



SAFE PRACTICE GUIDE

National Response Protocol for Responding to Child Abuse Concerns and Allegations

Why is this important?

The purpose of the National Protocol for Catholic Church Authorities in Australia Responding to Concerns and Allegations of Child Abuse (the Protocol), provides a framework for Church entities to provide a consistent response to children and adults who have been subjected to child abuse by Church personnel. The Protocol provides high-level principles and direction on how concerns and allegations of child abuse are best managed.

What should we be doing?

The Protocol applies to concerns or allegations of child abuse, including adults subjected to abuse in childhood. It also applies to alleged acts of omission by Church personnel who had knowledge of child abuse.

'Child abuse' refers to the neglect, maltreatment, and physical, psychological and sexual abuse of children including grooming. This includes abuse that is facilitated through online platforms, including online grooming and the production, distribution and/or access of child exploitation materials.

An 'abuse concern' is a reasonable belief that a person has been abused. A concern may be a report by a person who is generally worried about the welfare of a particular child without knowing the cause.

An 'abuse allegation' is a reasonable belief that abuse has occurred. An allegation implies that there is a person (Church Personnel) identified potentially as responsible for the abuse.

'Church personnel' include clerics and religious, employees and volunteers currently or previously associated with a Church Authority or entity.

Procedure

Following is a summary of the procedure for responding to child abuse concerns and allegations (past/present).

Stage 1 - Receive and Acknowledge the Concern or Allegation

- The person who receives the concern or allegation must inform the personnel with delegated responsibility and/or the Professional Standards or Safeguarding Officer as soon as possible.
- The concern or allegation must be acknowledged as soon as possible and information (in appropriate written format) setting out how it will be responded to is to be provided to the person raising the matter.
- A contact (lay) person is to be nominated as liaison for the person raising the concern or allegation, and/or their parent/s or guardian/s.
- All information in relation to the concern or allegation is to be documented and kept secure from the outset.

Stage 2 - Report to External and Internal Authorities

- Reporting requirements may arise at the outset or any stage in the process.
- Any concern or allegation of child abuse involving suspected criminal conduct must be reported to the police.
- A report must also be made to the police and child protection authority (Child Safety Services), if it is reasonably believed that the alleged perpetrator continues to pose a risk to children.
- Mandatory Reporters under the *Child Protection Act 1999* (Qld) must diligently comply with all reporting requirements.
- Archdiocesan workers who are not legally required to make a report are nevertheless encouraged to do so if they reasonably suspect a child has suffered harm, or is at risk of suffering harm, and is in need of protection.

Stage 3 - Determine Course of Action

After receiving notice of the concern or allegation, the Church Authority, must determine an appropriate course of action. The course of action will be dependent on the nature and seriousness of the matter and may include:

- identifying any immediate reporting and legal obligations (if not already satisfied);
- conducting an initial assessment to identify risks to children and measures to manage those risks; and
- informing the respondent of the concern or allegation (considering any potential risk to children or others, and the possibility of the respondent fleeing), and obtaining a response.

If a complaint of abuse against a person is plausible, and if there is a risk they may come into contact with children in the course of their ministry, the person should be stood aside from ministry while the concern or allegation is investigated. (Refer NCSS 6.3.2)

The course of action must be communicated to the person who has brought forward the concern or allegation.

Stage 4 - Investigate

An investigation into the child abuse concern or allegation is required to provide an impartial and independent review of the facts and circumstances, determine whether allegations can be proven on the balance of probabilities, and assess the fitness of the respondent to continue in ministry.

Where a concern or allegation has been reported to the police, the Church Authority Church must not start its own investigation until police advise it may proceed.

If a Church Authority starts an investigation and is then notified that police are investigating the same matter, or if possible criminal conduct is identified during the investigation, the Church Authority must suspend the investigation and contact police immediately.

A suitably qualified external investigator with experience investigating child abuse (historical and/or contemporary) must be appointed as soon as possible. The independence of the investigation is paramount therefore; investigations must only be undertaken by personnel within the entity as a last resort.

Investigations must be conducted with integrity and impartiality, and all parties afforded procedural fairness.

The investigation report must include the investigator's findings (i.e. sustained, not sustained, unable to be determined, unfounded), an assessment of any of risks in relation to children posed by the respondent, and formal recommendations regarding action to be taken.

Stage 5 - Assess the Report and Make Determination

The Church Authority must thoroughly consider the investigator's report, and determine what action to take in relation to the respondent (in accordance with employment/industrial and canon law). Actions may include:

- disciplinary proceedings;
- amending the respondent's role and/or responsibilities;
- training;
- counselling;
- additional supervision;
- being dismissed; and
- no change to work or ministry.

The person who raised the concern or allegation, and the respondent, must be informed of the investigation findings and the actions being taken by the Church Authority.

Both parties may seek a review of the investigator's findings. A review must be requested in writing setting out grounds for a review relevant to the investigation process and findings.

Reviews must be submitted to, and undertaken by Australian Catholic Safeguarding Limited.