

Form 5

Procedure for responding to concerns, suspicions, allegations or disclosures of abuse



1. Introduction

The Church has a responsibility to pass on safeguarding concerns about a child to the civil authorities even when they do not concern Church workers directly. The guiding principle is that the safety of the child is always the most important consideration.

It is our aim, if children disclose concerns, that they will feel comfortable about voicing the matter in a safe, supportive, understanding and sensitive environment. The following point is very important: **absolute confidentiality cannot be guaranteed to a person who wishes to speak about a situation of abuse or suspected abuse.** (This does not apply to situations involving the Sacramental Seal, which is inviolable.)

When a concern is raised about the welfare of any child - whether suspected or disclosed - it should be brought to the attention of the Parish Safeguarding Officer who, in turn, will advise the Director Safeguarding Program.

This procedure should also be followed if any concern, allegation, suspicion or disclosure is made, whether current or historical, that indicates a Church worker (current or former) has harmed a child, or may have harmed a child.

This procedure must also be followed for any other instances where Church workers suspect or receive disclosures that a child is, may have been, or is likely to be, experiencing abuse, even when this abuse is not occurring in a Church setting.

This procedure applies to all Church workers (paid and unpaid).

2. Procedure to be followed when responding to concerns, suspicions, allegations or disclosures of abuse

2.1 Listen, reassure and explain

Stay calm and listen - give the person the time to say what s/he wants.

Don't ask leading questions or make suggestions.

Don't stop the person recalling significant events but don't make him or her repeat the story unnecessarily.

Reassure the person that s/he has done the right thing but don't promise to keep a secret.

Explain what needs to be done next, in age-appropriate terms.

Indicate who will be made aware of the information given.

For further guidance on dialogue with people communicating a concern, allegation, suspicion or disclosure of abuse, refer to Safeguarding Children: Policy and Procedures for the Perth Archdiocese and Department for Child Protection and Family Support.

<https://www.dcp.wa.gov.au/ChildProtection/Pages/ChildDisclosingAbuse.aspx>

2.2 Record the discussion

Make a written record as soon as possible afterwards and, in any case, before the end of the day.

Record the discussion as carefully as possible: use **Form 3 Child Concern Referral Form**. Attach additional notes, if required.

Do not be selective. Include details which, to you, may seem irrelevant. It may prove invaluable at a later stage in an investigation.

3. Responsibility to report child abuse or neglect

Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child.

The Department for Child Protection and Family Support has a statutory obligation to identify children who are not receiving adequate care and protection, to provide family support services and, where necessary, to take children into the care of the Department for Child Protection and Family Support. People who report concerns need to be assured that their information will be carefully considered with any other information available, and a child protection assessment will only proceed where sufficient risk is identified. Where criminal charges are to be preferred, the Department for Child Protection and Family Support will advise the Western Australian Police.

Child protection concerns, where possible, should be supported by evidence that indicates the possibility of abuse or neglect; however, **lack of supporting evidence should NOT prevent reporting a concern**.

Parents / carers should be informed if a report is to be submitted to the Department for Child Protection and Family Support or the Director Safeguarding Program unless doing so is likely to endanger the child or jeopardise any enquiries that may follow.

The Department for Child Protection and Family Support will respect the wishes of non-professionals reporting concerns in good faith who ask to remain anonymous inasmuch as possible, but cannot give a guarantee that the information would not be sought and given within judicial proceedings.

4. Standard Reporting Procedure

Any person reporting a child abuse or neglect concern should do so without delay.

There are two options: Report via the Parish Safeguarding Officer or contact the Director Safeguarding Program and pass all records, including rough notes, immediately to the Safeguarding Officer. **Form 3 Child Concern Referral Form** will form the first entry in a file of information about the case.

Before deciding whether or not to make a formal report, you may wish to discuss your concerns directly with the Department for Child Protection and Family Support or with the Director Safeguarding Program.

Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending intervention. In the event of an emergency, where you think a child is in immediate danger and you cannot get in contact with the Safeguarding Officer or Director Safeguarding Program, then contact the Department for Child Protection and Family Support or the Western Australian Police.

The Standard Report Form or **Form 3 Child Concern Referral Form** for reporting child welfare and protection concerns to the Department for Child Protection and Family Support will be used by the Director Safeguarding Program when reporting child protection and welfare concerns. If a report is made by telephone, this form should be completed and subsequently forwarded to the Director Safeguarding Program.

The Department for Child Protection and Family Support will follow up on all referrals, even if the Standard Report Form has not been used.

<https://www.dcp.wa.gov.au/Organisation/ContactUs/Pages/ContactUs.aspx>

5. Deciding to share child protection concerns

The belief that parents / carers or other persons in charge of children would actually harm or neglect them is not easy to sustain. There may be a tendency, therefore, to deny, minimise or explain away any signs that a child is being harmed, even when evidence exists. At times, it is hard to distinguish between abusive situations and those where other problems are present, such as unemployment, poverty, poor housing, addiction, mental illness or isolation. Sympathy for families in difficult circumstances can sometimes dilute personal or professional concerns about the safety and welfare of children. However, the protection and welfare of the child must always be the paramount concern.

Reluctance to act on suspicions about child abuse or neglect can often stem from uncertainty and fear. Members of the public or professionals may be afraid of repercussions, of being thought insensitive, of breaking a confidence or of being disloyal. Knowledge and information about child abuse will help to overcome reluctance to take action. So, too, will confidence in the child protection and welfare services.

It is the responsibility of all Church workers (paid and unpaid) working with children to recognise child protection concerns and share these with the agencies responsible for assessing or investigating them.

https://www.dcp.wa.gov.au/Organisation/Documents/Information%20sharing%20booklet_online.pdf

Remember: It is not the role of the person who receives the concern, allegation, suspicion or disclosure to investigate or to determine whether the child protection concerns are evidenced or not. It is on the basis of a concern that action is required.

6. Cases not reported to the Department for Child Protection and Family Support or the Director Safeguarding Program

In cases where the Parish Safeguarding Officer decides not to report concerns to the Director Safeguarding Program, the person who raised the concern should be given a clear written statement of the reason/s why the Safeguarding Officer is not taking such action. The person should be advised that if s/he remains concerned about the situation, s/he is free to consult with, or report to, the Department for Child Protection and Family Support or the Director Safeguarding Program. The Director Safeguarding Program can assist with the written response, if needed.

7. Confidentiality

The effective protection of a child often depends on the willingness of personnel involved with children to share and exchange relevant information. It is, therefore, critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information.

All information regarding concern about child abuse or neglect will be shared on 'a need to know' basis, in the interests of the child, with the relevant statutory authorities.

No undertakings regarding secrecy can be given. Those working with a child and family should make this clear to all parties involved, although they can be assured that all information will be handled confidentially, taking full account of legal requirements.

Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

It must be clearly understood that information gathered for one purpose must not be used for another without consulting the person who provided that information.

The issue of confidentiality will be part of the training for staff and volunteers who work with children.

8. Legal protection

The Children and Community Services Act 2004 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to the Department for Child Protection and Family Support or Safeguarding Office. This protection applies to organisations as well as to individuals. This protection applies, even if a communicated suspicion of child abuse proves unfounded.

A person who makes a report in good faith and in the child's best interests may also be protected under common law.

9. Freedom of information

Notwithstanding the requirement of all professionals involved in child protection and welfare cases to share relevant information, records are nevertheless confidential. They do not belong to individuals (except for independent practitioners) and are the property of the organisations that keep them. Members of the public also have a right to be given reasons for decisions made concerning them.

10. Additional procedures when allegations relate to Church workers (paid and unpaid)

Where allegations of abuse are made against Church workers, the Perth Archdiocese provides support for both those who have experienced abuse and those who have perpetrated it, in line with the best practice model outlined by the Truth, Justice and Healing Process.

Church workers will also be subject to the disciplinary and legal procedures.

The full procedure to be followed where allegations or disclosures refer to members of the clergy is outlined in the National Committee for Professional Standards Towards Healing - Safeguarding Children: Standards and Guidance document.

Where an allegation is made against a member of the clergy or other Church worker, immediately notify the Director Safeguarding Program.

11. Mandatory Reporting

Where and when Church workers (paid and unpaid) are deemed to be mandatory reporters under the *Children & Community Services Act 2004*, and in circumstances where their mandatory reporting status remains in place, they must abide by the statutory legislation over any Perth Catholic Archdiocese Safeguarding policies and procedures.