Safeguarding Framework Policy

Section 1 - Purpose

(1) Catholicism is an inclusive faith, the word Catholic is derived from Greek ‘katholikos’ (universal). The Catholic Diocese of Maitland-Newcastle (the Diocese) is committed to promoting the safeguarding of children and vulnerable adults in all its communities and all the ministries and activities which it undertakes. The safeguarding of children and vulnerable adults occurs in an open and welcoming Church that is also accountable and transparent.

(2) The Australian Children’s Commissioners and Guardians defines a child-safe institution as one that consciously and systematically:

a. creates conditions that reduce the likelihood of harm to children;
b. creates conditions that increase the likelihood of identifying and reporting harm; and
c. responds appropriately to disclosures, allegations or suspicions of harm.

(3) The Diocese’s understanding of the term ‘safeguarding’ is derived from the United Kingdom and has globalised its application to include vulnerable adults. Safeguarding refers to the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.

(4) Pope Francis*, stated that safeguarding in our Catholic Church is founded on the recognition of the intrinsic dignity of every human person, with particular care and attention reserved for the most vulnerable amongst us. The Diocese supports a person’s dignity by embracing them for whom they are, recognising and validating the individual’s uniqueness and diversity. Equally though, the Diocese recognises the inherent imbalance of power and position that is experienced by vulnerable adults when interacting with mainstream society and the need to ensure additional protections and care are afforded to those who are vulnerable.

*Address of His Holiness Pope Francis to the Members of the Pontifical Commission for the Protection of Minors, 29 April 2022 (p. 3)

(5) The Diocese takes a zero tolerance approach to abuse. The Diocese strives to inculcate the safeguarding of children and vulnerable adults as a core practice in all its parishes and faith communities as well as all the services and programmes offered by the Diocese.

(6) The Safeguarding Framework Policy (‘Framework’) is designed to:

a. support diocesan workers to meet their safeguarding obligations;
b. provide diocesan leadership with guidance on what needs to be incorporated into individual parishes' and agencies’ policies, procedures and operational norms to achieve compliance with achieve compliance with state and Church legislation, obligations and expectations; and
c. assist the Diocese in being a ‘child-safe organisation’.

(7) The Framework is designed to promote and support the Diocese’s primary mission, to seek first the Kingdom of God:

> To evangelise − to proclaim Christ, the Good News of God's love for all. All our pastoral activities must, therefore, flow from our personal response to Christ and be carried out in the spirit of the Gospel.

Section 2 - Scope

(8) On 29 April 2022 Pope Francis addressed the plenary session of the Pontifical Commission for the Protection of Minors, saying:

> Abuse in any form is unacceptable. The sexual abuse of children is particularly grave, as an offence against a life that is just beginning to flower… This is the road that all of us must take: bishops, religious superiors, priests, deacons, consecrated persons, catechists and lay faithful. Each member of the Church, in accord with his or her proper state, is called to assume responsibility for preventing cases of abuse and to work for justice and for healing.

(9) The Framework applies to the whole Catholic Diocese of Maitland-Newcastle [refer to section 4, Definitions], specifically, the policies, procedures, protocols and practices of diocesan parishes and agencies that relate to or otherwise effect children and vulnerable adults who are part of the Diocese's faith communities or in receipt of diocesan services.

(10) The Framework is subservient to civil and canonical laws.

(11) Diocesan parishes and agencies must support the Diocese's compliance with:

a. the National Principles for Child Safe Organisations;
b. NSW Child Safe Standards; and
c. the National Catholic Safeguarding Standards ('Standards').

- as applicable to the parishes' or services' particular ministry, areas of responsibility, provisions of service and expertise.

(12) Diocesan parishes and agencies will work to achieve compliance in consultation with the Office of Safeguarding.

(13) Diocesan workers [refer section 4, Definitions] are required to promote the safeguarding of children and vulnerable adults and comply, where applicable, with the Framework. Diocesan workers' obligations are summarised in the Diocesan Safeguarding Commitment Statement [refer section 16, Appendix Part A].

(14) Should this Framework be or come into conflict with other diocesan policies, the requirements and obligations imposed by the Framework takes precedence, until such time as the conflict is resolved.

Section 3 - Breaching the Framework

(15) The Diocese considers abuse committed against children or vulnerable adults, or failure to protect children and vulnerable adults, as a serious breach of this Framework that will be addressed at a level commensurate with the seriousness of the conduct or failure to act.

(16) The Office of Safeguarding will undertake inquiries to ascertain whether a diocesan worker, other than the Director of Safeguarding, is in breach of the Framework. A third-party investigator, will conduct inquiries into the Director of Safeguarding, answering to the Bishop or his delegate.

(17) Where the Diocese has established that there has been a breach of the Framework, the range of potential consequences that the diocesan worker may experience, is dependent on the nature of the sustained allegations, the nature of the work undertaken by the worker or their role in ministry and the nature of their engagement with the Diocese. Breaches of this Framework by senior leaderships in the Diocese is considered particularly serious.

(18) The Diocese's People and Culture Service is responsible for the oversight of formal disciplinary proceedings for employees and volunteers. Disciplinary action will be taken in accordance with the Diocese's Counselling and Disciplinary Policy. Issues related to clergy and religious are the responsibility of the Bishop's Office and management of contractors rest with Property Service. The following provides a brief summary of review options:

a. Clergy and religious
    i. Review of a clerics or religious' ministry which may include:

        - counselling on acceptable conduct;
        - assessment of suitability to the current or future ecclesiastic appointments;
        - restriction, suspension or withdrawal of faculties.

b. Contractors
    i. Review of the Diocese's engagement with the contractor, including:

        - counselling on acceptable conduct and breaches of policy;
        - issuing a warning letter (breach of contract);
        - cancellation of contract(s);
        - temporary or permanent refusal by the Diocese to re-engage with the contractor.

c. Employees
    i. Disciplinary action which may include:
        - counselling on acceptable conduct;
        - formal warning;
        - transfer to another, more appropriate position;
        - suspension or termination of employment.

d. Volunteers and student placements
    i. Review of the person's continued engagement with the Diocese, which may include:

        - counselling on acceptable conduct;
        - changes of role and responsibility;
        - cessation of their placement or engagement as a volunteer.

(19) Reference should be made to the relevant policy for more information.

Section 4 - Definitions

(20) The following definitions are relevant for the purposes of the Framework and related policies and procedures of the Office of Safeguarding. These definitions do not necessarily apply to other diocesan policies and procedures.

Bishop of Maitland-Newcastle **(Bishop)**	For the purposes of this policy and related documents the following words or expressions are defined as set out in this clause. The Bishop of Maitland-Newcastle ("Bishop") means the diocesan bishop who has taken canonical possession of the Diocese in accordance with the Code of Canon Law in force ("the Code"). If the episcopal see comprising the Diocese is either impeded or vacant as set out in the Code, then the Bishop of Maitland-Newcastle shall be inclusive of the person properly empowered to undertake the governance of the impeded or vacant see of Maitland-Newcastle in accordance with the Code, including: • a coadjutor bishop; • an auxiliary bishop; • the diocesan administrator; or • an apostolic administrator.
Child abuse	Or maltreatment was defined in 1999 by the World Health Organisation (WHO) as "all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power." The Standards have adopted a more detailed definition which is available on the Office of Safeguarding website, alongside a detailed discussion on what constitutes the various forms of child abuse and neglect [Reporting child abuse].
Children	Refers to people under the age of 18 years*. *Under the Children and Young Persons (Care and Protection) Act 1998, there is a differentiation between children (0-15 yrs) and young people (16-17 yrs). However, the Crimes Act 1900 and the Child Protection (Working with Children) Act 2012 define children as any person less than 18 years of age. The Children's Guardian Act 2019, other than for purposes of Part 6 Child Employment, also defines children as persons under 18 years of age. The National Catholic Safeguarding Standards defines children as "individuals under 18 years of age". The definition recognises that there is a graduation towards independence that begins for children prior to their 18th birthday, through adolescence increasing independence and self-determination is afforded to a child, e.g. making some medical decisions independent of their parents etc.
Complaint	A complaint is an expression of dissatisfaction made to or about the Diocese, the services the Diocese offers, a diocesan worker or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. A complaint is not a request for service, an expression of concern, opinion or feedback where a response is not explicitly or implicitly expected. There are particular subsets of complaints that are specifically classified and are subject by the Diocese to differing responses and resolution processes.
Complainant	The complainant is the person who makes the complaint. The complainant may be the person who suffered the alleged inappropriate conduct or poor service or a person acting on another person's behalf for example, the responsible person for a child (e.g. parent) or vulnerable person (e.g. appointed guardian).
Conflict of interest	Conflict of interest refers to situations where a conflict arises between public or professional duty and private interest. This conflict could influence the performance of official duties and responsibilities. Such conflict generally involves opposing principles or incompatible wishes or needs. The issue of conflict of interests was considered in the NSW Supreme Court*. The judgement assumes a view that humans are fundamentally driven by self-interest and therefore our adherence to duty and responsibility should not be pitted against our own best interests. Conflicts of interests can be: • Actual, involves direct conflict between your current duties and responsibilities and existing private interests; or • Reasonably perceived, where a reasonable person could perceive that your private interests are or are likely to improperly influence the performance of your duties, irrespective of whether this is the fact. *NSW Supreme Court judgement [(1971) 1 NSWLR 879] in which Justice Street said: The Courts have always looked askance upon situations in which a [person] occupying a position of trust engages in activities involving a potentiality of serving interests other than those which his [or her] position requires him [or her] to serve. ...[situations where a conflict arises between duty and self interest are] fraught with the risk that human frailty will prove unequal to the resolution of the moral issues involved in the conflict.

Contractors	The Diocese classifies contractors into one of five categories which are detailed in 'Appendix A' of this document. Unless otherwise stipulated in specific sections or paragraphs, this Framework applies to those contractors deemed to be in 'child-related work'. The categories are:- • Cat.2b Prequalified and Approved Contractors: • Provision of general services within diocesan facilities – In child-related work E.g cleaners • Cat.4 Contractors engaged by the local service (e.g. school) or parish to provide specialised child-related work (e.g. music tutors, sports coaches). Includes locally contracted cleaners. • Cat.5 Contractors engaged by third parties to provide child-related services to children whilst in the care of a diocesan agency. Specifically, a parent engaging a speech pathologist to provide a service to their child whilst at school (student in a diocesan school).
Diocese of Maitland-Newcastle	Is inclusive of all parishes and agencies, communities, ministries and works that are under the authority of the Bishop of Maitland-Newcastle. The Bishop takes his authority from Canon Law (canons 375-402). The Diocese is not wholly geographic in nature. There are elements of the Catholic Church operating within the physical boundaries of the Diocese that do not fall under the authority of the Bishop, do not have him as 'head of agency' and are not a part of the Diocese of Maitland-Newcastle. Equally, particular diocesan ministries occur within external institutions (e.g. Prison Chaplaincy, Hospital Chaplaincy).
Diocesan agencies	May also be referred to as 'directorates'. Diocesan agencies are intra-diocesan organisational structures that have been established and developed in the life of the church, to undertake good works on behalf of the Diocese and the provision of tertiary support to those services. Diocesan agencies include: • CatholicCare Social Services Hunter-Manning including the Development and Relief Agency (DARA); • Catholic Community Fund; • Catholic Schools and the diocesan systemic schools; • Hunter Community Housing; • St Nicholas services including Early Education centres, Out of School Hours Care (OOSH) and Pathways programme; and • Shared Services, which is inclusive of multiple specialist service providers to diocesan parishes and agencies, that forms part of the Diocesan Curia.
Diocesan leaders	A term that refers to the whole leadership group of the Diocese of Maitland-Newcastle, which is a combination of 'local leaders' and 'senior leaders'.
Diocesan workers	A worker is a person who carries out work in any capacity for an employer or 'Person Conducting a Business Undertaking'. This includes employees, clergy, religious, trainees, apprentices, student placements, volunteers and contractors. In the Diocese of Maitland-Newcastle, 'Worker' includes those who carry out work in parishes within the Diocese, within diocesan agencies and the diocesan curia.
Findings	A decision based on fact, whether there is sufficiently compelling inculpatory evidence to determine that a complaint has merit or is 'sustained'. Alternatively, the finding is that the complaint does not have merit or is 'not sustained'.
First Nations Peoples	The Diocese of Maitland-Newcastle's Reconciliation Action Plan 2022-23 'Reflect', applies this language alongside the naming of Aboriginal and Torres Strait Islander peoples and Australia's First Peoples.
Local leaders	Refers to the diocesan worker or workers whose authority is localised, i.e. specific to a particular service or parish, and may refer to: • a director of an early education centre; • a head of service; • a manager; • a school principal; • parish leaders, inclusive of assistant parish priests and appointed lay leadership; or • the nominated supervisor in an OOSH service.
Outcomes	Those consequences or actions that stem from the findings and reflect the seriousness of the allegations and address any unresolved risks. Outcomes tend to fall within two classes: • the future roles and responsibilities of the respondent as a diocesan worker; or • issues related to the Diocese of Maitland-Newcastle's current operational or systemic practices.

Parishes	"… is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (parochus) as its proper pastor (pastor) under the authority of the diocesan bishop." (Can. 515§1)
Programmes	Are the particular operational activities that are related and often interrelated and interdependent that collectively work towards a shared outcome or purpose. Programmes are often defined by funding and/or governance arrangements. Programmes must be accountable to or an integral part of a diocesan parish or agency.
Refugees	Australia is a signatory to the UN Refugee Convention* which defines a refugee as a person who is outside their own country and is unable or unwilling to return due to a well-founded fear of being persecuted because of their: • race; • religion; • nationality; • membership of a particular social group or; • political opinion. *The United Nations Convention and Protocol Relating to the Status of Refugees (1951 Convention and 1967 Protocol).
Respondent	The person who is the subject or focus of the complaint, i.e. the person who undertook the action or was responsible for the provision of service that triggered the complaint.
Senior leaders	Refers to those positions and roles that constitute canonical offices, report or relate directly to the Bishop, are members of the Diocesan Leadership Group or are otherwise specified as such by the Bishop. The roles and offices that form part of the diocesan senior leadership include: • Chancellor; • Chief Executive Officer; • Chief Operating Officer; • Directors of services; • Parish Priest; and • Vicar-General.
Unpaid helpers	Is a term used to capture the spectrum of people who provide services and support to the many ministries and activities of the Diocese without remuneration. There are a number of classifications for unpaid helpers to assist in differentiating the degrees of engagement and oversight that are applied. There are three classifications of unpaid helpers who are not considered 'diocesan workers': • Incidental Helper; • Parishioner Helper; and • Visitor. There are three classifications of 'volunteers' in the Diocese who are considered 'diocesan workers' and, unless otherwise stipulated in specific sections or paragraphs, to which this Framework applies: • Volunteer (Close family member); • Volunteer (General); and • Volunteer (Spiritual Officer).

Vulnerable adults	On 7 May 2019 Vos Estis Lux Mundi established a definition of vulnerability. The revised decree (27 March 2023) establishes that a vulnerable adult: • means any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which in fact, even occasionally, limits his or her capacity to understand or will or otherwise resist the offence." • Vos Estis Lux Mundi also states that "a person habitually suffering from the imperfect use of reason shall be equated with a minor". The National Catholic Safeguarding Standards (Ed. 2) apply the term 'adult at risk' which "means any person aged 18 years and over who is at increased risk of experiencing abuse". The term is very broad and significantly beyond what canon law deems to be vulnerable. The Diocese is guided by the understanding of vulnerability set out in Vos Estis Lux Mundi. To assist practical interpretation, the Diocese considers vulnerable persons as those who: • have physical disability of sufficient severity as to make them dependent on another for assistance in everyday activities and self-care; • have a chronic or persistent mental illness that significantly impedes their competence to self-determine their lives; • have a developmental delay or other cognitive disability to a moderate or profound degree; • is neurodiverse to a degree that ongoing functioning in society requires assistance and support from another; • becomes physically or mentally frail as a result of advanced years or personal history (e.g. having been in institutional or statutory care). Whilst a person may have a medical diagnosis or a statutory or other classification which evidences that person's vulnerability; it is not a prerequisite. For the purposes of this policy, the assessment of the diocesan worker that a person meets one or more of the criteria, based on credible evidence, is sufficient to determine that a person should be afforded the protections of being a vulnerable person. Individuals and families (including children) or other relationship groups who are classified as refugees or asylum seekers by the Australian Government are also considered vulnerable. An asylum seeker is a person who has fled their own country and applied for protection as a refugee.
(Abuse of) vulnerable adults	Is highly complex. Unlike children who have a presumptive right to age-appropriate levels of protection and safety, adults are free to make poor, even self-destructive choices. However, where there is an established incapacity or identifiable loss of capacity to make genuinely informed and independent choices, the situation becomes much more complex. The Diocese recognises that vulnerable adults should have additional consideration and support to maintain their safety and dignity. Currently there are two principal sources of understanding abuse of vulnerable adults: • abuse of people with disability; • elder abuse; both of which are subject of Royal Commissions into past and current systemic failures to protect vulnerable adults. The Office of Safeguarding website provides a detailed discussion on what constitutes the various forms of abuse of vulnerable persons [Reporting abuse of a vulnerable person]

Section 5 - Principal instruments informing the Framework

(21) No one can safeguard children and vulnerable adults alone, it requires a shared and collectively applied determination. There are multiple acts and associated regulations, conventions, principles and guidelines that form the foundations and inform the nature of the Diocese's ongoing work in strengthening a safeguarding culture. The Framework is dependent on and informed by international, national, state and church instruments.

(22) Of lasting and eminent importance in informing the ongoing development of safeguarding in Australia is the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (2017). Of relevance to the Framework are Volumes 2-10, 12, 13, 16[Books. 1-2] and 17.

United Nations

(23) The international treaties, conventions, protocols and other agreements entered into by the Commonwealth of Australia, notably:

a. Universal Declaration of Human Rights (1948);
b. Convention on the Rights of the Child (1989);
c. Principles for Older Persons (1991); and
d. Convention of the Rights of Persons with Disabilities (2006) .

Commonwealth

(24) The laws and associated statutory instruments enacted and otherwise endorsed by the parliament and government of the Commonwealth of Australia, notably:

a. Family Law Act 1975;
b. Australian Human Rights Commission Act 1986;
c. Privacy Act 1988 (Australian Privacy Principles);
d. Criminal Code Act 1995;
e. Modern Slavery Act 2018;
f. National Principles for Child Safe Organisations (2019);
g. National Strategy to Prevent and Respond to Child Sexual Abuse [2021–2030]; and
h. Safe and Supported: The National Framework for Protecting Australia's Children [2021-2031].

New South Wales

(25) The acts and associated statutory instruments, schemes, standards, protocols and procedures enacted and otherwise endorsed by the parliament and government of NSW, notably:

a. Crimes Act 1900;
b. Children and Young Persons (Care and Protection) Act 1998;
c. Child Protection (Working with Children) Act 2012;
d. Children's Guardian Act 2019;
e. Office of the Children's Guardian: Guide to the Child Safe Standards (2020);
f. Office of the Children's Guardian Child Safe Handbooks:
    i. Child Safe Action Plans;
    ii. Reporting Obligations and Processes;
    iii. Understanding and Developing a Child safe Policy;
    iv. Risk management and the Child Safe Standards (Parts 1 and 2);
    v. Empowerment and participation: A guide for organisations working with children;
    vi. Child Safe Codes of Conduct; and
    vii. Engaging sensitively with survivors of abuse.

Catholic Church

(26) Drawing on natural and divine law, and church dogmas, and the oral and codified traditions of the universal Catholic Church, and the particular laws and traditions of the Catholic Church in Australia and the Diocese of Maitland-Newcastle, the principal Church instruments include:

a. Code of Canon Law (1987);
b. Sacramentorum Sanctitatis Tutela (2001);
c. Integrity in Ministry (2004);
d. Normae de Gravioribus Delictis (2010 revisions);

e. Integrity in the Service of the Church (2013);
f. Apostolic letter to the People of God "If one member suffers…" (20 August 2018);
g. Decree 06/2019 of the Bishop of Maitland-Newcastle establishing the Ecclesiastical Office of Director of Safeguarding Children and Vulnerable Adults (24 May 2019);
h. The National Response Protocol (February 2021);
i. Revisions of the Code of Canon Law, Book VI: Penal Sanctions in the Church(8 December 2021);
j. Vademecum: On certain points of procedure in treating cases of sexual abuse of minors committed by clerics (Version 2.0, 5 June 2022);
k. National Catholic Safeguarding Standards (Edition 2, December 2022); and
l. Vos Estis Lux Mundi (Revision 27 March 2023).

Section 6 - Promoting safeguarding

Diocesan Safeguarding Commitment Statement

(27) To clearly articulate the Diocese of Maitland-Newcastle's abiding commitment to safeguarding children and vulnerable adults, the Diocese has formulated a 'Statement' that provides a brief overview of and guidance to each diocesan worker, on the expectations and obligations placed on them by the Diocese to assist in safeguarding children and vulnerable adults.

(28) When safeguarding children and vulnerable adults, particular attention should be afforded those who have identifiable factors that increase individual vulnerability [refer clauses 158-165].

(29) Each diocesan worker will be required to personally evidence their commitment to the Statement [refer Appendix Part A]. The Statement will either form a part of the workers' code of conduct or be a standalone document for those workers whose roles are not subject to a codes of conduct, e.g. clergy.

Perpetual Day of Remembrance

> … sometimes what is horrible to recall also needs to be remembered. Bishop William Wright (Dec.)

(30) On 15 August 2020 then Bishop of Maitland-Newcastle, William Wright, issued a canonical decree that established "A Perpetual Day of Remembrance Sunday, a Feast Day, is to be inscribed into the Diocesan Liturgical Calendar to be held on the Sunday on or prior to the 15th of September".

(31) Bishop Wright explained that the purpose and importance of the Perpetual Day of Remembrance is:

> … about remembering those who were abused, living and dead, in our prayers and our ministries. Secondly, it is about resolving that we will do all in our power to keep children safe now and in the future by being on guard against the sorts of attitudes that enabled abuse in the past. Yes, we have put elaborate safeguarding measures in place, but they need to be underpinned by a culture of care for children, and that requires awareness, and that is where an annual Remembrance Day contributes to the future.

National Child Protection Week

(32) National Child Protection Week is an annual awareness and promotional campaign that was commenced in 1990 and has been coordinated and promoted by NAPCAN across Australia for that time, other than in Queensland.

(33) National Child Protection Week:

a. … aims to engage, educate and empower Australians to understand the complexity of child abuse and neglect and work together to prevent it. The campaign does this through sharing evidence through webinars and events as well as creating resources in order to empower communities to have conversations regarding children's safety and wellbeing.

(34) The Diocese of Maitland-Newcastle is committed to the promotion and celebration of National Child Protection Week.

Responsibilities of diocesan leaders

(35) As part of promoting a safeguarding culture across the Diocese, diocesan leadership will:

a. demonstrate active and overt support for and commitment to the Diocese's Safeguarding Commitment Statement;
b. ensure that those diocesan worker for whom they are directly responsible, are aware of and act in accordance with the Diocese's Safeguarding Commitment Statement;
c. promote awareness of the Perpetual Day of Remembrance and National Child Protection Week with those diocesan workers for whom they are directly responsible;
d. encourage participation in the local parish's and faith community's services and activities, held as part of the Perpetual Day of Remembrance; and
e. support activities undertaken as part of the Diocese's celebration of National Child Protection Week.

Section 7 - Attracting, assessing and supporting diocesan workers

(36) The processes used to recruit and engage with new diocesan workers will integrate contemporary safeguarding philosophy and practices. The particulars of these processes are dependent on the nature of the worker and their future or intended relationship with the Diocese. Recruitment of and engagement with diocesan workers is a collaborative effort with specific responsibilities being completed by personnel expert in their specific fields. This may include personnel expert in:

a. the role for which the person is being recruited or engaged (e.g. members of a recruitment panel);
b. recruiting and pre-engagement screening of applicants (People and Culture personnel); or
c. undertaking risk assessments of applicants when risk factors are identified (e.g. Office of Safeguarding personnel).

(37) The Diocese believes that its most important and valued resource is its people. To facilitate the best from its workers, the Diocese is committed to investing in the individual, commensurate with the nature of the worker and the levels of responsibility and authority entrusted to the individual.

Recruitment

Clergy	Contractors	Employees	Volunteers

The applicant for the seminary undertakes a period of inquiry prior to the Diocese agreeing to sponsor them to attend the seminary, which includes: • statutory screening processes (WWCC, NPC); • submission of references; • a psychological assessment; and • a pastoral placement under the supervision of clerical and lay diocesan workers.	**Relevant to all categories of contractors [Refer Appendix Part B]** Release of tender guideline documents, expressions of interest etc. will include requirements for the contractor to be compliant with the Statement, i.e.: • safeguarding requirements applicable to Cat 2b 'contractors in child-related work'; and • application of CPTED principles when undertaking major building works (ref. clauses 166-171).	The importance of safeguarding will be highlighted in the recruitment / advertising process by provision of the Statement as part of their initial provision of information from the Diocese (i.e. as part of the job application). One of the essential criteria in diocesan position descriptions will relate to promoting the safeguarding of children and vulnerable adults. The prospective employee is required to: • submit identifying information; and • undergo a statutory screening process (WWCC and/or NPC) in accordance with the Diocese's People and Culture Service.	On expressing an interest to become a volunteer in the Diocese, the prospective volunteer receives safeguarding information, including: • a brief overview of safeguarding for volunteers; • the Statement; and • Volunteer Policy. The prospective volunteer is required to: • submit identifying information; • undergo a statutory screening process (WWCC and/or NPC); and • respond to a single safeguarding screening question (SSQ) designed for volunteers.

Engagement

Clergy	Contractors	Employees	Volunteers

As part of the candidate for orders ('candidate') progress towards ordination, the candidate will undertake placements in ministry, supervised by appropriately experienced and skilled clergy and undertake the Diocese's safeguarding training relevant for their role. There will be formal reviews of the candidate's progress towards and suitability for ordination including consideration of their understanding and commitment to safeguarding of children and vulnerable adults. A panel of persons with appropriate expertise and who provide individual written advice to the Bishop as to the candidate's suitability to progress. At each stage of a person's progress towards ordination, the person will be required to renew their commitment to safeguarding. All clergy newly incardinated or appointed to minister in the Diocese must complete the Diocese's formal safeguarding training course within 6 months of incardination or appointment [refer clauses 39-51].	**Relevant to contractors in 'child-related work' Categories [2b], [4a] and [4b]** Contractors will: • submit a Working with Children Check Clearance Number*; • submit a signed Safeguarding Commitment Statement; and • complete Safeguarding induction module for contractors [refer Appendix Part E]. **Relevant to contractors Category [4b]** Sub-contractors are the responsibility of the (primary) contractor. Sub-contractors in 'child-related work' must be able to evidence that they hold a current WWCC when attending a Diocesan facility. *Contractors' WWCC number undergo verification and recording in accordance with s.9A Child Protection (Working with Children) Act 2012 **Relevant to contractors Category [5]** Contractors engaged by external, third parties to provide services to specific children within diocesan facilities. Prior to the contractor being afforded access to the diocesan facility: • the parent/guardian of the child to receive services from the contractor must have submitted an Application for a Category 5 Contractor to Provide Services to a Student in a Diocesan School; • the school has agreed to the application; and • the contractor is able to evidence that they hold a current WWCC.	**For applicants to 'child-related work'** As part of their application for employment, all applicants must complete a set of SSQ designed to more deeply probe perspective employees' history [refer Appendix Part C]. The applicant's responses to the SSQ are confidential and are only considered if the applicant is identified as the preferred applicant. The preferred applicant's referees are asked to comment on the applicant's conduct towards children and demonstrated expertise in safeguarding. The applicant's answers to the SSQ are verified with the applicant's referees. **For all new employees** The successful applicant (new employee) will undertake an 'on boarding' process that includes: • signing the Statement embedded in the Diocese's Code of Conduct; and • attending the diocesan induction for new employees which includes a specific safeguarding module. All new employees in 'child related work' must complete the Diocese's formal safeguarding training course within 6 months of appointment [refer clauses 39-51].	Within agreed timeframes, newly commenced volunteers: • are inducted into their local school, parish or programme; and • undertake the Diocese's safeguarding training relevant for their role.

Supervision and Support

Clergy	Contractors	Employees	Volunteers

Clergy who are recently ordained or those recently arrived from overseas, undertake a formal mentoring programme. Diocesan clergy undertake a continuous professional development model, involving prescribed numbers of hours per annum to undertake: • professional supervision; • practice of ministry activities (professional development); • faith and ongoing formation. • Clergy are eligible to access confidential counselling through EAP.	Local leaders are responsible for the oversight of contractors when undertaking work in their facilities.	New employees will undergo a formal probationary period when they are first employed by the Diocese to allow both parties (new employee and local leadership) to ensure the suitability of the new employee to the role. This period will include one or more reviews between the new employee and their local leader. Post probationary period, employees will participate in a cycle of supervision, the nature of which is determined by the norms of the profession or business in which the employee works. Employees are eligible to access confidential counselling through EAP.	Volunteers may be afforded confidential counselling through EAP if deemed appropriate by a local leader. For example, where a volunteer is subject to an administrative inquiry.

Development and Appraisal

Clergy	Contractors	Employees	Volunteers
Clergy will be assessed by an advisory panel to the Bishop of Maitland-Newcastle prior to appointment or reappointment to a canonical office (e.g. parish priest). The advisory panel will assess the cleric's completion of their continuous professional development obligations.	A 'Prequalified and Approved Contractor' or a contractor engaged by diocesan agencies to provide services that constitute child-related work are subject to performance reviews based on 'customer feedback' from parishes and diocesan agencies that have engaged the contractor. The 'outcome' of the performance review will contribute to determining whether the contractor will remain engaged with the Diocese.	Employees will undertake a cycle of performance appraisal and, informed by this process, access professional development opportunities as part of a professional development plan, the details of which will vary between the differing roles and professions employed by the Diocese. Employees will be the subject of counselling and discipline when warranted by poor performance, in accordance with diocesan policy and procedure.	

Responsible Authority

Clergy	Contractors	Employees	Volunteers
Bishop of Maitland-Newcastle.	Signatory of the contractor's contract acting on behalf of the trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle.	Local leader acting on behalf of the trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle.	Relevant diocesan leader (e.g. School Principal).

Supporting Service*

Clergy	Contractors	Employees	Volunteers
Chancellor's Office	Property Service	People and Culture	People and Culture

*Support service' refers to the management and ongoing development of the policies, procedures and processes that

underpin the recruitment, engagement, supervision, support, development and appraisal of diocesan workers. The undertaking of these processes is the responsibility of multiple offices and services within the Diocese. For example, People and Culture. establishes the framework for the supervision of employees, however it is the employee's local leader who is responsible for conducting the supervision.

Section 8 - Training for diocesan workers

(38) Promoting a safe environment for children and vulnerable adults in diocesan parishes and agencies is dependent on ensuring an appropriately trained and aware workforce.

Safeguarding training regime

(39) All diocesan workers must be aware of the importance of safeguarding in the Diocese and have an understanding of their safeguarding obligations, including their reporting obligations.

(40) Diocesan workers in child-related work will have a detailed understanding of their safeguarding obligations, including:

a. the Diocese's safeguarding infrastructure including the Office of Safeguarding and related policies and procedures;
b. indicators of abuse and neglect;
c. responding to disclosures of abuse and neglect;
d. reporting obligations;
e. indicators and management of risks to the safety, welfare and wellbeing of children and vulnerable adults, including e-safety;
f. supporting inquiries of alleged misconduct by diocesan workers against children and vulnerable adults;
g. complaints handling;
h. information sharing and record keeping; and
i. contributing to the ongoing development of a child-safe culture within the Diocese.

(41) The Diocese recognises and supports the importance of diocesan workers, particularly those who are in child-related work, maintaining currency in their safeguarding knowledge and to be given opportunity to develop and enhance their safeguarding skills and practices.

Roles and responsibilities of the Office of Safeguarding

(42) The Office of Safeguarding is responsible for developing and maintaining the content, quality and relevance of the Diocese's safeguarding training material and deliver on the Diocese's Safeguarding Training Regime [refer Appendix Part E].

(43) In consultation, the Director of Safeguarding reviews the Diocese's Safeguarding Training Regime as deemed appropriate.

(44) Diocesan workers are able to request recognised prior learning (RPL) for a limited number of safeguarding training courses. It is at the discretion of Office of Safeguarding whether RPL is approved.

(45) There are three distinct classes of safeguarding training:

Modules	Relatively brief training opportunities that are delivered online but may also be presented locally, e.g. to groups of volunteers as part of a local induction process. Modules are presentations of information which may include a competency quiz at its conclusion.

Courses	In-depth training modules, which may be presented as both a set of interrelated audio-visual informational packages and 'live' (face to face or via an online platform) interactive sessions with Office of Safeguarding presenters, which involves worksheets, activities and analysis and discussion of practice scenarios designed to reinforce key learnings and strengthen workers' safeguarding practice skills.
Bespoke Training Packages	Ad hoc or opportunistic training packages developed to meet specific identified safeguarding training needs within a parish, school, St Nicholas Centre or diocesan programme. Bespoke training opportunities may arise as a result of an Office of Safeguarding inquiry or by request of a local diocesan leader.

Diocesan workers and leaders' obligations to undertake and support training

(46) All diocesan workers must complete the Diocese's Safeguarding Training Regime [refer Appendix Part E] relevant to their role, in the prescribed timeframes, including:

a. the training obligations for newly appointed diocesan workers, including new employees, volunteers and contractors and clergy newly incardinated to the Diocese or newly arrived clergy and religious who are to take up ministries on behalf of the Diocese; and
b. an ongoing cycle of safeguarding training designed to promote diocesan workers' having currency in their safeguarding knowledge and affording those in child-related work opportunity to develop and enhance their work related safeguarding skills and practices.

(47) Diocesan leaders:

a. are expected to lead by example and fulfil their own safeguarding training obligations promptly; and
b. will facilitate and, if necessary, direct their workers to complete their mandatory safeguarding obligations in accordance with the Diocese's Safeguarding Training Regime; and
c. are empowered to direct one, some or all their workers to undertake additional safeguarding training beyond that which is prescribed by the Diocese's Safeguarding Training Regime.

Self-care with potentially confronting content

(48) The Diocese is committed to providing honest, direct and detailed safeguarding training for all diocesan workers. The training courses content, in particular, may contain information about the Diocese's history and current facts that may be confronting and challenging to some.

(49) It is a diocesan worker's responsibility to assess whether it would be potentially unsafe for them to participate in a safeguarding training course. Course descriptions are made available to all diocesan workers on the Office of Safeguarding public website and a diocesan worker may consult directly with their supervisor or the Office of Safeguarding. Diocesan workers are reminded at the beginning of the training courses to place self-care first.

(50) Diocesan workers are able to contact the Office of Safeguarding to discuss the appropriateness of undertaking an alternative learning process.

(51) Diocesan employees have access to an Employee Assistance Programme (EAP). Office of Safeguarding can arrange for volunteers to access EAP in consultation with the affected volunteer

Cultural competency training

(52) Separate from the core safeguarding training, promoting an understanding of and commitment to cultural awareness, acceptance and inclusion is an integral part of promoting a safeguarding environment within the Diocese.

(53) Diocesan employees, clergy and religious are required to undertake cultural competency training as part of the diocesan safeguarding training standards.

(54) The Diocese will make opportunities available to diocesan volunteers to access the training as is reasonably possible based on resourcing constraints.

Section 9 - Feedback to the Diocese

(55) Feedback is communication from an individual or group to the Diocese or part thereof. Feedback may be a compliment, advice, a comment or observation or a complaint.

(56) For the most part, the Diocese is committed to considering people's feedback and responding in a timely and respectful manner. However, some feedback is not appropriate to respond to, including feedback that is:

a. highly or personally abusive aggressive;
b. threatening towards one or more diocesan worker;
c. presented as a statement not seeking a response; or
d. submitted anonymously or without any contact details.

(57) The Diocese is committed to encouraging feedback from all people who have involvement with the Diocese, particularly children and vulnerable adults. Individual parishes and diocesan agencies are responsible for providing options for parishioners, people in receipt of diocesan services or members of the public to provide feedback. Particular provision should be made to encourage children and vulnerable adults offering feedback.

(58) Feedback should be responded to by the recipient of the feedback, unless the feedback constitutes:

a. a 'concern for children' [refer clauses 74-85];
b. an allegation of abuse against a vulnerable adult [refer clauses 86-104];
c. an allegation of a crime or serious breach of professional standards having been committed; or
d. the recipient is subject to a conflict of interest in responding to the feedback the subject of the feedback is outside the recipient's competence to respond to on behalf of the Diocese;

(59) - in which case, the feedback needs to be accurately recorded and passed onto the recipient's local leader.

Complaints management

(60) This section does not relate to 'concerns for children' [refer clauses 74-85] or allegations of abuse of vulnerable adults [refer clauses 86-104].

(61) The Diocese endeavours to respond to complaints in a constructive and efficient way, promoting the likelihood of achieving a resolution acceptable to all 'interested parties'. As with feedback, most complaints are an opportunity to learn and assess the quality of people's experiences living their faith in and receiving services from the Diocese and the quality of interaction with diocesan workers.

(62) The Diocese's Governance Service is responsible for:

a. the development, implementation, review and support for the practice of the Diocese's Complaints Resolution policies and procedures; and
b. provision of specialist complaints management and conflict resolution services in support of local resolution of complaints at the agency or parish level and when options for a local resolution have been exhausted.

(63) The complainant should be the person who had the adverse experience or poor service.

(64) A grievance is a statement (written or oral) raised by a Diocesan worker about the conduct of another Diocesan

worker and work-related concern, and is subject to particular industrial relations laws and norms not applicable to other forms of complaint. A grievance may involve:

a. interpersonal conflict;
b. a perceived breach of policy;
c. the allocation of work or developmental opportunities; and
d. a perceived unfairness in the workplace.

(65) Complaints that constitute workplace grievances are referred to People and Culture Service, who are responsible for:

a. the development, implementation and review of the Diocese's Workplace Grievance policies and procedures; and
b. provision of specialist human resource management services, including the resolution of workplace grievances.

(66) The Diocese recognises that not all complaints can be resolved to all parties satisfaction. It is important to be honest and establish reasonable boundaries and expectations about what may result from a person's complaint.

(67) For the most part, complaints should not be escalated past the local level prior to the respondent being advised of the complaint and local leadership being given all reasonable opportunity to resolve it. The exceptions to this expectation include complaints where:

a. there is a sufficiently serious actual or perceived conflict of interest involving the local leadership;
b. there is a clear imbalance of power between complainant and respondent that is in the favour of the respondent;
c. the complainant has a reasonable basis to be concerned about possible reprisal or belief that the complaint will not be properly addressed; or
d. the complaint is about the conduct of a senior diocesan leader.

Unreasonable complainant

(68) When people behave unreasonably in their dealings with the Diocese, their conduct can significantly affect the unity of faith communities and the efficient provision of services by diocesan agencies. A complainant's conduct is considered unreasonable when the complainant is unreasonably:

a. persistent: in promoting their grievance despite the Diocese's response having been finalised or refusing to accept the outcomes of the process;
b. demanding: for outcomes that are unattainable or having their complaint reassessed;
c. uncooperative: refusing to accept alternate perspectives or define their desired outcomes;
d. argumentative: promoting unsupported theories and irrational interpretations and refusing to accept informed advice; or
e. emotional: exhibiting extreme emotional responses, aggression, threats or other threatening or violent conduct.

(69) The Diocese will not persist in attempting to resolve complaints when the complainant is assessed as unreasonable, nor agree to further reviews of the complaint or appeals against a finalised complaints resolution process.

Section 10 - Reporting to the Diocese

(70) Not all complaints are of equal merit, some are of greater significance and require more than a local response. Allegations of conduct by a diocesan worker that constitutes a 'concern for children' or constitutes abuse of a vulnerable adult, are dealt with through a more prescriptive and interventionist process then other complaints.

(71) Diocesan workers have obligations to report concerns for children and allegations of abuse of vulnerable adults.

(72) Diocesan leaders will:

a. actively encourage workers to report concerns for children or allegations of abuse of vulnerable adults; and
b. endeavour to ensure that workers who report in good faith do not suffer any adverse consequences for reporting their allegations or concerns.

(73) Concerns for children and alleged abuse of vulnerable adults contain sensitive information* that must be treated in strict confidence. Diocesan workers will restrict their discussions of their concerns for children or allegations of abuse to:

a. officers of relevant statutory authorities (e.g. Police, Dept. Communities and Justice);
b. Office of Safeguarding staff; and
c. relevant diocesan leaders (e.g. the worker's supervisor).

*Sensitive information is afforded added protections under the Commonwealth's Privacy Act 1988 and the Australian Privacy Principles.

Reporting Concerns for Children

(74) A cornerstone for safeguarding children is the readiness of the adults in their lives to report any concerns that they have for a child's safety, welfare and wellbeing.

Concerns for Children

(75) Concerns for children is a term used to capture a wide range of possible situations or issues that directly involve a child or class of children and will likely adversely affect their safety, welfare or wellbeing. Concerns for children includes those matters that may:

a. involve a criminal act;
b. constitute 'risk of significant harm' (ROSH);
c. constitute reportable conduct under Part 4 Children's Guardian Act 2019;
d. constitute a more serious delict under Article 1 Vos Estis Lux Mundi;
e. constitute a 'serious incident' or 'prescribed information', reportable under Children (Education and Care Services National Law Application) Act 2010 (NSW);
f. involve a breach of professional standards by a diocesan worker, which may constitute a breach of:
    i. the diocesan or related codes of conduct;
    ii. codified standards established by a professional body, e.g. APS Code of Ethics;
    iii. Integrity in Ministry, for clergy and religious;
    iv. Integrity in the Service of the Church, for laity.
g. involve child-on-child (peer on peer) violence, threat and abuse; and
h. involve a person being engaged in child-related work without a validated working with children check (WWCC).

(76) There is detailed assistance online at the Office of Safeguarding website to assist in determining whether there are genuine concerns for children, including:

a. indicators of abuse and neglect of children;
b. what constitutes child abuse and how to report it;
c. what forms of conduct by diocesan workers are reportable and how to report.

(77) There are individual factors that can increase a child's vulnerability, increasing the risk of the child being abused and suffering greater harm as a consequence of the abuse (refer clauses 158 -165)

Statutory Obligations to Report

(78) Each diocesan worker has a personal obligation, imposed by this policy, to report allegations of abuse against vulnerable persons and concerns for children, in accordance with the protocols approved by the Australian Catholic Bishops Conference and the procedures established by the Diocese.

(79) Many diocesan workers are subject to legal obligations to report matters that fall, wholly or in part, in the scope of child protection concerns, to statutory authorities. The Diocese supports and expects its workers to fulfil all of their statutory reporting obligations.

(80) All adult diocesan workers are subject to section 316A, Crimes Act 1900. It is an offence if an adult knows, believes or reasonably ought to know that a child abuse offence has been committed and they have information that might be of material assistance in apprehending, prosecuting or convicting an offender and they fail to report that information to NSW Police as soon as is practical.

(81) Diocesan workers in Catholic schools, CatholicCare, St Nicholas Early Education and OOSH Services, clergy and laity in children's ministry are mandatory reporters under section 27 Children and Young Persons (Care and Protection) Act 1998. If a mandatory reporter has reasonable grounds to suspect that a child is at ROSH, they have a duty to report their concerns to the Department of Communities and Justice (DCJ) in accordance with the advice from the ChildStory website Mandatory Reporter Guide.

(82) Section 27, Children's Guardian Act 2019 requires diocesan workers in Catholic Schools, CatholicCare, St Nicholas Early Education and OOSH Services, clergy and lay workers in parishes who are in child-related work (i.e. they are required to hold a WWCC) and who are the 'first person' to become aware of a reportable allegation or conviction, to report the allegation to the Office of Safeguarding (as the delegate for the 'head of the relevant agency') as soon as practicable. If the alleged reportable conduct is about the Bishop of Maitland-Newcastle, the 'first person' must report to the allegations to the Office of the Children's Guardian as soon as practicable.

(83) The Children (Education and Care Services) National Law (NSW) requires that an 'approved provider, of St Nicholas Early Education and OOSH Services notify the NSW Department of Education Early Childhood Education Directorate within twenty four hours or seven days if:

a. a 'serious incident' occurs;
b. 'prescribed information' arise;
c. 'certain circumstances' arise; or
d. 'certain information' arise whether the approved provider is a fit and proper person to be involved in the provision of an education and care service.

(84) Vos Estis Lux Mundi requires clergy and religious (members of Institutes of Consecrated Life or Societies of Apostolic Life) who know or have "well founded motives to believe" that a child is being sexually abused by a cleric or religious, to report their concerns to the Bishop of Maitland-Newcastle and the Office of Safeguarding.

(85) The timeframes for reporting the multiple statutory obligations imposed on diocesan workers, to whom they are required to report and the secondary, policy based reporting obligations are summarised in Appendix Part D Reporting Obligations within the Diocese of Maitland-Newcastle.

Reporting Abuse of Vulnerable Adults

(86) Adults are free to make poor, even self-destructive choices, if they so choose. However, where there is an established incapacity or loss of capacity for an adult to make informed, independent choices, the situation becomes much more complex. The Catholic Church is committed to safeguarding vulnerable adults within the complexities of respecting individual freedom of choice. Irrespective of an adult's capacity, it is never acceptable for a diocesan worker to act abusively towards others.

Abuse of Vulnerable Adults

(87) The frail aged were among the first group of vulnerable adults to have an internationally recognised definition of abuse specific to their group. In 2002 the WHO defined elder abuse as:

> … a single, or repeated act, or lack of appropriate action occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person. Elder abuse can take various forms such as physical, psychological or emotional, sexual and financial abuse. It can also be the result of intentional or unintentional neglect.

(88) A commonly applied definition in Australia is the 1999 Australian Network for the Prevention of Elder Abuse definition:

> "any act occurring within a relationship where there is an implication of trust, which results in harm to an older person. Abuse may be physical, sexual, financial, psychological, social and/or neglect."

(89) The National Disability Service and the National Disability Abuse and Neglect Hotline defines abuse of people with a disability as having occurred when someone's human rights are violated by the actions of another person, and should be considered in terms of:

a. exploitation;
b. impact;
c. neglect;
d. violence.

(90) Vos Estis Lux Mundi has strongly influenced the Diocese's understanding of who is a vulnerable adult and what constitutes abusive conduct towards them.

(91) The sexual assault of a vulnerable adult is any sexual activity with the person, if the person:

a. lack's the capacity to give or withholds consent; and
b. is threatened, coerced or forced to engage in sexual behaviour.

(92) The Diocese considers it abusive if there is the sexualisation of the relationship between a diocesan worker and a vulnerable person who is:

a. in receipt of a diocesan service through the worker (i.e. a client); or
b. a parishioner of or person otherwise in receipt of ministry from the worker.

(93) Sexualisation of the relationship (cited above) is inclusive of crossing professional boundaries and other grooming behaviours, e.g. sexualised jokes and suggestions, intimate touching, voyeurism, kissing, etc.

(94) Physical abuse of the vulnerable adult by their carer or by a diocesan worker is inclusive of:

a. criminal assault;
b. intentional infliction of pain or significant discomfort; and
c. unauthorised or excessive application of physical restraints.

(95) Neglect is a failure to provide the basic physical and emotional necessities of life. Neglect of a vulnerable adult can include:

a. Physical neglect: failure to provide adequate food, shelter, clothing, protection, supervision, medical and/or dental care;
b. Emotional neglect: failure to support and encourage, protect and provide stimulation needed for the social, intellectual and emotional growth or wellbeing; and
c. Supervisory neglect: intentional or reckless failure to adequately supervise or support a vulnerable adult that results in actual or potential for serious harm or involves a gross breach of professional standards.

(96) Psychological abuse includes:

a. verbal assaults;
b. threats of maltreatment;
c. harassment;
d. humiliation or intimidation;
e. denying cultural or religious needs and preferences; and
f. failure to interact with a person or to acknowledge that person's existence.

(97) Financial abuse is the improper use of another person's assets or the use or withholding of another person's resources. Possible sources of financial abuse are carers, families or guardians who act formally or informally as financial managers and have access to or responsibility for the vulnerable adult's finances and property.

(98) There is detailed assistance online for diocesan workers to assist them in determining whether there is a reasonable basis for believing a vulnerable adult is subject to abuse, with the indicators of abuse and neglect of vulnerable persons.

Obligation to Report Particular Forms of Alleged Abuse

(99) The diocesan worker must have credible grounds to believe that a vulnerable adult is being abused or is at risk of being abused.

(100) Except in extraordinary circumstances, diocesan workers should discuss their concerns with the vulnerable adult and ensure that person is in control of reporting their own situation. If the vulnerable adult states that they do not want their alleged abuse reported, the worker should respect the vulnerable adult's wishes.

(101) However, there are some circumstances where the importance of reporting allegations of abuse takes precedence. If one or more of the following criteria are present, a diocesan worker must report the alleged abuse, irrespective of the vulnerable adult's wishes:

a. a serious indictable offence is alleged to have occurred or is at risk of occurring;
b. the alleged abuser is a diocesan worker; or

c. there is evidence or a credible basis to believe that the vulnerable adult is incapable of or restrained from making free or informed decisions.

(102) Vos Estis Lux Mundi requires clergy and religious (members of Institutes of Consecrated Life or Societies of Apostolic Life) who know or have "well founded motives to believe" that other clergy or religious are performing sexual acts with or sexually exploiting a vulnerable person, to report their concerns to the Bishop of Maitland-Newcastle and the Office of Safeguarding.

(103) The diocesan worker and local leader also need to consider the potential for and seriousness of the harm that may be caused should the abuse go unreported. The greater the potential risk of serious or catastrophic harm, the greater the emphasis for the diocesan worker to report the abuse.

(104) Section 73Z of the National Disability Insurance Scheme Act 2013, defines what constitutes 'reportable incidents' for registered NDIS providers. Diocesan workers must report allegations of reportable incidents to CatholicCare's NDIS Programme Manager and the Office of Safeguarding.

Section 11 - Administrative Inquiries

(105) An administrative inquiry is a structured process undertaken to investigate whether there is sufficient evidence to sustain a complaint. Administrative inquiries apply the civil standard (on balance of probabilities) and do not address questions of innocence or guilt; nor can administrative inquiries unilaterally achieve moral certitude in canonical jurisdictions. However, an administrative inquiry can constitute the basis of a 'preliminary investigation' to test whether there is a "semblance of truth" to allegations of a cleric committing a canonical delict.

(106) In all circumstances, the Diocese gives primacy to criminal, canonical and other statutory procedures involving external statutory or ecclesiastical authorities, ahead of internal administrative inquiries.

(107) The records compiled in an administrative inquiry may form part of a brief of evidence referred to law enforcement, submitted to civil or ecclesiastic authorities or entered into evidence in civil proceedings.

(108) The records compiled in an administrative inquiry are securely stored and retained in an electronic form, in accordance with Diocesan information management policy and procedures for a minimum of 50 years.

(109) Administrative inquiries are necessary when allegations of serious misconduct or abuse are made, or key facts raised in a complaint are in dispute between parties.

(110) Administrative inquiries are conducted recognising the inherent imbalance of power between the parties to an inquiry, where the respondent is a Diocesan worker and the complainant a child or vulnerable person.

(111) However, for some complaints, particularly where there is an amelioration of the imbalance of power (e.g. a child has strong, engaged parents; a vulnerable adult has an active, engaged advocate), it may be in both the complainant's and respondent's best interests to adopt a solution focused approach. Application of dispute resolution processes like mediation or restorative justice methodologies may achieve more constructive solutions more easily and with less potential for those involved to adopt rigid and oppositional positions. Diocesan leaders should only initiate an administrative inquiry when necessary.

(112) Diocesan workers who act in good faith and in accordance with this policy during an inquiry, will not be subject to any adverse consequences due to their participation in an inquiry.

(113) Diocesan leaders will:

a. actively encourage workers to support administrative inquiries; and

b. endeavour to prevent diocesan workers suffering any adverse consequences for their participation in an inquiry.

Nature of Administrative Inquiries

(114) Administrative inquiries can range from highly structured formal investigative proceedings that require months to complete, to brief ad hoc inquiries conducted in a few hours. Nevertheless, all administrative inquiries in the Diocese of Maitland-Newcastle have common traits.

Confidential	Inquiries are undertaken out of the public domain. All reasonable care should be taken to protect the privacy and reputation of the complainant or alleged victim (if different persons) and the respondent.
Duty of care	Those overseeing and conducting the inquiry must actively support and protect the wellbeing of the complainant or alleged victim (if different persons) and the respondent.
Inquisitorial	The process is impartial and enquires into the facts and circumstances of a complaint, seeking to elicit truth and resolve the complaint.
Keeping key parties informed	The complainant or alleged victim (if different persons) and the respondent should be kept informed as to the progress of the inquiry. The respondent must be advised of the findings made and the outcomes decided on. Dependent on the particular circumstances of the inquiry, the complainant should be provided with feedback that is relevant to them, this may include the findings made, outcomes decided on and external options for redress or review.
Procedurally fair	The inquiry will afford the respondent and complainant (particularly where the complainant is the alleged victim): • a fair and unbiased process; • all reasonable opportunity to be heard; and • decisions based on the logical and appropriate analysis of available facts. One of the fundamental elements of procedural fairness is the right of the respondent to receive sufficient information to make an informed response.
Proportional	The inquiry is conducted at a level of sophistication, formality, and thoroughness commensurate with the seriousness of the issue being inquired into and the role of the respondent. Inquiries involving diocesan leadership are deemed more serious, irrespective of the nature of the issue being inquired into. The assessed 'seriousness' of an inquiry does not equate to its importance. All inquiries are important to those affected. Diocesan workers conducting an inquiry should manage their interactions with complainant, witnesses and respondent with appropriate attention and care.
Reviewable and appealable	Administrative inquiries are subject to review and appeal, to be conducted by a diocesan leader more senior or unrelated to the person who oversaw the inquiry. Inquiries conducted under Part 4 Children's Guardian Act 2019 are also appealable to the Office of the Children's Guardian (OCG).
Timely	Inquiries need to be conducted as expeditiously as the circumstances of the inquiry allows.

Authority to Establish and Oversight an Administrative Inquiry

(115) Only Diocesan leaders (local or senior) can establish and oversight administrative inquiries.

(116) For the most part, diocesan leaders are restricted in the scope of any inquiry to those:

a. activities or incidences that occurred within the diocesan leader's scope of responsibility; and
b. diocesan worker who are in the diocesan leader's organisational line of authority.

(117) Diocesan leaders cannot unilaterally initiate administrative inquiries into:

a. alleged criminality; or
b. alleged child abuse.

(118) For example, the principal of a diocesan Catholic systemic school is responsible for the activities that occur within, or as a part of an authorised activity of their school and holds authority over diocesan employees and volunteers appointed to that school. However, the principal cannot initiate an inquiry into an allegation of child abuse without first having consulted with the Office of Safeguarding, in accordance with clauses 74-85 - Reporting Concerns for Children.

(119) There are three senior leaders who have authority to establish and oversight a broader range of inquiries, including potential criminality:

a. the Bishop of Maitland-Newcastle may initiate an inquiry into any diocesan activity or involving any diocesan worker;
b. the Chief Executive Officer in the role of Diocesan Finance Officer (Can. 494) may initiate an inquiry into any aspect of the Diocese's financial activities and accounts; and
c. the Director of Safeguarding may initiate an inquiry involving any diocesan worker or any diocesan activity that is within the decree and mandate of the Director's ecclesial office.

Competency to Conduct an Administrative Inquiry

(120) An administrative inquiry may be conducted by a diocesan worker deemed competent to do so. Individual competence is a function of multiple factors, both particular to the individual who is being assessed to conduct the inquiry and the substance, subject and circumstances of the inquiry. In general terms, the diocesan worker conducting the inquiry must:

a. be neutral and devoid of actual or perceived conflict of interests;
b. understand and be able to apply due process (procedural fairness);
c. be capable of protecting the integrity of the inquiry; and
d. ensure that an appropriately comprehensive brief of evidence is secured to allow for properly informed decision making.

(121) Particular classes of inquiries require specific competencies and are reserved for specialist personnel, e.g. allegations of financial mismanagement warrant an investigator with skills in forensic accounting.

(122) The Office of Safeguarding specialises in the conduct of more serious and complex administrative inquiries. Certain types of inquiries are reserved to the Office of Safeguarding, including:

a. reportable conduct inquiries conducted under Part 4 Children's Guardian Act 2019;
b. inquiries conducted under the National Response Protocol;
c. alleged abuse of vulnerable adults by diocesan workers, including reportable incidents as determined by sub sections 73Z (4) and (5), National Disability Insurance Scheme Act 2013;
d. inquiries into damages claims brought against the Diocese for personal injury caused by child abuse; and
e. allegations of misconduct involving children or vulnerable adults where the respondent is a senior leader in the Diocese.

(123) Where alleged misconduct by a diocesan worker may constitute a delict against a child or vulnerable adult under Canon Law or Vos Estis Lux Mundi, it requires a joint administrative and canonical response. The Bishop of Maitland-Newcastle will issue a decree opening a preliminary investigation under Canon 1717:

a. appointing the Director of Safeguarding and an appropriately qualified and experienced priest to jointly oversee the process; and
b. making the administrative inquiry serve as the preliminary investigation.

(124) A complaint of abuse against the Bishop of Maitland-Newcastle is dealt with in accordance with articles 6 to 19, Vos Estis Lux Mundi.

Obligations in an Inquiry

Obligation to Support the Inquiry

(125) Diocesan workers are obliged to actively support administrative inquiries by:

a. maintaining a neutral position, not reaching conclusions during an inquiry about whether an allegation is sustained, or a complaint established;
b. respecting the findings and outcomes of an inquiry if they are privy to that information; and
c. accepting that they may not be privy to the findings or outcomes of an inquiry.

(126) Diocesan leaders are required to support diocesan workers who are involved in an inquiry, whether as complainant, witness or respondent.

Obligations to Confidentiality and to Provide Information

(127) Diocesan workers who are involved in an inquiry or aware that an inquiry is occurring must maintain confidentiality during and after the inquiry.

(128) Through civil or canonical law, certain persons ('key persons') involved in an inquiry are entitled to certain information, including the:

a. respondent;
b. complainant, when the complainant is the alleged victim; and
c. responsible person(s) for the alleged victim.

(129) The information may be conveyed verbally or in writing, dependent on legislative requirements and which medium is deemed most appropriate for the recipient of the information and the circumstances in which the information is given.

(130) Diocesan leaders who are conducting an inquiry must ensure that key persons receive the requisite information at the appropriate time, including

a. progress of the inquiry;
b. any findings made by the inquiry; and
c. any approved outcomes, allowing for the protection of the respondent's right to privacy.

Obligations to Give Evidence

(131) Diocesan workers are obliged to give evidence in administrative inquiries, including:

a. providing records requested by the investigator; and
b. being interviewed by the investigator.

(132) The obligations of diocesan workers to give evidence in an administrative inquiry overrides guidelines and advice issued by a professional representative body, association, college, guild or other entity acting on behalf of a recognised profession or trade.

Exemptions from the Obligation to Give Evidence

(133) There are exemptions from a diocesan worker's obligation to give evidence, including:

a. a common law right not to self-incriminate (criminal activities);
b. the sanctity of the confessional and the privilege of religious confessions;
c. client legal privilege;
d. sexual assault communications privilege; and
e. familial or relational conflict of interests.

(134) Exemptions from the obligation of a diocesan worker to give evidence may be subject to assessment of applicability, based on the particulars of the administrative inquiry being conducted, e.g. the more serious the complaint or the more senior the respondent, the greater the predisposition of the Diocese to limit the application and extent of such exemptions.

Making Findings

(135) A finding must be supported by the available evidence and should be reflective of the assessment submitted by the person who conducted the inquiry. The diocesan leader can consult as to the proper analysis of evidence and making of sound findings in administrative inquiries, with:

a. the Diocese's Governance Service; and
b. the Office of Safeguarding, particularly as to complaints involving children and vulnerable persons.

(136) Findings tend to fall into two categories:

a. Personnel: relate to the actions or inactions of one or more diocesan workers or other persons; or
b. Systemic: relate to systems, structures, processes, policies, procedures and practices of the whole Diocese or particular parishes or agencies and localised workplace cultures.

(137) Personnel findings can only be made in an administrative inquiry, or any other diocesan process, that has demonstrated procedural fairness for those subject to such findings.

(138) It is preferrable that the person conducting an inquiry is not the person who determines the definitive (or final) findings of that inquiry. However, for inquiries of less serious complaints or when undertaking formal reviews, it may be more efficient that the inquirer or reviewer determine the findings. For inquiries of more serious complaints, the diocesan leader overseeing the administrative inquiry is responsible for making the findings.

Determining Outcomes

(139) The diocesan leader who has supervisory or oversight responsibility for the respondent determines what are the appropriate outcomes for the respondent. However, senior leaders may reserve to themselves the right to determine the outcomes of an inquiry that relates to a diocesan worker for whom they have some responsibility (who works in the senior leader's agency or ministry) on either an individual basis or holistically.

(140) Outcomes in relation to a respondent, should not be enacted without findings that are supportive of such actions.

(141) In determining what constitute appropriate outcomes for a respondent, there are multiple, often individual factors that help guide the diocesan leader's thinking, including:

a. Catholic formal guidelines, principles and teachings;

b. community expectations;
c. legislation, both civil and canonical;
d. ‘industry norms’ including contractual arrangements, conditions etc.;
e. guidelines and standards set by relevant professional representative bodies; and
f. the worker’s history with the Diocese including past disciplinary actions (if any).

(142) Where the proposed outcomes effect the worker’s employment or volunteerism, the diocesan leader must consult with the Diocese’s People and Culture Service.

(143) Where the proposed outcomes effect contractual arrangements the diocesan leader must consult with the Diocese’s Governance Service and Property Service (contractor management).

(144) Outcomes that relate to the clergy are reserved for the Bishop’s Office.

Section 12 - Participation and inclusion

> Jesus did not tell the apostles to form an exclusive and elite group. He said: “Go and make disciples of all nations” (Mt 28:19). Saint Paul tells us in the people of God, in the Church, “there is neither Jew or Greek... for you are all one in Christ Jesus” (Gal 3:28). To those who feel far from God and the Church, to all those who are fearful or indifferent, I would like to say this: the Lord, with great respect and love, is also calling you to be a part of his people! Evangelii Gaudium (24/11/2013) Par 113.

(145) The Diocese’s vision is “To live the joy of the Gospel and share it with the world.” To enact our vision the Diocese must engage with a broad spectrum of people, particularly children and vulnerable persons who are members of a diocesan faith community or in receipt of services through a diocesan agency.

(146) Diocesan workers must ensure that they engage with people in faith communities and the various ministries supported and services provided by the Diocese:

a. respectfully, promoting the dignity and intrinsic value and uniqueness of each person;
b. safely, being aware of the inherent power imbalance in favour of the worker;
c. ethically, ensuring that the person’s best interests are central in the worker’s decision making; and
d. inclusively, promoting the participation of those who are of diverse personal circumstances (including physical, intellectual, linguistic, cultural and gender identity).

(147) The Diocese is committed to providing children and their families and vulnerable adults appropriate opportunities to provide input in the ongoing development, implementation and review cycle of safeguarding policies, procedures and processes.

Participation and inclusion in parishes and faith communities

(148) In diocesan parishes and faith communities, engagement with people may be primarily classified as relationally based. Relational engagement should emphasise the value of each individual. The intrinsic value of human interaction, one-with-the-other, is understood as a worthwhile outcome in itself. Relational engagement is characterised by a greater degree of reciprocity than in functional engagements.

(149) In parishes and faith communities, the parties have a greater capacity to embark on a mutual journey without, necessarily, a specific timeframe or agreed outcome as the basis for their engagement. The paradigm may also be applicable in other pastoral ministries, including the multiple chaplaincies, children’s and youth ministries supported by the Diocese and Healing and Support (Zimmerman Service).

(150) The emphasis in relational engagement is to encourage participation and inclusion on the individual level. This involves the diocesan worker encouraging and supporting the parishioner or person seeking pastoral care, appropriate opportunities to contribute to shaping the dialogue between the parties and directing the nature and range of the ministry offered or service provided.

(151) There is an expectation that appropriate structural opportunities for participation and inclusion are available to the faithful. Where parishes can sustain such structures, parishioners should be able to participate to the direction and priorities of their parish through parish pastoral and finance councils. There is also an expectation that structural opportunities for participation and inclusion are maintained on a diocesan level, e.g. the Council for Mission and the Diocesan Council for Ministry with Young People.

Participation and inclusion in diocesan agencies

(152) The Diocese provides a large volume and diverse range of services to diocesan families including educational, care and welfare services. The provision of these services may be a form of ministry and constitutes those good works undertaken by entities other than parishes. Unlike parishes however, the nature of the engagement with a student and their parents or a client family is functionally based.

(153) Functional engagement tends to be more structured than relational engagement. In functional engagements there are expectations of an equity of service provision for those who are in receipt of the service and there are greater (often externally established) guidelines or parameters defining the nature and scope of the service to be provided. Both parties in a functional engagement should have a clear understanding of purpose, what is to be achieved within a specified timeframe.

(154) Diocesan agencies are expected to promote participation and inclusion on the individual level, e.g. promoting the client's voice in decision making. However, the agencies have a greater capacity and emphasis on structural opportunities for persons to participate. These include:

a. Reference groups for clients of a service or the carers of to influence the strategic planning and priorities (e.g. representation to or being a subcommittee of the CatholicCare Board);
b. Student councils or other representative bodies should be established in diocesan high schools and colleges and may be established in primary schools should there be sufficient local interest and capacity to sustain them;
c. Demonstrable engagement with Federation of Parents and Friends Associations for the Diocese of Maitland-Newcastle at the diocesan (CS) level and support for the establishment and continuation of local school Parents and Friends Association branches;
d. Establishing and maintaining an agreed cycle of gathering 'user feedback' for all diocesan service provision and reporting on the results, which should include: provision of online and personal surveys;
e. ability for individuals to provide feedback anonymously; and
f. mechanisms for ad hoc feedback (e.g. feedback or suggestion boxes).

(155) Diocesan agencies are required to facilitate structural opportunities, appropriate for the nature of the service provided and the capacity of the agency to sustain such structures, to promote the participation and inclusion of students, clients, their families and the Catholic community.

Section 13 - Promoting environmental, structural and dynamic safety

(156) The Diocese is committed to promoting the safety of people who are members of a diocesan faith community or in receipt of services through diocesan agencies, particularly children and vulnerable adults.

(157) As such, the Diocese applies multiple preventative safeguarding strategies, designed to reduce the risk of unsuitable or abusive persons assuming roles and responsibilities with the Diocese that allow them access to children and vulnerable persons. However, no known set of preventative measures will eliminate the ongoing risk inherent in providing multiple, complex services in multiple sites that are geographically dispersed and, often, in the community. Consequently, the Diocese applies a combination of planned and dynamic safeguarding strategies.

Factors that increase individual vulnerability

(158) The Diocese of Maitland-Newcastle recognises that there are circumstances that can result in some adults being at greater risk of being harmed and maltreated. These vulnerable adults are entitled to additional protections not afforded to the majority of the adult population.

(159) Australian society and the Catholic Church recognises that all children are entitled to greater care and protection than adults. However, as with vulnerable adults, there are circumstances that affect some children that increases their vulnerability to being abused. These include but are not limited to:

a. an established history of aggression, violence or previous harm to the child or their siblings;
b. the child having a physical disability or sensory impairment;
c. the child having a developmental delay or being neurodiverse;
d. the child suffering from mental illness the child identifying as other than heterosexual or gender diverse; or
e. the child being 'invisible' to the wider community, no support services or chronic failure to attend school.

(160) There are familial or environmental risk factors that increase a child's risk of being abused, including but not limited to:

a. Poverty and overcrowding in the family home;
b. Multiple homes, transient living arrangements and homelessness;
c. Absent or deficient parenting skills in one or more carers;
d. Children from the family having been taken into statutory care (also known as institutional care, foster care or out-of-home care);
e. Uncontrolled or poorly managed mental health issues for one or more carers;
f. Substance dependency;
g. Multiple carers or transient partners;
h. Social or geographical isolation (lack of support networks); or
i. Persistent criminality, enmeshment in criminogenic networks and domestic or partner violence.

(161) Some First Nations Peoples' communities are severely affected by multiple environmental risk factors stemming from generational marginalisation, disenfranchisement and poverty. Further, generations of First Nations children were disproportionally subject to statutory care, including attempts to forcefully assimilate First Nations people.

(162) Also, families who have recently emigrated to Australia suffer similar challenges, particularly those who:

a. are non-European;
b. are fleeing poverty, war or other civil disorder; or
c. do not speak English or have English as a second language.

(163) People who identify as being of diverse sexuality, particularly those who identify as being members of trans and gender diverse communities, are at increased risk of discrimination and violence. Many individuals suffer significant degrees of social isolation, mental health and substance dependency issues.

(164) Diocesan workers should have some understanding of the nature and types of factors that can increase individual vulnerability. When working with children who are affected by one or more of these factors, additional caution should be used when determining whether to report concerns for the child or not (refer clauses 74-85).

(165) When developing a new programme (refer clauses 172-182) or planning an atypical or one-off event (refer clauses 189-200), Diocesan leaders should consider whether their programme or one-off event will involve one or more children affected by these factors and plan for additional safety measures.

Safeguarding planning for facilities

(166) Integrating environmental and structural safeguarding strategies are best done as part of the development/design phase of any facility.

(167) The scope of works that are put out to tender for new building works or major renovations of existing facilities ('capital works') will include a requirement that site and building design will incorporate best practice situational crime prevention strategies and maximise passive public safety features, i.e. application of Crime Prevention Through Environmental Design (CPTED) principles as articulated through NSW Government authorities, notably, the NSW Police 'Safer By Design' programme.

(168) Property Service is responsible for ensuring that informational documents provided to persons and firms interested in bidding for one or more capital works contracts, include the requirement to address situational crime prevention (CPTED principles) as part of their design elements in their bid proposals. Property Service in consultation with the Governance Service is responsible for ensuring that situational crime prevention (CPTED provisions) is included in any contracts issued to architects, design firms and builders for the aforementioned capital works.

(169) As part of capital works the relevant diocesan services will ensure that 'user reference groups' are established as part of the planning of new or the significant renovation of existing educational facilities in schools, early education and out-of-school hours care centres; in accordance with clauses 166 – 171 of this Framework.

(170) Parish leadership will not approve/support the commencement of capital works before consultation with the parish or regional finance and/or pastoral councils or having undertaken another documented discernment process that included consulting with the people of the parish.

(171) The level of consultation required is commensurate with the significance of the capital works proposed, defined by the project budget and the numbers of families who are expected to use and benefit from the new/refurbished facilities. Nevertheless, in summation, capital works should not be approved without evidence of (where applicable):

a. the application of situational crime prevention strategies (CPTED principles having been addressed); and
b. a consultative process with relevant user groups having been conducted.

Safeguarding in ministry and agency programmes

(172) In offering ministry and conducting programmes that provide services, largely or wholly, to children, there are particular strategies able to be implemented to maximise safeguarding for both children and diocesan workers; to increase a diocesan worker's professional safety.

(173) For atypical or one-off events, specific safety strategies need to be implemented (refer clauses 189-200).

(174) Procedural documents for ministries and services must consider application of safeguarding strategies appropriate for the nature of the ministry or service and specifically, the nature of the interaction between diocesan worker and child. The more common and widely tested strategies include:

a. clear, enforceable and enforced rules and expectations are established at the beginning of the child(ren)'s

involvement with the ministry or service and those rules are uniformly applied;

b. reducing the occurrence that an adult is alone with one of more children in private spaces (indoors or outdoors);
c. maximising the possibilities of having two-adult teams undertake child-related ministry or service provision;
d. prohibiting adults and children from disrobing or undertaking personal care activities in the same facilities concurrently;
e. children being afforded age and developmentally appropriate privacy when using change rooms, showers or toilets;
f. promoting regular, recorded communication between a responsible diocesan worker (e.g. parish secretary) and an adult working with or transporting a child or group of children without another adult present (use of mobile telecommunications);
g. ensuring that physical contact with children occurs purposefully (i.e. for a clearly definable purpose and for no longer than is required to achieve the intended purpose) and within the 'social' or 'public' areas of the child's body (e.g. arms, shoulders, upper back); and
h. ensuring that there is good preliminary and ongoing communication between ministry or service and the parents/carers of the child.

(175) Safeguarding strategies cannot be rigidly imposed, there needs be allowance for circumstances. For example, reducing the occurrence that an adult is alone with one of more children in private spaces needs to allow for the importance of privacy between adult and child at times. The provision of the sacrament of penance (confession or reconciliation) or counselling services are two clear examples where privacy is a prerequisite.

(176) In such circumstances, protective secondary strategies need be considered. For example, enacting the sacrament of penance in a space that allows for visibility but is audibly private or having the confessionals (re)built to physically separate the confessor from the penitent. For children attending counselling, it may include maintaining appointment records, placing counselling rooms in an administrative centre, having administrative personnel discreetly placed in line of sight to the counselling rooms, to monitor clients' attendance and departure times and the child's emotional/behavioural dispositions when leaving counselling.

(177) On occasions a diocesan agency may wish to establish a new programme, or a parish may discern that it should initiate an innovative ministry, which caters, in part or whole, to children or vulnerable persons. The relevant diocesan leaders should consult with the Office of Safeguarding at the earliest appropriate stage to ensure that development and design work on the new programme or ministry inculcates the Diocese's safeguarding culture and that the new programme or ministry is designed to operate in accordance with the statutory (NSW) and Church Standards.

Safeguarding in the online environment

(178) Safeguarding children in the online environment ('e-safety') is of particular importance in an increasingly 'online society' which remains poorly regulated or oversighted. There is the added complexity of most children being more adept in the online environment than the adults responsible for ensuring their e-safety.

(179) Parish ministries and agency programmes that involve online activities or children accessing the internet, will meet the following safeguarding requirements:

a. documented procedures or guidelines on safe and purposeful internet usage for children;
b. documented standards for acceptable online behaviour for diocesan workers with children who are part of the Diocese's faith communities or in receipt of diocesan services;
c. the younger the child, the less online time spent and the greater the immediate involvement and monitoring of a responsible adult;
d. children accessing the internet do so through diocesan networks, ensuring proper filters and other e-safety programmes are in operation to limit the potential for accessing higher risk sites;

e. online issues are reported in accordance with diocesan incident and safeguarding reporting obligations, including the particulars of any inappropriate or abusive online interactions or websites; and
f. active promotion of protective advice and strategies to children and their parents from key e-safety websites including:
    i. eSafety Commissioner
    ii. Think U Know.

(180) Diocesan workers must not establish a private or closed group, chat or other online forum that allows restricted access to or visibility of communications between members of the forum and includes one or more children, as a part of any parish ministry or agency programme, unless:

a. the worker's local leader has given written consent for the establishment of the forum; and
b. the forum is set up on a diocesan controlled platform or programme.

(181) Diocesan workers must have the written consent of a parent or guardian of children under 14 years of age, for their child to participate in private or closed online forum. Dependent on individual capacity, children aged 14 years and above may be able to give informed consent for their own participation.

Implementing systemic findings

(182) In accordance with clauses 135 – 138, systemic findings may be made as part of an administrative inquiry or other appropriately empowered process.

(183) Systemic findings should articulate the weaknesses in existing systems, structures, processes, policies, procedures and practices and the shortcomings in localised workplace cultures that increases risk to children and vulnerable adults.

(184) Outcomes for systemic findings should establish solution or mitigation strategies. That is:

a. identify revisions to or implementation of new systems, structures, processes, policies, procedures and practices and specify what variants to current workplace culture are required to reduce risk, or
b. establish a process for identifying and developing appropriate remedial strategies to reduce risk.

(185) The responsibility of achieving outcomes to systemic findings should be assigned to an appropriately responsible and empowered diocesan leader.

(186) The outcomes to systemic findings should be:

a. credible, as a means of ameliorating the identified risk;
b. realistic, allowing for the circumstances of the parish or agency;
c. achievable within a reasonable timeframe; and
d. measurable.

(187) The Office of Safeguarding is empowered to monitor and audit the implementation of the outcomes for systemic findings.

Dynamic safeguarding for particular circumstances and individuals

(188) Parishes and diocesan agencies are required to conduct safety planning for events and circumstances that are atypical or will be conducted outside of diocesan facilities, e.g. a school's sports carnival or a parish picnic. This planning should occur as the parish or diocesan agency's normative risk management and work, health and safety

procedures. This will include:

a. conducting a risk assessment in accordance with the Diocese's approved risk assessment procedures and using the Diocese's approved tools/forms; and
b. obtaining advice and support from the Safety and Risk Team as appropriate or the Office of Safeguarding if an identified hazard or risk relates to potential abuse.

Individual Safety Plans for Diocesan Workers

(189) In the course of supervising a diocesan worker or as a consequence of resolving a complaint or conducting an inquiry, a diocesan worker may be identified as posing some risk to children or vulnerable adults. Persons assessed as posing a real and appreciable risk to the safety of children are excluded from child-related work. However, where the assessed risk is not to such a degree that dismissal from their role is warranted or justifiable, in accordance with relevant civil or canonical law, a safety strategy is applied.

(190) The Office of Safeguarding, and the worker's local or senior leader, in consultation with the worker and:

a. People and Culture , if the worker is an employee or volunteer; or
b. the Bishop's Office, if the worker is a cleric, religious or lay parish leader.

(191) - will develop implement, monitor and review an individual safety plan sufficient to meet the particular requirements of the situation.

(192) Some of the key determinants of a workers' individual safety plan include the:

a. nature of the assessed risk posed or alleged conduct of the worker;
b. worker's role in the Diocese (the more senior and independent the role, the lower the risk tolerance);
c. worker's previous work history;
d. views of the child and their parents/carers or the vulnerable adult whom the worker was found to have harmed; and
e. nature of peer and public reaction if the worker's information is in the public domain.

(193) A worker's individual safety plan will incorporate provision of reasonable support for them, which may include:

a. provision of additional agency funded EAP counselling sessions;
b. additional flexibility around the worker's ability to access support during working hours; and
c. increased supervision and one-on-one meetings with the worker's local leader.

Community Safety Plans

(194) There is another distinct group of individuals who may be identified as posing an elevated risk, who are not diocesan workers but are members of one of the multiple local faith or school communities within the Diocese; e.g. the parent of a Catholic school student or a congregant in a parish. These individuals may be:

a. an adult;
b. a child; or
c. a vulnerable person.

(195) To determine that a member of a diocesan community constitutes a real and appreciable risk to children or vulnerable adults, requires the presence of substantive proof that meets the civil standard (balance of probabilities). It is the Office of Safeguarding's responsibility to conduct a risk assessment process on behalf of the local community

leadership.

(196) The Diocese has some capacity to exclude people from diocesan and parish facilities (e.g. the Inclosed Lands Protection Act 1901) but these powers are limited and should only be considered as a last resort. In most instances, should a community member be assessed as posing a real and appreciable risk, it is the responsibility of the Office of Safeguarding, in consultation with local leaders and, if appropriate, specialist support services within the Diocese, to develop a 'community safety plan', designed to mitigate the assessed risk and, if appropriate, facilitate reasonable access to the local parish or school community.

(197) The community safety plan is developed in a consultative process, the Diocese has no authority over community members and therefore must be acceptable to all parties whilst also being adequate to meet the:

a. nature of the assessed risk posed;
b. degree of the individual's involvement in the community; and
c. particulars of the community context, including the capacity of the local leadership to ensure compliance with any agreement reached.

(198) Individual and community safety plans will be:

a. as least intrusive to the community member as is possible whilst ameliorating the assessed risk;
b. subject to regular cycles of review to ensure the plans remain relevant to changing circumstances; and
c. withdrawn as soon as is appropriate and prudent to do so.

Section 14 - List of acronyms and abbreviations

Acronym or Abbreviation	Full title with some explanatory notes
Candidate	A candidate for orders, specifically to be ordained into the clergy incardinated in the Diocese of Maitland-Newcastle.
CPTED	Crime Prevention Through Environmental Design is an internationally implemented multi-disciplinary approach of crime prevention that uses urban and architectural design and the management of built and natural environments. CPTED strategies aim to reduce victimization, deter offender decisions that precede criminal acts, and build a sense of community among inhabitants so they can gain territorial control of areas, reduce crime, and minimise fear of crime. The NSW Government supports and promotes the incorporation of CPTED principles in urban planning and renewal, principally through the NSW Police programme Safer by Design.
CS	The Catholic Schools for the Diocese of Maitland-Newcastle
Diocese	The Catholic Diocese of Maitland-Newcastle
EAP	Employee Assistance Programme, an employer funded third party, confidential counselling services to provide employees counselling for mental health and personal wellbeing issues that may impact on the employee's work performance.
Framework	The Diocese of Maitland-Newcastle's Safeguarding Framework Policy
NPC	National Police Check
OOSH	Out of School Hours Care
OCG	Office of the Children's Guardian
ROSH	Risk of Significant Harm, section 23 Children and Young Persons (Care and Protection) Act 1998

Standards	National Catholic Safeguarding Standards
Statement	Diocesan Safeguarding Commitment Statement
WHO	World Health Organisation
WWCC	Working with Children Check

Section 15 - Revision history

(199) Approval of Version 2 of the Diocesan Safeguarding Framework Policy ('Policy') included the decision that the policy would be a living document, to allow for the dynamic nature of the safeguarding environment.

(200) The Director of Safeguarding was given the authority to make adjustments to the policy and publish as sub editions of the policy. The adjustments may be multiple but cannot result in significant or fundamental changes to the obligations and responsibilities of Diocesan workers and leaders.

(201) To ensure that the Policy is subject of an appropriate cycle of comprehensive review and consultation with interested parties, the formal review date will be undertaken three years from the approval of the full version (i.e. Version 2.0). On completion of the formal review process, the new Version (3.0) will be approved by the Bishop of Maitland-Newcastle.

V no.	Date	Details of revision	Author
1.0	23/12/20	Original version	Sean Tynan
2.0	17/08/22	Revision of section 4. Extended definition of 'Bishop of Maitland-Newcastle'. Revision of section 6 Overtly promoting safeguarding, including removal of the Safeguarding Commitment Statement from section 6 to appendices and changing statement, replacing National Principles for Child Safe Organisations with NSW Child Safe Standards, addition of subsections 6.2 Perpetual Day of Remembrance, 6.3 National Child Protection Week and 6.4 Responsibilities of diocesan leaders. Rephrasing of safeguarding screening questions' (SSQ) in Section 7 table Employees column, Engagement row. Renaming of section 9 Feedback to the Diocese, removal of previous subsections, replacement with subsection 9.1 Complaints Management. Addition of new section 10 Reporting to the Diocese, insertion of revised subsection 10.1 Reporting Concerns for Children (formerly subsection 9.2), addition of new subsection 10.2 Reporting Abuse of Vulnerable Persons Subsequent renumbering of following sections (11 to 15). Addition of new section 11 Administrative Inquiries and subsequent renumbering of the following sections. Revision of section 13, including addition of subsection 13.3 Safeguarding in the Online Environment. Subsequent renumbering of subsections 13.3 to 13.4 and 13.4 to 13.5. Addition of Appendix A Diocesan safeguarding commitment statement Revisions to Appendix B (Appendix A in Version 1 of policy), including contractor categories and associated accountabilities renumerated. 'Category 5' contractors, removal of reference to 'Approval letter', addition of 'Application'. Addition of Appendix C Safeguarding screening questions Addition of Appendix D Reporting Obligations within the Diocese of Maitland-Newcastle Addition of Appendix E Summary of obligations and requirements placed on individual workers and leaders by the Diocesan Safeguarding Framework Policy	Sean Tynan
2.1	12/01/23	Clarification of Appendix D Reporting Obligations within the Diocese of Maitland-Newcastle table related to ROSH, Reportable Incidents, Serious incident / Prescribed information. Deletion of repetition between Section 4 Definitions and subsection 10.2 re. 'abuse of vulnerable persons'. Variation and additional Safeguarding Screening Questions (Appendix C) re. prior failures to report alleged abuse (work related).	Sean Tynan

V no.	Date	Details of revision	Author
2.2	14/02/23	Variation to section 4, 'vulnerable person' to include neurodiversity and cite NCSS Edition 2 definition of 'adult at risk'. Inclusion of 'First Nations Peoples' in section 4 and replacement of ATSI in rest of policy. Inclusion of reference to volunteer SSQ in section 7 and variation to Appendix C. Inclusion of overt statement of 'zero tolerance of abuse' and 'increased individual vulnerability' in section 1 and Appendix A. Addition of section 13.1 Factors that increase individual vulnerability. Renumbering of former sections 13.1 - 13.5 to sections 13.2 – 13.6.	Sean Tynan
2.3	30/05/23	Variation of definition of 'vulnerable persons' and section 5.4 to reflect publication of the revised Vos Estis Lux Mundi. Clarification of section 7.1, obligation to undergo pre employment screening processes in accordance with HR directives. Variation to section 8 'Training for diocesan workers', add sentence on maintaining currency of safeguarding knowledge and separating out safeguarding training schedule from policy to separate procedural item Diocesan Safeguarding Training Regime. Addition of subheading and text in section 8.1, Self -care with potentially confronting content. Addition of Appendix E Diocesan Safeguarding Training Regime. Re-lettering of appendix Summary of obligations and requirements placed on individual workers and leaders by the Diocesan Safeguarding Framework Policy to 'F'. Revision of Appendix F sub section (8) to reflect the changes to the training section.	Sean Tynan
2.4	20/08/23	Change in nomenclature throughout the document from 'Human Resources' (HR) to People and Culture' (PC). Section 9.1 additional dot point descriptors of what may be involved in a workplace grievance. Section 10.1 additional dot point in definition of 'Concerns for Children' clarifying and emphasising the reporting of peer-on-peer abuse. Section 11 addition of statement stating imbalance of power between parties to an inquiry where complainant is a child or vulnerable person. Section 13.6 – two subheadings added to existing text 'Individual Safety Plans for Diocesan Workers' and 'Community Safety Plans' with added emphasis on safety plans. Appendix E: Diocesan Safeguarding Training Regime – simplification of course structure down to two, clarification of which groups of workers are required to attend which modules and courses, sequential numbering of modules and courses (1 - 4) and rewrite of related descriptors for revised courses. Addition of start date for revised regime (January 2024).	Sean Tynan
2.5	08/09/23	Section 5.4 – Revisions of, deletion of Law No. CCXCVII. (26 March 2019) and Rescriptum ex Audientia Ss.mi (December 2019) Section 7.2 – Additional sentence about sub-contractors in the engagement component of the 'Contractor' column. Appendix B – Significant changes in the Contractor categories and associated accountabilities. Division of category (4) into Categories (4a) discussing locally managed contractors providing child-related work and (4b) locally managed contractors who supply sub-contractors or employees of the contractor to undertake child-related work. Addition of row for each category of contractor discussing responsibility for ensuring there is a contract in place. Appendix E: : Diocesan Safeguarding Training Regime Extension of time allowed to complete Module 1 to two months after starting work with the Diocese.	Sean Tynan

Section 16 - Appendices

Part A - Diocesan safeguarding commitment statement

(202) During the mid and later twentieth century, a silent tragedy occurred. Across society's institutions an horrific number of children were the victims of child sexual abuse. The Diocese of Maitland-Newcastle was particularly affected, abuse was committed by men associated with the Diocese, both clergy, religious and laity. Compounding

the harm caused by these crimes was the failure of some diocesan leadership to ensure that perpetrators were stopped and brought to justice. Further, historic and current examples of institutional and societal failure to protect and promote the care, wellbeing and dignity of vulnerable adults continues to emerge through the media and commissions of inquiry.

(203) The Diocese takes a zero tolerance approach to abuse and is determined that similar events and circumstances will not arise again. Consequently, the Diocese is committed to:

a. fostering communities of safeguarding that recognise and uphold the dignity, diversity and rights of all children and vulnerable adults, with particular attention to those who have increased individual vulnerabilities;
b. empowering children and vulnerable adults to have their say and to be listened to;
c. encouraging open communication with families and informed communities to enable them to participate in decisions about the safety of children and vulnerable adults;
d. fostering safe, respectful and supportive relationships between diocesan workers, children and vulnerable adults, both in person and online;
e. promoting awareness of the causes and signs of abuse and the indicators of increased situational and individual risk in the physical and online environments;
f. ensuring that diocesan workers in child-related work are competent to support disclosures of abuse;
g. ensuring that concerns for the safety, welfare and wellbeing of children and vulnerable adults will be responded to appropriately, including reporting to external authorities;
h. supporting police and other statutory authorities when they are conducting inquiries of alleged criminality against children and vulnerable adults, in accordance with those canonical, statutory and other obligations relevant to the Diocese;
i. assessing complaints against diocesan workers fairly, expeditiously, transparently and at a level commensurate with circumstances;
j. maintaining a contemporary, ‘whole of Diocese’ safeguarding information and training regime;
k. improving risk assessment, management systems and mitigation processes for all diocesan activities that involve or affect children and vulnerable adults including e-safety awareness;
l. ensuring diocesan policies, procedures and organisational structures promote a culture of safeguarding; and
m. being compliant with the NSW Child Safe Standards and the National Catholic Safeguarding Standards.

Part B - Contractor categories and associated accountabilities

Cat. 1

Description	NPC	WWCC	Subject to Reportable Conduct	Insurances	Licences	Induction (For Contractors)	Compliance Reporting

Major Projects with minimal interaction with children, where the work is conducted outside diocesan facilities, e.g.: • a building site; • building site fenced off from rest of facility.	Managed by Property	N/A	N/A	Managed by Property		Managed by Property	Managed by Property
Contract: The contract is managed centrally (by Property & Facilities Service and the Diocese's Legal Team).							
Safeguarding Requirements: • These contractors are required to sign up to Avetta, the workforce management company that manages Diocesan contractors' compliance across a range of regulatory requirements including safeguarding. • Primary contractors undertake to ensure all their workers will have National Police Checks and WWCC as required. • Primary contractors sign the Diocese's safeguarding commitments statement.							

Cat. 2a

Description	NPC	WWCC	Subject to Reportable Conduct	Insurances	Licences	Induction (For Contractors)	Compliance Reporting
Prequalified and Approved Contractors: • Provision of general services within diocesan facilities; • Not child-related work. E.g. maintenance contractors, grounds people	Managed by Property	N/A	N/A	Managed by Property	Managed by Property	Managed by Property	Managed by Property
Contract: The contract is managed centrally (by Property & Facilities Service and the Diocese's Legal Team).							
Safeguarding Requirements: • These contractors are required to sign up to Avetta, the workforce management company that manages Diocesan contractors' compliance across a range of regulatory requirements including safeguarding. • Primary contractors undertake to ensure all their workers will have National Police Checks and WWCC as required. • Primary contractors sign the Diocese's safeguarding commitments statement **Entry / exit from diocesan facilities** Contractor must sign in on entry to and sign out when leaving diocesan facilities.							

Cat. 2b

Description	NPC	WWCC	Subject to Reportable Conduct	Insurances	Licences	Induction (For Contractors)	Compliance Reporting

Prequalified and Approved Contractors: • Provision of general services within diocesan facilities • In child-related work E.g. cleaners	N/A	Managed by Property	Managed by OoSG	Managed by Property	Managed by Property	Managed by Property	Managed by Property
Contract: The contract is managed centrally (by Property & Facilities Service and the Diocese's Legal Team).							
Safeguarding Requirements: • These contractors are required to sign up to Avetta, the workforce management company that manages Diocesan contractors' compliance across a range of regulatory requirements including safeguarding. • Primary contractors undertake to ensure all their workers will have National Police Checks and WWCC as required. • Primary contractors sign the Diocese's safeguarding commitments statement. • Contractor subject to Reportable Conduct scheme (Part 4, Children's Guardian Act 2019): • s.16(1)(a)(iv) – 'employee'; • s.27(2) – mandatory reporter of reportable allegations; • s.34 – subject to inquiry by OoSG & oversight by the Office of the Children's Guardian (OCG). **Training** Required to undertake online Safeguarding for Volunteers and Contractors training module.[Approx. 45 mins duration] **Entry / exit from diocesan facilities** Contractor must sign in on entry to and sign out when leaving diocesan facilities.							

Cat.3

Description	NPC	WWCC	Subject to Reportable Conduct	Insurances	Licences	Induction (For Contractors)	Compliance Reporting
Non-approved / emergency contractors – not in child related work (e.g. emergency repairs or urgent maintenance)	Managed by Diocesan facility	N/A	N/A	Managed by Diocesan facility	Managed by Diocesan facility	Managed by Diocesan facility	Managed by Diocesan facility
Contract: As an emergency service there may be no formal contract in place.							
Safeguarding Requirements: • Cat.3 contractors should be escorted by a responsible adult whilst in diocesan facilities or, at the least, kept under observation, directly or by electronic means. • Observation equates to 'seeing' the Cat.3 contractor in approx. 15 minute intervals. • Children should be absent from the immediate site where the Cat.3 contractor is working. **Entry / exit from diocesan facilities** Cat.3 contractors must sign in on entry to and sign out when leaving diocesan facilities							

Cat. 4a

Description	NPC	WWCC	Subject to Reportable Conduct	Insurances	Licences	Induction (For Contractors)	Compliance Reporting

Contractors engaged by the local service (e.g. school) or parish to provide direct specialised child-related work (e.g. music tutors, sports coaches). Includes locally contracted cleaners.	N/A	Managed by People and Culture	Managed by OoSG	Managed by Diocesan facility	Managed by Diocesan facility	Managed by Diocesan facility	Managed by Diocesan facility
Contract: The local leadership of the Diocesan facility (e.g. Principal) is responsible for ensuring that a proper contract (approved by the Legal Team) is put in place with the contractor and the Diocese (Trustees).							
Safeguarding Requirements: • The contractor is in child-related work, the contractor must submit WWCC number to the Diocese prior to being contracted to work: • Diocese is required to verify and record status as per employees or volunteers in child-related work [s.9A Child Protection (Working with Children) Act 2012]. • Contractor must complete and submit the Safeguarding Commitment for Contractors Working with the Diocese of Maitland-Newcastle • Contractor subject to Reportable Conduct scheme (Part 4, Children's Guardian Act 2019): • s.16(1)(a)(iv) – 'employee'; • s.27(2) – mandatory reporter of reportable allegations; • s.34 – subject to inquiry by OoSG & oversight by Office of the Children's Guardian (OCG). • Cat.4a contractors should be kept under reasonable observation when not undertaking intimate contact with a child, directly or by electronic means (approx. 15 minute intervals). **Training** Required to undertake online Safeguarding for Volunteers and Contractors training module. [Approx. 45 mins duration] **Entry / exit from diocesan facilities** Contractor must sign in on entry to and sign out when leaving diocesan facilities.							

Cat. 4b

Description	NPC	WWCC	Subject to Reportable Conduct	Insurances	Licences	Induction (For Contractors)	Compliance Reporting
Contractors engaged by the local service (e.g. school) or parish to supply sub contractors or employees of the contractor to provide specialised child-related work (e.g. music tutors, sports coaches). Includes locally contracted cleaners.	N/A	N/A	Managed by OoSG	Managed by Diocesan facility	Managed by Diocesan facility	Managed by Diocesan facility	Managed by Diocesan facility

Contract: The local leadership of the Diocesan facility (e.g. Principal) is responsible for ensuring that a proper contract (approved by the Legal Team) is put in place with the contractor and the Diocese (Trustees). The contract must specify the contractor's responsibilities to ensure sub-contractors or employees meet all statutory safeguarding obligations.

Safeguarding Requirements:
• Where the contractor will not be providing direct services, the contractor is not in child-related work.
• Contractor must complete and submit the Safeguarding Commitment for Contractors Working with the Diocese of Maitland-Newcastle; and
• Where the contractor does provide direct services, the contractor is in child-related work and the obligations set out in Category (4a) applies to the contractor.
• Sub-contractors or employees of the contractor are the responsibility of the (primary) contractor with whom the leadership of the Diocesan facility has the relationship. The obligations and responsibilities of having WWCC in place and safeguarding training are the contractor's obligations.
• Sub-contractors or employees of the contractor are subject of Reportable Conduct scheme (Part 4, Children's Guardian Act 2019) however, the responsible party to conduct the inquiry is dependent on capacity and negotiated agreement between the OoSG, the contractor and the Office of the Children's Guardian
• Ideally the contract between Trustees and contractor should stipulate that the Diocese (OoSG) undertakes reportable conduct inquiries of sub-contractors or employees of the contractor.
• Cat.4b sub-contractors or employees of the contractor should be kept under reasonable observation when not undertaking intimate contact with a child, directly or by electronic means (approx. 15 minute intervals).

Entry / exit from diocesan facilities

• Cat.4b sub-contractors or employees of the contractor must show their current WWCC status to reception prior to entering a diocesan facility (using the Service NSW app on their mobiles). While the Diocese can't verify the WWCC with the OCG, the Service NSW App gives 'current status' confirmation of the person's WWCC status.
• After evidencing their WWCC, Cat.4b sub-contractors or employees of the contractor must sign in on entry to and sign out when leaving diocesan facilities.

Cat.5

Description	NPC	WWCC	Subject to Reportable Conduct	Insurances	Licences	Induction (For Contractors)	Compliance Reporting
Contractors engaged by third parties to provide child-related services to children whilst in the care of a diocesan agency. E.g. a parent engaging a speech pathologist to provide a service to their child whilst at school (as a student in a diocesan school).	N/A	Confirmed by Diocesan Facility	Managed by OoSG	N/A	N/A	N/A	N/A

Contract: There is no contract between the Trustees (Diocese) and the contractor, the contractor's primary relationship is with the parent / carer.

Safeguarding Requirements:
• Parent/carer must complete and submit an Application for a Category 5 Contractor to Provide Services to a Student in a Diocesan School (standard form) to the diocesan facility (school) in which the parent/carer's child is in receipt of services (student) and that application be approved by the leader of that facility (principal or other delegated member of school leadership), prior to a Cat.5 contractor being allowed to enter diocesan facilities (school).
• The application includes identification details of the Cat.5 contractor and confirmation from the parent/carer that they:
  • have accessed the OCG website to verify that the contractor holds a valid WWCC
  • have verified, as best as is reasonably possible, that the contractor is a licensed/certified practitioner of the particular service that they have been engaged to provide
  • have advised the contractor that they must be able to show that they have a current WWCC, using the Service NSW app on a mobile device, prior to entry into any diocesan facility (school) and that failure to do so will result in them being refused entry
  • have advised the contractor that they may be granted entry into a diocesan facility for the purpose of providing a service to a specific child and the contractor should minimise interaction with other children
  • understand and give consent for the Cat.5 contractor to have access to their child without the presence of a diocesan employee/responsible adult and that, should the contractor's services involve intimate contact with the child (student), such services will be conducted in a private setting.
  • Cat.5 contractors should be kept under reasonable observation when not undertaking intimate contact with a child, directly or by electronic means (approx. 15 minute intervals).

Entry / exit from diocesan facilities
• Cat.5 contractors must show their current WWCC status to reception prior to entering a diocesan facility (using the Service NSW app on their mobiles). While the Diocese can't verify the WWCC with the OCG, the Service NSW App gives 'current status' confirmation of the person's WWCC status.
• After evidencing their WWCC, Cat.5 contractors must sign in on entry to and sign out when leaving diocesan facilities

Part C - Safeguarding screening questions

(204) The following disclaimer must be made available to the applicant prior to completing the safeguarding screening questions.

SAFEGUARDING SCREENING QUESTIONS FOR EMPLOYEES

DISCLAIMER

(205) Responding in the positive to one or more of these questions will not necessarily exclude you from consideration for appointment if you are the successful applicant. Your responses to the following safeguarding questions will only be verified if you are the preferred candidate, along with the Diocese conducting your reference checks.Your responses will be recorded on our recruitment records which are securely stored for 6 months and then destroyed. Should you become an employee, they will remain on your personnel file.

Q.1: Have you ever been convicted of any sex offences? If so, what are the circumstances and details of such convictions?

Q.2: Have you ever been the subject of an Apprehended Violence Order which was made for the purposes of protecting a child, adult with a disability or elderly person from the risk of harm? If so, please provide the circumstances and details of such orders.

Q.3: Have you ever been accused of committing serious physical abuse, sexual abuse or sexual misconduct against one or more children, adults with disabilities or elderly persons?
If 'YES', was the allegation investigated and if so, please list the organisation that conducted the investigation, when and what were the findings of the investigation?

Q.4: Have you been convicted of NSW Crimes Act section 43B "Failure to reduce or remove risk of child becoming victim of child abuse"? Or have you been subject to an investigation that found you failed to report or concealed allegations of abuse committed against a child, adult with disability or elderly person?
If 'YES', please list the organisation (employer) that conducted the investigation, when and what were the findings of the investigation?

Q.5: Is there any other incident or event in your history which may adversely affect your suitability for working with

children or vulnerable adults?

VOLUNTEER SAFEGUARDING SCREENING QUESTION

(206) Is there any incident or event in your history which may affect your suitability to volunteer to work with children or vulnerable adults? If so, please describe what happened.
For example, have you been subject of an AVO taken out to protect a child? Or have you been accused of committing serious physical abuse, sexual abuse or sexual misconduct in your workplace or as a volunteer?

Part D - Reporting obligations within the Diocese of Maitland-Newcastle

Reporting as a matter of urgency means reporting without delay. The worker will report the matter as a priority before other obligations or demands once any immediate safety and wellbeing concerns for a child have been addressed.	**Criminal act**	**ROSH**	**Reportable conduct (Diocesan workers)**	**Reportable incidents (NDIS funded services)**	**Serious incident / Prescribed info. (Early Education & OOSH)**	**Grave delict (Vos Estis Lux Mundi)**	**Breach of professional standards**	**No WWCC**
Statutory reporting obligation	NSW Police	Department of Communities and Justice (DCJ)	Office of the Children's Guardian (OCG)	NDIS Quality and Safeguards Commission	Early Childhood Education Directorate (ECED)	Congregation for the Doctrine of the Faith (CDF)	Nil	Nil
Statutory timeframe	As soon as is practical	Immediately or within 24 hrs (In accordance with the MRG advice)	As soon as practicable (ONLY if the Bishop is the alleged abuser)	Within 24 hours or 5 business days (Dependent on classification of incident)	Within 24 hours or 7 days (Dependent on classification of incident)	Not applicable	Not applicable	Not applicable
Primary diocesan reporting obligation	Local diocesan leader	Local diocesan leader	Office of Safeguarding	NDIS Programme Manager	Executive Manager Quality Assurance	Bishop of Maitland-Newcastle	Local diocesan leader	Local diocesan leader
Primary timeframe	As a matter of urgency	As a matter of urgency	As a matter of urgency	As a matter of urgency	As a matter of urgency	Promptly	As soon as is practical	As a matter of urgency
Secondary diocesan reporting obligation	Office of Safeguarding	Office of Safeguarding	Local diocesan leader	Office of Safeguarding	Office of Safeguarding	Office of Safeguarding	Office of Safeguarding	People and Culture
Secondary timeframe	Within 1 working day	Within 5 working days	As soon as is practical	Within 5 working day	Within 5 working days	As soon as is practical	Within 5 working days	Within 1 working day
Discretion for secondary reporting	None – Must be reported	None – Must be reported	None – Must be reported	None – Must be reported	None – Must be reported	None – Must be reported	Discretionary reporting by local diocesan leader	None – Must be reported

Part E - Diocesan safeguarding training regime

(207) The Diocesan safeguarding training regime comes into effect in January 2024.

Definitions

(208) Parish & Agency employees refers to all those employed to work in schools, St Nicholas services and CatholicCare Social Services, inclusive of office roles not directly engaged with children (i.e. not child-related work as per the WWCC scheme).

(209) Curia employees refers to those engaged in tertiary service provision, i.e. 'Diocesan Curia' inclusive of the Bishop's Office, Shared Services and the Office of Safeguarding.

(210) CPD Continuous professional development model, implemented for diocesan clergy and lay parish leadership. The Diocese's CPD model includes specific minimum annual safeguarding training obligations.

(211) RPL Recognised prior learning is available for some training courses. RPL is restricted but includes NSW Government recognised vocational training [CHCPRT001] Identify and respond to children and young people at risk and [CHCPRT002] Support the rights and safety of children and young people

	MODULES		**COURSES**	
	(1) Safeguarding for employees, clergy and religious	**(2) Safeguarding for volunteers and contractors**	**(3) Advanced safeguarding training**	**(4) Annual CPD safeguarding training for clergy and parish leaders**
Employees: • All Agency employees • All Parish employees except 'Lay Parish Leaders' • Employees in the Curia who are in child-related work (hold a WWCC)	Cyclical: No option for RPL. To be completed: • within 2 months of commencing employment • repeated annually thereafter	Not applicable	Cyclical: Prerequisite: Module (1) Limited RPL available To be completed: • within 6 months of commencing employment • repeated thereafter within a 6 year cycle	Not applicable
Employees: **Employees in the Curia who are NOT in child-related work (no WWCC)**	Cyclical: No option for RPL. To be completed: • within 2 months of commencing employment • repeated annually thereafter	Not applicable	Not applicable	Not applicable
Volunteers: All Agency volunteers. Volunteers in parishes or the Curia who are in child-related work (hold a WWCC)	Not applicable	Cyclical: No option for RPL. To be completed: • within 2 months of commencing engagement • repeated annually thereafter	Not applicable	Not applicable

	MODULES		COURSES	
	(1) Safeguarding for employees, clergy and religious	**(2) Safeguarding for volunteers and contractors**	**(3) Advanced safeguarding training**	**(4) Annual CPD safeguarding training for clergy and parish leaders**
Volunteers Volunteers in parishes and the Curia who are NOT in child-related work (no WWCC)	Not applicable	Cyclical: No option for RPL. • within 2 months of commencing engagement • repeated triennially (3rd year) thereafter	Not applicable	Not applicable
Contractors Categories (2b) & (4a) only, refer Appendix Part B.		One off: No option for RPL. Once, within 2 months of commencing engagement		
Clergy and lay or religious parish leaders	Cyclical: No option for RPL. To be completed: • within 2 months of appointment • repeated annually thereafter	Not applicable	Not applicable	Cyclical: Prerequisite: Module (1) Limited RPL available. Part of the annual CPD cycle for parish leaders

Descriptions of Modules and Courses

Module 1: Safeguarding for employees, clergy and religious

(212) An online global informational package describing diocesan safeguarding structures, policies and processes. The module discusses:

a. the diocesan safeguarding framework policy;
b. the Diocese's Safeguarding Commitment Statement and codes of conduct;
c. the role of the Office of Safeguarding;
d. indicators of abuse and neglect and how to support a child to disclose to a staff member;
e. reporting obligations;
f. safeguarding risk management including e-safety; and
g. complaints handling policy and procedures.

(213) The module is an audio-visual package with written information presented through mnPeople. The module includes a competency assessment quiz at the completion of the presentation and will require approximately 1 hour to complete. The employee, cleric or religious is automatically registered by mnPeople as having completed the module when they have successfully achieved a correct score of 80% or higher in the competency assessment quiz.

Module 2: Safeguarding for volunteers and contractors

(214) An online global informational package describing diocesan safeguarding structures, policies and processes. The module introduces:

a. the Safeguarding Framework Policy;

b. the Diocese's Safeguarding Commitment Statement and codes of conduct;
c. the role of the Office of Safeguarding;
d. indicators of abuse and neglect and how to support a child to disclose to a staff member;
e. reporting obligations;
f. safeguarding risk management including e-safety; and
g. complaints handling policy and procedures.

(215) The module can be accessed online by the individual or facilitated in a group setting in a parish, school, early education centre or social service programme, by a diocesan worker who has been familiarised with the content. Attendance at such a group must be recorded against the volunteer's or contractor's record to evidence completion of a mandatory piece of training. The module will require approximately 45 minutes to complete.

Course 3: Advanced safeguarding training

(216) An interactive presentation by one or more Office of Safeguarding personnel, preferably face-to-face in a training venue or live online using an audio-visual platform (MS Teams or ZOOM).

(217) This course should not be undertaken by diocesan employees until they have completed Module 1: Safeguarding for employees, clergy and religious for the first time. Module 1 is the foundational informational basis for the advanced training. Course 3 will briefly recap and reference key safeguarding concepts, but the presenter expects participants to have a pre-existing understanding of:

a. the indicators of individual and circumstantial/environmental vulnerability;
b. grooming of individuals and groups by a predatory individual;
c. the indicators of abuse and neglect;
d. the effects of abuse;
e. supporting a child or vulnerable person to disclose abuse;
f. reporting obligations to state and Church;
g. information sharing and record keeping;
h. safeguarding risk management including e-safety;
i. complaint handling; and
j. the Office of Safeguarding's roles and responsibilities.

(218) If the participant has recently commenced working for the Diocese, it will be to their advantage to have spent some additional time and effort to carefully review the Safeguarding Framework Policy prior to attending the training.

(219) The course is designed to maximise interactivity between presenter and participants to test the participant's integration of the safeguarding information presented in Module 1 training and their ability to apply it in 'real world scenarios' that are tailored for the particular environment or context in which the participant works.

(220) Course 3 has several packages designed for workers in:

a. Parishes;
b. Diocesan primary schools;
c. Diocesan secondary schools;
d. St Nicholas early Education Centres and OOSH services;
e. CatholicCare social services, including PSP caseworkers; and
f. Hunter Community Housing staff.

(221) The package includes pre-recorded audio-visual material with some written information presented through PowerPoint. The course has a heavy emphasis on in-depth analysis and discussion of work-based scenarios.

(222) The course is a half day programme (approximately 3.5 hours duration). Diocesan employees are required to register for the course through mnPeople and must complete the requisite proof of attendance obligations on arrival at the venue or logging into the online presentation.

Course 4: Annual CPD safeguarding training for clergy and parish leaders

(223) This course should not be undertaken by a newly ordained or newly arrived cleric or a newly appointed parish leader until they have completed Module 1: Safeguarding for employees, clergy and religious for the first time.

(224) As part of the clerical, religious or lay leadership of parishes and a cleric's public ministry in the Diocese, the individual commits to the Diocese's continuous professional development process, available on the Diocese's website: https://www.mn.catholic.org.au/people/clergy-and-parish-leaders-professional-support/. The Cleric and parish leader is required to undertake safeguarding training on an annual basis, as a part of the person's obligations to undertake professional development (practice of ministry).

(225) The course assumes the participant has prior knowledge and experience in ministering in accordance with the Diocese's safeguarding framework and an understanding of their obligations to contribute to a safeguarding culture in the Diocese of Maitland-Newcastle. The course reinforces the participant's understanding of:

a. the indicators of individual and circumstantial/environmental vulnerability;
b. grooming of individuals and groups by a predatory individual;
c. the indicators of abuse and neglect;
d. the effects of abuse;
e. supporting a child or vulnerable adults to disclose abuse;
f. reporting obligations to state and Church;
g. information sharing and record keeping;
h. safeguarding risk management including e-safety;
i. complaint handling; and
j. the Office of Safeguarding's roles and responsibilities.

(226) The course will be presented by the Director of Safeguarding presents a training package that highlight the particular roles and responsibilities of parish leaders and is adjusted to address particular foci that may be of concern at the time. The package includes audio-visual material with some written information presented through PowerPoint. The course has a heavy emphasis on in-depth analysis and discussion of practice scenarios calibrated to parish ministry.

Part F - Summary of obligations and requirements placed on individual workers and leaders by the Diocesan Safeguarding Framework Policy

Promoting Safeguarding

Diocesan Workers	Additional Expections Placed on Diocesan Leaders

Diocesan Safeguarding Commitment Statement Each diocesan worker will be required to personally evidence their commitment to the Diocesan Safeguarding Commitment Statement	**Responsibilities of Senior and Local Diocesan Leaders** As part of promoting a safeguarding culture across the Diocese, diocesan leadership will: • demonstrate active and overt support for and commitment to the Diocese's Safeguarding Commitment Statement; • ensure that those diocesan workers for whom they are directly responsible, are aware of and act in accordance with the Diocese's Safeguarding Commitment Statement; • promote awareness of the Perpetual Day of Remembrance and National Child Protection Week with those diocesan workers for whom they are directly responsible; • encourage participation in the local parish's and faith community's services and activities, held as part of the Perpetual Day of Remembrance; and • support activities undertaken as part of the Diocese's celebration of National Child Protection Week.

Training for Diocesan Workers

Diocesan Workers	Additional Expections Placed on Diocesan Leaders
All diocesan workers must be aware of the importance of safeguarding in the Diocese and understand their safeguarding obligations, including their reporting obligations. Diocesan workers in child-related work will have a detailed understanding of their safeguarding obligations. All diocesan workers must complete the Diocese's Safeguarding Training Regime relevant to their role, in the prescribed timeframes, including: • the training obligations for newly appointed diocesan workers; and • an ongoing cycle of safeguarding training.	Diocesan leaders: • are expected to lead by example and fulfil their own safeguarding training obligations promptly; • will facilitate and, if necessary, direct their workers to complete their mandatory safeguarding obligations in accordance with the Diocese's Safeguarding Training Regime; and • are empowered to direct one, some or all their workers to undertake additional safeguarding training beyond that which is prescribed by the Diocese's Safeguarding Training Regime.

Reporting to the Diocese

Diocesan Workers	Additional Expections Placed on Diocesan Leaders

Concerns for children and alleged abuse of vulnerable adults contain sensitive information* that must be treated in strict confidence. Diocesan workers will restrict their discussions of their concerns for children or allegations of abuse to: • officers of relevant statutory authorities (e.g. Police, Dept. Communities and Justice); • Office of Safeguarding staff; and • relevant diocesan leaders (e.g. the worker's supervisor). **Reporting Concerns for Children (clause 74–85)** Each diocesan worker has a personal obligation, imposed by this policy, to report allegations of abuse against children and concerns for children, in accordance with the protocols approved by the Australian Catholic Bishops Conference and the procedures established by the Diocese. Many diocesan workers are subject to legal obligations to report matters that fall, wholly or in part, in the scope of child protection concerns, to statutory authorities. Diocesan workers must report in accordance with the obligations set out in Appendix D of the Diocesan Safeguarding Framework Policy, Reporting obligations within the Diocese of Maitland-Newcastle. **Reporting Concerns for Vulnerable Adults (clause 86–104)** Usually, diocesan workers should discuss their concerns with the vulnerable adult and ensure that person is in control of reporting their own situation. However, a Diocesan worker must report the alleged abuse of a vulnerable adult, irrespective of their wishes if one of more of the following criteria are present: • a serious indictable offence is alleged to have occurred or is at risk of occurring; • the alleged abuser is a diocesan worker the; • allegations constitute a reportable incident under s.73Z of the National Disability Insurance Scheme Act 2013; and • there is evidence or a credible basis to believe that the vulnerable adult is incapable of or restrained from making free or informed decisions. *Sensitive information is afforded added protections under the Commonwealth's Privacy Act 1988 and the Australian Privacy Principals.	Diocesan leaders will: • actively encourage workers to report concerns for children or allegations of abuse of vulnerable adults; and • endeavour to ensure that workers who report in good faith do not suffer any adverse consequences for reporting their allegations or concerns. **Reporting Concerns for Children (clause 74-85)** Clergy and religious must report allegations of child sexual abuse by other clergy or religious to the Bishop of Maitland-Newcastle and the Office of Safeguarding. **Reporting Concerns for Vulnerable Persons (clause 86-104)** Clergy and religious must report allegations of other clergy or religious performing sexual acts with or sexually exploiting a vulnerable adults to the Bishop of Maitland-Newcastle and the Office of Safeguarding.

Adminstrative Inquires

Diocesan Workers	Additional Expections Placed on Diocesan Leaders

Diocesan workers who act in good faith and in accordance with this policy during an inquiry, will not be subject to any adverse consequences due to their participation in an inquiry. **Competency to Conduct an Administrative Inquiry (clause 120-124)** A diocesan worker conducting an administrative inquiry must: • be neutral and devoid of actual or perceived conflicts of interest; • understand and be able to apply due process (procedural fairness); • be capable of protecting the integrity of the inquiry; • ensure that an appropriately comprehensive brief of evidence is secured to allow for properly informed decision making. **Diocesan Obligations and Privileges in an Inquiry (clause 125-144)** Diocesan workers are obliged to actively support administrative inquiries by: • maintaining a neutral position, not reaching conclusions during an inquiry about whether an allegation is sustained, or a complaint established; • respecting the findings and outcomes of an inquiry if they are privy to that information; • accepting that they may not be privy to the findings or outcomes of an inquiry. Diocesan workers must maintain confidentiality about an administrative inquiry during and after the inquiry. Diocesan workers are obliged to give evidence in administrative inquiries, including: • providing records requested by the investigator; • being interviewed by the investigator.	Diocesan leaders should only initiate an administrative inquiry when necessary. Diocesan leaders will: • actively encourage workers to support administrative inquiries • endeavour to prevent diocesan workers suffering any adverse consequences for their participation in an inquiry. **Authority to Establish and Oversight an Administrative Inquiry (clause 115-119)** For the most part, diocesan leaders are restricted in the scope of any inquiry to those: • activities or incidences that occurred within the diocesan leader's scope of responsibility • diocesan workers who are in the diocesan leader's organisational line of authority. Diocesan leaders cannot unilaterally initiate administrative inquiries into: • alleged criminality • alleged child abuse. **Obligations in an Inquiry (clause 125-144)** Diocesan leaders are required to support diocesan workers who are involved in an administrative inquiry, whether as complainant, witness or respondent. Diocesan leaders must ensure key persons (the respondent and complainant and their responsible person) receive information during and immediately after an inquiry, including: • advise on the progress of the inquiry • any findings made by the inquiry • any approved outcomes, allowing for the protection of the respondent's right to privacy.

Participation and Inclusion

Diocesan Workers	Additional Expections Placed on Diocesan Leaders
Diocesan workers must ensure that they engage with people in faith communities and the various ministries supported and services provided by the Diocese: • respectfully, promoting the dignity and intrinsic value and uniqueness of each person; • safely, being aware of the inherent power imbalance in favour of the worker • ethically, ensuring that the person's best interests are central in the worker's decision making • inclusively, promoting the participation of those who are of diverse personal circumstances (including physical, intellectual, linguistic, cultural and gender identity).	**Participation and Inclusion in Diocesan Agencies (152-155)** Leaders in diocesan agencies are required to facilitate structural opportunities, appropriate for the nature of the service provided and the capacity of the agency to sustain such structures, to promote the participation and inclusion of students, clients, their families and the Catholic community, including: • reference groups for clients; • student councils and other formally established representative bodies; • establishing and maintaining an agreed cycle of gathering 'user feedback'.

Promoting Environmental, Strutural and Dynamic Safety

Diocesan Workers	Additional Expections Placed on Diocesan Leaders

Safeguarding in the Online Environment (clause 178-181) Diocesan workers must not establish a private or closed group, chat or other online forum that allows restricted access to or visibility of communications between members of the forum and includes one or more children, as a part of any parish ministry or agency programme Diocesan workers must have the written consent of a parent or guardian of children under 14 years of age, for their child to participate in private or closed online forum.	**Safeguarding in Ministry and Agency Programmes (clause 172-177)** Diocesan leaders must ensure procedural documents for ministries and services consider the application of safeguarding strategies appropriate for the nature of the ministry or service and specifically, the nature of the interaction between diocesan worker and child. Diocesan leaders should consult with the Office of Safeguarding when developing new ministries or programmes. **Safeguarding in the Online Environment (clause 178-181)** Diocesan leaders managing programmes that involve online activities or children accessing the internet, will meet the following safeguarding requirements: • documented procedures or guidelines on safe and purposeful internet usage for children; • documented standards for acceptable online behaviour for diocesan workers with children who are part of the Diocese's faith communities or in receipt of diocesan services; • the younger the child, the less online time spent and the greater the immediate involvement and monitoring of a responsible adult; • children accessing the internet do so through diocesan networks, ensuring proper filters and other e-safety programmes are in operation to limit the potential for accessing higher risk sites; • online issues are reported in accordance with diocesan incident and safeguarding reporting obligations; • active promotion of protective advice and strategies to children and their parents from key e-safety websites. **Dynamic Safeguarding for Particular Circumstances and Individuals (clause 188)** Diocesan leaders are required to conduct safety planning for events and circumstances that are atypical or will be conducted outside of diocesan facilities. This will include: • conducting a risk assessment in accordance with the Diocese's approved risk assessment procedures and using the Diocese's approved tools/forms; • obtaining advice and support from the Safety and Wellness Team as appropriate or the Office of Safeguarding if an identified hazard or risk relates to potential abuse.

Status and Details

Status	Current
Effective Date	10th May 2024
Review Date	18th October 2025
Approval Authority	Bishop
Approval Date	18th October 2022
Expiry Date	To Be Advised
Unit Head	Sean Tynan Director Safeguarding
Enquiries Contact	Office of Safeguarding

Glossary Terms and Definitions

"Diocesan worker" - A person who carries out work in any capacity for an employer or 'Person Conducting a Business Undertaking'. This includes employees, clergy, religious, trainees, apprentices, student placements, volunteers and contractors. In the Diocese of Maitland-Newcastle, 'diocesan worker' includes those who carry out work in and for parishes within the Diocese, within and for diocesan agencies and the diocesan curia.

"Complaint" - An expression of dissatisfaction made to or about the Diocese, the services the Diocese offers, a diocesan worker or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. A complaint is not a request for service, an expression of concern, opinion, or feedback where a response is not explicitly or implicitly expected. A matter that may not be considered a complaint as defined by the policy may be recorded and referred to the appropriate operational leadership for management.

"Complainant" - The person who makes the complaint. The complainant may be the person who suffered the alleged inappropriate conduct or poor service or a person acting on another person's behalf for example, the responsible person for a child (e.g. parent) or vulnerable person (e.g. appointed guardian).

"Child abuse" - Or maltreatment was defined in 1999 by the World Health Organisation (WHO) as "all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power." The Standards have adopted a more detailed definition which is available on the Office of Safeguarding website, alongside a detailed discussion on what constitutes the various forms of child abuse and neglect. Refer to the Reporting child abuse page.

"Children" - Refers to people under the age of 18 years. [1] [1] Under the Children and Young Persons (Care and Protection) Act 1998, there is a differentiation between children (0-15 yrs) and young people (16-17 yrs). However, the Crimes Act 1900 and the Child Protection (Working with Children) Act 2012 define children as any person less than 18 years of age. The Children's Guardian Act 2019, other than for purposes of Part 6 Child Employment, also defines children as persons under 18 years of age. The National Catholic Safeguarding Standards defines children as "individuals under 18 years of age". The definition recognises that there is a graduation towards independence that begins for children prior to their 18th birthday, through adolescence increasing independence and self-determination is afforded a child, e.g. making some medical decisions independent of their parents etc.

"Conflict of interest" - Also known as a conflict of duty refers to situations where a conflict arises between a public or professional duty and a private interest or duty owed to another organisation or group (including volunteering). This conflict could influence the performance of official duties and responsibilities. Such conflict generally involves opposing principles or incompatible wishes or needs. Conflicts of interests can be: • Actual - involves direct

conflict between your current duties and responsibilities and existing private interests; or • Potential - where a person has a private interest that could interfere with the performance of their official duties and responsibilities in the future; or • Reasonably perceived - where a reasonable person could perceive that your private interests are, or are likely to, improperly influence the performance of your duties, irrespective of whether this is the fact.

"Diocesan agencies" - May also be referred to as 'directorates'. Diocesan agencies are intra-diocesan organisational structures that have been established and developed in the life of the church, to undertake good works on behalf of the Diocese and the provision of tertiary support to those services. Diocesan agencies include: • CatholicCare Social Services Hunter-Manning ; • Catholic Community Fund; • Catholic Schools and the diocesan systemic schools; • Hunter Community Housing; • St Nicholas services including Early Education centres, Out of School Care (OOSH) and Pathway programme; and • Shared Services, which is inclusive of multiple specialist service providers to diocesan parishes and agencies, that forms part of the Diocesan Curia.

"Diocesan leaders" - A term that refers to the whole leadership group of the Catholic Diocese of Maitland-Newcastle, which is a combination of 'local leaders' and 'senior leaders'

"Findings" - A decision based on fact, whether there is sufficiently compelling inculpatory evidence to determine that a complaint has merit or is 'sustained'. Alternatively, the finding is that the complaint does not have merit or is 'not sustained'.

"First Nations Peoples" - The Diocese of Maitland-Newcastle's Reconciliation Action Plan 2022-23 'Reflect', applies this language alongside the naming of Aboriginal and Torres Strait Islander peoples and Australia's First Peoples.

"Local leader" - Refers to the diocesan worker or workers whose authority is localised, i.e. specific to a particular service or parish, and may refer to: • a director of an early education centre; • a head of service; • a manager; • a school principal; • parish leaders, inclusive of assistant parish priests and appointed lay leadership; or • the nominated supervisor in an OOSH service.

"Outcomes" - Those consequences or actions that stem from the findings and reflect the seriousness of the allegations and address any unresolved risks. Outcomes tend to fall within two classes: • the future roles and responsibilities of the respondent as a diocesan worker; or • issues related to the Diocese of Maitland-Newcastle's current operational or systemic practices.

"Parishes" - Is the local parish as defined by its geographical boundaries. "… is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (parochus) as its proper pastor (pastor) under the authority of the diocesan bishop." (Can. 515§1)

"Programmes" - The particular operational activities that are related and often interrelated and interdependent that collectively work towards a shared outcome or purpose. Programmes are often defined by funding and/or governance arrangements. Programmes must be accountable to or an integral part of a diocesan parish or agency.

"Respondent" - The person who is the subject or focus of the complaint, i.e. the person who undertook the action or was responsible for the provision of service that triggered the complaint.

"Sensitive information" - Means information or an opinion that is also personal information, about a person's racial or ethnic origin, political opinions, memberships of political, professional and trade associations and unions, religious and philosophical beliefs, sexual orientation or practices, criminal history, health information, and genetic and biometric information. This information must be protected due to its confidentiality or availability requirements because if exposed it could lead to harm or privacy/data breaches.

"Administrative Inquiry" - A structured process undertaken to investigate whether there is sufficient evidence to sustain a complaint. Administrative inquiries apply the civil standard (on balance of probabilities) and do not address questions of innocence or guilt; nor can administrative inquiries unilaterally achieve moral certitude in canonical

jurisdictions. See Safeguarding Framework Policy 2022.

"Feedback" - Opinions, comments, compliments and expressions of interest or concern, made directly or indirectly, explicitly, or implicitly, to or about the Diocese, the services offered by the Diocese or complaint handling where a response is not explicitly or implicitly expected or legally required.

"Grievance" - A grievance is any issue or concern raised by a worker that involves interpersonal conflicts, disagreements about perceived unfairness, discrimination, or breaches of policies, procedures, and/or conduct standards. Examples include but are not limited to: • Interpersonal conflict and disagreements between workers. • Disagreements about how work is allocated or managed. • Disagreements regarding the application of organisational policies. • Issues of discrimination, unfairness, or administrative decisions perceived as unreasonable.

"Catholic school" - Is one which operates with the consent of the Diocesan Bishop and is one where formation and education are based on the principles of Catholic doctrine. It includes primary, secondary and K-12 schools.

"Agency" - Diocesan agencies may also be referred to as directorates. Diocesan agencies are intra-diocesan organisational structures that have been established and developed in the life of the church, to undertake good works and services on behalf of the Diocese and have the capacity to bind the Diocese to its actions. For the most part, but not exclusively, diocesan agencies are led by executive directors. Examples of Diocesan agencies include: • CatholicCare Social Services Hunter-Manning; • Catholic Community Fund (including Catholic Development Fund Maitland-Newcastle (CDFMN)); • Catholic Schools and the diocesan systemic schools; • Hunter Community Housing; • St Nicholas services including Early Education centres and Out of School Hours Care (OOSH) services; and • Shared Services, which is inclusive of multiple specialist tertiary providers to diocesan parishes and agencies, that forms part of the Diocesan Curia.

"Catholic Diocese of Maitland-Newcastle (the Diocese)" - The Catholic Diocese of Maitland-Newcastle (the Diocese) is inclusive of all parishes and agencies, communities, ministries and works that are under the authority of the Bishop of Maitland-Newcastle. The Bishop takes his authority from Canon Law (Canons 375-402). The geographical coverage of the Diocese includes all or part of the Newcastle, Lake Macquarie, Maitland, Cessnock, Port Stephens, Singleton, Muswellbrook, Upper Hunter, Dungog and Mid-Coast local government areas, with almost 160,000 Catholics, 38 parishes and serviced by multiple diocesan ministries and agencies. The Diocese is not wholly geographic in nature. There are elements of the Catholic Church operating within the physical boundaries of the Diocese that do not fall under the authority of the Bishop and are not a part of the Diocese. Equally, particular diocesan ministries occur within external institutions (e.g. Prison Chaplaincy, Hospital Chaplaincy).

"Policy" - A statement of purpose or intent for how the Diocese or Agency wants its workers to manage or respond to particular situations. Diocesan policy will support workers understanding of the Diocese's views and values on specific issues, and what will occur if they are not followed. Policies may be imposed or required by external stimuli (civil or canonical law, societal or church regulation) or as a means of promoting or addressing a diocesan priority. A policy can be security related also and that can be used to identify risks and mitigate risks.

"Procedure" - A document that include details about how the policy will be implemented such as who does what, how and when. It should only be as detailed as required to provide adequate guidance to workers to successfully undertake the activity. Procedures that relate to security, risk mitigation or highly technical activities can be lengthy, highly detailed and complex.

"Safeguarding" - Safeguarding is a set of guiding principles that came to prominence in the UK. Safeguarding children are the actions taken to promote the welfare of children and protect them from harm. Safeguarding means: • protecting children from abuse and maltreatment • preventing harm to children's health or development • ensuring children grow up with the provision of safe and effective care • taking action to enable all children and young people to have the best outcomes. Child protection is part of the safeguarding process. Safeguarding of

vulnerable adults is based on the English Care Act 2014 and require that persons assessed as an ‘adult at risk’ are protected from abuse or neglect and that intervention is based on six principles: • Empowerment: putting people first and helping those who lack mental capacity feel involved and informed • Protection: supporting victims so they can take action • Prevention: responding quickly to suspected cases of abuse • Proportionality: making sure what we do is appropriate to the situation and for the individual • Partnership: sharing the right information in the right way • Accountability: making sure all agencies have a clear role

"Senior Leadership" - Refers to those positions and roles that constitute canonical offices, report or relate directly to the Bishop, are members of the Diocesan Leadership Group or are otherwise specified as such by the Bishop. The roles and offices that form part of the diocesan senior leadership include: Bishop; Moderator of the Curia/Chancellor; Vicar General Chief Operating Officer; Chief Financial Officer/Diocesan Financial Administrator; Chief Governance Officer; Directors of Agencies; Directors of Shared Service Departments; and parish priests. Referred to as “Top Management” in AS ISO 37201:2023.

"Clergy" - In Catholic usage, a collective term referring to all those ordained – bishops, priests and deacons – who administer the rites of the church.

"Insurances" - Inclusive of but not limited to, Public Liability and Workers Compensation.

"Licences" - Inclusive of all required licences, certifications and other forms of accreditation that validate the contractor’s ability to undertake the contracted work in accordance with regulatory requirements (e.g. electrician’s licence, plumbing licence etc).

"Induction (For Contractors)" - Inclusive of having codes of conduct, safeguarding commitment statements (where the contractor is in child-related work).