



CHILD SAFEGUARDING POLICY

Archdiocese of Cape Town





Archdiocese of Cape Town

DECREE OF PROMULGATION

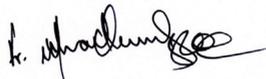
In accordance with the provisions of canon 8, §,2 of the Code of Canon Law, I hereby decree the promulgation of the policy for the safeguarding of children for the Archdiocese of Cape Town through publication of the document “**Child Safeguarding Policy**”. This policy comes into force as from the date of this decree and shall remain in force until modified by myself.

The application of this policy is mandatory throughout the Archdiocese of Cape Town. Any exception requires the explicit approval of myself or my delegate.

Given at Cape Town on the memorial of St Thérèse of the Child Jesus, this first day of October, 2015.

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+Stephen Brislin
Archbishop of Cape Town



Father Michael Clement SAC
Chancellor





Archdiocese of Cape Town



Foreword

Life is the greatest of God's gifts. No life is an accident - we have been brought into being because God wills it. The life of each child is a blessing given by God and children are to be nurtured, protected and loved.

Even Jesus gives us children as a role model. If we are to be great in the eyes of God, we have to become like little children (*cf. Matt 18. 4*) – innocent, pure and trusting. Jesus loved children and rebuked those who tried to prevent them approaching him (*cf. Mk 10. 14*) With uncharacteristic anger he spoke of those who cause little children to stumble or fall, saying that it would be better for that person if a great millstone were tied around his neck and he were thrown into the depth of the sea (*cf. Mk 9. 42*).

We celebrate the gift of life in our children and we are all responsible for them. The Ubuntu adage that “*my child is your child*” rings true and encapsulates our common responsibility towards children.

Our parishes should be a “home away from home” for children – a place where they will be safe, happy and experience the joy of belonging to a Christian community. Most of our parishes are exactly that - safe, happy places for children. This policy aims to strengthen that sense of acceptance and belonging. It is a positive attempt to enhance the depth of Christian community in our parishes. Unfortunately occasionally things do go wrong, and thus provision is made for a procedure to deal with allegations of abuse, also ensuring that we comply with civil law at all times.

Without mentioning names, I wish to thank those who have worked so hard to compile this document. They have far exceeded what could reasonably have been expected. On behalf of all who have the interests of children in their hearts I express my gratitude to them. I request all who have contact with children in our parishes to embrace this document and to implement it as a witness to the Gospel of Life.

+ Stephen Brislin

+Stephen Brislin
Archbishop of Cape Town



1 October 2015

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1. PREAMBLE

Each child shall be cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity which shall be respected, nurtured and protected by all.

- 1.1. The Archdiocese is committed to safeguarding all children who interact with the Church;
- 1.2. The Archdiocese recognises that in all matters concerning a child, the child's best interest is of paramount importance;
- 1.3. The Archdiocese recognizes that children have a right to be protected from maltreatment, neglect and abuse;
- 1.4. The Archdiocese has a duty to ensure that these rights are protected in all circumstances in which children interact with the Church.

2. APPLICATION OF THIS POLICY

- 2.1. This Policy applies to all Parishes or diocesan bodies within the Archdiocese and, in particular, to all persons interacting with children on behalf of the Parish or diocesan body;
- 2.2. This Policy applies to all other Church Organisations and Institutions within the Archdiocese (hereafter, referred to as "diocesan body/ies"), as listed in the Archdiocesan Directory;
- 2.3. In the event that these diocesan bodies have their own policies for the safeguarding of children, they shall be governed by those policies which shall not be contrary to this Policy;
- 2.4. This Policy becomes effective on promulgation by the Archbishop;
- 2.5. Every Parish or diocesan body is required to adopt this Policy formally through the ratification thereof by its Parish Pastoral Council or its executive, as the case may be;
- 2.6. This adoption is required on promulgation of the Policy and also at the commencement of the term of office of every newly constituted Parish Pastoral Council or the term of office of the new executive, as the case may be.

3. PURPOSE OF CHILD SAFEGUARDING POLICY

- 3.1. To ensure that all persons interacting with children on behalf of the Parish or diocesan body take every possible measure to prevent child abuse;

- 3.2. To ensure generally the safety and wellbeing of all children;
- 3.3. To provide an instrument for the upholding of the rights of children as described in the Preamble;
- 3.4. To align the policies of the Church with the legal framework of the country;
- 3.5. To ensure a transparent and effective response if cases of abuse do arise.

4. COMMITMENT

- 4.1. The Child Safeguarding Policy comprises Seven Standards. These Standards represent the expected level of safeguarding commitment and performance;
- 4.2. The Parish or diocesan body and all who interact with children on its behalf are committed to, and are obliged to practise, these Seven Standards, all in accord with the Policies of the Archdiocese.

THE SEVEN STANDARDS

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|-------------|-------------------------------------|
| Standard 1: | Child Safeguarding Policy Statement |
| Standard 2: | Procedures |
| Standard 3: | Preventing harm to children |
| | • Safe Recruitment |
| | • Code of Behaviour |
| | • Safe Activities |
| Standard 4: | Training and education |
| Standard 5: | Communication |
| Standard 6: | Advice and support |
| Standard 7: | Implementation and monitoring |

5. STANDARD 1: CHILD SAFEGUARDING POLICY STATEMENT

- 5.1. The Preamble and Purpose of this document inform this Policy, with the overarching recognition that: “in all matters concerning the care, protection and wellbeing of a child, the standard that the child’s best interest is of paramount importance, must be applied”¹;
- 5.2. This Policy has been written for publication to provide a visible commitment to safeguarding;
- 5.3. The structure of the Policy and its implementation is to ensure that:
 - 5.3.1. All members of a Parish or diocesan body community become aware of safeguarding issues and the role they can play in the effective implementation of the Policy;
 - 5.3.2. No persons who interact with children on behalf of the Parish or diocesan body engage in behaviour that could allow abuse to occur or could be misinterpreted as constituting, or leading to, abuse;
- 5.4. All persons who interact with children on behalf of the Parish or diocesan body shall be inducted into this Policy through appropriate training.

6. STANDARD 2: PROCEDURES

The Parish or diocesan body holds that the safety and wellbeing of children shall be the supreme consideration and at no time will children be put further at risk of harm by procedural delay or inaction.

Legal Obligation to Report (Children’s Act, Sexual Offences Act – See Appendix 9):

- 6.1. For all persons:
 - 6.1.1. In the event that a person has knowledge that a sexual offence has been committed against a child, that person must immediately report that knowledge to a Police Official;
 - 6.1.2. In the event that a person receives a complaint of abuse from the alleged victim (a child) or, has a reasonable suspicion that a child has been abused, that person must report the alleged abuse, in the prescribed form, to a designated Child Protection Organisation, Provincial Department of Social Development or a Police Official;

¹ Children’s Act 38 of 2005, Section 9

- 6.1.3. The Acts require reporting when a child has been abused in a manner causing physical injury, has been sexually abused or deliberately neglected.

(For information on various Forms of Abuse and Indicators of Abuse see Appendices 1 and 2).

Reporting to Contact Persons

- 6.2. Any person who is interacting with children on behalf of the Parish or diocesan body, in addition to the legal obligation to report as per clause 6.1, must also report to one of the Contact Persons (see clause 6.8);
- 6.3. All Parishioners or members of a diocesan body or parents/guardians of children who interact with the Parish or diocesan body:

in addition to having a legal obligation to report knowledge or reasonable suspicion of abuse to the civil authorities, are also encouraged to provide the information to one of the Contact Persons;

- 6.4. Any child who has been abused by any person interacting with him or her on behalf of the Parish or diocesan body, is encouraged to make contact with one of the Contact Persons;
- 6.5. The communication with the Contact Persons is encouraged:
 - 6.5.1. to ensure that neither the child that has allegedly been abused nor any other child is exposed to further harm;
 - 6.5.2. so that the Contact Person can provide information and support with regard to reporting to the civil authorities.

Approach adopted when receiving a concern regarding abuse:

- 6.6. Anyone who receives a concern, suspicion, disclosure or allegation of abuse against a child should respond as follows:
 - 6.6.1. Be welcoming, be supportive;
 - 6.6.2. Carefully and sensitively hear the person's story;
 - 6.6.3. Be sensitive to the person's culture and nationality and be conscious of any disability that may affect the communication process;
 - 6.6.4. Do not comment on, or speak to, the alleged perpetrator;
 - 6.6.5. Do not express an opinion on any aspect of the allegation;

- 6.6.6. Be mindful of the rights of all involved, particularly those of the person making the allegation and the alleged perpetrator;
- 6.6.7. Do not guarantee confidentiality to anyone who wishes to speak about a situation of abuse. The person should, however, be assured that information will only be provided to others in order to safeguard the child and in terms of this Policy, with specific reference to clauses 6.1 and 6.2;
- 6.6.8. Guide them towards speaking directly to the Contact Persons except in the case of sexual abuse, in which case they should report to a Police Official.

Policy Compliance

6.7. For all persons interacting with children on behalf of the Parish or diocesan body, the following shall constitute misconduct for the purpose of this Policy:

6.7.1. Misconduct A (Children’s Act, Sexual Offences Act)

- a. Committing an act of abuse against a child;
- b. Being found guilty by a Court of an offence involving abuse;
- c. Failure to disclose having been previously found guilty by a Court of an offence involving abuse against a child;
- d. Failure to disclose that his or her name appears in Part B of the National Child Protection Register.

6.7.2. Misconduct B

- a. Failure to report in terms of the provisions of clauses 6.1 and 6.2;
- b. Committing an act against a child, or children, that is not defined as abuse but is sufficiently serious in terms of the Church’s Code of Behaviour (Refer Section 12: Definitions);
- c. Failure to adhere to the Church’s Code of Behaviour resulting in harm to a child or children;

Archdiocesan Child Safeguarding Structure

6.8. The Archdiocese has a minimum of three Contact Persons. The Contact Persons are the primary Church contacts for complaints related to child abuse, or misconduct in terms of this Policy.

6.9. For allegations of misconduct against Clergy and Religious:

- 6.9.1. the Archdiocese has a Professional Conduct Committee headed by a Chairman and comprising a number of appropriately qualified members;
- 6.9.2. The Committee is governed by the “Protocol for the Investigation of Complaints against Clerics and Religious in regard to Sexual Abuse of Minors” and “Protocol for the Investigation of Complaints against Clerics and Religious in regard to Canonical Offences (other than Sexual Abuse of Minors)”²;

6.10. For allegations of abuse or misconduct against Laity:

- 6.10.1. The Archdiocese has a Child Safeguarding Panel, headed by a Child Safeguarding Officer and two assistants. Other suitably qualified individuals may be appointed from time to time;
- 6.10.2. The Child Safeguarding Panel is governed by the procedures laid out in Appendix 10 – Procedures for Allegations of Misconduct related to Child Safeguarding made against Laity;

6.11. All appointments are made by the Archbishop;

6.12. The Archdiocese shall provide all Parish and diocesan bodies with the names and contact details of the Contact Persons.

Core Safeguarding Elements of Archdiocese Procedures

6.13. Although more than one Archdiocesan body deals with misconduct or allegations of abuse, the following core *safeguarding* elements must apply:

- 6.13.1. The legal obligation to report to the civil authorities must be adhered to;
- 6.13.2. All complaints coming to the Church go to the Contact Persons;
- 6.13.3. The Contact Person meets with the complainant;
- 6.13.4. The Contact Person advises the complainant that he/she has a legal obligation to report abuse to the civil authorities;
- 6.13.5. If the complainant does not report it, the Contact Person is obliged to do so;

² Both Protocols referred to in clause 6.9.2 are available on the Southern African Catholic Bishops' Conference website

- 6.13.6. The Contact Person reports the complaint/misconduct to the relevant Archdiocesan body (Child Safeguarding Panel or the Professional Conduct Committee) and the Archbishop;
- 6.13.7. A person who is accused of misconduct is placed on administrative leave as soon as:
 - a. He/she is charged by SAPS;
 - b. An allegation of abuse is made to the civil authorities or a Contact Person and, after due process, appears warranted;
 - c. Credible evidence of misconduct, as defined, arises;
 - d. An incident is reported involving Church personnel and a child/children, that is not defined as abuse but is sufficiently serious in terms of the Church's Code of Behaviour;
- 6.13.8. The person remains on administrative leave until all civil, criminal and Church procedures are concluded;
- 6.13.9. Any person found guilty of misconduct, as defined in clause 6.7.1, by either a Court or Church process shall, as a minimum outcome, be prohibited from interacting with children on behalf of the Parish or diocesan body;
- 6.13.10. Any person found guilty of misconduct as defined by Clause 6.7.2 by either a Court or Church process may be prohibited from interacting with children on behalf of the Parish or diocesan body;
- 6.13.11. If the Police are investigating a case of child abuse or a judicial process has been instituted against a respondent:
 - a. Nothing shall be done that could obstruct or influence these proceedings;
 - b. In the case of a lay respondent, the early conclusion of the Church procedures is encouraged without diminishing the importance of clause 6.13.11.a;
 - c. In the case where the respondent is a cleric or a member of a religious institute, the Church will normally postpone all investigative procedures until all civil and criminal procedures are concluded;
- 6.13.12. The Church must investigate all allegations and suspicions of misconduct and process them in accordance with its procedures. This must be done expeditiously and in the

context of each case;

- 6.13.13. Anonymous allegations of abuse must be treated with caution and sensitivity but the child's interests must be emphasized at all times.

Essential Contact Details

- 6.14. In support of the required reporting procedures, a schedule of Essential Contact Information shall be publicly displayed in all Parishes and diocesan bodies:

- 6.14.1. The closest SAPS Child Protection and Sexual offences Unit (FCS);
- 6.14.2. The local Police Station;
- 6.14.3. The Department of Social Development;
- 6.14.4. Child Protection Organisations;
- 6.14.5. The Archdiocesan Contact Persons.

(See Appendix 3 for the format for the Essential Contact Information).

7. STANDARD 3: PREVENTING HARM TO CHILDREN

The Parish or diocesan body is committed to encouraging a culture of safety and preventing or reducing the risk of harm to children.

7.1. This culture shall be supported by:

- 7.1.1. Safe Recruitment;
- 7.1.2. Code of Behaviour;
- 7.1.3. Safe Activities;

- 7.2. Safe Recruitment** – care shall be taken to ensure that all Church personnel are recruited safely and are suitable for the job/role that they are being asked to undertake, particularly if they are to work with children;

- 7.2.1. Recruitment and suitability requirements will depend on a person's Parish or diocesan body activities and can include:
 - a. Job/Ministry description;
 - b. Interview;

- c. Formal identification;
- d. Appropriate references;
- e. Declaration of Suitability (see Appendix 5);
- f. National Register Clearances;

7.2.2. All Church personnel shall have some combination of these requirements apply to them (see Appendix 4 for details of the application of these requirements);

7.2.3. For Clergy this shall be administered by the Archbishop. For all other personnel it shall administered by the Parish priest or the appropriate person within a diocesan body;

7.3. Code of Behaviour – a clear and concise guide of acceptable and unacceptable behaviour and practice when working with children is defined in Code of Behaviour.

The following Code of Behaviour is adopted:

7.4. It is important that all Church personnel:

- a. Treat all children with respect;
- b. Provide an example of good conduct for others to follow;
- c. Operate within Church principles and guidelines;
- d. Be visible to others when working with children whenever possible;
- e. Challenge and report potentially abusive behaviour;
- f. Develop a culture where children can talk about their contacts with others openly;
- g. Respect each child’s boundaries;
- h. Help children develop a sense of their rights as well as helping them to know what they can do if they feel uncomfortable in a particular situation.

7.5. In general, it is inappropriate to:

- a. Spend excessive time alone with children away from others;
- b. Take children to one’s own home, especially if one is going to be alone with them.

7.6. In order to maintain standards of professionalism in their pastoral duties, Clergy and Religious should exercise prudence:

- a. In initiating and responding to physical contact, such as giving a comforting hug or an affirming touch;
- b. In the use of language that expresses affection or concern;
- c. In the giving and receiving of gifts.

7.7. Clergy, Religious, employees and volunteers in the Parish or diocesan body must never:

- a. Hit or otherwise physically assault or physically abuse a child or use any other prohibited punitive measures;
- b. Permit children in their care to abuse one another in any way;
- c. Indulge in sexual relations with children;
- d. Indulge in grooming behaviour;
- e. Develop relationships with children which could in any way be deemed exploitative or abusive;
- f. Act in ways that may be abusive or may place a child at risk of abuse.

7.8. All Church personnel must avoid actions or behaviour that could be construed as poor practice or potentially abusive. For example, they should never:

- a. Use language, make suggestions or offer advice which is inappropriate, offensive or abusive;
- b. Behave physically in a manner which is inappropriate or sexually provocative;
- c. Expose a child/children to pornographic material of any nature or on any media whatsoever or allow such exposure to take place;
- d. Stay alone overnight with a child/children;
- e. Sleep in the same room or bed as a child;
- f. Do things for children of a personal nature that they can do for themselves;
- g. Condone, or participate in, behaviour of children which is

illegal, unsafe or abusive;

- h. Act in ways intended to shame, humiliate, belittle or degrade a child;
- i. Serve alcohol or any other controlled substance to a child;
- j. Discriminate against, show different treatment, or favour particular children to the exclusion of others.

7.9. Safe Activities – providing clear guidelines on what to do to keep children safe before, during and after activities. The individual or team responsible for organising activities shall do a risk assessment to determine how best to run those activities. Strategies shall be worked out to deal with any risks identified. Every effort must be made to minimise the risk of any form of abuse.

(See Appendix 7 for a sample Activity Permission Form).

7.9.1. In providing guidelines for safe activities, the following areas shall be given particular attention:

- a. Vetting individual personnel involved in events and activities with children whether these activities are ongoing or of an ad hoc nature;
- b. Supervision: appropriate levels of supervision depending on the age of children and the activities involved, shall be put in place;
- c. Church-related children's groups, activities and trips should have adequate adult supervision. A ratio of one adult to every ten children is the guideline;
- d. If an outing or event is for a mixed group of boys and girls, there should be male and female supervisors and separate, supervised, sleeping accommodation;
- e. Supervisors are to be vigilant in order to prevent child-on-child abuse, such as bullying;
- f. Every attempt should be made to ensure that an adult is not left alone with a minor where there is little opportunity for their activity to be observed by others;
- g. Where an adult and minor meet in a one-to-one situation, it should be in an area where they can be seen by other adults, e.g. in an open space, or in a room with an open door or a glass door;

- h. Health and Safety: proper checks shall be carried out to ensure the safety of the venue, adequate changing areas and toilets, first aid supplies, safe transport, sleeping arrangements and adequate insurance;
- i. When transporting children, endeavour to ensure that there is more than one adult in the vehicle, ensure that the vehicle is roadworthy and insured. The driver must have a valid driver's licence. The vehicle must not be overloaded;
- j. Parental consent: prior to children participating in an activity organized by a Parish or diocesan body, parents shall sign a suitable consent form related to the activity. This is especially relevant when the activity involves a trip outside the local Church facilities or spending nights away from home;
- k. Use of IT equipment: care shall be exercised to reduce risk to children associated with harmful online activity and use of images, especially pornography, when they are involved in a Church related activity, group or event;
- l. Maintain a culture of awareness among adults and children by ensuring everyone is clear about roles and responsibilities; children and adults are encouraged to challenge and report any inappropriate conduct with children;
- m. Children should be informed on how to report concerns.

7.10. ALL CHURCH PERSONNEL SHALL RECEIVE A COPY OF STANDARD 3 – PREVENTION.

(See Appendix 6).

8. STANDARD 4: TRAINING AND EDUCATION

The Parish or diocesan body recognises that appropriate child safeguarding training for all those who work with children or have a designated child safeguarding/ welfare role is an integral and vital element in ensuring best practice.

- 8.1. Everyone who comes into contact with children has a role to play in their protection. It is held that in order to carry out this role effectively and confidently such persons need to be aware of child protection issues and have the necessary knowledge and skills;
- 8.2. All who work with children in a Parish or diocesan body shall be inducted into the Child Safeguarding Policy, in a manner appropriate to their different responsibilities;

- 8.3. The Parish or diocesan body shall identify personnel who need to access child safeguarding training. The following groups must be included:

Clergy, Religious, Pastoral Council members, Extraordinary Ministers of Holy Communion, catechists, youth leaders, sacristans, choir leaders, altar server trainers as well as anyone working with children and not in one of these categories;

- 8.4. In support of this Standard the Archdiocese shall provide a budget for training, identify suitable trainers and arrange training opportunities.

9. STANDARD 5: COMMUNICATION

The Parish or diocesan body shall ensure that the Child Safeguarding Policy is communicated to all Parish or diocesan body members, to all other persons involved in the Parish or diocesan body as well as to parents and children. It is understood that policies and procedures are effective only if everyone, including children, knows of their existence and how to apply them.

- 9.1. To facilitate communication, the Parish or diocesan body shall:

- 9.1.1. Provide workshops for Parish or diocesan body members, employees, volunteers and children to explain the Child Safeguarding Policy;
- 9.1.2. Display the Child Safeguarding Policy poster in a public place in the Parish or diocesan body;
- 9.1.3. Endeavour to ensure that parents, children and other relevant persons know about the Child Safeguarding policies and reporting procedures.

10. STANDARD 6: ADVICE AND SUPPORT

The Church shall facilitate access to advice and support for anyone who has been abused or who has perpetrated abuse.

- 10.1. The Contact Persons shall maintain a list of appropriate services, authorities and organisations that can be accessed by anyone who has a concern about abuse;
- 10.2. The Parish or diocesan body shall maintain a supportive environment, particularly for vulnerable children, so that they are able to report abuse, access information and get support;
- 10.3. The Alleged Victim – Abuse profoundly affects the child as well as his/her family. If allegations of abuse are found, or appear, to be credible:

- 10.3.1. The Church shall seek to know the needs of the alleged victim and his/her family and a possible response of the Church to these needs, with a focus on psychological and spiritual aspects;
- 10.3.2. The Church shall seek to assist the alleged victim and his/her family with the necessary counseling or therapy. This may, or may not, be provided by an agency of the Church;
- 10.3.3. The Church acknowledges particularly that civil procedures involving child abuse are psychologically and emotionally daunting. The Church shall seek to assist with the necessary counseling or therapy during such procedures to encourage their conclusion.

10.4. The Respondent:

- 10.4.1. The Church shall provide the respondent with advice regarding counseling;
- 10.4.2. If an allegation of abuse is found to be patently false, the Church shall take whatever reasonable steps are necessary to restore the respondent's good name and to repair the damage that may have been done.

11. STANDARD 7: IMPLEMENTATION AND MONITORING

The Parish or diocesan body shall devise a strategy to implement and disseminate the Child Safeguarding Policy. In addition, a plan of action shall be developed to monitor the effectiveness of the steps taken to safeguard children

- 11.1. In order to implement and disseminate this Policy, the Parish Pastoral Council or the executive of the diocesan body shall utilise both formal and informal procedures. Such procedures will include policy documents, notices, newsletters, meetings, workshops and training;
- 11.2. The Parish Pastoral Council or diocesan body executive undertakes to monitor the effectiveness of these steps in a systematic way;
- 11.3. The Archbishop shall monitor each Parish pastoral Council's implementation of the Child Safeguarding Policy through the Dean's annual visitation of each Parish;
- 11.4. The Archbishop shall monitor each diocesan body's implementation of the Child Safeguarding Policy through his delegate's visitation to each diocesan body.

12. DEFINITIONS

In this Policy, unless the context indicates otherwise, -

- 12.1. **“all persons” interacting with a child on behalf of the Parish or diocesan body** include Clergy, Religious, Employees, Pastoral Council Members, Extraordinary Ministers of Holy Communion, Catechists, Youth Leaders, Sacristans, Choir Leaders, altar server trainers, as well as anyone interacting with children on behalf of the Parish or diocesan body and not included in one of these categories.
- 12.2. **“Administrative Leave”** means the temporary withdrawal of a respondent from active ministry.
- 12.3. **“Abuse”** has the same meaning as contemplated by chapter 1 of the Children’s Act, and means any form of harm or ill-treatment deliberately inflicted on a child, and includes:
 - 12.3.1. Assaulting a child or inflicting any other form of deliberate injury to a child;
 - 12.3.2. Sexually abusing a child or allowing a child to be sexually abused;
 - 12.3.3. Bullying by another child;
 - 12.3.4. A labour practice that exploits a child;
 - 12.3.5. Exposing or subjecting a child to behavior that may harm the child psychologically or emotionally;
 - 12.3.6. Purposeful neglect that leads to the above.
- 12.4. **“Archbishop”** means the Archbishop of the Archdiocese of Cape Town.
- 12.5. **“Archdiocese”** means the Archdiocese of Cape Town of the Roman Catholic Church.
- 12.6. **“BCEA”** means the Basic Conditions of Employment Act 75 of 1997.
- 12.7. **“CCMA”** means the Commission for Conciliation, Mediation and Arbitration established in terms of the Labour Relations Act 66 of 1995.
- 12.8. **“Child”** means a person under the age of 18 years.
- 12.9. **“Children’s Act”** means the Children’s Act 38 of 2005.
- 12.10. **“Church’s Code of Behaviour”** refers to the Code of Behaviour in this

Policy and the conduct contained in the SACBC document “Integrity in Ministry”.

- 12.11. **“Church Organisations and Institutions”** means those organisations and institutions recognized by the Archbishop as operating under the auspices of the Archdiocese.
- 12.12. **“Church Personnel”** means all who minister, work or volunteer within a Parish, Church Institution or Organisation, unless indicated otherwise.
- 12.13. **“Civil Authorities”** means:
- 12.13.1. South African Police Services;
 - 12.13.2. Provincial Department of Social Development;
 - 12.13.3. Designated Child Protection Organisation;
 - 12.13.4. Director/s of Public Prosecutions.
- 12.14. **“Clergy”** means Bishops, Priests and Deacons.
- 12.15. **“Contact Person(s)”** indicates persons appointed by the Archbishop in terms of:
- 1.1.1. Protocol for the Investigation of Complaints against Clerics and Religious in Regard to Sexual Abuse of Minors;
 - 1.1.2. Protocol for the Investigation of Complaints against Clerics and Religious in regard to Canonical Offences (other than Sexual Abuse of Minors);
 - 1.1.3. Procedures for Allegations of Misconduct related to Child Safeguarding made against Laity (Appendix 10 of this Policy).
- 12.16. **“Designated Child Protection Organisation”** means an organisation designated in terms of section 107 of the Children’s Act to perform designated child protection services e.g. Child Line.
- 12.17. **“Employee”** means those employed to work in the Parish or diocesan body other than Clergy.
- 12.18. **“Grooming”** involves behaviour in which a potential abuser, in a subtle manner, prepares a child for what could develop into sexual abuse.
- 12.19. **“Lay”** or **“Laity”** comprises Church Personnel who are not Clergy or Religious.

- 12.20. “**LRA**” means the Labour Relations Act 66 of 1995.
- 12.21. “**Misconduct**” means behavior as defined in clause 6.4 of this Policy.
- 12.22. “**Parish**” means a certain community of Christ’s faithful stably established in the Archdiocese, whose pastoral care, under the authority of the Archbishop, is entrusted to a Parish priest as its proper pastor.
- 12.23. “**Parish Pastoral Council**” means a body of parishioners stably constituted to assist the parish priest in his pastoral responsibilities for the Parish.
- 12.24. “**Policy**” means the policy as set out in this document, and includes any schedules or annexures hereto.
- 12.25. “**Relevant Church Authority**” is typically, but is not restricted to, the Parish priest; in general terms it is the cleric who exercises direct authority over the continuing active ministry of a respondent.
- 12.26. “**Religious**” means a member of an institute of consecrated life which comprises religious institutes and societies of apostolic life.
- 12.27. “**Respondent**” means any person who interacts with children on behalf of a Parish or diocesan body and has an allegation of misconduct against him or her
- 12.28. “**Sexual Abuse**” means any form of sexual behavior with a child.
- 12.29. “**Sexual Offence**” has the same meaning as contemplated by section 1 of the Sexual Offences Act.
- 12.30. “**Sexual Offences Act**” means the Criminal Law (Sexual Offences and Related Matters) Amendments Act 32 of 2007.
- 12.31. “**Volunteer**” means any person, excluding Clergy and Religious, involved in both commissioned and informal ministries and those who give time to the Parish or diocesan body in any way in the name of the Parish or diocesan body.

Appendix 1

Forms of Child Abuse

In the context of this document a child (“a minor”) is a person under the age of 18 years.

What is child abuse?

Abuse of a child may occur when somebody inflicts harm on the child or fails to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by a stranger.

Physical abuse includes hitting, shaking, kicking, throwing, poisoning, burning or scalding, drowning or suffocating, or otherwise causing physical harm to a child;

Psychological abuse includes sarcasm, degrading punishments, threats and not giving love and affection, which can have adverse effects on the behaviour and emotional development of a child. It may involve conveying to a child that he/she is worthless, unloved, inadequate or devalued insofar as he/she meets the needs of another person. It could mean having unrealistic expectations of a child. Eliciting fear, or exploiting or corrupting a child can also be features of psychological abuse;

Neglect occurs when basic needs such as food, warmth, shelter and medical care are not met which results in serious impairment of the development of the child. It may involve failure to protect the child from harm or danger. It may also include unresponsiveness to a child’s basic emotional needs;

Sexual abuse involves pursuing, enticing or forcing a child to take part in sexual activities, whether or not the child is aware of what is happening. It may include penetrative or non-penetrative acts. It may also include non-contact activities, such as involving children in production of, or viewing of, pornographic material, or encouraging children to act in sexually inappropriate ways;

Cyber Abuse: The use of IT technology, computers, phones, etc., to bully or abuse another through the use of text, sound or image.

These types of abuse apply equally to children with mental and/or physical challenges but the abuse may take slightly different forms e.g. where there is lack of supervision, or where restraints are used to confine a child or young person to a wheelchair or bed.

Appendix 2

Some useful Indicators of Child Abuse are listed here

Physical abuse:

- unexplained bruising, or marks of injuries on any part of the body including hand or finger marks;
- cigarette burn/s;
- bite marks;
- broken bones;
- scalds;

CHANGES IN BEHAVIOUR – fear of parent or other possible abuser being approached, temper outburst, flinching when approached or touched, aggression, reluctance to get changed into sports gear etc., depression, becoming withdrawn, running away.

Emotional abuse:

- failure to thrive, particularly if the child puts on weight in other circumstances e.g. when away from home;
- sudden speech disorders;
- developmental delay - physically or emotionally;

CHANGES IN BEHAVIOUR – sulking, hair twisting, rocking, unable to play, fear of making mistakes, self-harm, the fear of parent, or other possible abuser, being approached regarding their behaviour.

Sexual abuse:

- pain, itching, bruising or bleeding in the genital area;
- sexually transmitted infections (STIs);
- vaginal discharge or infection;
- discomfort when walking or sitting down;
- stomach pains;
- pregnancy;

CHANGES IN BEHAVIOUR – unexplained aggression, becoming withdrawn, fear of being left with a specific person/people, nightmares, running away, inappropriate sexual knowledge and behaviour, drawings or language beyond age, bedwetting, eating problems, self-harm sometimes leading to suicide attempts, secrets they cannot share,

substance or drug abuse, unexplained sources of money, showing evidence of being prevented from having friends, sexually explicit actions towards adults.

Neglect:

- constant hunger – sometimes stealing food from other children;
- constantly ‘dirty’ or smelly;
- constant underweight or loss of weight;
- being left alone or unsupervised;
- inappropriate dress for conditions;

CHANGES IN BEHAVIOUR – tiredness, not seeking medical assistance and/or failing to keep appointments, having few friends.

Cyber Abuse:

The indicators for Cyber abuse may include a combination of indicators for Emotional and Sexual Abuse.

Important Note - Children will at times exhibit some of these indicators without this necessarily being evidence of abuse.

Appendix 3

Essential Contact Information

| | | | |
|--|------------------|----------|--|
| ARCHDIOCESAN CONTACT PERSONS | A Contact Person | Landline | |
| | | Cell | |
| | | Email | |
| | | Fax | |
| | A Contact Person | Landline | |
| | | Cell | |
| | | Email | |
| | | Fax | |
| | A Contact Person | Landline | |
| | | Cell | |
| | | Email | |
| | | Fax | |
| LOCAL POLICE STATION | Landline | | |
| | Email | | |
| | Fax | | |
| CLOSEST SAPS Family Violence, Child Protection and Sexual Offences Unit (FCS) | Landline | | |
| | Email | | |
| | Fax | | |
| LOCAL OFFICE OF THE DEPT OF SOCIAL DEVELOPMENT OR OTHER ORGANISATION RESPONSIBLE FOR STATUTORY SERVICES IN THE AREA | Landline | | |
| | Email | | |
| | Fax | | |
| CHILDLINE | Landline | | |
| | Fax | | |
| | Email | | |

Parish or diocesan body _____

Appendix 4

Safe Recruitment Requirements

The Parish or diocesan body is to ensure that whoever is employed or recruited for a voluntary role is recruited safely and is suitable for the job/role that he/she is being asked to undertake, particularly if he/she is to work with children. To achieve this a combination of recruitment and suitability procedures shall apply. No Church personnel are excluded.

The particular recruitment and suitability requirements will depend on a person's Parish or diocesan body activities.

Requirements for all Church Personnel:

- Job/Ministry description;
- Interview;
- Formal identification;
- Acknowledgement and Commitment – Appendix 6.

In addition, for Church personnel who may interact with children on behalf of the Parish or diocesan body (Clergy, Religious, Parish or diocesan body Pastoral Council members, Extraordinary Ministers of Holy Communion, catechists, sacristans, youth leaders, choir leaders, altar server trainers as well as anyone interacting with children and not in one of these categories), there is required:

- Appropriate references;
- Declaration of Suitability – Appendix 5*;
- Standard Police Clearance;
- National Child Protection Register - Part B: Clearance in terms of Children's Act 38 of 2005, Section 126* (See Appendix 8);
- National Register for Sex Offenders: Clearance in terms of Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007* (See Appendix 8).

*statutory requirements

Appendix 5

Personnel Form: Declaration of Suitability

This Declaration applies to:

Clergy, Religious, Pastoral Council members, Extraordinary Ministers of Holy Communion, catechists, sacristans, youth leaders, choir leaders, altar server trainers as well as those working with children and not in one of these categories.

This is a CONFIDENTIAL form. It is to be handled ONLY by the Archbishop, Parish priest, the cleric responsible for or the designated administrator of a diocesan body, as the case may be.

The welfare of children must be the primary consideration. The Parish or diocesan body therefore requires that everyone interacting with children on its behalf or handle personal details of children complete and sign this declaration:

A. Do you have any prosecutions pending or have you ever been convicted of a criminal offence relating to the abuse of children?

Yes

No

If yes, please state below the nature and date(s) of the offence(s)

Date of offence: _____

Nature of offence: _____

B. Has a Protection Order in terms of the Domestic Violence Act No. 116 of 1998 ever been issued against you?

Yes

No

If yes, particulars must be furnished _____

C. Have you ever been the subject of disciplinary procedures or been asked to leave employment or voluntary activity due to inappropriate behaviour towards a child?

Yes

No

If yes, please give details including date(s) below:

Full name (print): _____

Any surname previously known by: _____

Address: _____

Date of Birth: _____ **Place of Birth:** _____

DECLARATION:

I understand that, if it is found that I have withheld relevant information or included any false or misleading information above, I shall be removed from my post whether paid or voluntary, without notice or, as a cleric, be removed by the Archbishop from interacting with children. I understand that the information shall be kept securely by the relevant Church organisation.

I hereby declare the information I have provided is accurate.

Signed: _____ **Date:** _____

Appendix 6

Personnel Form: Acknowledgement and Commitment

This document is to be signed by **all** Church personnel.

It is to be retained in the individual's ministry file or in their confidential staff file.

I acknowledge that I have been informed about the Child Safeguarding Policy and have received the Standard related to Prevention – Standard 3.

I hereby commit myself to adhering to the Child Safeguarding Policy.

Name _____

Date _____

Signed: _____

Parish or diocesan body _____

Appendix 7

Activity Permission Form for Persons Under 18 years.

1. Name of Parish or diocesan body

Venue/Activity/ Group/Event _____

Date/Time _____

Name of person responsible _____

Contact Number of Person Responsible _____

2. Name of child _____

Date of Birth _____

Address _____

Child's Telephone Number _____

Give details of **any** medical condition of which the Organisers ought to be aware. Please include details of any medication which has to be taken or any dietary requirements.

(This information shall be treated in confidence)

3. I have read all the information provided concerning the programme of the above activity. I hereby give permission for my son/daughter/ward to participate in the above activity.

4. I acknowledge that _____ does not accept liability or responsibility for an incident or accident unless there is proven negligence or breach of statutory duty of the organisation, its servants or agents.

Parent/Guardian details

Name _____ Tel _____

Address _____

(If different from the child's address above)

Signed _____ Date _____

(Parent/Guardian)

Any additional telephone numbers during the period of the activity

Address _____

(If different from the child's address above)

Signed _____ Date _____

(Parent/Guardian)

Any additional telephone numbers during the period of the activity

Appendix 8

National Registers

1. National Child Protection Register – Part B

Children’s Act 38 of 2005 – Section 123

The Act creates a register for recording information on child abuse.

Part B of the Register records the details of people found to be unsuitable to work with children. The Act states that no person whose name appears on Part B of the Register may work with or have access to children.

Applications for checking Part B are to be made to the Department of Social Development:

Director General
Department of Social Development
Child Protection Register
Private Bag X901
Pretoria 001

2. National Register for Sex Offenders (Department of Justice)

Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 – Section 45

The Act creates a register of every person convicted of a sex crime. Employers face prosecution if they fail to check whether a current employee or possible employee is on the register. The Church is included in the definition of ‘employer’. Volunteers are included in the definition of ‘employees’.

Applications for checking the register are made to the Registrar of the National Register for Sex Offenders, Department of Justice.

The Archdiocese shall provide updated operational details of these processes when appropriate.

Appendix 9

Obligation to Report – Legal Acts Extracts

Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) – Section 54

- (1) (a) A person who has knowledge that a sexual offence has been committed against a child *must report such knowledge*³ immediately to a police official.
- (b) A person who fails to report such knowledge as contemplated in paragraph (a), is guilty of an offence and is liable, on conviction, to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

Children’s Act, 2005 (Act 38 of 2005) – Section 110

- (1) Any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, midwife, *minister of religion*, nurse, occupational therapist, physiotherapist, psychologist, *religious leader*, social service professional, social worker, speech therapist, *teacher*, traditional health practitioner, traditional leader or *member of staff or volunteer worker at a partial care facility, drop-in centre or child and youth care centre* who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, *must report that conclusion* in the prescribed form to a designated child protection organisation, the provincial department of social development or a police official.
- (2) Any person who on reasonable grounds believes that a child is in need of care and protection may report that belief to the provincial department of social development, a designated child protection organisation or police official.
- (3) A person referred to in subsection (1) or (2) –
- (a) must substantiate that conclusion or belief to the provincial department of social development, a designated child protection organisation or a police official; and
- (b) who makes a report in good faith is not liable to civil action on the basis of the report.

³ Italics added

Appendix 10

Procedures for Allegations of Misconduct Related to Child Safeguarding made against Laity

This Procedure is an integral part of the Child Safeguarding Policy of the Archdiocese of Cape Town. It is applicable only to Laity who interact with children on behalf of the Parish or diocesan body.

The SACBC has two comprehensive Protocols that cover procedures related to suspicions and allegations of abuse against children, and associated transgressions, by Clergy and Religious. These two Protocols do not apply to the Laity.

The central *safeguarding* elements contained within the Protocols and this Procedure are very similar. **It is emphasized that the legal obligation to report child abuse to the civil authorities is supreme (see clause 6.1).**

1. The Archdiocese has a number of Contact Persons. These Contact Persons are the primary Church contacts for complaints or allegations related to child abuse or if there is evidence of misconduct in terms of the Child Safeguarding Policy.
2. If a complaint or allegation is made or evidence of misconduct is brought to anyone else within the Archdiocese, that person should:
 - 2.1. Immediately notify one of the Contact Persons of the complaint and pass on whatever details they have received;
 - 2.2. Acknowledge receipt of the complaint, inform the complainant that their concern will be dealt with by a Contact Person and assure them that the Contact Person will be in touch with them forthwith.
3. On receipt of a complaint or allegation or evidence of misconduct, the Contact Person must immediately inform the Child Safeguarding Officer.
4. If the Police are investigating a case of child abuse or a judicial process has been instituted against a respondent:
 - 4.1. Nothing shall be done that could obstruct or influence the civil proceedings;
 - 4.2. The early conclusion of Church procedures is encouraged without diminishing the importance of clause 4.1.
5. The Contact Person arranges a meeting with the complainant without delay, preferably within 24 hours of receiving the complaint.
6. If the complainant is a child, the parent, guardian or other appropriate

adult must be present at any meeting.

7. A written record of the meetings between the Contact Person and the complainant is made. It must be signed by the Contact Person and the complainant or accompanying adult, if applicable.
8. The Contact Person must inform the complainant of the process that this procedure follows.
9. If a complaint or allegation is made against a lay person who is not interacting with children on behalf of the Parish or diocesan body:
 - 9.1. This Procedure is not applicable;
 - 9.2. The complainant is advised that the matter must be reported to the civil authorities.
10. Reporting:
 - 10.1. The Contact Person informs the complainant of the legal obligation to report to the civil authorities;
 - 10.2. If the matter requires reporting and the complainant is reluctant to do so, the Contact Person must indicate that he/she then has the obligation to report it;
 - 10.3. The Contact Person then reports the case to the civil authorities;
 - 10.4. Where the complainant indicates that he/she will report the matter, the Contact Person must monitor that this does happen. If the Contact Person is unable to establish whether it has been reported or not, the Contact Person must do so forthwith and inform the complainant of this. This should happen within 48 hours of the meeting with the complainant;
 - 10.5. The Contact Person must obtain a receipt from the civil authorities as evidence of having reported the matter.
11. As soon as possible after meeting the complainant, the Contact Person meets with the Child Safeguarding Officer and the Child Safeguarding Panel, excluding one of the assistant Child Safeguarding Officers. The record of the meeting with the complainant is tabled.
12. Based on the information available, the meeting determines if there is a warranted suspicion of misconduct. If so, the respondent must be placed on administrative leave forthwith. Further information is gathered if required.
13. Administrative leave is automatically applicable if the matter has been

reported to the civil authorities.

14. The Child Safeguarding Officer informs the relevant Church Authority of the case and the decision regarding administrative leave.
15. The relevant Church Authority informs the respondent:
 - 15.1. of the allegation;
 - 15.2. the decision regarding administrative leave;
 - 15.3. and the process to be followed.
16. If the respondent is to be placed on administrative leave, the Child Safeguarding Officer monitors that this has been carried out. If it has not, the Archbishop shall take the necessary action to enforce it.
17. The relevant Church Authority informs the respondent of a disciplinary hearing to determine whether or not he/she is guilty of misconduct in terms of the Child Safeguarding Policy.
18. The assistant Child Safeguarding Officer chairs the hearing. Note that this must be the assistant not yet exposed to any details of the case.
19. The hearing is to be conducted in accordance with the BCEA⁴, LRA⁵ and any other applicable law.
20. Hearing outcome:
 - 20.1. If the respondent is found guilty of misconduct in terms of the Child Safeguarding Policy clause 6.7.1, he or she shall be summarily dismissed;
 - 20.2. If the respondent is found guilty of misconduct in terms of the Child Safeguarding Policy clause 6.7.2, he or she:
 - 20.2.1. may be summarily dismissed;
 - 20.2.2. may be withdrawn from interacting with children on behalf of the Parish or diocesan body;
 - 20.2.3. may be presented with a different outcome, commensurate with the circumstances of the case;
 - 20.3. In considering the outcome under clause 20.2, mitigating and aggravating factors must be considered, with the following taken

⁴ Basic Conditions of Employment Act 75 of 1997

⁵ Labour Relations Act 66 of 1995

into account, starting with the greater level of importance:

- 20.3.1. The past impact on the complainant and/or victim, if applicable;
- 20.3.2. The impact the outcome may have on the complainant and/or victim, if applicable;
- 20.3.3. The safety of children in the Parish or diocesan body;
- 20.3.4. The integrity of the Child Safeguarding Policy;
- 20.3.5. The respondent's track record in the Archdiocese;
- 20.3.6. The impact that the outcome may have on the respondent;
- 20.3.7. The respondent's receptiveness to counseling;

20.4. The Child Safeguarding officer informs the respondent of the outcome.

- 21. If the respondent is an employee of the Parish or diocesan body he or she may appeal the findings of the hearing to the CCMA⁶ in terms of the BCEA.
- 22. If the respondent is a volunteer:
 - 22.1. He or she may appeal the findings of the hearing to the Archbishop;
 - 22.2. The Archbishop, at his discretion, may grant an appeal and set up an independent appeal hearing to hear the matter.
- 23. The Child Safeguarding Officer informs:
 - 23.1. The complainant of the outcome of the hearing;
 - 23.2. The relevant Church Authority of the outcome of the hearing;
- 24. The relevant Church Authority executes the outcome;
- 25. The Child Safeguarding Officer monitors the execution of the outcome;
- 26. If the outcome is not executed, the Archbishop shall take the necessary steps to enforce it;
- 27. The Church must investigate all allegations and suspicions of misconduct and process them in accordance with its procedures. This must be done expeditiously and in the context of each case;
- 28. Anonymous allegations of abuse must be treated sensitively and with caution, with the child's interests emphasized at all times.

⁶ Commission for Conciliation, Mediation and Arbitration established in terms of the Labour Relations Act 66 of 1995