



Catholic Diocese of Rockhampton

'We live out the call of baptism through personal faith in Jesus witnessing together to the Good News of the Kingdom'

Dealing with Observations, Disclosures and Suspicions of Harm

This is a procedure document that supplements and must be read in conjunction with the *Child Protection Policy*. Terms which are identified in bold and italics have a specific meaning prescribed by the *Child Protection Policy*.

The Diocese acknowledges that there are times where people ***working for or within the Diocese*** will become aware of (either by their own observations or direct disclosure to them) or suspect ***harm*** is being, has been or is likely to be done to a ***child or young person*** by another person.

In promoting and protecting the rights, interests and wellbeing of ***children and young people***, the ***Diocese*** is committed to taking reasonable action where it is observed, disclosed to or suspected by, a person ***working for or within the Diocese*** that a ***child or young person*** participating in ***Diocesan*** activities and / or services:

- has suffered ***harm*** caused by another;
- is suffering ***harm*** caused by another; or
- is at unacceptable risk of suffering ***harm*** caused by another;

and in the circumstances a parent or other person with parental responsibility for that ***child or young person*** is not able and willing to protect the ***child or young person*** from that ***harm***.

The purpose of this document is to assist people ***working for or within the Diocese*** to deal with and report such observations, disclosures or suspicions with sensitivity and confidentiality.

NOTE: A person who has had ***harm*** caused to them by a person ***working for or within the Diocese*** should refer to the document titled *Towards Healing: Principles and procedures for responding to complaints of abuse against personnel of the Catholic Church of Australia*, developed by the Australian Catholic Bishops' Conference & the Australian Conference of Leaders of Religious Institutes

Which procedure in this document should be applied?

This document establishes two procedures for dealing with observations, disclosures or suspicions of ***harm*** caused to a ***child or young person*** by another. The appropriate procedure to be applied in particular circumstances will depend on the basis for concern (ie. observation, disclosure or suspicion) and who has caused or is causing the ***harm***.

The procedures are:

1. the **Towards Healing Procedure** which applies to:
 - observations and disclosures of ***harm*** that has been or is being caused to a ***child or young person*** by a person ***working for or within the Diocese***.

2. the **Diocesan Procedure** which applies to:

- observations and disclosures of **harm** that has been or is being caused to a **child or young person** in any way connected with **Diocesan** activities and / or services, by a person other than a person **working for or within the Diocese**.
- suspicions of **harm** that has been or is being caused to a **child or young person** in any way connected with **Diocesan** activities and / or services;
- a breach of the *Code of Conduct* by a person **working for or within the Diocese**, that does not otherwise constitute the doing of **harm** to a **child or young person** which is dealt with under the Towards Healing Procedure.

Observation, disclosure or suspicion?

Without in any way limiting the circumstances in which **harm** or risk of **harm** being done may be observed, disclosed or suspected, examples to be used as a guide for the purpose of interpreting this document are:

Observation:

- a person **working for or within the Diocese** directly witnesses **harm** being done to a **child or young person** by another;

Disclosure:

- a **child or young person** discloses (or their parent or legal guardian on their behalf) to a person **working for or within the Diocese** that they have been **harmed** by another;

Suspicion:

- a person, other than a person **working for or within the Diocese**, discloses that they have observed **harm** being done to a **child or young person** by another;
- a person, other than the **child or young person** (or their parent or legal guardian on their behalf), discloses that **harm** has been done or is likely to be done to a **child or young person**;
- you overhear a **child or young person** disclosing to another person, **harm** or a risk of **harm** being done to him or her;
- you notice significant changes in the behaviour of a **child or young person**;
- you notice the presence of new unexplained and / or suspicious injuries to a **child or young person**.

NOTE: In the case that a child or young person discloses that harm has been caused to another person, be aware that they may be referring to themselves or an experience of their own.

Procedure 1: Towards Healing Procedure

(observation or disclosure of **harm** done by a person **working for or within the Diocese**)

The document titled *Towards Healing: Principles and procedures for responding to complaints of abuse against personnel of the Catholic Church of Australia*, developed by the Australian Catholic Bishops' Conference & the Australian Conference of Leaders of Religious Institutes applies within the **Diocese**.

What to do if the harm is observed:

A person **working for or within the Diocese** who observes **harm** being done to a **child or young person** by another person **working for or within the Diocese** must as soon as reasonably possible do those things set out in Annexure B: Flowchart B.

What to do if the harm is disclosed by the child or young person harmed (or their parent/guardian):

A person **working for or within the Diocese** to whom a **child or young person** (or a parent or legal guardian on their behalf) discloses that **harm** has been done to him or her by another person **working for or within the Diocese** must:

1. keep in mind during the disclosure, to:
 - (a) listen carefully and sensitively to what is said and keep calm;
 - (b) avoid expressing shock or disbelief;
 - (c) be non-judgemental;
 - (d) offer reassurance and support to the **child or young person**; and
 - (e) believe the **child or young person**.
2. follow the procedures as outlined in Annexure B: Flowchart C; as soon as reasonably possible after disclosure;
3. treat the information disclosed as confidential; and
4. avoid the following:
 - (a) questioning anyone in relation to the allegation of harm; and
 - (b) investigating the allegation of harm;

The matter will then be dealt with by the Director of Professional Standards according to the *Towards Healing* process.

The Bishop may advise the **Appropriate Pastor** and/or **Diocesan Child Protection Officer where necessary**.

Towards Healing Help Line
1800 337 928

Procedure 2: Diocesan Procedure

(observation or disclosure of **harm** done by a person (other than a person **working for or within the Diocese**), suspicions of **harm** being done or risk of **harm** being done and breaches of the *Code of Conduct*)

This procedure is to be applied when a person **working for or within the Diocese**:

- observes a person, **other than** a person **working for or within the Diocese**, causing **harm** to a **child or young person**, in any way connected with **Diocesan** activities and / or services;
- is told by a person, **other than** a **child or young person** (or the parent or legal guardian on their behalf), that **harm** has been or is likely to be caused to a **child or young person** by another person, in any way connected with **Diocesan** activities and / or services;
- suspects that **harm** has been, is being or is likely to be caused to a **child or young person** by another, in any way connected with **Diocesan** activities and/or services;
- becomes aware of a breach of the *Code of Conduct*, by a person **working for or within the Diocese** that does not constitute the doing of **harm** to a **child or young person** which is dealt with under the *Towards Healing Procedure*.

What to do if the harm is observed:

A person **working for or within the Diocese** who observes **harm** being done to a **child or young person** by another person must as soon as reasonably possible do those things set out in Annexure B: Flowchart E.

What to do if the harm is disclosed by the child or young person harmed (or their parent/guardian):

A person **working for or within the Diocese** to whom a **child or young person** (or a parent or legal guardian on their behalf) discloses that **harm** has been done to him or her by another person must:

1. keep in mind during the disclosure, to:
 - (a) listen carefully and sensitively to what is said and keep calm;
 - (b) avoid expressing shock or disbelief;
 - (c) be non-judgemental;
 - (d) offer reassurance and support to the **child or young person**; and
 - (e) believe the **child or young person**.
2. as soon as reasonably possible after disclosure, do those things set out in Annexure B: Flowchart F;
3. treat the information disclosed as confidential; and
4. avoid the following:
 - (a) questioning anyone in relation to the allegation of harm; and
 - (b) investigating the allegation of harm;
 - (c) if the person accused of causing the harm is a parent or carer of the **child or young person**, challenging the parents, other persons with parental responsibility or carers about the allegation of harm.

What to do if harm is suspected (including where another observes and / or discloses to you):

Where a person, other than a **child or young person** (or the parent or legal guardian on their behalf), discloses to a person **working for or within the Diocese** that **harm** has been or is likely to be caused to a **child or young person** by another person, the person **working for or within the Diocese** must:

1. keep in mind during the disclosure, to:
 - (a) listen carefully and sensitively to what is said and keep calm;
 - (b) avoid questioning the person making the disclosure.
2. if they consider it appropriate in the circumstances, after the disclosure, invite the person making the disclosure to complete the most suitable of:
 - (a) an *Observation Report Form* (i.e. if they claim to have observed the harm being done);
 - (b) a *Disclosure Report Form* (i.e. if they claim that another has disclosed to them, harm being done or likely to be done);
 - (c) to provide a written record of what was disclosed.
3. complete a *Disclosure Report Form*;
4. deliver the originals of the *Disclosure Report Form* and any written record made by the person making the disclosure to either:
 - (a) the **Appropriate Pastor**, or
 - (b) the **Diocesan Child Protection Officer**.

If a person **working for or within the Diocese** otherwise suspects that **harm** is being done, has been done or is likely to be done to a **child or young person**, those concerns should be discussed with the **Appropriate Pastor** who may request a written statement before deciding and / or guiding further action.

What to do if you become aware of a breach of the Code of Conduct:

If a person observes or suspects a **worker** breaching the *Code of Conduct* and the breach:

- (a) is not of the nature which is required to be reported under the Towards Healing Procedure; and
- (b) does not otherwise fall within one of the three categories addressed above the person should raise and discuss those concerns with the **Appropriate Pastor** who may request a written statement before deciding and / or guiding further action.

Diocesan Procedure following report of observation, disclosure, suspicion of harm or breach of Code of Conduct:

If the **Diocesan Child Protection Officer** receives an *Observation Report Form* or a *Disclosure Report Form* under this Diocesan Procedure, the **Diocesan Child Protection Officer** must as soon as reasonably possible, notify the **Appropriate Pastor** that such a report has been received and provide the **Appropriate Pastor** with a copy of the report.

If the **Appropriate Pastor** receives an *Observation Report Form*, a *Disclosure Report Form* or a written statement (i.e. in the case of a suspicion of harm or alleged breach of the *Code of Conduct*) under this Diocesan Procedure, the **Appropriate Pastor** must as soon as reasonably possible, notify the **Diocesan Child Protection Officer** that such a report has been received. Having regard to the sensitivity of the matter, the **Appropriate Pastor**

should if he considers it appropriate, provide the **Diocesan Child Protection Officer** with a copy of the report.

On receiving or being notified of a report, the **Appropriate Pastor** must first determine whether the report:

1. involves an allegation of a criminal offence or otherwise unlawful activity; or
2. does not involve any allegation of a criminal offence or otherwise unlawful activity.

If the report involves an allegation of a criminal offence or otherwise unlawful activity:

If the **Appropriate Pastor** is a **Priest Pastor**, the **Priest Pastor** must refer the matter on to the **Bishop**.

Consistent with *Towards Healing*, the **Diocese** preference is that any allegation of a criminal offence or unlawful activity be referred to the police or appropriate alternate statutory authority.

The **Bishop** will deal with such matters as he considers appropriate, however:

1. either he or someone directed by him will make reasonable attempts to contact and raise the concerns with any **child or young person** the subject of the harm or suspected harm (or a suitable adult on their behalf);
2. either he or someone directed by him will suggest the **child or young person** (or a suitable adult on their behalf) report the matter to the police or appropriate alternate statutory authority and offer support to them if they choose to do this;
3. if the **child or young person** (or a suitable adult on their behalf) does not report the matter to the police or appropriate alternate statutory authority and the **Bishop** considers it in the interests of the **child or young person** and / or the **Diocesan** community to do so, the **Bishop** may report the matter to the police or appropriate alternate statutory authority to investigate (refer to the section headed *Notification to Police and / or Department of Child Safety* below);
4. the **Diocese** will not interfere with the work of the police or appropriate alternate statutory authority investigating the allegations;
5. although an allegation has been reported to the police or appropriate alternate statutory authority to investigate, it may be appropriate that internal action be taken;
6. if there are compulsory reporting obligations imposed by law, then these will be complied with;
7. if the allegation is not investigated by the police or appropriate alternate statutory authority, the report will be dealt with by carrying out the alternate steps in the section following.

If the report does not involve an allegation of a criminal offence or otherwise unlawful activity:

The **Appropriate Pastor** will deal with a matter under this section as he considers appropriate, however:

1. if the **Appropriate Pastor** is a **Priest Pastor** he may if he considers it appropriate in the circumstances, refer the report to the **Bishop** to deal with;
2. either he or someone directed by him will make reasonable attempts to contact and raise the concerns with any **child or young person** the subject of the harm or suspected harm (or a suitable adult on their behalf) and when doing so will listen to the alleged victim, explain procedures and options available for dealing with and addressing the alleged harm;

3. either he or someone directed by him will obtain sufficient information about the nature of the allegation so that when making contact with an accused, the accused will be clear of what is alleged of them;
4. where the allegation of harm, likely harm or suspected harm is in any way connected with **Diocesan** activities and / or services, either he or someone directed by him will meet with and / or interview the accused, advise them of the allegation made against them and give them an opportunity to respond to the allegation;
5. if there are compulsory reporting obligations imposed by law, then these will be complied with;
6. either he or someone directed by him will determine any further action to be taken.

Appropriate Pastor to determine appropriate action:

When dealing with a report under this Diocesan Procedure and determining the appropriate action to be taken by or on behalf of the **Diocese**, the **Appropriate Pastor** will have regard to the following (without in any way limiting the matters the **Appropriate Pastor** may have regard to):

1. the general principles set out in *Towards Healing*;
2. the purpose, values and principles set out in the *Child Protection Policy*;
3. does the **harm**, likely **harm** or suspected **harm** constitute a criminal offence or is it otherwise unlawful in nature;
4. the degree / extent of **harm** caused or likely to be caused to a **child or young person**;
5. is the **harm**, likely **harm** or suspected **harm**, in any way connected with **Diocesan** activities and / or services;
6. are there disclosure obligations on the **Diocese** as a result of the circumstances;
7. what is the relationship between the person allegedly **harmed** and the person accused of causing the **harm**;
8. has any action already been taken in response to the report or the alleged **harm**;
9. options available to the **Diocese** to take further action;
10. wishes of person allegedly **harmed** in relation to action to be taken.

When taking action in response to a report under this Diocesan Procedure by or on behalf of the **Diocese**, the **Appropriate Pastor** may decide to do one or more of the following (without in any way limiting the action that the **Appropriate Pastor** may decide to take):

1. conduct further investigations either internally or by engaging an external investigator (and including for example meeting with the person allegedly harmed, consulting with supervisors of the activity and / or service of the **Diocese** involved, interviewing potential witnesses)
2. seek assistance and advice from other persons (professional and pastoral);
3. arrange counselling for interested parties;
4. provide recommendations to policy and planning committees of the **Diocese**; and
5. implement disciplinary action (for instance suspending, restricting or excluding a person from various activities and / or services or in the case of a breach of the *Code of Conduct*, vary the persons tasks and duties, or terminate the person's engagement).

Record keeping and sensitivity of information

Any recording and reporting relating to suspected or alleged **harm to children and young people** in particular, is highly sensitive. Any reports or documentation received or created under this procedure document must be kept secure at all times, and access should be limited to those involved in the reporting, notification and response regarding the matter.

Subject to the **Appropriate Pastor** determining otherwise, having regard to the sensitivity of a matter dealt with under this procedure document, the original report and associated documentation must be given to and filed by the **Diocesan Child Protection Officer**.

Workers who have been involved with reporting, investigation and notification of suspected or alleged **harm** to a **child or young person** will be provided with appropriate information and support by the **Diocesan Child Protection Officer**.

Notification to Police and / or Department of Child Safety

Where there is a reasonable suspicion or allegation that **harm** has occurred to a **child or young person** which constitutes an offence (including for example but without limitation, those offences defined as "serious offences" by section 99C of the *Commission for Children and Young People and Child Guardian Act 2000*), the Police and / or the *Department of Child Safety* will be notified by the **Diocese**.

Be mindful that any personal information that the **Diocese** and its **ministries and offices** hold about individuals, is subject to the *Privacy Act 1988*. The *Privacy Act 1988* imposes restrictions on when personal information (including without limitation name, age and address) may be disclosed without the individual's consent and circumstances in which disclosure is permitted without the individual's consent.

If it is not in the first instance lawful for you to disclose certain information, whether because of the *Privacy Act 1988*, privilege or confidentiality, the Police do have the power to have a warrant/summons issued to allow and oblige you to provide certain relevant information.

All reasonable suspicions or allegations that **harm** has occurred to a **child or young person** or that there is an unacceptable risk of **harm** occurring to a **child or young person** will be reported to the Department of Child Safety by the **Diocese** where:

- the parents or persons with parental responsibility for the **child or young person** are not acting to protect the **child or young person** from **harm**;
- disclosure of **harm** is related to shared family care;
- disclosure of **harm** is related to residential services for a **child or young person**; or
- disclosure of **harm** is related to departmental or licensed care services for the **child or young person** (as required by section 148 of the *Child Protection Act 1999*).

Related Articles / Documents

- Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutions, *Towards Healing December*, 2003.
- Catholic Diocese of Rockhampton 'Towards Healing' Committee, *'Go Out To All The World': Service with Integrity*.

For Further Information

If you would like further information about the contents of this document or if you have any questions please contact:

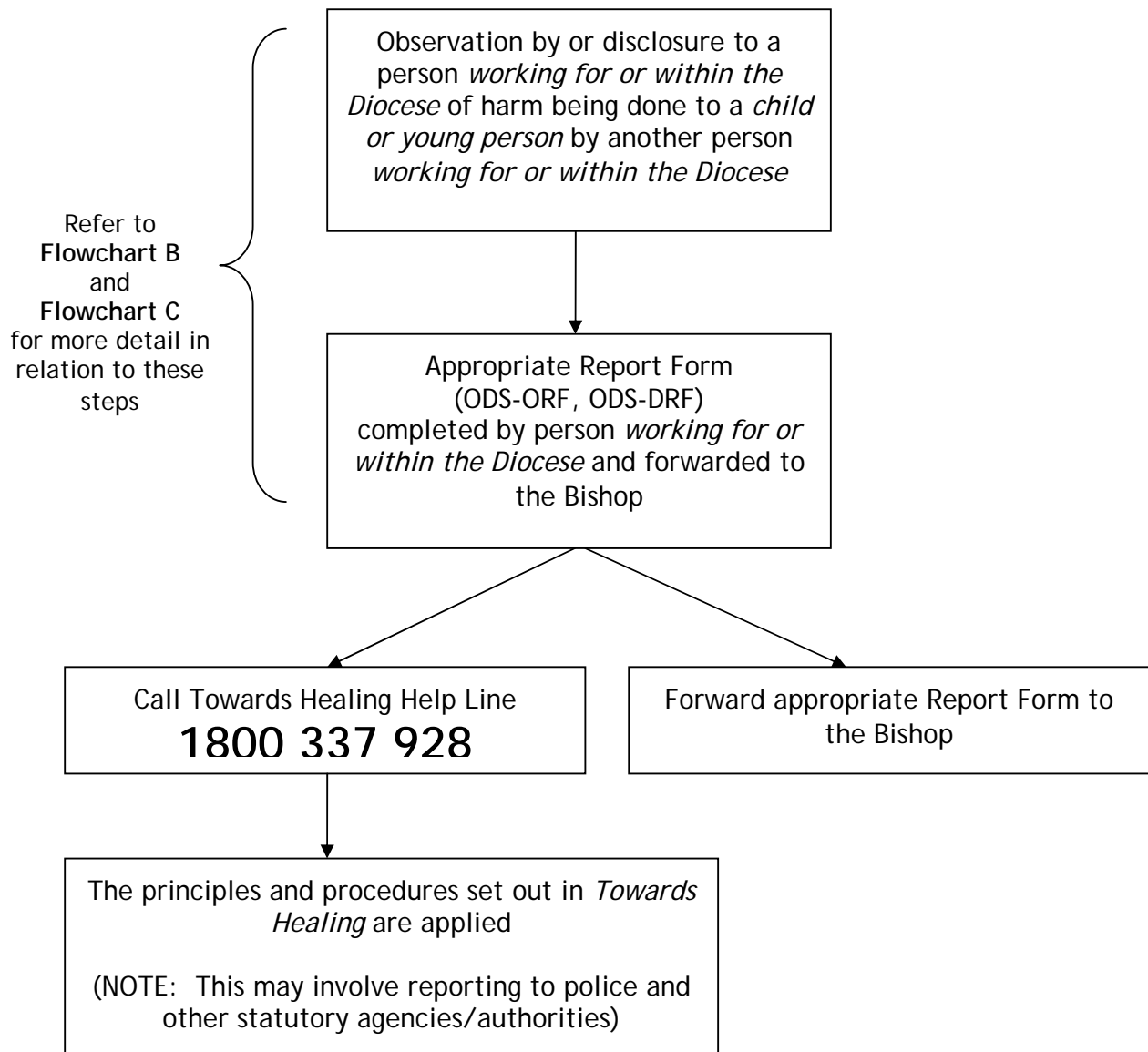
The Diocesan Child Protection Officer
PO Box 611
ROCKHAMPTON QLD 4700

Ph: (07) 4931 3617
Fax: (07) 4931 3717

Last Updated

** Catholic Diocese of Rockhampton DEALING WITH OBSERVATIONS, DISCLOSURES AND SUSPICIONS OF HARM was last updated: April 2008.

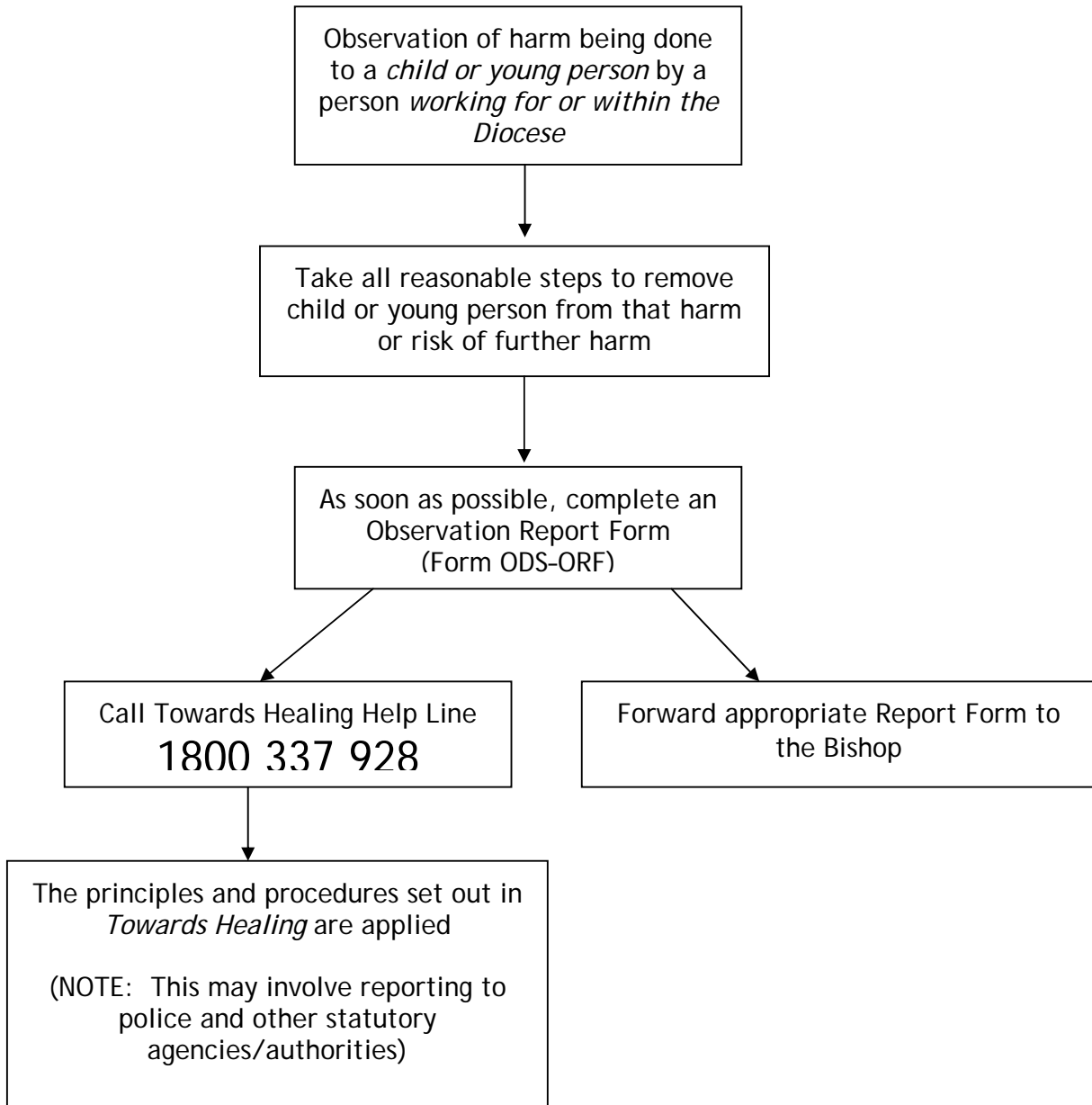
Flowchart A
OVERVIEW OF
PROCEDURE 1: TOWARDS HEALING PROCEDURE



Flowchart B

PROCEDURE 1: TOWARDS HEALING PROCEDURE

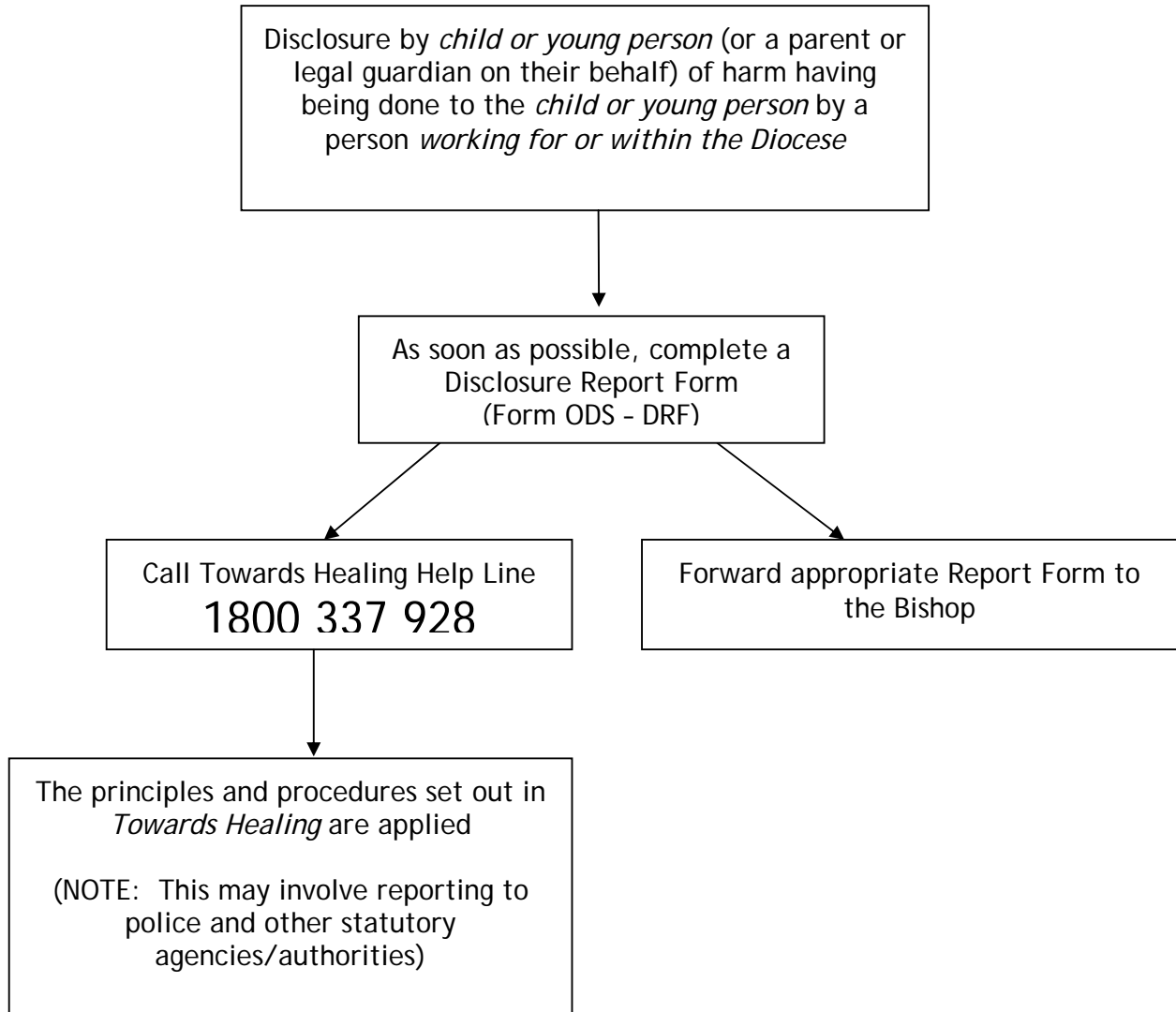
(Action to be taken by a person working for or within the Diocese who **OBSERVES** harm being done to a child or young person)



Flowchart C

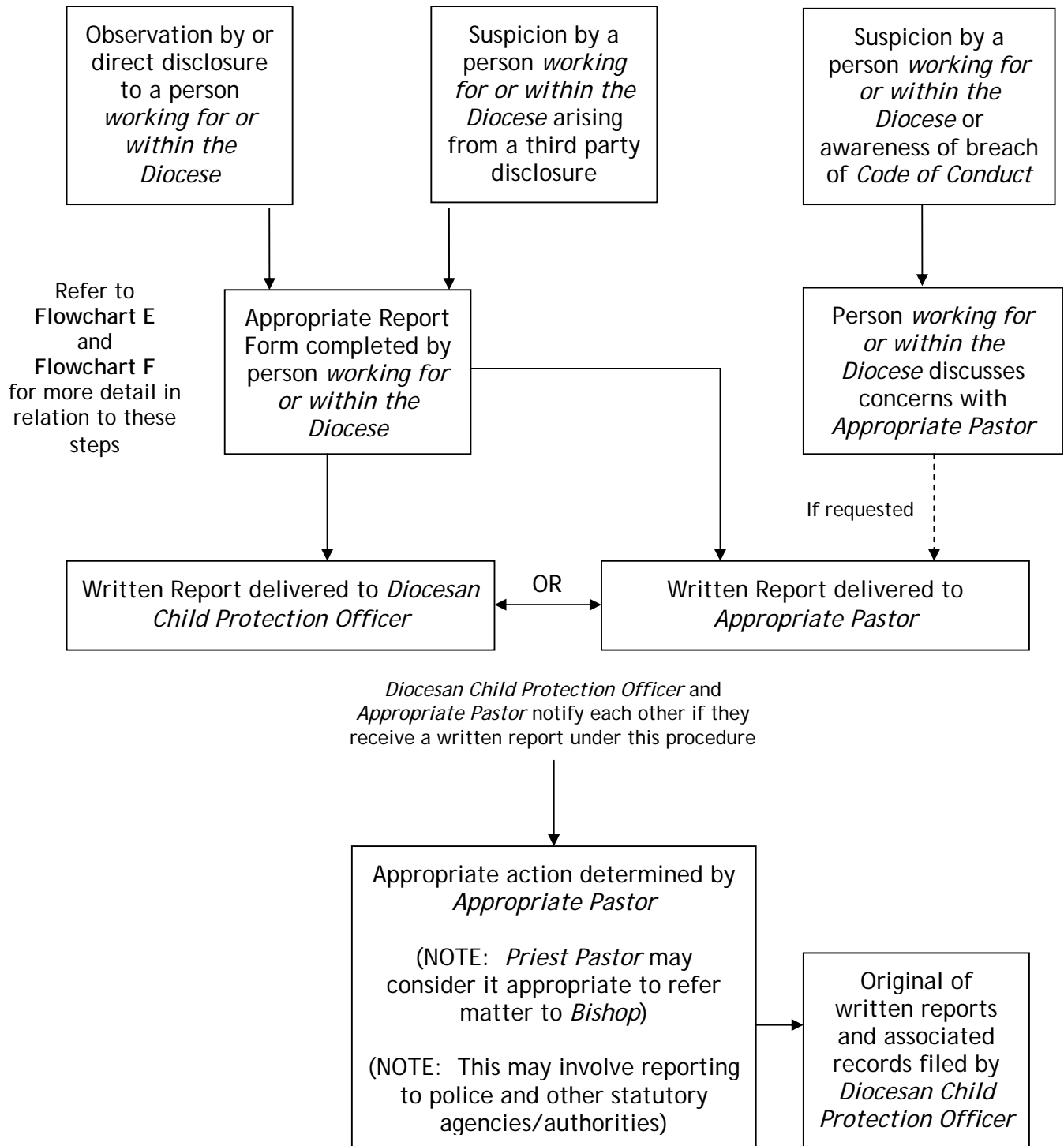
PROCEDURE 1: TOWARDS HEALING PROCEDURE

(Action to be taken by a person working for or within the Diocese to whom a child or young person **DISCLOSES** that harm has been done to him or her)



Flowchart D

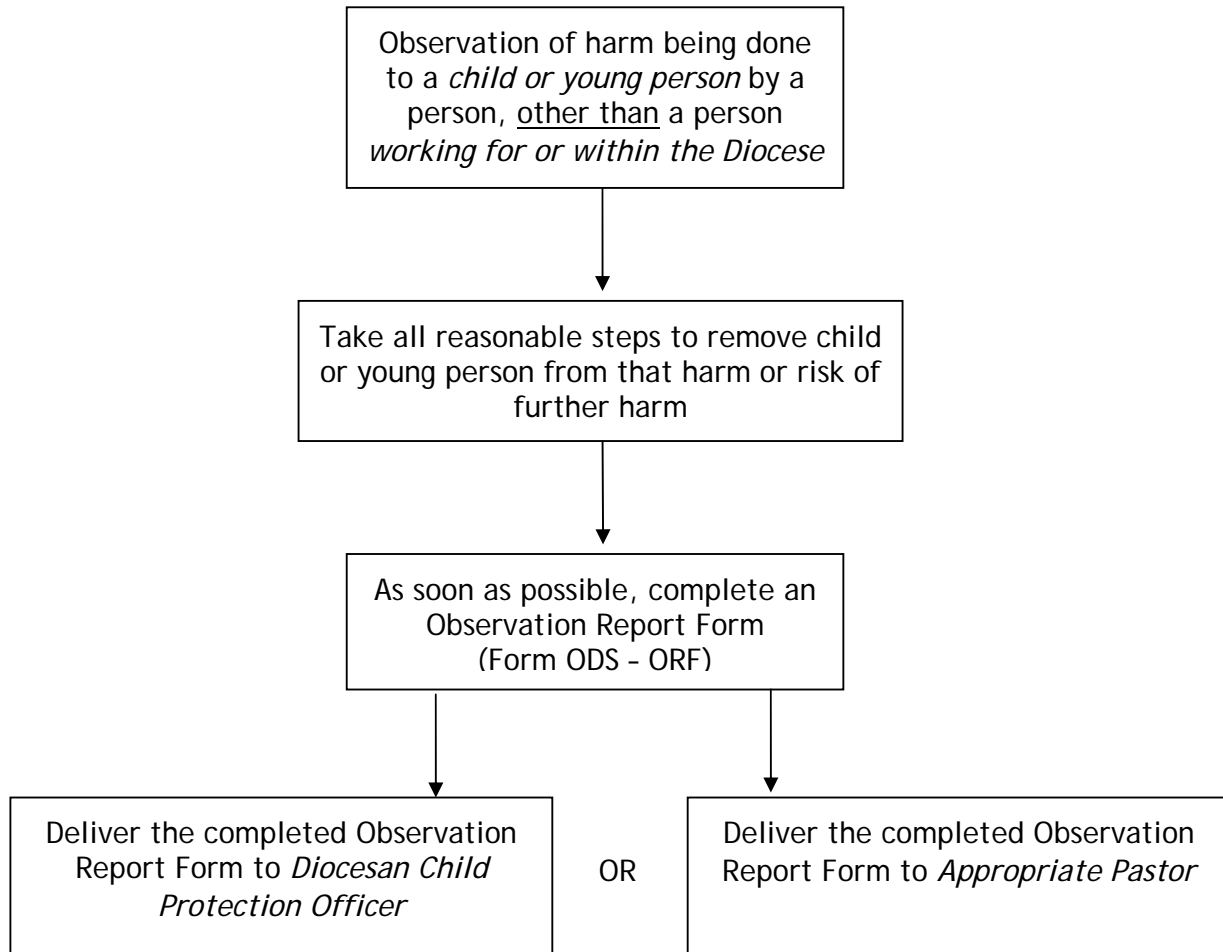
OVERVIEW OF PROCEDURE 2: DIOCESAN PROCEDURE



Flowchart E

PROCEDURE 2: DIOCESAN PROCEDURE

(Action to be taken by a person working for or within the Diocese who **OBSERVES** harm being done to a child or young person)



Flowchart F

PROCEDURE 2: DIOCESAN PROCEDURE

(Action to be taken by a person working for or within the Diocese to whom a child or young person **DISCLOSES** that harm has been done to him or her)

