



Daughters of Our Lady of the Sacred Heart, Australian Province Child Safeguarding Policy

Purpose

The purpose of this Child Safeguarding Policy is to:

- provide an informative safeguarding model which all Daughters of Our Lady of the Sacred Heart including Sisters, employees, volunteers and contractors can utilise to foster a culture of child safety.
- express an ongoing commitment and proactive approach to safeguarding and empowering all children and young people wherever we minister.
- ensure all with whom Daughters of Our Lady of the Sacred Heart collaborate are aware of the child safeguarding roles and responsibilities.
- signal a Daughters of Our Lady of the Sacred Heart provincial zero-tolerance approach to child abuse in all its forms and embed practices that protect children and young people from harm.

Principles and Values

- The Daughters of Our Lady of the Sacred Heart recognise that integrity in ministry is at the heart of the call to seek God. We are committed to creating and maintaining co-operative and harmonious relationships in Daughters of Our Lady of the Sacred Heart communities, with partners in ministry and where Daughters of Our Lady of the Sacred Heart are invited to participate in God's mission. The Province and all Daughters of Our Lady of the Sacred Heart are committed to providing safe environments for children, young people and adults at risk and to restorative justice.
- The Province and all Daughters of Our Lady of the Sacred Heart consider the commitment to the safeguarding of children, young people and adults at risk to be at the forefront of their work and decision making. The highest value is placed on taking a child-centred approach to safeguarding: putting the wellbeing and safety of children and adults at risk above any perceived reputational risk to the Province. The Province and all Daughters of Our Lady of the Sacred Heart are always mindful of the moral responsibility to maintain the high standards expected by those we serve.
- This policy is underpinned by the Daughters of Our Lady of the Sacred Heart Code of Conduct and is informed by the Daughters of Our Lady of the Sacred Heart commitment to the safeguarding of all, particularly children and adults at risk.

Scope

- This Child Safeguarding Policy applies to all Daughters of Our Lady of the Sacred Heart, employees, volunteers and contractors engaged across the Province.

Policy Review

- This policy is reviewed every three years and will be checked against any associated relevant legislation.

Public Safeguarding Statement

Jesus, in his manner of being and acting, lived this ideal: He upheld and enhanced the inherent dignity of every person, regardless of age, race, status or religion. He bore witness to the love, kindness and compassion of the Heart of God for each person and was a healing presence for those who came to him.

We in our turn have committed ourselves, by our religious profession to make known the strong and merciful love of God revealed in the Heart of Jesus.
(Constitution 58)

Our Constitutions challenge us:
*Contemplating with Mary His opened side,
we enter into the mystery of the Heart of Jesus
and receive the gift of his Spirit.
We experience in faith, the forgiving, healing
and transforming power of His love.
We are impelled to live and proclaim this love,
leading others to know that in Jesus,
God loves them with a human heart
and is the answer to their hopes, their questionings
and their every need.*
(Constitution 5)

The Australian Province of the Daughters of Our Lady of the Sacred Heart acknowledges with conviction that children, young people and adults at risk have a fundamental right to be respected, nurtured and safeguarded by all people. It does not tolerate any form of abuse and seeks to redress, as far as humanly possible, any wrong that is attributed to a Sister, employee, volunteer or contractor of the Province. The Province understands that the safeguarding of children and adults at risk is a shared responsibility among all those in the Province. The Province is committed to an ongoing and proactive approach to safeguarding and professional standards, and encourages anybody harmed by the Church to come forward and have their concerns heard.

1. Legislative and Social Context

- 1.1. The Daughters of Our Lady of the Sacred Heart Code of Conduct reflects the key values from the Gospel and Catholic Social Teaching.
- 1.2. The Child Safeguarding Policy and other relevant policies and procedures have been developed in line with the National Catholic Safeguarding Standards (NCSS). The NCSS provide a framework through which all Catholic organisations can work to ensure they are able to detect and prevent child abuse and neglect, and to better identify and manage risk factors.



- 1.3. The Daughters of Our Lady of the Sacred Heart Child Safeguarding Policy and other related policies and procedures are also consistent with the National Principles for Child Safe Organisations, recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse (Appendix 1) and which formed the basis for the NCSS.
- 1.4. This policy and other related policies and procedures are underpinned by the United Nations Convention on the Rights of the Child (1989). The Convention is the foundation for child protection and safeguarding globally, and recognises children's rights as human rights. Article 19 states, "Parties shall protect the child from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation including sexual abuse."
- 1.5. The policy is also informed by and consistent with a range of other legislation and guidance which is set out in [Appendix 2](#).

2. Statement of Commitment

N.B. Bolded type in the text below indicates reference to the NCSS.

- 2.1. The Daughters of Our Lady of the Sacred Heart have maintained a **deep commitment to safeguarding children** throughout their history. The Daughters of Our Lady of the Sacred Heart acknowledge that they must be **transparent** and **accountable** for safeguarding practices across all ministries, and particularly those involving children.
- 2.2. The Daughters of Our Lady of the Sacred Heart are **committed to fostering a culture of safeguarding** that recognises and upholds the dignity and rights of all children and young people and takes a **zero-tolerance** approach to all forms of child abuse. Wherever Daughters of Our Lady of the Sacred Heart, including Sisters, Associates, employees, volunteers and contractors, live and minister, they will do all they possibly can to keep children safe.
- 2.3. The Daughters of Our Lady of the Sacred Heart encourage **open communication whereby families and communities are informed** of safeguarding issues and participate in decisions about the safety of children. It is particularly important to look for **ways for children and young people to have a say and be listened to**, not just through the particular ministries of the Daughters of Our Lady of the Sacred Heart, but across the wider community. Particular attention is given to children in the education and outreach ministries in the Philippines and Kiribati.
- 2.4. The Daughters of Our Lady of the Sacred Heart actively work to **become and remain informed of the causes and signs of child abuse** through continuous education.
- 2.5. Where Sisters, employees or volunteers receive information about concerns or witness any matter relating to the abuse of a child or young person, they **respond as soon as practicable, and report any such concerns to the appropriate local authority**. This may include contacting the police immediately where there may be immediate risk of harm to any person, especially a child or young person.

- 2.6. Every person engaged in the mission of the Daughters of Our Lady of the Sacred Heart who comes into contact or works with children and young people seeks to **uphold the dignity of all children and young people and commits to establishing safe and supportive relationships.**
- 2.7. The Daughters of Our Lady of the Sacred Heart has **documented policies and procedures to prevent risks to children and to build a strong culture of safeguarding.** The Provincial and Council will arrange for every Sister, employee and volunteer to become familiar with this policy and any related procedures, together with the Daughters of Our Lady of the Sacred Heart Code of Conduct. Sisters are expected to reflect on and commit to the application of this policy personally, in communal living, in the workplace and in ministry within and beyond the Province.
- 2.8. Where the Daughters of Our Lady of the Sacred Heart foresees contact with children, activities are planned and organised to proactively consider potential risks and to ensure risks are reduced and eliminated where possible. **Everyone is encouraged to communicate any area of concern or where an approach may need improvement.**
- 2.9. Anyone who brings forward **a suspicion, concern, knowledge or allegation of current or past abuse** of a child to the Daughters of Our Lady of the Sacred Heart will be responded to sensitively, respectfully, actively and in a timely manner, in line with the Province's lawful obligations and the Daughters of Our Lady of the Sacred Heart Complaints Handling Policy.
- 2.10. Safeguarding policies and practices are reviewed regularly to make sure that they always support a culture and practice that **puts the safety of children at the centre of both thinking and action.**

3. Roles and Responsibilities

Roles	Responsibility for:
Provincial and Council	Provincial Leader and Council are responsible for: <ul style="list-style-type: none"> • creating a culture of safeguarding across the Province and its ministries; • endeavouring to ensure that all with whom Daughters of Our Lady of the Sacred Heart work and engage will feel safe and supported in the Province life and mission, especially in relation to their safeguarding obligations; • the formation of inquirers, pre novices, novices, temporary professed, perpetually professed, employees, and volunteers • implementing and monitoring compliance procedures for Sisters, employees, volunteers and contractors to all legislation and standards especially in relation to protection of children and adults at risk.

Safeguarding Coordinator	<p>The Safeguarding Coordinator is responsible for:</p> <ul style="list-style-type: none">• providing advice to the Provincial Leader and Council on matters relating to the protection of children, young people and adults at risk;• maintaining knowledge of relevant legislation relating to child protection and the protection of adults at risk to ensure compliance across jurisdictions in which the Sisters live and minister;• reviewing safeguarding policies, at least annually, to reflect any changes in legislation and communicate those changes to Sisters, employees, and volunteers as is relevant;• providing and/or co-ordinating training and education for Sisters, employees and volunteers as part of induction, formation and ongoing professional development;• ensuring all Sisters, employees, volunteers and contractors are aware of the importance of child safety and embedding a child safe culture;• ensuring all Sisters are aware of their responsibilities under the Church documents <i>Vos Estis Lux Mundi</i> and other
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	<p>relevant church documents such as <i>Integrity in Ministry</i> and <i>The National response Protocol</i>;</p> <ul style="list-style-type: none"> • ensuring all, employees, and volunteers are aware of their responsibilities under Church documents such as <i>Integrity in the Service of the Church</i> and <i>The National Response Protocol</i>
<p>All Sisters</p>	<p>All Sisters are responsible for:</p> <ul style="list-style-type: none"> • formalising their commitment to child safeguarding by reading and signing the Code of Conduct and Child Safeguarding Policy; • undertaking a proactive approach to the safeguarding of children and young persons; • endeavouring to ensure they are aware of their obligations for responding to and reporting child safeguarding concerns or incidents in accordance with relevant legislation. Where Sisters are unsure of their obligations, they are responsible for seeking clarification from the Provincial Leader or the Safeguarding Coordinator; • undertaking training and ongoing formation on the Code of Conduct, Child Safeguarding Policy and relevant Child Protection legislation; • where it is required by legislation, maintaining a current Working with Children Check and updating the Province of any changes to their status; • demonstrating an ongoing commitment to their responsibilities under the Church document <i>Vos Estis Lux Mundi</i> and other relevant documents such as <i>Integrity in Ministry</i> and <i>The National Response Protocol</i>.

<p>All Employees</p>	<p>All employees of Daughters of Our Lady of the Sacred Heart are responsible for:</p> <ul style="list-style-type: none"> • formalising their commitment to child safeguarding by reading and signing the Code of Conduct and Child Safeguarding Policy; • undertaking a proactive approach to the safeguarding of children and young persons; • periodically reflecting on the Code of Conduct and Child Safeguarding Policy; • endeavouring to ensure they are aware of their obligations of responding and reporting to child safeguarding concerns or incidents in accordance with relevant legislation. Where they are unsure of their obligations, they are responsible for seeking clarification from the Safeguarding Coordinator; • undertaking the relevant statutory police checks as required in the jurisdictions in which they work; • maintaining a current Working with Children Check when an employee is in child-related employment and it is required by legislation in the jurisdiction in which they work. Updating the Province of any changes to their status. • undertaking training and professional development on the NCSS and the Daughters of Our Lady of the Sacred Heart child safeguarding principles and practices; • an ongoing commitment to their responsibilities under the Church document <i>Vos Estis Lux Mundi</i> and other relevant documents such as <i>Integrity in The Service of the Church</i> and <i>The National Response Protocol</i>.
<p>All Volunteers</p>	<p>All volunteers of the Daughters of Our Lady of the Sacred Heart are responsible for:</p> <ul style="list-style-type: none"> • compliance with the Congregation's Code of Conduct; • undertaking a proactive approach to the safeguarding of children and young persons; • undertaking the relevant statutory police and Working With Children Check where applicable to their role and as required by legislation in the jurisdictions in which they are working; • participating in appropriate induction for the service they provide; • where relevant, are aware of their mandatory reporting responsibilities and all relevant child protection legislation; • conducting themselves in accordance with the Congregation's relevant processes and procedures; • demonstrating an ongoing commitment to their responsibilities under Church documents such as <i>Integrity in the Service of the Church</i>.

<p>All Contractors</p>	<p>All contractors of the Daughters of Our Lady of the Sacred Heart are responsible for:</p> <ul style="list-style-type: none"> • complying with the Daughters of Our Lady of the Sacred Heart Code of Conduct; • undertaking a proactive approach to the safeguarding of children and young persons; • in the jurisdictions where it is required undertaking the relevant statutory Police and Working with Children Checks where applicable to their role; • participating in appropriate induction for the service they provide; • ensuring that those who are contracted in a child-related role are aware of their mandatory reporting responsibilities and all relevant child protection legislation; • conducting themselves in accordance with the Congregation's relevant processes and procedures; • demonstrating an ongoing commitment to their responsibilities under Church documents such as <i>Integrity in the Service of the Church</i>.
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Related Policy, Procedures and Actions

1. Responding to Complaints and Concerns

- 1.1. All Daughters of Our Lady of the Sacred Heart, Sisters, employees, volunteers and contractors are bound by moral, ethical, legal and social requirements to report any child safeguarding concerns they may have i.e. any instance where a person has reasonable grounds to believe that a child may have suffered or be at risk of suffering from abuse. The Province is committed to fostering a culture within the organisation where all personnel and children feel safe and able to raise child safeguarding concerns.
- 1.2. The Daughters of Our Lady of the Sacred Heart believe that all children and adults have the right to make a complaint when they are dissatisfied with the actions or inactions of Daughters of Our Lady of the Sacred Heart personnel including Sisters, employees, volunteers and contractors or the services that the Province provides. The Daughters of Our Lady of the Sacred Heart are committed to providing accessible and supportive pathways for Sisters, employees, volunteers, contractors, families, children and community members who wish to make a complaint and are committed to ensuring that complaints are handled with respect, fairness, efficiency and transparency.
- 1.3. The Daughters of Our Lady of the Sacred Heart are committed to providing Sisters, employees, volunteers and contractors with training and support, proportionate to their role, that will enable them to discharge their duties in accordance with this policy. This includes training in relation to identifying and responding to child abuse. Contractors will be asked to sign a declaration according to their role.

2. Ongoing Education and Training

- 2.1. The Daughters of Our Lady of the Sacred Heart are committed to ensuring all Sisters, employees, volunteers and contractors are equipped with the skills and knowledge required to proactively engage in the safeguarding of children and young people and to work effectively in accordance to this policy. The Daughters of Our Lady of the Sacred Heart are committed to providing education through induction and ongoing child safeguarding training. In the interim, all personnel will have access to and receive ongoing updates through the Provincial Leader and Council and the Safeguarding Coordinator.
- 2.2. Education and training programs will be updated where new legislation, policy and best practice guidelines arise.

3. Human Resources

- 3.1. The Daughters of Our Lady of the Sacred Heart recognise that skilled, knowledgeable and experienced personnel are vital for the safeguarding of children. Child safeguarding is prioritised in all recruitment and appointment processes. The Daughters of Our Lady of the Sacred Heart are committed to ensuring they recruit personnel who are committed to upholding the NCSS and the principles of the Child Safeguarding Policy and will consistently utilise rigorous recruitment and appointment approaches to mitigate risk and ensure the appropriate candidates are appointed.
- 3.2. The Daughters of Our Lady of the Sacred Heart are further committed to providing personnel with the opportunity to improve their child safeguarding understanding on an ongoing basis in a variety of ways which include regular performance appraisal and, where required, professional supervision.

4. Managing Child Safeguarding Risks

- 4.1. The Daughters of Our Lady of the Sacred Heart are committed to maintaining risk management processes which better facilitate the detection and prevention of potential risks before they arise. All Sisters, employees, volunteers and contractors are required to prioritise the assessment and treatment of risks, and the Province will ensure that they have access to training and support which enables them to do this effectively. Any serious incidents or breaches of policy and procedure are reviewed to ensure that the training and support is adequate to strengthen child safeguarding practices.

5. Record Keeping and Information Sharing

- 5.1. The Daughters of Our Lady of the Sacred Heart collect information from a range of stakeholders, the type of information collected and the length of time information is stored is dependent on the type of engagement with stakeholders.
- 5.2. The Daughters of Our Lady of the Sacred Heart are committed to the safeguarding of children and young people at all levels of the organisation. Where information is relevant to children's wellbeing or safeguarding, the Daughters of Our Lady of the Sacred Heart are committed to upholding the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse.

6. Equity and Diversity

- 6.1. The Daughters of Our Lady of the Sacred Heart recognise and actively anticipate the diverse circumstances of children and young people and their families. The Daughters of Our Lady of the Sacred Heart celebrate the strengths and individual characteristics of children and young people and embrace them regardless of their abilities, gender, socioeconomic status and cultural background. A welcoming, safe and supportive environment for all is paramount to fulfilling mission. Equity and diversity, as a principle and practice, are built into all aspects of child safeguarding, including our values, education and training and understanding of child abuse.
- 6.2. The particular needs of Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, and LGBTQI+ children and young people are recognised. The Daughters of Our Lady of the Sacred Heart are committed to removing any barriers that children may experience so that they can freely disclose any experience of abuse. Children in the care of the Province have access to information, support and complaints processes in an easily understood format.

7. Engaging Children and Young People and the Wider Community

- 7.1. The Daughters of Our Lady of the Sacred Heart understand that a child safe organisation has a culture that makes an ongoing commitment to supporting children and young people to understand what child safety means in age appropriate ways. The Daughters of Our Lady of the Sacred Heart recognises that empowered children who feel safe and supported in their environment are more likely to raise concerns about abuse or neglect and are more likely to interact safely and positively with peers. The Daughters of Our Lady of the Sacred Heart will endeavour to make children and young people with whom our Sisters, employees and volunteers engage aware of their rights, and to provide them with child safety information in child-friendly language.
- 7.2. The Daughters of Our Lady of the Sacred Heart are committed to making their positions, safeguarding focal points, policies and direction statements public and available for the community, including parents and carers, to view online and in physical spaces where children and young people spend time. Where safeguarding documents are under review, Daughters of Our Lady of the Sacred Heart will seek

the input of the community.

8. Ongoing Commitment to Safe Online Environments for Children and Young People

8.1. The Daughters of Our Lady of the Sacred Heart are committed to ensuring all children and young people in our Ministries are aware of safe online practices. The Daughters of Our Lady of the Sacred Heart commit to staying informed about any updates to online child safety and recognise that many children are abused online every day. The Daughters of Our Lady of the Sacred Heart will communicate updates to Sisters, employees, volunteers and contractors through the Safeguarding Coordinator.

9. Non-Adherence to Child Safeguarding Policy

9.1. All Daughters of Our Lady of the Sacred Heart, Sisters, employees, volunteers and contractors are required to adhere to the policies and procedures within the Child Safeguarding Policy. Where a breach in policy is identified, the Congregation will respond without delay. Personnel who breach the policy and its related procedures will face disciplinary action. For employees, volunteers and contractors this disciplinary action may include termination of their engagement with the Daughters of Our Lady of the Sacred Heart. Serious breaches of this policy and related procedures may be reported to police.

CHILD SAFEGUARDING POLICY DECLARATION

I, _____,
have received and read a copy of the Daughters of Our Lady of the Sacred Heart Child Safeguarding Policy. I understand the key principles, values and behaviours that are at the heart of the life and mission of the Daughters of Our Lady of the Sacred Heart.

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

Signature: _____

Date: _____

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APPENDIX 1 - National Principles for Child Safe Organisation and National Catholic Child Safety Standards¹



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

¹ Catholic Professional Standards Ltd – National Catholic Child Safety Standard

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APPENDIX 2 - Key State and Territory Child Safety and Mandatory Reporting Legislation

New South Wales	
Legislation	What does it mean?
Children and Young Persons (Care and Protection) Act 1998	<p>The Act establishes the legislative framework governing child wellbeing and providing child protection and out-of-home care services in NSW. Any person who has reasonable grounds to suspect a child is at risk of harm may make a report to the appropriate authority.</p> <p>Mandatory reporters must report where they have reasonable grounds to suspect that a child is at risk of significant harm.</p> <p>Mandatory reporters are:</p> <ul style="list-style-type: none"> a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children; and b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children; and c) a person in religious ministry, or a person providing religion-based activities to children; and d) a registered psychologist providing a professional service as a psychologist.

<p>Crimes Act 1900</p>	<p>Failure to Report: All adults in NSW are required to report information to Police if they:</p> <ul style="list-style-type: none"> • know, believe or reasonably ought to know that a child has been abused; or • know, believe or ought to reasonably know that they have information that might materially assist in securing the apprehension, prosecution or conviction of the offender; • the offence covers sexual abuse, serious physical abuse and extreme neglect of a child (under 18 years). <p>Failure to Protect: An adult working in an organisation that engages workers in child-related work commits an offence if they:</p> <ul style="list-style-type: none"> • know that an adult worker engaged by the organisation in child related work poses a serious risk of abusing a child (under 18 years), and • have the power or responsibility to reduce or remove the risk, and • negligently fail to reduce or remove that risk. • the offence covers failures to protect against sexual or serious physical abuse and is punishable by up to two years imprisonment. <p>Grooming: The grooming offence was broadened in 2018. It now covers: An adult person who engages in conduct that exposes a child to indecent material or provides a child with an intoxicating substance or offers a child or adult with a child in their care a material or financial benefit with the intention of making it easier to access the child for sexual activity with that or any other person.</p>
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<p>Children’s Guardian Act 2019</p>	<p>Pursuant to the <i>Children’s Guardian Act 2019</i> all heads of relevant entities must report an allegation of Reportable Conduct to the Office of the Children’s Guardian as soon as practicable or within seven working days of becoming aware of the alleged conduct. A Reportable Conduct allegation relates to the alleged conduct of an employee or volunteer of a relevant entity, including Religious personnel, that holds or is required to hold a valid Working with Children Check (WWCC). Reportable Allegations include:</p> <ul style="list-style-type: none"> • a sexual offence committed against, with or in the presence of a child • sexual misconduct with, towards or in the presence of a child • ill-treatment of a child • neglect of a child • physical assault of a child • behaviour that causes emotional or psychological harm to a child • failure to reduce or remove risk of a child becoming a victim of child abuse (<i>Crimes Act 1900 s43B</i>) • concealing a child abuse offence (<i>Crimes Act 1900 s316A</i>) <p>The allegation does not have to relate to the person’s current work or ministry and can have occurred at any time, anywhere in the world.</p>
<p>Child Protection (Working with Children) Regulation 2012</p>	<p>The Child Protection (Working with Children) Regulation 2012 makes a WWCC a requirement for people who work or volunteer in child-related work.</p>
<p>Northern Territory</p>	
<p>Legislation</p>	<p>What does it mean?</p>
<p>Care and Protection of Children Act 2007</p>	<p>The Act governs child protection in the Northern Territory. The objects of the Act were to promote the wellbeing of children, protection of children from harm and exploitation and to maximise their opportunities to develop to their full potential. It further aimed to support families and persons with responsibilities for children in their care for children's wellbeing.</p> <p>The Act also outlines mandatory reporting requirements and working with children clearance.</p> <p>Mandatory reporting: Under the Act any person who believes, on reasonable grounds, that a child is in need of protection is required to report.</p>

	<p>Working with Children Clearance: Anyone who works or volunteers with children must hold an Ochre Card (Working with children clearance). The Ochre Card is valid for two years.</p>
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South Australia	
Legislation	What does it mean?
<p>Children and Young People (Safety) Act 2017</p>	<p>The Act governs and guides child protection in South Australia. The protection of children and young people from harm is the paramount consideration in the application of the Act. Under the Act anyone can make a notification to Child Protection.</p> <p>Mandatory notification: Mandated notifiers are those who, due to their profession or position within the community must notify Child Protection if they have a reasonable belief that a child has suffered or may be at risk of harm. Mandated notifiers are:</p> <ul style="list-style-type: none"> • Medical practitioners • Pharmacists • Registered or enrolled nurses • Dentists • Psychologists • Police officers • Social workers • Community corrections officers • Teachers • Family day care providers • A minister of religion, a person who is an employee of, or a volunteer in, an organisation formed for religious or spiritual purposes • Any employee or volunteer in an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children – a person who:

	<ul style="list-style-type: none"> ○ Provides the services directly to children and young people or ○ Holds a management position in the organisation directly responsible for the provision of services to children and young people
Child Safety (Prohibited Persons) Regulations 2016	<p>The legislation outlines the offence in place for a person to work with children in South Australia without having obtained a Working with Children Check in the last 5 years.</p> <p>‘Working with children’ is defined in the Act as a person who runs a business that provides, or they themselves provide a service or undertake an activity that is child-related work. A person who has physical contact with a child, is in close proximity to a child or children through their work is communicates with a child (in writing, or orally) is considered to have contact with children.</p>

Queensland	
Legislation	What does it mean?
Child Protection Act 1999	<p>The act governs and guides child protection across Queensland.</p> <p>Reporting: Any person can report to the appropriate authority where they have a reasonable suspicion that a child may be in need of protection.</p> <p>Mandatory reporters: Mandatory reporters are required to make a report to Child Safety if they form a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse, and may not have a parent able and willing to protect them. Mandatory reporters in Queensland are identified as:</p> <ul style="list-style-type: none"> • a doctor • registered nurse • teacher • police officer • early childhood education and care professional <p>a person performing a child advocate function under the <i>Public</i></p>

	<i>Guardian Act 2014</i>
Working with Children (Risk Management and Screening) Regulation 2011	<p>Blue Card Services screening assesses a person's eligibility to engage in work with children by examining their past police and disciplinary information, monitors information on an ongoing basis for changes to police information and requires organisation to manage risks to children.</p> <p>Recent amendments in Queensland mean that a person cannot begin child-related employment or volunteering without a valid Blue Card.</p>

Victoria	
Legislation	What does it tell us?
<p>Children, Youth and Families Act 2005</p>	<p>Governs and guides the process of child protection in Victoria. Under this Act a person can make a report to Child Protection Services if they have:</p> <ul style="list-style-type: none"> • a significant concern for a child’s wellbeing; belief the child is in need of protection, or significant concern before the birth of a child about his/her wellbeing after his/her birth. <p>The Act also outlines mandatory reporting obligations (a reasonable belief that physical or sexual abuse has taken place or may take place) and identifies mandatory reporters as:</p> <ul style="list-style-type: none"> • registered medical practitioners • midwives • registered nurses • a person registered as a teacher under the <i>Education, Training and Reform Act 2006</i>, or teachers granted permission to teach under the Act • principals of a school • members of the police force <p>In 2019, mandatory reporting laws expanded to include those who work in:</p> <ul style="list-style-type: none"> - out of home care - youth justice - early childhood - registered psychologists <p>School counsellors were included as of 31 January 2020.</p> <p>A Bill was recently introduced in Parliament that will see people in religious ministries added to the list of mandated reporters.</p>
<p>Children Legislation Amendment (Reportable Conduct) Act 2017</p>	<p>The scheme is in place to improve oversight of how organisations respond to allegations of child abuse and child-related misconduct by workers and volunteers. Under the scheme, the Commission for Children and Young People will have the power to:</p> <ul style="list-style-type: none"> • monitor organisations’ investigations of abuse or misconduct and report on trends; • share information with key organisations, such as the Working with Children Check Unit and certain professional registration bodies, to improve child safety; • inquire into the safety systems of organisations engaged in child-related work; and share relevant information to better protect children from the risks of abuse.

<p>Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015</p>	<p>Establishes the Victorian Child Safe Standards that certain entities engaging with children must comply with:</p> <p>Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.</p> <p>Standard 2: A child safe policy or statement of commitment to child safety.</p> <p>Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children.</p> <p>Standard 4: Screening, supervision, training and other human resource practices that reduce the risk of child abuse by new and existing personnel.</p> <p>Standard 5: Processes for responding to and reporting suspected child abuse.</p> <p>Standard 6: Strategies to identify and reduce or remove risks of child abuse.</p> <p>Standard 7: Strategies to promote the participation and empowerment of children.</p>
<p>Crimes Amendment Act 2014 (Grooming)</p>	<p>Refers to the offence of grooming. A grooming offence is committed if the offender communicates, by words or conduct, with a child under the age of 16 years or their carer or supervisor; and intends to commit a sexual offence involving the child.</p>
<p>Crimes Amendment Act 2014 (Failure to Protect)</p>	<p>Refers to the failure to protect children from sexual offences. If any individual or organisation could have reasonably protected a child from sexual abuse and fails to do so it may be considered a criminal offence.</p>
<p>Crimes Amendment Act 2014 (Failure to Disclose)</p>	<p>Refers to the responsibility of all individuals to disclose to authorities if they have a reasonable belief that a child under the age of 16 years has been sexually abused. Failure to do so is a criminal offence.</p>
<p>Working with Children Check (WWCC) Act 2005</p>	<p>Outlines the purpose of the WWCC and what constitutes child-related work and outlines occupations that apply and explains relevant offences and findings that are relevant to the WWCC. The check involves an examination of a person's criminal history and relevant professional conduct. It sets out obligations of individuals and organisations and how personal information is stored and disposed of.</p>
<p>Wrong's Amendment (Organisational Child Abuse) 2017</p>	<p>The Act imposes a duty of care that forms part of a cause of action in negligence on organisations exercising care, supervision or authority over children to prevent physical or sexual abuse of children committed by persons associated with the organisation.</p>
<p>Child Information Sharing Scheme</p>	<p>The Child Information Sharing Scheme will allow information sharing between authorised and trained professionals specifically to promote children's wellbeing and safety.</p>

THE DAUGHTERS OF OUR LADY OF THE SACRED HEART

APPENDIX 3 - Forms of Child Abuse

- **Emotional Abuse**

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

- being repeatedly rejected, name-called or put down;
- being frightened by threats;
- continual coldness to the extent that it significantly damages the child's physical, social, intellectual or emotional development;
- repeated exposure to family violence.

- **Family Violence**

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

- physically or sexually abusive;
- emotionally abusive;
- engaging in controlling or dominating behaviour toward a family member, causing the family member to fear for their safety or that of another family member;
- responsible for causing a child to hear or witness or otherwise be exposed to the effects of behaviour referred to above.

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

- **Grooming**

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

- spending special time with a child e.g. in private settings, away from the organisation, online;
- isolating the child or young person from family and peers;
- giving gifts to a child;
- showing favouritism;
- allowing the child to disregard of boundaries or rules;
- inappropriate physical contact with a child;
- testing and breaking professional boundaries.

- **Neglect**

Neglect is the failure to provide for the child's basic needs for life for example.

- food;
- shelter;
- clothing;
- medical attention;
- supervision or care.

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

- **Sexual Abuse**
Sexual abuse occurs when a person uses power, force, coercion, or authority to involve a child in any form of sexual activity. Sex offenders may engage in both contact and non-contact behaviours. Behaviours that sex offenders may engage in include:
 - touching or fondling;
 - obscene or suggestive phone calls/text messages;
 - exhibitionism and/or voyeurism;
 - pornographic images;
 - penetration with penis, finger or other object into the mouth, anus or vagina.

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

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

- **Online Abuse**
Online abuse is child abuse that occurs when children and young people use the internet. Online abuse occurs in many forms, including but not limited to:
 - Image-based abuse;
 - verbal abuse;
 - grooming;
 - exposure to pornographic images;
 - 'revenge porn'.
 - Sharing pornographic images via email or "sexting"

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

Related Terms

- **Cumulative Harm**
Cumulative harm involves repeated and ongoing abuse and/or neglect which detrimentally impacts a child's development and wellbeing.

- **Multi-Dimensional Harm**
Multi-dimensional harm occurs where a child is subjected to multiple forms of abuse.

- **Harmful sexualised behaviour in children**

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

- inappropriate sexual touching of another child without consent;
- sharing of sexually explicit images;
- engaging in sexually explicit conversations
- encouragement of sexualised behaviour in other children;
- any sexualised behaviour that is harmful to themselves or others.

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

- **Racial, cultural, religious, spiritual safety**

Racial, cultural, religious and spiritual safety, abuse occurs where safety is impacted through conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture, religion or spiritual beliefs. Conduct may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude, behaviours and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture. This conduct may result in significant emotional abuse of a child and/or increase the risk of harm and vulnerability of the child to other forms of abuse.

THE DAUGHTERS OF OUR LADY OF THE SACRED HEART

APPENDIX 4 – Child Abuse Indicators

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

The following list includes examples of indicators, but is not exhaustive.

Abuse Type	Indicators
Physical	<ul style="list-style-type: none"> • disclosure of abuse • bruises, burns, sprains, dislocations, bites, cuts • pressure marks from fingers • location and extent of injury do not fit the explanation given • fractured bones, especially in an infant where a fracture is unlikely to occur accidentally • poisoning • internal injuries • showing wariness or distrust of adults • wearing long-sleeved clothing on hot days (to hide bruising or other injury) • demonstrating fear of parents and of going home; running away • becoming fearful when other children cry or shout • being excessively friendly to strangers • being very passive and compliant
Sexual Abuse and Exploitation	<ul style="list-style-type: none"> • child telling someone that sexual abuse has occurred • complaining of headaches or stomach pains • experiencing problems with schoolwork • sexually transmitted infections • genital injuries • bleeding • bite marks • pregnancy • displaying sexual behaviour or knowledge which is unusual for the child's age • excessive masturbation which doesn't respond to boundaries • showing behaviour such as frequent rocking, sucking and biting • experiencing difficulties in sleeping • persistent soiling or bed wetting • having difficulties in relating to adults and peers • unexplained absences • unexplained gifts or money are often signs of sexual exploitation

Emotional	<ul style="list-style-type: none"> • disclosure of abuse • developmental delays • displaying low self esteem • tending to be withdrawn, passive, tearful • displaying aggressive or demanding behaviour • being highly anxious • showing delayed speech • fear of the dark, sleep disturbances • acting like a much younger child, e.g. soiling, wetting pants • displaying difficulties in relating to adults and peers • avoiding home • running away
Neglect	<ul style="list-style-type: none"> • disclosure of neglect • frequent hunger • malnutrition • poor hygiene • inappropriate clothing e.g. summer clothes in winter • left unsupervised for long periods • medical needs not attended to; ill more than average • abandoned by parents • stealing food • staying at school outside school hours • often being tired, falling asleep in class • abusing alcohol or drugs • displaying aggressive behaviour • not getting on well with peers
Family Violence	<ul style="list-style-type: none"> • disclosure of family violence • physical injuries • concentration difficulties • adjustment difficulties • anxious or nervous • depression • fear of a parent or partner of a parent • isolation from friends and family • unusual absences from school and other child related activities • fear of conflict • violent outbursts • aggressive language • headaches, abdominal pain, stuttering

THE DAUGHTERS OF OUR LADY OF THE SACRED HEART

APPENDIX 5 – Policy Definitions

- **Aboriginal and Torres Strait Islander** – a person who is of Aboriginal or Torres Strait descent, identifies as Aboriginal or Torres Strait Islander and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
- **Adult** – a person 18 years of age or older and includes persons who are employees, volunteers and associates of the Daughters of Our Lady of the Sacred Heart.
- **Child** – any person under the age of 18.
- **Child Safe** – refers to an organisational environment that has an open and aware culture; understands child abuse; is supported by well-known child safeguarding policy; promotes the empowerment and participation of children; manages child safety risks; and expects all personnel to report all allegations, disclosures or concerns. Child safety encompasses matters related to protecting all children from child abuse and neglect; intervening early where concerns arise; preventing abuse where possible; managing the risk of child abuse; providing support to a child at risk of child abuse; and responding to incidents or allegations of child abuse. Child safety includes **cultural safety** for children.
- **Child Protection** – refers to legislation, a statutory authority responsible for child protection, and all measures taken to minimise the risk of child abuse. Child protection is a core part of the broader, over-arching concept of child safety.
- **Code of Conduct** – policy which specifies behaviours expected of all Sisters, employees, volunteers and contractors in the organisation.
- **Contractor** – a person or organisation that undertakes a contract to provide materials, tasks or labour to do a service or job.
- **Cultural safety** – the positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity. It is an environment which is socially and emotionally safe, as well as physically safe for children. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening³.
- **Culturally and/or linguistically diverse background (CaLD)** – identification with particular cultural or linguistic affiliations by virtue of place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home, or because of parents' identification on a similar basis.
- **Disability** – any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Some disabilities may be clearly recognisable while others are hidden.
- **Disclosure** – refers to a child telling someone (through words, drawings or actions) that they feel unsafe or have been harmed.
- **Employee/Employees** – refers to any individual employed by The Daughters of Our Lady of the Sacred Heart .

³ Revised from *An Overview of the Victorian Child Safe Standards* (November 2015) -State of Victoria, Department of Health and Human Services and *A Guide for Creating a Child Safe Organisation* (Version 2.0 December 2015)- Commission for Children and Young People