

# WHAT THE CHURCH HAS DONE AND IS DOING FOR SAFEGUARING CHILDREN AND VULNERABLE PERSONS.

## BRIEFING STATEMENT TO BISHOPS

Since the late 1980s, when the issues of abuse by Church personnel became more widely known in Australia and overseas, the Australian Catholic Bishops and the leaders of Religious Institutes have worked together to put in place procedures to address allegations of abuse.<sup>1</sup>

Today the Church reiterates the apology made when the revised protocol was published in 1996 as *Towards Healing*:

*“... we acknowledge with deep sadness and regret that a number of clergy and religious and other Church personnel have abused children, adolescents and adults who have been in their pastoral care. To these victims we again offer our sincere apology.” (TH Intro)*

Claims of abuse cover a variety of forms of behaviour including physical, sexual and emotional abuse of children and young people, adult boundary violations, physical or emotional cruelty, neglect or inappropriate care practices, particularly in institutions such as orphanages.

The *Towards Healing* principles and procedures have been independently reviewed in 2000 and 2009 by Professor Patrick Parkinson of the Faculty of Law at the University of Sydney and author of the book *Child Sexual Abuse and the Churches*. Submissions for the reviews came from a wide range of people including victims and advocacy groups as well as child protection practitioners, Professional Standards personnel, Church Authorities and civil and Church lawyers.

The latest revision of *Towards Healing* (2010) reflects the learnings of the years since the late 1980s and re-affirms the principles stated previously. It also clarifies the application of the *Towards Healing* procedures and seeks to simplify some of them.

### **Involvement of Police**

The Church encourages those with a complaint of criminal abuse to go to the police and will assist them to do so. It realises that for many reasons some victims choose not to do this. Nevertheless the Church will take the complaint seriously and take such other steps as are necessary to ensure no person is at risk.

*TH 37.1 When the complaint concerns an alleged crime, the contact person or Director of Professional Standards shall explain to the complainant that the Church has a strong preference that the allegation be referred to the police so that the case can be dealt with appropriately through the justice system. If desired, the complainant will be assisted to do this. Where it applies, the contact person shall also explain the requirements of the law of mandatory reporting.*

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<sup>1</sup> The Archdiocese of Melbourne has its own process for dealing with complaints. It adheres to the general principles set out in this paper.

When a complainant does go to police, the Church still offers counselling and other assistance and advises the person that they may approach the Church again when any criminal process is concluded (cf TH 37.2)

Even where a complainant insists that he or she will not go to police, the Church believes that it has an obligation to pass intelligence to police (not identifying the complainant) and is currently working on protocols and structures which will enable that to extend to all states and territories (TH 37.4).

The Church complies with all state/territory laws concerning mandatory reporting of abuse and concerning oversight of investigations, including in New South Wales the Ombudsman's Office (TH 34.6, 37.5).

### **Continuing in Ministry**

If a matter proceeds outside of Towards Healing, the Church still investigates whether there is any possible risk to children or the vulnerable if the accused were to remain in ministry (TH 36.6).

The Church stands a person aside from any particular ministry or from all ministries, pending investigation, where there is risk of harm to others should the allegations prove to be true (TH 38.10).

The Church adheres to best practice in deciding the response to those guilty of abuse. In particular, those who have abused children or young people are not given back the power they have abused.

*TH 27. If guilt has been admitted or proved, the response must be appropriate to the gravity of what has happened, while being consistent with the civil law or canon law which governs that person's position. Account will be taken of how serious was the violation of the integrity of the pastoral relationship and whether there is a likelihood that such behaviour could be repeated. Serious offenders, in particular those who have been found responsible for sexually abusing a child or young person, or whose record of abuse of adult pastoral relationships indicates that they could well engage in further sexual exploitation of vulnerable adults, will not be given back the power they have abused. Those who have made the best response to treatment recognise this themselves and realise that they can no longer return to ministry. ( & 42.3, 42.4, 42.5, 42.6)*

Being concerned to protect children and other vulnerable people into the future, the Church has not always sought laicisation for some older priests and religious but has put in place supervision and support structures while removing them from situations which might entail risk to others. While this may be more onerous than simply releasing such persons into the community, this is seen as contributing more to the safeguarding of the vulnerable.

For claims of abuse which do not go to criminal law or civil law processes, the **Towards Healing** protocols provide a means by which the Church can still respond to those who have been harmed by any of its personnel.

Contact Persons help provide details of allegations and the effects on the person making them. Independent Assessors investigate the allegations and make findings about them. In facilitated meetings Church authorities meet victims and come to an understanding of the impact of abuse on them. Through hearing the experiences of victims, Church authorities aim to provide assistance in dealing with victims' present needs and assist in taking some steps towards healing .

Experienced facilitators have told Professional Standards personnel that bishops and leaders, who have participated in meeting with victims in this way, have themselves grown in understanding of the effects of abuse and in their own spirituality.

### **Prevention of Abuse**

The Church acts in accordance with good child protection practices in verifying the suitability of persons for employment or as volunteers.

*45.3 Church bodies, especially those involved in providing care for children and young persons, shall have in place procedures, consistent with good child protection and industrial relations practice, for verifying the suitability of persons for employment or for participation as volunteers. They shall obey all applicable laws concerning employment screening and the prohibition of certain convicted persons from employment involving children.*

The Church has in place procedures to verify the suitability to minister of its clergy and religious who transfer between jurisdictions.

(45.6 & 45.7)

The Church has in place documents which state the standards of behaviour for its clergy, religious and lay personnel and, through its Professional Standards Offices, nationally and in the states, runs training programs for its personnel.

The Church through its Professional Standards Offices (National and in each state) runs training days and workshops for a wide variety of Church personnel in matters to do with the safeguarding of children and other vulnerable persons.

The Church continues to develop programs within parishes, schools, and other Church institutions, which assess risk to children and the vulnerable and seeks to put in place structures, procedures and behaviour codes which will lead to safe environments.

"The revised Towards Healing restates public criteria according to which the community may judge the resolve of Church leaders to address issues of abuse within the Church. If we do not follow the principles and procedures of this document, we will have failed according to our own criteria." (*Towards Healing Introduction*)