

CONGREGATION OF THE MISSIONARIES OF ST. CHARLES (SCALABRINIANS) SAFEGUARDING POLICY

Policy Title:	Congregation of the Missionaries of St. Charles (St. Francis Xavier Cabrini Province) Safeguarding Policy
Responsibility for this Policy:	The Provincial and Safeguarding Coordinator
Effective as at:	30 April 2021
Last Revised:	12 February 2023
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NATIONAL CATHOLIC SAFEGUARDING STANDARD	Standard 1: Committed Leadership, Governance & Culture Indicator 1.1.1: The entity has a Child Safeguarding Policy that is approved and endorsed by the Congregation and is publicly available.

1. Preamble

The Saint Francis Xavier Cabrini Province belongs to the Congregation of the Missionaries of St. Charles (Scalabrinians) which is an apostolic community of religious called to announce the mystery of salvation in the world of migration.

The public and private conduct of clergy of the Congregation can inspire and motivate people, but it can also scandalize and undermine the people's faith.

All religious of the SFXCP, aware that God's goodness and grace supports them in their ministry, must be aware of the responsibilities that accompany their work.

Globally the Congregation is committed to the safety and wellbeing of children and vulnerable adults.

In Australia the Scalabrinians are active in all states and territories each with their own legal framework. The Congregation acknowledges its safeguarding obligations within each of these respective jurisdictions.

Also, local church authorities both nationally and at diocesan level will also have expectations for promoting and protecting the welfare of children and vulnerable people.

To the world of migrants, and to all whom the missionaries encounter in their apostolic work, especially to minors and all vulnerable persons, the Scalabrinian Congregation wants to be an image of the face of Christ, who came to serve (Cfr. Mk. 10,45). **Guidelines of the Scalabrinian Congregation for the Protection of Minors and Vulnerable Persons (Presentation, page 1) 2021**

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2. Policy:

The Superior General, the Regional and Provincial Superiors are committed to respect and enforce the criminal laws in force in the Catholic Church regarding the prevention of abuse and protection of minors and vulnerable persons. **Guidelines (2)**

- a. The Congregation through its policy and related procedures is totally committed to the care and protection of children, young and vulnerable people.
- b. The Congregation enforces a zero-tolerance policy towards any form of mistreatment of a child, young person or adult at risk.
- c. In all its work and interactions with children and young people the Congregation will regard the 'best interest of the child' as paramount in its decision-making.
- d. Scalabrinian clergy and their co-workers will fully comply with the relevant child protection and vulnerable people legislation as enacted in the jurisdictions in which they work and live.
- e. This policy applies to Clergy and their co-workers both within Australia and while traveling or representing the Congregation overseas.
- f. In order to support and contribute to a safe church the Congregation in Australia will adopt the *National Catholic Safeguarding Standards (Edition 1, MAY 2019)*.
- g. For the purpose of the protection of children and vulnerable people the Congregation will adopt policy and procedures representing best practice. Along with this Safeguarding Policy the Congregation will have a Code of Conduct, a Risk Management Policy, and a Grievance and Complaints procedure.
- h. The Congregation will ensure all clergy and co-workers who require employment screening and background checking due to their role and ongoing contact with children comply with the relevant law in their jurisdictions.
- i. The Congregation will ensure that all clergy and co-workers have access to these policies and are supported by appropriate training and professional development.
- j. Clergy and co-workers are required to be familiar with this Safeguarding Policy along with the Code of Conduct and other documents outlining protective behaviours when dealing with children, young people and vulnerable adults.²
- k. As a component of that training Clergy and co-workers will be required to indicate that they are aware of all Congregation safeguarding policies and are in acceptance of them.
- l. The Congregation appoints a Safeguarding Coordinator supported by a Safeguarding Committee. Committee members will be appointed from both the Congregation and the broader community.

3. Our Statement of Principles:

- a. All children and vulnerable people have a right to safety and freedom from abuse of any kind.
- b. The Congregation is committed to creating a safe environment and instituting procedures to promote the wellbeing of all those with whom its Clergy and co-workers work and interact.
- c. The Congregation will respond promptly and thoroughly to allegations and disclosures of abuse.
- d. When any action is taken by the Congregation to prevent or respond to any type of abuse, the welfare and wellbeing of the child or vulnerable person is the primary concern.
- e. The dignity of persons involved in situations where abuse is suspected or disclosed will be respected; they will be treated with fairness, sensitivity, dignity and respect.
- f. In the interests of justice, appropriate confidentiality will be maintained, with information that relates to suspected or disclosed abuse being provided only to those who have a right or a need to be informed.

Civil society and the people of God expect a credible witness from the Church in respecting the dignity of minors and vulnerable people. The Scalabrinian Congregation, while condemning all forms of sexual abuse of minors and vulnerable persons, is also committed to ensuring that its Missionaries engage responsibly in human relationships, where "chastity is transformed into spiritual fruitfulness. **Guidelines 7, RL#11**

4. The Scope of this policy:

This policy applies to all clergy and co-workers:

- Clergy in Australia, active, retired and semi-retired.
- Clergy of the Congregation visiting Australia from overseas while on leave, holiday, study or short-term appointment.
- Students, seminarians and paid employees working for the Congregation.
- Volunteers working alongside the Congregation in parishes, groups and committees.
- Contractors working for the Congregation.

These Guidelines are intended for all Scalabrinian Missionaries, novices, seminarians and those who, in various ways, cooperate in the works and activities proper to the Scalabrinian Congregation or which are entrusted to it. **Guidelines 4.**

5. When does this policy apply?

This policy applies at all times to both Clergy and co-workers. It extends beyond what might normally be understood as formal working hours.

6. Definitions

- a. **Child:** For the purpose of this policy, a child is defined as a person being under the age of 18 years.
- b. **Vulnerable Persons:** For the purpose of this policy, a vulnerable person is an individual aged 18 years and above who is unable to protect themselves against harm or exploitation by reason of age, illness, trauma, or disability, or any other reason.
- c. **Volunteers:** A volunteer is considered to be any person engaging in activities on Congregation premises or active in Congregation activities where they are likely to come into contact with children or vulnerable persons. This includes visiting family, clergy of children, volunteering in and for religious organisations or groups as well as speakers, performers, adjudicators, and assessors.
- d. **Abuse:** Notwithstanding any formal legal definition operating in the constituent jurisdictions within which the Congregation operates, abuse for the purpose of this policy is understood as any behaviour that has the potential to disadvantage or cause significant actual harm to a child, young or vulnerable person. Abuse may be physical, sexual, psychological, financial or economic.

7. Legal Obligations & Criminal Conduct:

- a. Clergy and co-workers are reminded that when travelling overseas, Australian citizens remain bound by Australian law in regard to sexual conduct with children and may be prosecuted in an Australian Court for criminal behavior towards children.
- b. Clergy and co-workers **must not commit a sexual offence against a child**. In this context the term 'sexual offence' encompasses all criminal offences involving a sexual element that are committed against, with or in the presence of a child.

These offences include (but are not limited to) the following:

- Indecent assault.
- Sexual assault.
- Aggravated sexual assault.
- Possession/ dissemination/ production of child pornography or child abuse material.
- Using children to produce pornography; or
- Sexual activity with a young person above 16 years of age deemed non-

- c. Clergy and co-workers must not engage in **grooming behaviour**. Grooming behaviour involves a pattern of conduct that is consistent with grooming a child for sexual activity, where there is no other reasonable explanation for it.

Examples of grooming behaviour include:

- Persuading a child or group of children that they have a 'special' relationship, for example, by spending inappropriate special time with a child, inappropriately giving gifts or showing special favours to them but not other children, inappropriately allowing the child to overstep rules, or asking the child to keep this relationship to themselves.
 - Testing boundaries, for example, by undressing in front of a child, encouraging inappropriate physical contact (even where it is not overtly sexual), talking about sex, or 'accidental' intimate touching.
 - Inappropriately extending a relationship outside of work.
 - Inappropriate personal communication (including emails, telephone calls, letters, text messages, social media and web forums of a sexual nature).
- d. **Physical contact and assault:** Clergy and co-workers must not engage in inappropriate physical contact with children, or act in ways that may cause a child to reasonably fear that unjustified force will be used against them. Examples of inappropriate physical contact include but are not limited to:
- Intentional and unjustified use of physical force.
 - Throwing an object to gain a child's attention in a hostile way.
 - Restraining a child (unless as part of an approved behaviour management plan) or
 - Pushing, pulling, shoving, grabbing, pinching, poking, shaking or throwing a child.

8. Maintaining Professional Relationships and Boundaries:

- a. Clergy and co-workers must act professionally and appropriately when dealing with children and others they come into contact with as part of their ministry and engagement with Congregation activities.
- b. This obligation also extends to relationships co-workers have with children outside of their formal work with the Congregation. This includes:
- Using appropriate language and tone toward children and others.
 - Rude or insulting behaviour, including verbal aggression; abusive, threatening or derogatory language or conduct; or intimidating words or actions towards children is unacceptable.

children.

- d. Clergy and co-workers must not behave in a way that could reasonably be construed as involving an inappropriate relationship with a child or a group of children.
- e. Clergy must not invite children to join their personal social networking or messaging
- f. sites or accept children's invitations to join theirs.
- g. Clergy and co-workers must not attend a child's home without an appropriate professional reason and without the parent's or carer's consent and presence in the home. They must not enter the bedroom areas of a home.
- h. Clergy and co-workers should not put themselves in a position that may create a risk of an allegation of a child protection nature. For example, they must not:
 - Transport a child or children in a car alone.
 - Otherwise, be alone with a child, unless they are in the view of others and/or there is a reasonable requirement to do so.
- i. Where there are existing personal relationships, such as a family relationship or close friendships that involve Clergy or co-workers and a child, Clergy and co-workers need to take care to be transparent, prudent and behave appropriately.

The Scalabrinian Missionaries guarantee a human, professional and pastoral climate free from all forms of intimidation, physical or psychological harassment, manifested both in writing and verbally, as well as through the use of social media. They make sure, therefore, not to abuse anyone, sexually or psychologically, and to refrain from anything that can harm people. The missionaries assume the responsibility of protecting vulnerable children and adults entrusted to their care from all forms of abuse and are committed, therefore, not to abuse anyone, sexually or psychologically, and to refrain from anything that can harm people. **Adapted from the Guidelines 9.**

9. Crossing Professional Boundaries – Sexual Misconduct

Clergy and co-workers must not engage in sexual misconduct. The term 'sexual misconduct' includes conduct that does not necessarily equate to a criminal offence.

However, in many cases sexual misconduct constitutes reportable conduct to a relevant state or church professional standards body. For conduct to be reportable it must have been committed against, with or in the presence of a child.

There are two broad categories of sexual misconduct, and both are to be avoided by Clergy and co-workers: crossing professional boundaries, and sexually explicit comments/other overtly sexual behaviour.

- a. **Crossing Professional boundaries:** is understood as sexual misconduct that can reasonably be construed as involving an inappropriate and overly physical, personal or intimate relationship with, conduct towards; or focus on a child or young person, or a group of children or young persons.

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- b. **Sexually explicit comments** and other overtly **sexual behaviour** towards a child, young person or group of young persons. This conduct may include:
- Inappropriate conversations of a sexual nature.
 - Comments that express a desire to act in a sexual manner.
 - Unwarranted and inappropriate touching.
 - Sexual exhibitionism.
 - Personal correspondence (including electronic communications) with a child or young person in relation to the adult's sexual feelings for a child or young person.
 - Exposure of children and young people to sexual behaviour of others including displays of pornography; or
 - Watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

10. Avoiding Psychological Harm

- a. Clergy and co-workers must avoid behaviours that are likely to cause significant emotional harm or trauma to a child. In all Australian jurisdictions this will be regarded as misconduct and reportable to a relevant state or church professional body.
- b. Clergy and co-workers are not mandatory reporters of psychological harm in all Australian jurisdictions. However, it is a requirement of this Safeguarding Policy that Clergy and co-workers who in the course of their work or ministry form a reasonable suspicion that a child or young person is the victim of psychological harm is required in consultation with the Congregation Safeguarding Coordinator to notify the relevant state child protection body.
- c. Clergy and co-workers who are in doubt as to report a suspicion of psychological harm should seek advice from the Congregation Safeguarding Coordinator.

11. Avoiding ill-treatment and neglect

- a. Ill-treatment occurs where a person treats a child or young person in an obviously or very clearly improper manner. Ill-treatment can include disciplining or correcting a child in an obviously unreasonable way, making excessive and unreasonable demands on a child; malevolent acts towards a child; and inappropriate and hostile use of force against a child.
- b. Neglect is either an action or inaction by a person who has care responsibilities towards a child. It is understood as grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter.
- c. Clergy and co-workers are not mandatory reporters of ill treatment or neglect in all Australian jurisdictions. However, it is a requirement of this Safeguarding Policy that

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Clergy and co-workers who in the course of their work or ministry form a reasonable

- d. suspicion that a child or young person is the victim of ill-treatment or neglect is required to notify the relevant state child protection body.
- e. Clergy and co-workers who are in doubt as to report a suspicion of ill-treatment or neglect should seek advice from the Congregation Safeguarding Coordinator.

Scalabrinian Missionaries are required to make known to the Local Superior or to the Major Superior the well-founded suspicion of sexual abuse or harmful or inappropriate behavior both by a confrere and by others in relating with a minor or with a vulnerable person are also required to inform the civil authorities, if this is required by the laws of the State, always safeguarding divine law. **Guidelines, 9**

12. Working with Children Check Clearances

- a. The Congregation must ensure that verified working with children check clearances are in place for all Clergy and co-workers deemed to be in child related work.
- b. Working with Children check clearances vary across Australian jurisdictions, consequently Clergy and co-workers deemed to be involved in child related ministry will be required to obtain a clearance in the state where they reside and/or where their ministry is conducted.
- c. Pre-employment screening for co-workers will include reference checking and may require a National Police Background Check in addition to, or in place of a working with children check clearance.

13. Confidentiality

Clergy and co-workers must maintain confidentiality in relation to any matters of a child protection nature and only discuss the matter with those required to be notified or reported.

All Scalabrinian Missionaries are committed to respecting the integrity and dignity of every person, and to safeguarding priestly ministry and religious consecration, and therefore are required to safeguard the confidentiality and discretion of all personal information they become aware of through their ministry. **Guidelines 10**

14. The Conduct of Workplace Investigations or Misconduct Proceedings

- a. Investigations of allegations against Clergy or co-workers will be managed by the Safeguarding Coordinator in accordance with the Scalabrinian Grievance Policy & Procedure 2020.
- b. Clergy subject to an allegation whilst working for other church jurisdictions will be investigated under that authority.
- c. The Congregation will develop formal agreements with church authorities in the

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jurisdictions in which its clergy are professionally active.

- d. Allegations against other persons not considered co-workers will be referred to the appropriate external agency, civil and canonical.
- e. The Congregation will work to ensure all persons bringing forward allegations as well as those subject to allegation are provided with appropriate pastoral support and due process.

15. Associated Scalabrinian Polices & Procedures

- Scalabrinian Rules of Life, Rome (2014)
- Guidelines of the Scalabrinian Congregation for the Protection of Minors and Vulnerable Persons (2021)
- The Scalabrinian Code of Conduct 2021
- The Scalabrinian Complaints Policy & Procedure 2021
- The Scalabrinian Grievance Policy 2021

16. Relevant Church Documents:

Relevant Church documents promoting professional standards include:

- Integrity in Ministry (April 2010)
- Integrity in the Service of the Church (September 2011)
- Vos Estis Lux Mundi (May, 2019).
- National Catholic Safeguarding Standards – EDITION 1 (2019)
- The National Response Protocol (2021)
