

NATIONAL CATHOLIC SAFEGUARDING STANDARDS EDITION 2 COMPENDIUM

**Supplementary
material to assist
reading the NCCS Ed. 2**

Australian Catholic Safeguarding Ltd acknowledges the lifelong trauma of abuse victims, survivors and their families, the failure of the Catholic Church to protect, believe and respond justly to children and adults at risk, and the consequent breaches of community trust.

Australian Catholic Safeguarding Ltd is committed to fostering a culture of safety and care for children and adults at risk.



© Australian Catholic Safeguarding Ltd 2022

Available at www.acsltd.org.au

Australian Catholic Safeguarding Ltd
278 Victoria Parade
East Melbourne Victoria 3002

Phone: 1300 603 411 Email: info@acsltd.org.au <http://www.acsltd.org.au/>

Australian Catholic Safeguarding Ltd respectfully acknowledges all Traditional Owners of the land and waters of Australia. We pay respect to their Elders, past and present, and young leaders of today and the future. ACSL commits itself to the ongoing work of reconciliation with our Aboriginal families and communities.

CONTENT

MESSAGE FROM THE CHAIR.....	4
CHANGES IN NCSS EDITION 2.....	6
The inclusion of ‘adults at risk’.....	7
What the Standards cannot do	9
BACKGROUND AND CONTEXT.....	10
International and local responses.....	10
Theological underpinnings of the Standards	12
Drawing on Scripture and Tradition	14
Catholic Social Teaching.....	15
THE NATIONAL CATHOLIC SAFEGUARDING STANDARDS, EDITION 2.....	17
The NCSS Ed. 2 Journey.....	20
NCSS Ed. 2 Project Phases.....	20
NCSS Edition 2 development – overview of amendments	24
Risk-based application: The ACSL Review and Audit Framework	25
Audit and review pathways	26
Audit and review pathways overview	29
References.....	30

MESSAGE FROM THE CHAIR

The National Catholic Safeguarding Standards (the Standards) have been developed to operationalise the commitment by all Catholic Church entities to ensure the safety of all who encounter the Church, with a focus on children and adults at risk. Australian Catholic Safeguarding Limited (ACSL) provides services to assist Church entities to implement the Standards and build their safeguarding capacity, to audit compliance and to publicly report the results.

The first edition of the Standards was released by Catholic Professional Standards Ltd (CPSL) in 2018 and formally adopted in May 2019. The Standards were developed, tested and refined in consultation with Church Authorities, the Catholic community, and survivors, their families, and advocates in a broad consultation process.

The Standards have been carefully checked against state legislation, the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse, the National Principles adopted by the federal and state governments, and overseas experience. The Standards, therefore, represent best safeguarding practice for Church Authorities to apply in parishes, schools, welfare services and other ministries and services. The Standards hold the Catholic Church to the highest degree of accountability, transparency, integrity and professionalism, in light of its mission and the pastoral responsibilities of the Church to address the failures uncovered through the Royal Commission. In some areas they exceed current regulatory and legislative requirements, in response to specific Royal Commission recommendations to the Catholic Church. In other areas, they outline expectations where there is currently no regulation.

The Standards now incorporate the concept of safeguarding adults, in keeping with the findings of the Royal Commission into Aged Care Quality and Safety and initial learnings from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

The Standards, with the Australian Catholic Church's codes of conduct and universal Church law work in harmony with civil legislation. Our safeguarding commitment extends to every child and adult who interacts with the Catholic community. It particularly extends to the most vulnerable and to those who have most reason to doubt they will be safe.

The Standards are intended to be responsive rather than definitive. They will be subject to continuous review and improvement. Three years on from their development, they have now been reviewed and revised. ACSL undertook widespread consultation about the ease of implementation, their practical application and learnings from the significant audits that have been undertaken in that time.

The Standards demonstrate that Catholic leadership in Australia has acknowledged past failures in leadership and is committed to fostering a Church culture within which everyone is as safe as they can possibly be. It is the responsibility of each Church Authority to ensure that those who work (paid or unpaid) with children and/or 'adults at risk' within their jurisdictions apply these Standards in their own ministries and/or services. By dedicating ourselves to learn, to improve on our practice and to meet these new standards, we will remain vigilant in protecting our children and adults who engage with the Catholic Church in Australia.

THE HON. MICHAEL LAVARCH AO

ACSL Board Chair

“When the dignity of the human person is respected, and his or her rights recognised and guaranteed, creativity and interdependence thrive, and the creativity of the human personality is released through actions that further the common good.”

Pope Francis, Fratelli Tutti (22)

CHANGES IN NCCS EDITION 2

When the extent and nature of the behaviours that caused harm became understood, the Catholic Church in Australia sought to reorientate itself and look at what happened with open eyes and an open heart. Professional Standards Offices, Towards Healing, the Truth, Justice and Healing Council and many other initiatives were all about doing better. The National Catholic Safeguarding Standards are part of this journey, and as such are subject to review to understand and support Church entities to continue to do better.

While the Royal Commission was about the abuse of children, it is recognised that harm has happened to adults as well. The trauma experienced, and still being experienced by adults who are victims and survivors of abuse as children continues to emerge. The Standards are a vehicle to help Church entities as they build cultures and practices that provide a safe and nurturing environment to all who are engaged in the ministries of the Church. They are one manifestation of how the Church has taken heed of the harm caused in the past with the intent that harm does not occur again.

Changes in NCCS Edition 2 reflect the learnings and feedback from Church entities who have implemented the Standards since 2019. We have continued to draw on the advice of experts in trauma-informed responses, victim and survivors, and advocacy groups, to ensure that the Standards reflect safeguarding best practice. As governments have moved to mandate and legislate their responses to the National Principles, it has been important for the Church's own standards to be in step with them, while ensuring that commitments made by the Church to the Royal Commission continue to be honoured, five years on from the release of their Final Report.

The changes that have occurred in Edition 2 are as follows:

- The inclusion of 'adults at risk' into safeguarding policies and practices.
- The development of a descriptor outlining the objectives of each standard and placing them in context for those engaged in the mission of the Church.
- The reduction of duplicated criteria and indicators.
- Inclusion of new Church protocols.
- Clarification of definitions.

THE INCLUSION OF ‘ADULTS AT RISK’

The inclusion of adults at risk into the National Catholic Safeguarding Standards (Standards) acknowledges that everyone has a right to participate in the economic, political, and cultural life of society. Safeguarding adults at risk requires a person-centred approach, which encourages their full and effective participation and freedom to make their own choices in circumstances which are appropriate.

This ‘rights-based’ approach also calls for the prohibition, prevention and elimination of discrimination in the realisation of those rights. As Pope Francis points out in *Fratelli Tutti*, “when the dignity of the human person is respected, and his or her rights recognised and guaranteed, creativity and interdependence thrive, and the creativity of the human personality is released through actions that further the common good” (#22).

The Catholic social tradition seeks to emphasise the goodness of the human person. Therefore, the Standards embody a ‘strengths-based’ approach, that is, an approach where people work together to bring about change for the better.

Strengths-based approaches require a particular way of understanding and engaging with individuals, families and communities. Strengths-based approaches require viewing people in ways that recognise and complement their existing *strengths*, rather than compensating for any perceived *deficits*. It is through the lens of a strengths-based approach that the adults at risk component of the Standards have been developed.

Such change depends upon a shared vision that upholds positive attitudes towards the dignity of the human person, their capacities, rights, uniqueness and commonalities. In this vision, each member is an “*active and responsible subject of their own growth process, together with the community to which they belong.*” (Compendium of Social Doctrine 133)

Extensive consultation occurred about the use of the term ‘adults at risk’ rather than ‘vulnerable adults’. The National Reference Group, which has guided the development of the Standards, strongly recommended this terminology as being contemporary practice for several reasons:

- It shifts the focus from defining a victim, to identifying the circumstances that may place an adult at risk.
- It captures the key risk factor of adult abuse, being abuse of power by someone in authority.
- ‘Adults at risk’ is the term used and approach taken by Australian regulatory bodies, including the Australian Charities and Not-for-profits Commission, and international organisations including Catholic Safeguarding Standards Agency (CSSA) – the UK and Wales equivalent of ACSL.
- There is no longer a Canonical definition for the terms ‘vulnerable person’ or ‘vulnerable adult’. Through the consultative process for the new Book VI of the Code of Canon Law, these terms were avoided due to the new law being applied throughout the world and these phrases are understood in a variety of ways depending on local circumstances.
- The revised Book VI of the Code speaks of ‘minors’ and those equivalent (“who habitually have an imperfect use of reason ...”), as well as the abuse of ecclesiastical power (canon 1378 §1).

Canon 1378 on the abuse of ecclesiastical power refers not only to clerics and religious, but also lay personnel (e.g. a diocesan finance administrator).

- From a Canonical perspective, an ‘adult at risk’ is one who is ‘at risk’ and incurs harm due to breaches of Canon 1395 §3 the “force, threats or abuse of authority”.
- Therefore, for the context of safeguarding and needs of the Catholic Church in Australia, the term ‘adult at risk’ is an appropriate term which finds no conflict with Canon law.

ACSL faced a challenge in developing the second edition of the Standards and integrating safeguarding requirements for adults (with a focus on adults at risk) because there is not a universal definition in Canon Law for vulnerable adult/adult at risk. The National Reference Group found no canonical definition to be appropriate to the needs of the Church in Australia.

Sacramentorum sanctitatis tutela, provides the narrow definition of vulnerable adult as: “one with habitually imperfect use of reason”, that is someone with mental illness or a developmental disability. *Vos Estis Lux Mundi* provides the broader definition of a vulnerable person (which includes children), which is: “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”. Furthermore, the new book VI of the Code of Canon Law (2021) provides no definition for a vulnerable adult, but lists ‘factors’ or ‘conditions’ of what would constitute an adult at risk/vulnerable adult.

The canonical definition does not account for what is considered a critical risk factor when considering abuse of adults: power imbalances and the abuse of power. The journal article ‘*Vos estis lux mundi: Too Far or Not Far Enough?*’ published in the Ecclesiastical Law Journal by religious sister, Dr Helen Costigane (Costigane, 2020) highlights this issue. Dr Costigane argues that the term ‘vulnerable adult’, along with being deficit focused, is problematic as it does not recognise “that not all adults who have been, or might be, victims of abuse or inappropriate behaviour are vulnerable under this definition” (Costigane, 2020, p. 309). Therefore, when considering the NCCS Ed. 2 approach (being strengths-based and shifting terminology to not define a victim, whilst broadening scope to being ‘risk-based’) and the safeguarding needs of the Church in Australia, it was deemed necessary to shift terminology and employ the use of ‘adults at risk’.

The Standards address the safeguarding requirements of adults (with a focus on adults at risk) by both reflecting the duty of care owed to everyone, as well as recognising that there are particular risk-factors that cause some to be more susceptible to abuse. Where there is a universal requirement, reflecting the duty of care owed to all people, the Standards use the broad term of ‘adults’. Where particular focus is required to address specific ‘risk factors’ that could make an adult susceptible to abuse, the term ‘adults at risk’ is used. These references to adults at risk identify where special consideration to particular risk factors is required to build cultures and practices that provide a safe and nurturing environment and mitigate the risk of abuse. Sometimes, particular risk-factors are noted as being the focus of an individual criterion or indicator. In these cases where particular risk factors are listed it is because they are especially relevant to the criteria or indicator. Listing these specific risk factors is not intended to suggest that other risk factors captured by the term ‘adults at risk’ should not also be considered. Lastly, in two key areas the Standards explicitly identify adults with ‘diminished

capacity'. This recognises that adults with diminished capacity have impaired decision-making capacity and require specific consideration.

WHAT THE STANDARDS CANNOT DO

The Standards do not seek to, nor can they apply to, the world at large or to the private behaviours of Catholics. Behaviours of private individuals who are not Church personnel are not the legal responsibility of the Church. The Church is responsible for the actions of Church personnel in carrying out their work in the Church's name. The Standards should be read against that basic understanding of the scope of the legal responsibility of Church entities.

The National Catholic Safeguarding Standards are a risk management tool that provide Church entities with benchmarks for creating a safe environment and establishing a culture, policies and practices that support a safe and nurturing environment. If such a culture exists, and this culture is reflected in how the Church personnel carry out their work and how they behave, then it is far less likely that a person to whom the entity owes a duty of care will be harmed.

The Standards cannot be the source of potential legal liability. Legal liability arises if a person to whom a duty is owed is harmed and suffers injury. This 'duty' might be defined in a contract, or a statutory obligation. It will be breached if a person for whom the Church is responsible — i.e. Church personnel — by their conduct and behaviour causes harm.

The Standards also sit within a context that respects and reflects that Church entities vary in size, nature of ministry and the potential for harm to occur. The Standards are to be viewed through this lens, whereby ACSL's Risk Framework enables a proportionate response based on the risk profile of an entity. In practice this assesses which of the Standards and supporting criteria and indicators are relevant for the given Church entity, based on risk.

BACKGROUND AND CONTEXT

INTERNATIONAL AND LOCAL RESPONSES

United Nations Convention on the Rights of the Child

The rights outlined in the United Nations Convention on the Rights of the Child (UNCRC) are a key influence on the development of universal child safe approaches. The UNCRC specifically recognises that children have a right to be protected from physical and mental harm and neglect and enjoy the full range of human rights - civil, cultural, economic, political and social.

Article 12 of the UNCRC highlights the importance of respecting the views of children — children have the right to voice their views and have their opinions considered when adults make decisions that affect them.

The Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission into Institutional Responses to Child Sexual Abuse presented its final report in December 2017, detailing the findings of its five-year inquiry. The Royal Commission investigated how organisations responded to allegations and instances of child sexual abuse. Specific recommendations were made to the Catholic Church, and which were accepted by Church leadership.

Three volumes of the final report outline processes for creating child safe organisations. Volume 6 of the Royal Commission’s final report outlines the role child safeguarding standards can play in making organisations safer for children, and how regulatory oversight could be improved to better facilitate the implementation of safeguarding standards in organisations.

Governments have now moved to implement the standards articulated by the Royal Commission. The National Principles for Child Safe Organisations have been adopted by all state and territory governments and are included in government funding agreements. The Principles are intended to be implemented by organisations as they apply — where principles are adhered to, while the interpretation and practical application varies according to the ways in which organisations interact with children.

The standards established by the Royal Commission focus on organisational culture, adoption of strategies and acting to prevent harm to children. The National Catholic Safeguarding Standards go beyond these, and the National Principles, to address many of the Royal Commission’s recommendations to the Catholic Church and apply safeguarding practices to the Catholic context.

National Principles for Child Safe Organisations

The National Principles were developed under the guidance of community services' ministers across commonwealth, state and territory governments under the National Framework for Protecting Australia's Children 2009-2020.

The National Principles aim to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing across all institutions and organisations that engage with children across Australia. The Council of Australian Governments (COAG) endorsed the National Principles for Child Safe Organisations in February 2019.

The newly formed National Office for Child Safety (within the Department of Prime Minister and Cabinet) leads national coordination and implementation of the National Principles, working with states, territories and the non-government sector to make organisations across Australia safe for children. *Safe & Supported: the National Framework for Protecting Australia's Children 2021 - 2031 (Safe & Supported: the National Framework)* aims to ensure that children and young people in Australia have the right to grow up safe and supported, in nurturing and culturally appropriate environments.

ACSL works closely with the National Office for Child Safety and state and territory regulators to ensure that the National Catholic Safeguarding Standards and practices are consistent with the legislative requirements. We provide reference points and resources in the NCCS Implementation Guide.

The National Catholic Safeguarding Standards also require that civil responsibilities and requirements and canonical responsibilities, where relevant, are exercised appropriately.

“Our work has made us realize once again that the gravity of the scourge of the sexual abuse of minors is, and historically has been, a widespread phenomenon in all cultures and societies.; everyone knew of its presence yet no one spoke of it. Yet even today, the statistics available on the sexual abuse of minors drawn up by various national and international organizations and agencies ... do not represent the real extent of the phenomenon, which is often underestimated, mainly because many cases of the sexual abuse of minors go unreported, particularly the great number committed within families.”

Pope Francis, the Meeting of the Protection of Minors, February 2019 Compendium of the Social Doctrine of the Church, par 105, 107

THEOLOGICAL UNDERPINNINGS OF THE STANDARDS

**Preface by Rev Dr Cameron Forbes with assistance by Professor Ian Waters and Dr Frances Baker RSM
Department of Moral Theology and Canon Law Catholic Theological College, University of Divinity**

“Then God said, ‘Let us make humankind in our image’” (Genesis 1:26). As human beings we are made in God’s own image and likeness. Placed at the very centre of creation, we are called to friendship with our Creator and to relate lovingly to all God’s creation. Each person is of inestimable value and demands to be treated as such. This creation in the image and likeness of God affords every person a special dignity.

This dignity affords us not only rights as individuals, but also as a community that is built up together. For we have not been created as ‘islands’ but instead as human beings whose purpose in life is to love one another, to live at peace with all living creatures and to care for the earth as our common home. And it is through these relationships of care and upbuilding that human society is able to flourish.

The greatest moral test, therefore, of any community is how it treats its most vulnerable members.

While the National Catholic Safeguarding Standards have arisen in response to the Royal Commission into Institutional Responses to Child Sexual Abuse, the foundations which underpin them come directly from the Gospel.

Indeed, as Pope Francis has written, “the protection of minors and vulnerable persons is an integral part of the Gospel message that the Church and all its members are called to proclaim throughout the world. Christ himself, in fact, has entrusted us with the care and protection of the weakest and defenceless: ‘whoever receives one child such as this in my name receives me’ (Mt 18:5).”

“Therefore, we all have the duty to welcome openheartedly minors and vulnerable persons and to create a safe environment for them, with their interests as a priority. This requires a continuous and profound conversion, in which personal holiness and moral commitment come together to promote the credibility of the Gospel proclamation and to renew the educational mission of the Church.”
(Apostolic Letter, *On the Protection of Minors and Vulnerable Persons*)

This moral commitment which Pope Francis calls us to comes directly from the witness of Jesus Christ: his life, death and resurrection as the ultimate acts of love and care for others.

In addition to the protection of children, this second edition of the National Catholic Safeguarding Standards extends its area of concern to adults at risk. Indeed, the new Safeguarding Standards are designed to make the Church a safe place for all. For it is only by respecting the rights of the most vulnerable that the Church is able to flourish as a community of believers.

At their heart, these Safeguarding Standards are built on several key principles of Catholic Social Teaching, principles which have their roots in Sacred Scripture and have developed through the life and

witness of the Church from the early times until today. Several elements of Catholic Social Teaching stand out as reflected in the Standards.

The dignity of the human person is at the foundation of the Church’s social teaching. A community of justice and love only becomes a reality when its ends are ordered to the wellbeing of every individual person. As the Second Vatican Council teaches in *Gaudium et Spes*, every neighbour must be considered as “another self”. The dignity and respect of every person must take precedence over the perceived needs of organisations and structures. Safeguarding the rights and integrity of society’s most vulnerable is also to promote the common good, for enabling individuals to flourish is also to benefit society as a whole. For, as has been observed, “only the recognition of human dignity can make possible the common and personal growth of everyone” (Compendium of Social Doctrine #145).

The principle of subsidiarity also informs and guides the implementation of the Safeguarding Standards. While the Standards have been formulated at the national level, their successful implementation is dependent upon the commitment and wisdom of those at the local level. The principle of subsidiarity always encourages participation of and among those ‘on the ground’ who make up a community or organisation. In the context of the Safeguarding Standards, subsidiarity promotes decision-making that is empowering of those involved in and affected by the processes that affect them.

The Safeguarding Standards have also been designed with the principle of solidarity at their core. In the words of John Paul II, solidarity is a “firm and persevering determination to commit oneself to the common good....the good of all and of each individual, because we are all really responsible for all.” We are called to be in solidarity particularly with those who are marginalised, vulnerable or distressed, giving priority of care to those in greatest need. Our responsibilities to each other are fundamental and enduring irrespective of race, culture, age, gender, ideological, social, educational and economic differences.

Furthermore, our responsibility to those who are most vulnerable must ensure that everyone has a right to participate in the economic, political, and cultural life of society. Safeguarding adults at risk requires a person-centred approach, which encourages their full and effective participation and freedom to make their own choices in circumstances which are appropriate. This “rights-based” approach also calls for the prohibition, prevention and elimination of discrimination in the realisation of those rights. As Pope Francis points out in *Fratelli Tutti*, “when the dignity of the human person is respected, and his or her rights recognised and guaranteed, creativity and interdependence thrive, and the creativity of the human personality is released through actions that further the common good” (#22).

The Catholic social tradition seeks to emphasise the goodness of the human person. Therefore the Safeguarding Standards embody a ‘strengths-based’ approach, that is, an approach where people work together to bring about change for the better. Such change, though, depends upon a shared vision which upholds positive attitudes towards the dignity of the human person, their capacities, rights, uniqueness and commonalities. In this vision, each member is an “active and responsible subject of their own growth process, together with the community to which they belong.” (Compendium of Social Doctrine 133).

ACSL thanks Catholic Theological College, and those involved in contributing the theological underpinnings of the NCCS. The framework for the development of the NCCS Edition 2 is rights-based, strengths-based and trauma-informed. It is centrally connected and activated in practice through the key principles of Catholic Social Teaching.

With this strong foundation the Catholic Church in Australia can provide a safe Church for everyone.

DRAWING ON SCRIPTURE AND TRADITION

The societal, legal and moral underpinnings of safeguarding are furthered by theological influences on the Church's responsibilities towards ensuring the safety of all people (especially children and adults at risk). In Scripture children are regarded as being a blessing and representative of God's abundance. The special concern for children evident in Christ's comments in Luke:

- People were bringing even infants to him that he might touch them; and when the disciples saw it, they sternly ordered them not to do it. But Jesus called for them and said, "Let the little children come to me, and do not stop them; for it is to such as these that the kingdom of God belongs. Truly I tell you, whoever does not receive the kingdom of God as a little child will never enter it (Lk 18:15-17 NRSV).

The Catholic Church's commitment to the safety of children and adults at risk must be motivated by the central place that children and those who are vulnerable have in the ministry of Jesus, and the intrinsic value that each person has for the Catholic theological tradition. Each person is created in the image of God; each one has his or her origin and ultimate fulfilment in God's infinite love. Jesus identified children with his primary metaphor for God's presence, saying to them "to such as these belongs the Kingdom" (Mk 10:13-16). For Jesus, children are models of how to receive the love of God; they offer us a glimpse of what it is to be open to God. From the theological tradition we also learn that God does not remain distant from humanity but moves toward us in Grace and love. This is the mystery of God. The inherent dignity of all people (especially children and adults at risk) is reflected in each of these aspects of our faith, hence the importance of fostering a culture of safety and care.

Because of the oppression of the weak and the groaning of the needy, I will now arise, says the LORD, I will protect them from those who malign them. "

Psalm 12:5

CATHOLIC SOCIAL TEACHING

Catholic Social Teaching offers a way of thinking, being and seeing the world. It provides a vision for a just society in which the dignity of all people is recognised, and those who are for whom we have a duty of care are supported. It consists of an interrelated body of thought and principles which can be used to reflect on and guide how we relate to one another in our local and global communities.

It seeks to bring the light of the Gospel on issues that arise in the world and humanity's complex network of relationships. Catholic Social Teaching identifies key themes of: The Common Good; The Life and Dignity of the Human Person; The Correlation of Rights and Responsibilities; The Preferential Option for the Poor and Vulnerable; Stewardship and Care for Creation and Subsidiarity. The logic behind Catholic Social Teaching articulates that the Christian faith calls believers to pursue justice, peace; to uphold the dignity and rights of all and serve those in need. It is framed as the imperative of Jesus and the living tradition of the Church.

The perspective and principles of Catholic Social Teaching are a rich heritage and include insight from the Scriptures, as well as understanding from the thinking, reflections, and lived experience of people throughout the life of the Church. Preventing abuse, protecting, valuing, cherishing, and championing every person is unquestionably grounded in the Church's own teaching.

Three of the key principles of Catholic Social Teaching which are reflected in the National Catholic Safeguarding Standards are dignity, subsidiarity, and solidarity.

The Dignity of the Human Person

The Church recognises the sacredness of life and the dignity of each individual human person as inviolable. Catholic Social Teaching promotes the human rights of every individual, especially those who lack access to services or who may not have the opportunity to participate in significant community activities and discussions. The Church's social teaching is clear — human dignity brings with it natural rights and duties.

Subsidiarity

Subsidiarity enables participation of and among those who make up the community or organisation. It ensures participation in decision-making processes affecting personal and organisational life and promotes decision-making that is empowering of those involved in and affected by the process.

“The principle of subsidiarity protects people from abuses by higher-level social authority and calls on these same authorities to help individuals and intermediate groups to fulfil their duties. This principle is imperative because every person, family and intermediate group has something original to offer the community.”

Compendium of the Social Doctrine of the Church, par 187

Subsidiarity requires that decision-making processes include those who will be most affected by those decisions.

Solidarity

The principle of solidarity respects and promotes both a spiritual and material solidarity with all people, but especially those who are marginalised, vulnerable or distressed, giving priority to those in greatest need. This teaching acknowledges that our responsibilities to each other are fundamental and enduring irrespective of race, culture, age, gender, ideological, social, educational and economic differences.

“Solidarity highlights in a particular way the intrinsic social nature of the human person, the equality of all in dignity and rights and the common path of individuals and peoples towards an ever more committed unity.”

Compendium of the Social Doctrine of the Church, par 187

THE NATIONAL CATHOLIC SAFEGUARDING STANDARDS, EDITION 2

The National Catholic Safeguarding Standards are designed to ensure our Catholic entities implement 'best practice' in all aspects of safeguarding in the creation and maintenance of safe environments for our children and adults at risk. They describe our safeguarding goals and expectations and provide the framework for implementing national safeguarding guidelines and associated policies and procedures to prevent, respond to and report concerns about abuse.

Their purpose is to ensure that the same principles and practices for safeguarding children and adults at risk operate in all Catholic entities across Australia.

They are designed to drive cultural and behavioural change and promote accountability and transparency in decision-making by Catholic Church leaders and entities.

The Standards require that Catholic entities have:

1. Strategies to embed an organisational culture of safeguarding, through effective leadership and governance.
2. Strategies to ensure children and adults at risk are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Strategies to ensure families, carers and communities are informed and involved in promoting safeguarding.
4. Strategies to ensure equity is upheld and the diverse needs of children and adults at risk are respected.
5. Recruitment, screening, supervision, support, and other human resource practices which reduce the risk of abuse and ensure people working with children and adults at risk are suitable and supported to implement safeguarding values in practice.
6. Processes for raising concerns and complaints which are responsive, accessible, and used by children, adults at risk, families, carers, and communities.
7. Training and education which equips personnel with knowledge, skills, and awareness to keep everyone safe.
8. Strategies to identify and reduce or remove risks in both physical and online environments.
9. Processes for regularly reviewing and improving safeguarding systems and practices; and
10. Policies and procedures which underpin and articulate safeguarding across the entity.

The Standards are inter-related and interdependent. They work together to ensure every entity, ministry, and organisation across the Catholic Church in Australia places the safety of children and

adults at risk at the core of how they plan, think and act. Over-reliance on any one component prevents an entity or ministry from building a safe environment and may result in weaknesses that could be exploited.

Criteria

Each of the Standards has criteria to be addressed, and indicators are provided to demonstrate how those criteria can be met. The criteria align with those contained in the National Principles for Child Safe Organisations. When considering adults at risk, the National Catholic Safeguarding Standards can also demonstrate alignment with current Aged Care and Disability Standards.

Additional criteria have been developed in response to specific recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse and from consultations across the Catholic Church. These additional criteria apply only in specific circumstances.

Indicators

Indicators serve two purposes:

- they provide a context for practical application in a Catholic setting; and
- they are expressed in such a way that they can be assessed and measured.

Building a Safe Church for Everyone

The work involved in building and maintaining a safe Church is never complete. It requires a dynamic, multi-pronged and ongoing process of learning, acting, monitoring and reviewing. Culture and policies are important enablers of safety. They need to both expect and support action. Responsibility for taking action to prevent abuse and to raise concerns must be understood and accepted by everyone.

It is expected that all Catholic entities in Australia implement and comply with the National Catholic Safeguarding Standards and enter into formal arrangements with ACSL to submit themselves to the review, audit and reporting processes established by ACSL.

The first edition of the National Catholic Safeguarding Standards was approved by the Australian Catholic Bishops Conference (ACBC) and Catholic Religious Australia (CRA), being adopted under the terms of the Constitution of Catholic Professional Standards Ltd in May 2019. The formal approval of the second edition of the National Catholic Safeguarding Standards occurred at the Annual General Meeting for Australian Catholic Safeguarding Ltd, as per the terms of its constitution on 25 November 2022.

“Two are better than one, because they have a good return for their labor: If either of them falls down, one can help the other up. But pity anyone who falls and has no one to help them up.”

Ecclesiastes 4:9-10

Support materials

ACSL supports entities to foster a culture of safety and care for children and adults within the Catholic Church. We have developed a range of support materials, including:

- ACSL Implementation Guides;
- ACSL resources;
- Best practice guidance; and
- Legislation and statutory requirements.

Education and training

The ACSL Learning and Development Program is aimed at supporting Church leaders and personnel with professional development, training, guidance and resources in safeguarding, to meet the requirements of their organisations. There are eight core safeguarding capabilities required to implement the Standards effectively:

1. How leadership and culture are integral to keeping people safe.
2. How to acknowledge the rights and dignity of children and adults at risk.
3. Understanding the nature and impact of abuse and recognising risk factors.
4. Applying strategies to engage with children, adults at risk, carers, families and communities.
5. Developing policies and procedures that embed safeguarding practice.
6. Risk management strategies that help identify, assess, and minimise risk of abuse.
7. Responding appropriately to concerns, disclosures, or allegations of abuse.
8. Monitoring and reviewing performance to improve safeguarding practices

The ACSL online learning portal, currently under development, will provide self-paced learning on key concepts and be available to ACSL Subscribers.

“One of the greatest risk factors for the harm or abuse of children is the lack of awareness about it among an organisation’s staff and volunteers.”

Royal Commission into Institutional Responses to Child Sexual Abuse

The NCSS Ed. 2 Journey

The NCSS Ed. 2 Development journey has spanned three years. Commencing in the last quarter of 2019 and running until 25 November 2022, the project undertook four main phases, with the additional step at the conclusion of these phases of the endorsement and final approval. Across the development journey, three key engagement activities ensued. Firstly, this was through the guidance of the National Reference Group (NRG) who assisted to formulate the approach and oversaw the drafting of the first draft, the July 2020 version. The NRG were also a conduit between their representative bodies and stakeholders, who provided key insight through this critical phase. The second critical engagement activity was the broad and detailed consultations that occurred with Church Authorities and key stakeholders during each drafting version of the NCSS Ed. 2. The third and final key engagement activity was with ACSL members and their representatives to finalise, endorse and approve the final version of the NCSS Ed.2.

NCSS ED. 2 PROJECT PHASES

The NCSS Ed. 2 development project was broken down into the four main phases:

1. Formation of the National Reference Group (NRG) and conducting a literature review to inform and guide the development of the project.
2. Meeting of the NRG, refining the proposed framework and undertaking consultations to refine/endorse approach.
3. Writing draft Standards/guidelines as per framework approach.
4. Reviewing and refining the draft to finalise the Standards/guidelines.

The final stage that occurred at the conclusion of the project phases was the endorsement and approval period.

PHASE 1: FORMATION OF THE NRG AND CONDUCTING A LITERATURE REVIEW TO INFORM AND GUIDE THE DEVELOPMENT OF THE PROJECT

Timeframe:	Oct 2019 – Dec 2019
Summary:	<ul style="list-style-type: none"> • Key focus of phase 1 was establishing the NRG and preparing detailed briefing material in preparation for the inaugural meeting. This contained a synthesis of the literature review relating to the appropriateness of the framework and approach to have a single set of standards covering both children and adults. The literature review consisted of material from a variety of sources, both local and international, from the Catholic Church, governments and NGOs. The review explored the various definitions of ‘vulnerable adult’ and subsequent responses to safeguarding ‘vulnerable adults’. This exploration identified commonalities between definitions (noted as key elements or risk factors). The second component of the literature review examined the key elements in more detail and identified core principles/values which have been employed to guide relevant responses. • All principles identified are underpinned by human rights principles and support a strengths-based approach, which align with key principles of

	<p>Catholic Social Teaching (CST); dignity, subsidiarity and solidarity (which are reflected in the National Catholic Safeguarding Standards Edition 1).</p> <ul style="list-style-type: none"> The term ‘adult(s) at risk’ was found to be more appropriate and in line with the agreed frameworks (not being deficit focused) and the preferred term to be used rather than ‘vulnerable adults’. This shift is supported by local and international bodies who are choosing the term ‘adult(s) at risk’ in their legislation, policy and guidance.
--	---

PHASE 2: MEETING OF THE REFERENCE GROUP, REFINING THE PROPOSED FRAMEWORK AND UNDERTAKING CONSULTATIONS TO REFINE/ENDORSE APPROACH

Timeframe:	Dec 2019 – Mar 2020
Summary:	<ul style="list-style-type: none"> Phase 2 examined the implications of an inclusive approach (single set of Standards) which is aimed at focusing the safeguarding of all people who come into contact with the Catholic Church, rather than an approach which defines a victim (viewed as deficit focused). A mapping exercise which demonstrates the alignment of the ‘key elements’ and consistent principles/values identified in the literature review with the current NCSS Edition 1 was undertaken. This provided a clear pathway for drafting a single set of standards by clearly demonstrating alignment with all 10 Standards (NCSS) and 49 criteria with the key elements and principles identified. This validated the proposed approach to develop a single set of Standards covering expectations for the safeguarding of both children and adults at risk. Some key factors highlighted to consider were abuse of power in relationships; adults right to make choices; and, diminished or impaired capacity.

PHASE 3: WRITING DRAFT STANDARDS/GUIDELINES AS PER FRAMEWORK APPROACH

Timeframe:	Mar 2020 – Jul 2020
Summary:	<ul style="list-style-type: none"> Phase 3 incorporated the findings from the mapping exercise and refined approach to commence drafting of an integrated set of Standards. Further reviews of relevant approaches were explored to inform both having a single set of standards covering different service sectors and contexts, but also in the principles governing the approach and providing an accompanying guide which provides a greater level of detail about what the Standards are requiring in practice. Namely the Department of Health and Human Services Standards which seem to further validate the suggested approach for the Adults at risk component of the Standards. The NRG commented on the terminology employed in Standard 4.3, being ‘diverse sexuality’ and the need to ensure appropriate recognition of terminology in the Standards. In many cases the drafting of a single set of Standards enabled a streamlined approach to integration. However, in some key areas of the Standards there is a need to be more nuanced and provide specific criteria/indicators which are focused on either children or adults. This is influenced by the need to

	<p>maintain alignment with the National Principles and the Royal Commission Child Safe Standards. An update of the Comparison between NCSS, National Principles, Royal Commission Child Safe Standards and Royal Commission Recommendations demonstrates this.</p> <ul style="list-style-type: none"> • A robust consultation across the Catholic Church in Australia on the integrated set of Standards commenced in mid-2020. This process was both staged and multi-layered, with a wide section of key stakeholders. Given the public health crisis and protocols regarding the COVID-19 pandemic, this was undertaken through remote: video/tele-link, survey or email feedback. Consultation options included group consultations for specific sectors or groups; targeted consultation or invitation for those with a passion/interest; and, follow-up online survey. Key groups consulted included: ACBC, CRA and AMJP members, Catholic entities delivering targeted services to ‘adults at risk’, the broader Catholic community, Survivors of abuse and between advocates and those with a lived experience of vulnerability.
--	---

PHASE 4: CONSULTATIONS: REVIEWING AND REFINING THE DRAFT TO FINALISE THE STANDARDS/GUIDELINES

Timeframe:	Jul 2020 – Feb 2022
Summary:	<ul style="list-style-type: none"> • Over an 18-month period, consultations were conducted across the Catholic Church, key stakeholders, and the broader community regarding the drafting of the NCSS Ed. 2. • Sessions were had with Church Authorities, Vicar Generals, Directors of Clergy Life and Ministry, Safeguarding and Professional Standards personnel, Church Personnel broadly, Targeted ministries having a dedicated focus towards ‘adults at risk’, Victims, Survivors and their advocates and the broader community. • Initial consultations centered on Draft 1 July 2020 that incorporated additional safeguarding requirements for adults, with a focus on adults at risk • Second round of consultations focused on the Second Draft 2 May 2021 version of the NCSS that incorporated the changes in response to consultation feedback and testing. Significantly this realised an integrated and inclusive approach to reduce the quantity of criteria and indicators. • The third series of consultations focused on Draft 3 Oct 2021 which responded to specific feedback in key areas (theological grounding, standard of proof, references to Aboriginal and Torres Strait Islander People), and reduction of duplication of criteria and indicators (incorporating learnings from audit program). • Final round of consultations across the last quarter of 2021 and early 2022 were on Draft 4 Nov 2021 that simplified the language of the NCSS to make the document easier to read and ensure that the Standards document read less ‘regulatory’.

ENDORSEMENT AND FINAL APPROVAL

Timeframe:	Mar 2022 – Nov 2022
Summary:	<ul style="list-style-type: none"> • Following the conclusion of all consultations a feedback table was compiled outlining all identified feedback received and commentary on issues raised, including agreed resolution to ACSL Governance. • The areas covered included: <ul style="list-style-type: none"> ○ Professional/pastoral Supervision requirements for clergy and religious (NCSS 5.5.3) ○ Concern with the use of ‘Adults at risk’ terminology ○ Inclusive and broad approach (i.e. all adults.) ○ Interoperability with other regulation/compliance requirements when considering adults ○ Implementation and Support Phase ○ Victim/Survivors Feedback ○ Feedback on Specific Criteria/Indicators (NCSS 5.5, 5.5.2, 5.5.4, 5.8, 6.1.2) ○ Collated feedback Themes and Specific quoted feedback • From March to November 2022 ACSL worked intensively with our member bodies the ACBC, CRA and AMPJP’s to work through final concerns to enable the formal approval of the NCSS Ed.2. This included minor amendments to indicators 6.1.1, 6.1.6, the addition of a new indicator 5.5.3 and subsequent adjustments to affected glossary terms (namely, <i>clergy</i>, <i>cleric</i>, <i>priests</i>). • At the ACSL Annual General Meeting, occurring on Friday 25th November 2022, pursuant to clause 43.1(b) of ACSL’s Constitution, the National Catholic Safeguarding Standards Edition 2 was formally adopted as a Professional and Safeguarding Standard. The formal release date was identified as being December 7, 2022 and marks a significant milestone for the Catholic Church in Australia on the eve of the 5 year anniversary of the Royal Commission into Institutional Responses to Child Sexual Abuse Final Report.

NCSS EDITION 2 DEVELOPMENT – OVERVIEW OF AMENDMENTS

The NCSS Ed.2 project realised some key developmental milestones. The following table provides an overview of the developmental changes which have occurred throughout the NCSS Ed 2 project:

Version		Description
Ed. 1 May 2019		NCSS Edition 1 (child-focused standards) published in May 2019, aligned with the Royal Commission into Institutional Responses to Child Sexual Abuse’s final report, Volume 6 and National Principles for Child Safe Organisations (adopted by COAG Feb 2019).
Criteria	49	
Indicators	111	
Ed.2 Draft 1 Jul 20		First draft of NCSS Edition 2 following consultation with the National Reference Group that incorporated additional safeguarding requirements for adults, with a focus on adults at risk.
Criteria	58	
Indicators	139	
Draft 2 May 2021		Second draft incorporating changes in response to consultation feedback and testing. Significantly this realised an integrated and inclusive approach to reduce the quantity of criteria and indicators.
Criteria	50	
Indicators	115	
Draft 3 Oct 2021		Third draft responded to specific feedback in key areas (theological grounding, standard of proof, references to Aboriginal and Torres Strait Islander People), and reduction of duplication of criteria and indicators (incorporating learnings from audit program).
Criteria	48	
Indicators	109	
Draft 4 Nov 2021		Fourth draft aimed to simplify the language, making the document easier to read and ensure that the Standards document read less ‘regulatory’. Also finalised the work of reducing duplication and streamlining indicators.
Criteria	48	
Indicators	103	
Preliminary May 22 Ed		The provisional NCSS Edition 2 addresses key concerns, primarily resolving professional/pastoral supervision requirements for clergy and religious and glossary of terms. Also incorporates feedback from consultation sessions held in Dec 2021- Feb 2022.
Criteria	48	
Indicators	103	
Final Version Nov 22		The final November 2022 NCSS Edition 2 addresses the tension between canonical and civil requirements. This has been resolved by the addition of a new indicator relating to priests and clarifying the responsibilities of Church Authorities to ensure policies address reporting requirements.
Criteria	48	
Indicators	104	

Risk-based application: The ACSL Review and Audit Framework

The National Catholic Safeguarding Standards apply to all Catholic entities. To acknowledge the range of structures and governance that exist across Catholic entities, a risk-based application of the Standards has been developed to ensure a proportionate response.

The primary factors considered in the risk-based approach are whether the entity is engaged in any ministry, whether the entity has governance of any ministry and whether it is managing active abuse allegations.

Defining ministry

In the context of the National Catholic Safeguarding Standards, 'ministry' is defined as: 'any activity within, or conducted by, an entity, that is authorised to carry out the apostolic and charitable works of the Catholic Church.'

Clergy and religious have responsibilities to their Church Authority when engaging in ministry activities outside the governance of their Church Authority. This responsibility and the governance of Church Authorities directly relate to ministerial activities:

- Members of clergy and religious often volunteer outside of Catholic settings; when this activity is in any ministerial capacity (such as chaplaincy or as a spiritual advisor) these works are a form of ministry. Although Church Authorities do not have governance over these settings, they remain responsible for the conduct of their members. Church Authorities must be aware of these activities and as such, individuals should inform and where appropriate, seek permission from their Church Authority.
- The duty of oversight of the Church Authority is not an absolute or indiscriminate control over the entire life of a cleric or religious. The cleric or religious enjoys a sphere of decisional autonomy in their own personal and private life (including social relationships). The cleric or religious must personally answer for their own acts in these matters". [*Communicationes* 36 [2004] 33-38). Therefore, where a cleric or religious volunteers in 'non-ministry' related activities (such as with local communities or associations like the SES), they do so as community members and individuals. Although prudent to advise their respective Church Authority of engagement in these activities, approval and management responsibility is not the Church Authority's.

To assess and manage risk appropriately, it is important to consider how ministry is conducted, considering situations where clergy and religious engage in ministry activities outside the operational governance of their Church Authority. These include Church Authorities addressing management responsibilities to clergy and religious without impeding personal autonomy in non-ministry related activities.

Risk-based approach

The three-tiered category system employed with Edition 1 focused on the level of engagement with children, using the logic employed for many of the states Working with Children Check legislations. When considering the application of Edition 2 (addressing safeguarding requirements for both children and adults at risk), the risk-based approach focuses on the nature of the ministry conducted, who has governance of that ministry and complaints activity.

This informs a proportionate response to the NCCS through three review pathways:

1. Self-report for Catholic entities not engaged in any ministry.
2. ACSL limited review or Peer-review for Catholic entities that are engaged in ministry, but do not have governance for the ministry conducted; and
3. Audit for Catholic entities who are engaged in ministry and have governance of that ministry.

Using this risk-based approach, the scope and complexity of a review or audit will correlate with the overall risk-profile of the entity, including whether it is managing active complaints of contemporary or historical abuse.

“Families need to know that the Church is making every effort to protect their children. They should also know that they have every right to turn to the Church with full confidence, for it is a safe and secure home.”

A letter from His Holiness Pope Francis to Presidents of National Bishops’ Conferences and Superiors of Religious Orders across the world, 2 February 2015.

Review pathways

Self-report pathway

This pathway is available to cloistered or enclosed orders or contemplative ministries or to entities whose members are not involved in any ministry. The self-report requirements include demonstrating commitments to a set of the NCCS Standards proportionate to their ministries.

The Self-Reporting Pathway will be supported by ACSL through access to a self-assessment against the set of Standards via the NCCS Self-Assessment Portal. The self-assessment will be validated by ACSL, prior to certification being issued to the entity.

ACSL limited review or Peer-review pathway

The ACSL limited review or Peer-review pathway is for entities who have members practicing ministry but do not have overall governance for the ministry, or for entities with no members in ministry but which are responding to active complaints of abuse.

If a Church Authority enters a formal arrangement with another Church Authority, to provide governance, management and oversight of its work with children or adults at risk, this formal

arrangement must specify that the members are, for the purposes of safeguarding, considered as personnel of the Church Authority and as such must comply with all requirements of the hosting Church Authority.

The ACSL limited review or Peer-review requirements include demonstrating commitments to a set of Standards proportionate to their ministries and risk profile.

Undertaking a Peer-review will involve a self-assessment, via the NCSS Self-Assessment Portal, and an examination of supporting evidence by Australian Catholic Safeguarding Ltd or an independent panel of reviewers. If the assessment is contracted to an Auditor on the NCSS Auditor Register, it will be validated by ACSL, prior to certification being awarded to the Church entity.

Audit Pathway

The Audit pathway is for entities who have members engaged in ministry and have governance over that ministry. Dioceses and Ministerial Public Juridic Persons would follow this pathway.

The Audit pathway involves an initial self-assessment against all ten Standards, via the NCSS Self-Assessment Portal, followed by an in-depth validation process, including testing and site visits with a proportionate sample of parishes, ministries or offices, and informational interviews with key staff, based on the risk profile of the Church Authority. For a limited number of entities, a review of risk factors during validation of the self-assessment, such as the nature of ministry with children and adults at risk, history of complaints, and whether there are ministries overseas may mean that an audit needs to be conducted on fewer standards as opposed to all 10 of the NCSS.

Assessment, and certification against the National Catholic Safeguarding Standards is evidence of compliance with the National Principles for Child Safe Organisations.

ACSL Audit and Review Program

Individual Church entities enter into a service agreement with ACSL to participate in the ACSL Audit and Review Program. This begins with a self-assessment process through the NCSS Self-Assessment Portal.

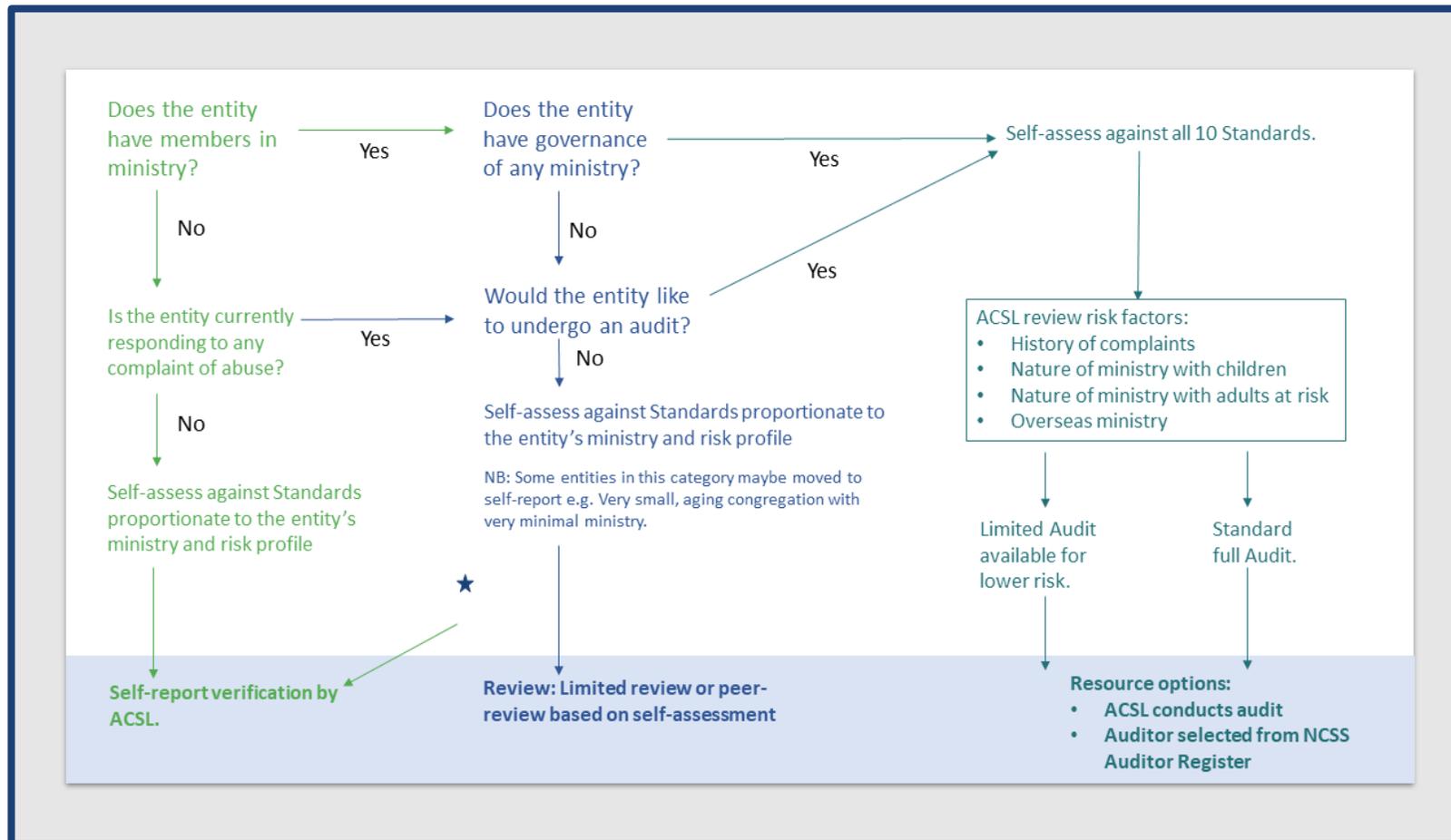
Once the preliminary self-assessment is complete, a service agreement is executed, and the Church entity, including all related entities will be deemed to be participating in the ACSL Audit and Review Program. Audits can be undertaken by ACSL or a member of the NCSS Auditor Panel.

This Program is a three-year cycle of external audits or reviews and annual reporting to maintain certification. Audit Reports are published by ACSL.

“But you, God, see the trouble of the afflicted; you consider their grief and take it in hand. The victims commit themselves to you; you are the helper of the fatherless.”

Psalm 10:14

Audit and review pathways overview



References

- Australia & Department of Social Services. (2021). *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031 (the National Framework)*. Commonwealth of Australia (Department of Social Services).
- Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, & McClellan, P. (2017). *Final report*. Royal Commission into Institutional Responses to Child Sexual Abuse. <https://www.childabuseroyalcommission.gov.au/final-report>
- Australian Institute of Health and Welfare. (2013). *National Framework for Protecting Australia's Children 2009-2020 technical paper on operational definitions and data issues for key national indicators*. Australian Institute of Health and Welfare.
- Catholic Church in Ireland & National Board for safeguarding children. (2016). *Safeguarding children: Policy and standards for the Catholic Church in Ireland 2016*. National Board for safeguarding children in the Catholic Church in Ireland.
- Costigane, H. (2020). Vos estis lux mundi: Too Far or Not Far Enough? *Ecclesiastical Law Journal*, 22(3), 300–313. <https://doi.org/10.1017/S0956618X2000037X>
- ["Fratelli tutti": Pope Francis calls for unity in new encyclical"](#). Catholic World Report. 4 October 2020. Retrieved 5 October 2020.
- Pontifical Council for Justice and Peace (2005). *Compendium of the social doctrine of the Church* (Repr). Libr. Ed. Vaticana.
- State of Victoria (Commission for Children and Young People). (2018). *A Guide for Creating a Child Safe Organisation*. Commission for Children and Young People. <https://ccyp.vic.gov.au/assets/resources/CSSGuideFinalV4-Web-New.pdf>
- St John Paul II, Centesimus annus: Encyclical letter of His Holiness Pope John Paul II, Vatican City, May 1991.
- UNICEF., & United Nations Centre for Human Rights. (1991). *Convention on the Rights of the Child*. United Nations Centre for Human Rights. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>



AUSTRALIAN CATHOLIC SAFEGUARDING LTD

A safe Church for everyone