



Protocol: Managing High Risk and Restricted Clergy

1. Key Obligations

The Catholic Diocese of Wilcannia-Forbes (**diocese**) is wholly committed to ensuring the safety, wellbeing and dignity of all persons and acknowledges its important legal, moral and spiritual responsibility to create a safe environment for all, with a particular focus on children and adults at risk of abuse.

The Diocese has an obligation to safeguard all. There may be high risk and restricted Clergy living within the bounds of the Diocese, some of the Clergy are incardinated into the Diocese and some are incardinated in other Diocesan jurisdictions. The Diocese is also responsible for high risk and restricted Clergy who are incardinated into the Diocese but reside in other Dioceses across New South Wales and Australia. As part of the Dioceses ongoing and proactive commitment to Safeguarding all, the Safeguarding Office has developed this protocol in accordance with the recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse* and requirements of Australian Catholic Safeguarding Limited's (**ACSL**) National Catholic Safeguarding Standards (**NCSS**).

Key obligation - 1

Standard 8.3.2 – National Catholic Safeguarding Standards

“Where an entity becomes aware that a person (other than personnel of that entity) attending any of its services or activities (including sacramental and liturgical celebrations) is the subject of a substantiated complaint of child abuse, or has been convicted of an offence relating to child sexual abuse, the entity has in place and implements a process for assessing and managing the risks posed to children by the person’s ongoing involvement in the service or activity.”

Key obligation - 2

Recommendation 16.55 – Recommendations to all religious institutions in Australia – Royal Commission into Institutional Responses to Child Sexual Abuse

*“Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*, or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.”*



Key obligation - 3

Recommendation 16.57 – Recommendations to all religious institutions in Australia – Royal Commission into Institutional Responses to Child Sexual Abuse

“Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should: a. assess the level of risk posed to children by that perpetrator’s ongoing involvement in the religious community b. take appropriate steps to manage that risk.”

2. Purpose and Scope of this protocol

The purpose of this protocol is to create and implement a framework in which all persons involved, including high risk and restricted Clergy, are safeguarded. This protocol will work as a guide, outlining the expectations and requirements of the Diocese in regards to high risk and restricted Clergy.

This protocol clearly outlines the required actions of the Diocese regarding high risk and restricted Clergy and the essential information and documentation that must be received and reviewed by the Diocese. Moreover, it outlines the steps and procedures that the Diocese will undertake to assist other Diocesan jurisdictions in mitigating risk to high risk and restricted Clergy residing in their jurisdiction.

Effective management of high risk and restricted Clergy is an integral aspect of safeguarding. The purpose of this protocol is not to isolate, discriminate or exclude a high risk or restricted Clergy individual but rather to ensure protective boundaries are in place, in order to create and harbour a safe environment for all.

3. To whom does this protocol apply?

This protocol applies to the following parties:

- Diocesan Clergy subject to a *Safety and Support Plan*, living both in and outside of the Diocese of Wilcannia-Forbes.
- High risk or restricted Clergy that are incardinated into another Diocesan jurisdiction but are living within the Diocese of Wilcannia-Forbes; and
- Diocesan Clergy subject to an allegation where they have been stood aside and/or their faculties to minister have been temporarily restricted.

4. Safety and Support Plans

Safety and Support Plans (the **Plan**) act as a risk management and mitigation strategy and agreement between the Diocese and members of Clergy, whose faculties to minister have been restricted or removed.

The Plan is used to provide support to members of Clergy within the Diocese who are or may be the subject of a Level 1 or Level 2 Safeguarding Complaint, allegation or criminal conviction/s. Moreover, the Plan acts as a safeguard and risk minimisation for Clergy subject to the Plan, the Diocese, and the wider community.



Circumstances that may lead to a member of Clergy becoming subject to a Plan include, but are not limited to:

- Allegation or conviction of sexual assault of Children and/or Adults.
- Allegation or conviction of abuse against a Child and/or Adult.
- Allegation of Reportable Conduct pursuant to Part 4 of the *Children's Guardian Act 2019*.
- Serious crossing of professional boundaries or sexual misconduct.
- Behavioural challenges/difficulties/pathology; and
- Conviction(s) for minor and/or serious crimes.

5. Considerations and Support

Support Person

All high risk and restricted Clergy have the right to have a Support Person present during interactions with the Safeguarding Office and the Diocese especially in relation to Plans.

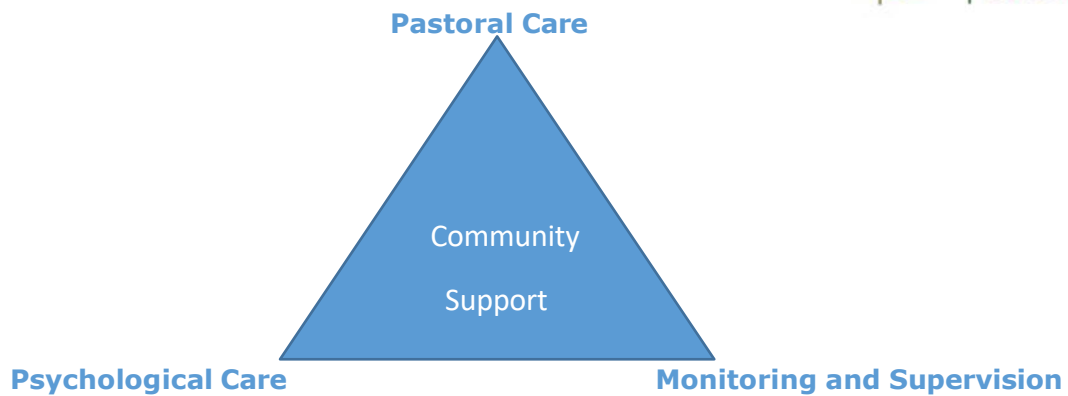
A Support Person is nominated by the member of Clergy and it is the Support Person's role to:

- Support the member of Clergy from a welfare and wellbeing perspective; and
- Ensure that the member of Clergy has the appropriate opportunity to be heard and respected;
- Ensure that the dignity member of the clergy is respected.
- Observe any visible changes in the health and wellbeing of the member of the clergy and communicate these with the Safeguarding Office.
- Attend all meetings with the member of the Clergy, observing the responses of the member of the Clergy and request adjournment if required.
- Consult privately with the member of the Clergy to provide necessary support.
- Assist to identify people who would provide pastoral and spiritual support to the member of the Clergy.

The Support Person is not an advocate, counsellor or legal representative for the high risk or restricted Clergy and they are not permitted to answer questions on their behalf.

The safeguarding and oversight of high risk and restricted Clergy consists of four elements that combine to provide an overall holistic and risk management based approach:

- Pastoral
- Therapeutic
- Risk Management
- Community



Pastoral Care considerations:

- How are the individual's spiritual needs currently met?
- Does the individual have a spiritual director?
- Is the individual open in any way to spiritual growth?
- Are there structured spiritual exercises that would benefit the individual?
- What do theological voices say that would or should influence this aspect?

Psychological Care considerations:

- Does the individual have access to psychological care?
- Are there any barriers to accessing appropriate therapeutic care?
- Is there a possibility for improved internal mechanisms of control through clinical care?
- Could recent improvements in clinical care possibly assist the individual?

Monitoring and Supervision considerations:

- How does the individual spend their time?
- With whom does the individual socialise?
- Does the individual associate with families with Children and/or adults at risk of abuse?
- What is the nature of the offences committed or allegations?
- Does the nature of the individuals offending increase the risk they pose to the community?
- Is there an opportunity for the individual to gain access to Children?
- Is it safe or appropriate for the individual to attend mass and what safeguards can be put in place to ensure this remains a safe practice?
- What risk do any involved Police or Corrective services foresee for the individual and the wider community?

Community Support considerations:

- Who are the members of the individual's community?
- Have the community members been informed of the issues?
- Have they been told what the individual is permitted and not permitted to do?



- Are community members aware of what to do if a problem occurs or they begin to have concerns?
- Are community members comfortable about raising concerns about the individual?

6. Roles and Responsibilities

Safeguarding Manager	<p>It is the responsibility of the Safeguarding Manager to:</p> <ul style="list-style-type: none">• Oversee and monitor the process and requirements outlined in this protocol document;• Work in conjunction with the Safeguarding Officer and provide feedback and input where applicable; and• Ensure the requirements and processes outlined within this protocol document are upheld and executed.• Monitor and review the ongoing <i>Safety and Support Plans</i> for Diocesan restricted and high risk Clergy;• Complete six monthly reviews of <i>Safety and Support Plans</i> for and in conjunction with Diocesan restricted and high risk Clergy;• Create, monitor and regularly review and update individual risk assessments for each Wilcannia-Forbes and other Diocesan restricted and high risk Clergy where all relevant risks are considered, analysed and mitigated where possible;• Assess any changes or amendments to the health and wellbeing of Diocesan restricted Clergy and discuss closely with relevant Diocesan personnel;• Where a Diocesan restricted or high risk Clergy member resides outside the Diocese of Wilcannia-Forbes, the Safeguarding Manager will work closely with and update the relevant Diocesan Safeguarding Office. The relevant Diocesan Safeguarding Office will be supplied with the following documents and information by the Diocese:
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	<ol style="list-style-type: none"> 1. Redacted copy of the <i>Safety and Support Plan</i>; 2. Copy of Diocesan Individual Risk Assessment; 3. Information regarding any parole and/or bail conditions; 4. Contact details for Police and or NSW Department of Communities and Corrections if matter is currently under investigation or if the member of clergy is subject to parole conditions; 5. Any other information requested by the relevant Diocesan Safeguarding Office at the discretion of the Diocese of Wilcannia-Forbes; <ul style="list-style-type: none"> • Alert the relevant Diocesan Safeguarding Office when a restricted or high risk clergy enters another Diocese for a short term period such as a holiday. • Act as a Contact Person for other Diocesan Safeguarding Offices and update the relevant office as soon as practicable when any changes or updates occur regarding restricted or high risk Diocesan Clergy.
<p>Wilcannia-Forbes Restricted and High Risk Clergy</p>	<p>Wilcannia-Forbes Restricted and High Risk Clergy are required to:</p> <ul style="list-style-type: none"> • Comply with all aspects of their <i>Safety and Support Plan</i>; • Participate in six monthly reviews of their <i>Safety and Support Plan</i>; • Alert the Safeguarding Manger to any changes to their living conditions and holiday travel away from home; and • Alert and request permission to attend any Parishes in or outside the bounds of the Diocese.
<p>Other Diocesan high risk and restricted Clergy living within the bounds of the Catholic Diocese of Wilcannia-Forbes</p>	<p>Other Diocesan restricted and high risk Clergy are required to:</p> <ul style="list-style-type: none"> • Meet with the Safeguarding Manager as soon as practicable after moving into the bounds of the Diocese of Wilcannia-Forbes; • If granted permission to attend a Diocesan Parish, agree to attend on an agreed time and day. High risk and restricted Clergy are required to request permission



	<p>From the Safeguarding Manager prior to amending any agreed attendance of a Parish.</p> <ul style="list-style-type: none">• Agree to not participate or attempt to participate in any Diocesan ministries or activities.
Parish Priest (If restricted or high risk Clergy attends Diocesan Parish)	<p>If a Parish Priest within the Diocese is aware of or has suspicion that restricted or high risk Clergy are attending their Parish, they are required to: Alert the Diocesan Safeguarding Manager immediately</p> <ul style="list-style-type: none">• Ensure high risk and restricted Clergy do not participate in any Parish ministry in any capacity; and• Alert the Safeguarding Manager immediately if high risk or restricted Clergy attend the parish outside the agreed time or attempt to engage in parish ministry or engage in any behaviour that concerns the Parish Priest or Parishioners.

7. Other Diocesan Restricted and High Risk Clergy residing within the Catholic Diocese of Wilcannia-Forbes

The Safeguarding Office is to be notified by the relevant Dioceses that a high risk or restricted Clergy member that is incardinated into the relevant Diocese is now residing within the Diocese of Wilcannia-Forbes.

The relevant Diocese must provide the following documentation to the Safeguarding Office:

- Any current *Safety and Support or Care plan*, and an updated version when/if the plan has been reviewed or amended.
- Current Risk Assessment.
- Charge and bail details and/or Parole Conditions (if applicable).
- Details of any concerns or other relevant information the relevant Diocese holds or may hold in relation to the restricted or high risk member of Clergy; and
- Any new or subsequent allegations of misconduct, or abuse and any further or subsequent criminal charges.

All of the above documentation will be reviewed closely by the Diocese of Wilcannia-Forbes Safeguarding Manager and an initial risk assessment will be completed to help determine the level of risk. Once all documentation has been reviewed and the risk assessment is completed the Diocese of Wilcannia-Forbes Safeguarding Manager will contact the relevant high risk or restricted member of Clergy and explain the process for managing high risk and restricted Clergy.



8. Protocol regarding Wilcannia-Forbes Restricted and High Risk Clergy residing within other Diocesan jurisdictions

The Safeguarding Manager will contact and notify the relevant Diocese that a high risk or restricted member of Clergy is residing within their jurisdiction. The Safeguarding Manager will provide the following documentation to the relevant Diocesan Safeguarding Office:

- Any current *Safety and Support or Care plan*, and an updated version when/if the plan has been reviewed or amended.
- Current Risk Assessment.
- Charge and bail details and/or Parole Conditions (if applicable).
- Details of any concerns or other relevant information the relevant Diocese holds or may hold in relation to the restricted or high risk member of Clergy; and
- Any new or subsequent allegations of misconduct, or abuse and any further or subsequent criminal charges.

The Safeguarding Manager will remain in contact with the relevant Diocesan Safeguarding team and provide updates as necessary.

9. Definitions

Adult at Risk of Abuse – any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence. These are adults with diverse circumstances and experiences that increase the risk of abuse which includes:

- *who are elderly*
- *with a disability*
- *who suffer from mental illness*
- *who have diminished capacity*
- *who have cognitive impairment*
- *who have suffered previous abuse*
- *who are experiencing transient risks*
- *who in receiving a ministry or service are subject to a power imbalance*
- *who identify as Aboriginal and Torres Strait Islander*
- *who are from a culturally and linguistically diverse background*
- *who have any other impairment or adversity that makes it difficult for them to protect themselves from abuse.*

Child – For the purpose of this protocol, a child is any person aged under the age of 18 years of age.

High risk or restricted Clergy – For the purpose of this protocol a 'high risk or restricted Clergy' includes:

- any member of Clergy who has been convicted of a sexual offence, including grooming and child pornography.
- any member of Clergy who is currently charged with a sexual offence.



- any member of Clergy who is currently being investigated by Police for a sexual offence, although charges may not have been laid.
- any member of Clergy currently subject to a Reportable Conduct Allegation pursuant to Part 4 of the *Children's Guardian Act 2019 (NSW)*.
- any member of Clergy deemed to be a risk to the safety of children and adults because of an adverse finding of sexual misconduct in a child-related workplace investigation. This finding has resulted in a 'bar' in a Working with Children Check.