926 5677