POLICY AND PROCEDURES
ON
SAFEGUARDING CHILDREN
(2015)
INTRODUCTION

The Missionary Community of St. Paul the Apostle and Mary, Mother of the Church (MCSPA) has from its very origins given the nurture and growth of children, especially those from marginalized backgrounds, an important part of its missionary work. It is an abuse to the human and spiritual growth of children when they are subject to malnutrition, disease and ignorance or to an environment of injustice and underdevelopment. The MCSPA, in all its apostolate, strives to fight this abuse on the welfare and good of children.

This document *Policy and Procedures on Safeguarding Children (2015)* is meant to state unequivocally the MCSPA’s commitment to safeguarding all those minors who gather around its various apostolates and ministries at its missions, parishes and houses. It aims to impress on every member and collaborator of the MCSPA of its commitment to protecting children from sexual and physical abuse. Consequently, these members and collaborators must be totally aware of his or her obligation to protect children, in harmony with the Gospel, Catholic Social Teaching and both civil and ecclesiastical law.

This document also affirms the MCSPA’s commitment to working with authorities, both civil and ecclesiastical, on aspects of child welfare.

The MCSPA’s *Policy and Procedures on Safeguarding Children (2015)*, produced by the Legal Matters Committee of the MCSPA, has been drawn from various documents:


Fr. Fernando Aguirre
President, MCSPA Board of Directors
July 2015
Article 1. Guiding Principles

1.1. Each child shall be cherished, nurtured and affirmed as a gift from God.

1.2. Each child has an inherent right to personal dignity and bodily integrity.

1.3. All children, whatever their gender, culture, race, language, religious beliefs or social status have a right to protection.

1.4. Members and collaborators of the MCSPA living in missions, parishes and physical houses of the Association, have an obligation to ensure that the fundamental rights of children are respected.

Article 2. Definitions

2.1. A minor is defined as any person under the age of eighteen years and a person who habitually lacks the use of reason.

2.2. Child abuse refers to a form of maltreatment of a child. Someone may abuse or neglect a child by inflicting harm or by failing to act to prevent harm.

2.3. Physical abuse may involve hitting, kicking, suffocating, misuse of medication, applying inappropriate sanctions or otherwise causing physical harm to a child. It can also apply to one’s failure to act to protect a child.

2.4. Emotional abuse is the persistent emotional ill-treatment or rejection of a child by conveying that he or she is unloved, inadequate or even worthless; or by overprotection and limiting exploration, learning, and normal social interaction.

2.5. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether the child is aware of what is happening or not. The activities may involve physical contact involving penetrative sex (rape or buggery) or non-penetrative sex (oral sex).

Other forms may include non-contact activities, such as involving children to look at or participating in the production of pornographic material, watching sexual acts or behaving in sexually inappropriate ways.

Boys and girls can be sexually abused by males or females, by adults or youth, by family members or people from all walks of life.

2.6. Neglect can be defined as an omission or the failure to protect a child. This is often evidenced in the child by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, safety, affection from adults, and failure to access proper medical care.
Article 3. How to Recognize Child Abuse

3.1. Recognizing child abuse is not easy. Neither is it a responsibility of an individual to decide whether or not child abuse has taken place. However, one does have the responsibility to alert the appropriate agencies, so that they can take the necessary actions to protect the child.

3.2. The following information should be helpful, so that one may become more alert to the signs of possible abuse:

<table>
<thead>
<tr>
<th>Physical Abuse</th>
<th>Emotional Abuse</th>
<th>Sexual Abuse</th>
<th>Neglect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unexpected bruising, or marks of injuries on any part of the body including hand or finger marks</td>
<td>Failure to thrive, particularly if the child puts on weight in other circumstances, e.g. when away from home</td>
<td>Pain, itching, bruising or bleeding in the genital area</td>
<td>Constant hunger: sometimes stealing food from other children</td>
</tr>
<tr>
<td>Cigarette burns</td>
<td>Sudden speech disorders</td>
<td>Sexually transmitted diseases</td>
<td>Constantly ‘dirty’ or smelly</td>
</tr>
<tr>
<td>Bite marks</td>
<td>Developmental delay: physically or emotionally</td>
<td>Vaginal discharge or infection</td>
<td>Constantly underweight or loss of weight</td>
</tr>
<tr>
<td>Broken bones</td>
<td>Withdrawal</td>
<td>Discomfort when walking or sitting down</td>
<td>Being left alone or unsupervised</td>
</tr>
<tr>
<td>Scalds</td>
<td></td>
<td>Abdominal pains</td>
<td>Inappropriate dress for conditions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Changes in Behaviour</th>
<th>Changes in Behaviour</th>
<th>Changes in Behaviour</th>
<th>Changes in Behaviour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fear of parents being approached</td>
<td>Sulking, hair twisting, rocking, unable to play</td>
<td>Withdrawn, unexplained aggression; fear of being left with a specific person or people; nightmares; running away; sexual knowledge, drawings or language beyond age; bed-wetting; eating problems; self-harm sometimes leading to suicide attempts; secrets they cannot share; substance or drug abuse; unexpected sources of money; avoids making friends; sexually explicit actions towards adults</td>
<td>Tiredness</td>
</tr>
<tr>
<td>Temper outbursts</td>
<td>Fear of making mistakes</td>
<td>Not seeking medical assistance</td>
<td>Failing to keep appointments</td>
</tr>
<tr>
<td>Flinching when approached or touched</td>
<td>Self-harm</td>
<td>Having few friends</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>Aggression</td>
<td>Fear of parents being approached regarding their behaviour</td>
<td>Constant sadness</td>
<td></td>
</tr>
</tbody>
</table>
Note: These definitions and indicators are not meant to be definitive. They serve only as a guide to assist in recognizing possible child abuse.

Article 4. The Policy of the MCSPA on Safeguarding Children

4.1. The Missionary Community of St. Paul the Apostle is committed to the best practices that protect all children from harm.

4.2. The MCSPA shall promote an understanding of protection needs and acceptable modes of behaviour, so as to reduce the risks of harm and exploitation of children.

4.3. The MCSPA shall keep under review all structures put in place and actions taken on awareness-raising, prevention, reporting, responding and the monitoring of all forms of child abuse.

4.4. This Policy aims to protect children and minors, and applies to:

- All members of the MCSPA (clerics and lay); and
- All collaborators living in missions, parishes and physical houses of the MCSPA.

4.5 All members of the MCSPA will ensure that all staff working under them will be made aware of the MCSPA’s commitment to safeguarding children.

Article 5. General Guidelines of the Protection Policy

5.1. Understanding good practices that can be applied in everyday work and life situations must be a priority in all that we do.

5.2. Among the Behavioural Patterns to be followed are:

- Treat all children with respect. Be mindful of their boundaries.
- Provide a good example of acceptable behaviour in a way that is in line with and truthful to the Gospel and to the charism of the MCSPA.
- Challenge and report potentially abusive behaviour.
- Help children develop a sense of their own rights and to know what to do if they are violated.
- Develop a culture that enables children to talk openly about contacts with the members of the MCSPA, or others.
- Avoid taking children to your house where they will be alone with you. Choose open, public locations for meetings.
- Whenever possible, in meeting a minor, it is advisable to have the presence of another responsible adult.
- Do not develop relationships with children that can be deemed in any way exploitative or abusive.
- Do not do things of a personal nature that a child can do for him/herself (e.g. grooming, dressing or bathing).
- Do not show favouritism or spend excessive amounts of time with one child.
- Never act in ways that are intended to shame, humiliate, belittle or degrade a child.
- Avoid inappropriate use of the media, social websites, the internet, films and photographs. Those with pornographic contents/nature, especially those with child pornography, are totally forbidden.
- Never make suggestive remarks that are offensive or abusive.
- Never behave physically in a manner that is sexually provocative.
- Never engage in, or allow sexually provocative games, with children to take place.
- Never engage in transactional sex in any form or prostitution with children.

5.3. Among the Psychological Patterns to be noted and followed are:

- Be aware of the power relationships between an adult or a member with a child.
- Never take any psychological advantage of a child.
- Use language that mentally and emotionally empowers a child.
- Never degrade or humiliate a child.
- Show neutrality and impartiality to children regardless of race, culture, age, gender, disability, family background, social status or religious beliefs.
- Make other adults aware of the proper treatment of children, thus minimizing the risk of child abuse.
- Ensure that other adults (particularly staff) are clear on what steps are to be taken when concerns arise regarding the safety of children.
- Keep in mind that actions, no matter how well intended, can be subject to misinterpretation or even malicious intend by a third party.
- Remember that the MCSPA has an obligation to treat any accusation with seriousness and must investigate the matter fully once reported.

Article 6. Responding to Child Abuse

6.1. The official body in the MCSPA charged with handling child abuse concerns is the Legal Matters Committee and any review panel it may create to specifically handle such concerns when they arise.

6.2. In ensuring that the standards enunciated by the MCSPA are met, it will continue to create an environment conducive to disclosure, whether this is being made by a child or an adult.

6.3. The MCSPA shall:
- Take seriously any concern raised.
• Take positive steps to ensure the protection of children who are the subject of any concern.
• Support children who are the subjects of possible child abuse, and staff or other adults who raise the concerns.
• Act appropriately and effectively in investigating, and in co-operating with, any subsequent process of investigations.
• Be guided by the child protection process and the principle of the best interests of the child.
• Listen to the child who may be involved, and take seriously his/her views and concerns. In doing so, it is important to assure him/her that he/she is not to blame; that they are doing the “right thing” in reporting, and that all will be done to help them.
• Work in partnership with parents or guardians, caregivers and other professionals to ensure the protection of the child.
• Let the person know that the information and/or allegation will be passed on to the Head of the Legal Matters Committee of the MCSPA who will act according to procedures already stipulated for such allegations.
• Provide spiritual and psychological assistance to the victims.

Article 7. Procedures

7.1. An internal investigation is to be carried out immediately by the MCSPA when an accusation or allegation related to child sexual abuse is received against a member or collaborator of the MCSPA.

7.1.1. When an accusation or allegation related to child sexual abuse is presented to the Legal Matters Committee of the MCSPA, it is the responsibility of the Head of this Committee to inform all members of the Committee and the Head of the mission or house where the accused is resident. The Head of the Legal Matters Committee immediately appoints a panel comprising of two members of the Committee who will take responsibility for the following:

- listen carefully and compassionately to the complainant;
- make a careful written record of what the complainant has alleged;
- ensure that the accused person is given the opportunity to respond, taking written notes of the response;
- take prompt action to determine the accuracy and seriousness of the complaint. The panel may question any other person whom it judges might have relevant information. If the complaint is substantiated, a copy of the report is sent to the MCSPA Board of Directors;
- arrange appropriate counselling and other professional help for the complainant;
• decide – in consultation with a qualified lawyer – on the next course of action and the panel may recommend that the accused member be withdrawn from apostolate and be relieved of all community responsibilities.

7.1.2. In cases where the accusation is known by the media, any contact with the media should be only through the lawyer engaged by the Legal Matters Committee.

7.1.3. Sexual abuse is a very sensitive issue for both the victim and the accused. Prudent measures should therefore be taken to determine the veracity of the victim’s statement (i.e. careful consideration of the evidence given). At times, accusations are made as a means of revenge against the accused.

7.1.4. Natural justice demands that the accused be allowed to give an account of his or her story and defend himself or herself. Vague or general accusations (based on rumor) are normally insufficient. Priority and weight of evidence is always given to written statements.

7.1.5. The Secretary of the Legal Matters Committee will keep written records of concern about the case even when there is no need to report the matter immediately. These records will be kept in a secured location.

7.1.6. The administrative decisions made by the Board of Directors shall meet both the Civil and Canon Law obligations and the Statutes of the Association, and also reflect Catholic Social teachings and this Policy.

7.2. Following an investigation by the Legal Matters Committee, which should be carried out without undue delay, if the Committee is satisfied that there is cause for further investigation, such instances of alleged child abuse are to be reported to the Child Protection Officer or the Designated Person in the respective diocese or episcopal conference.

7.2.1. The Legal Matters Committee is to cooperate in a spirit of openness and justice with the Child Protection Officer or the Designated Person or any review committee as the case may be in the particular diocese or episcopal conference.

7.3. The first responsibility of the Legal Matters Committee is to ascertain the veracity of an allegation. If proved true, they indicate which kind of healing process is to be offered to the victim and to those who are closer to him/her and which kind of corrective measure is to be employed towards the perpetrator.

7.3.1. In the case of proven violation of this Policy, the Board of Directors shall:
  • have as its first concern the care and healing of those who have been harmed by the guilty member, collaborator or volunteer;
  • ensure that everything is done to prevent future harm to other people;
• support and offer assistance in the healing process to those who have been harmed;
• make efforts to bring healing and justice to others who have been affected, e.g. the victim’s family, the parish community etc.;
• inform the local Ordinary of the case and the course of remedial action to be taken;
• inform the law enforcing authorities when required by the law of the country;
• keep a clear record of the case to ensure the necessary follow-up;
• make every effort to bring healing to the perpetrator;
• impose appropriate restrictions to his or her apostolate in accordance with the recommendations of the Legal Matters Committee.

7.3.2. In cases when the accused is proven to be innocent, every effort should be made to restore the good name of the person falsely accused. Appropriate action, legal, if necessary, shall be taken against parties that made or collaborated in spreading the false accusation which harmed the good name of the person concerned.

Article 8. General Sanctions

8.1. If there is an allegation of violation of the guidelines, policies or principles of the protection policy from a verifiable source, the individual concerned may be suspended from all responsibilities in the Association and mission or house where he or she is attached by the Board of Directors pending the outcome of the full investigation by the Legal Matters Committee or by the diocese or episcopal conference. The investigation must comply with reporting procedures.

8.2. Failure to report and actual breaches of confidentiality in the process will be subject to investigation and to disciplinary procedures.

8.3. Following the outcome of the investigation, if it is found that an act had been committed in relation to children, which is either criminal, grossly infringes the rights of the child, or contravenes the principle and standards of this policy, the Board of Directors will take immediate and appropriate disciplinary action on the member or collaborator and taking into consideration the recommendations of the Legal Matters Committee.

8.4. In the case of clerics, the local diocesan and episcopal conference policies (see, for example, KEC Safeguarding Children Policy and Procedures, 2011, Art. 9) and the norms of Canon Law are to be adhered; these procedures and sanctions are clear (cf. cc 1717 & 1722; c 1395 §2 of the Code of Canon Law).
Article 9. The MCSPA’s Commitment to the Child Protection Policy

9.1. As the MCSPA, we are committed to a culture of safety that minimizes risk to children in regard to:

- Safe recruitment and vetting practices – helping to prevent those who pose a risk to children from holding positions of trust.
- Codes of behavior – having clear guidelines that set out what is and what is not acceptable behavior with regard to keeping children safe.
- Running safe institutions and activities for children at all our missions and parishes – helping to ensure a safe environment for children.

9.2. All MCSPA members and collaborators will sign and abide by the behavioral code of conduct.

9.3. All MCSPA members and collaborators will have a copy of this Policy for safeguarding the children.

9.4. All new MCSPA collaborators will be inducted into this Policy, and will have a copy of the same with immediate effect.

9.5. All MCSPA members and collaborators will be formally briefed on child protection issues, and, contact details of the Legal Matters Committee, the Child Protection Officer or the Designated Person in the respective diocese or episcopal conference.

9.6. This Policy will be openly displayed and available to every member and collaborator.

9.7. Those who have suffered child abuse at any MCSPA mission, parish or physical house shall receive a compassionate and just response, and shall be offered appropriate pastoral care to rebuild their lives.

9.8. Those who have harmed children shall be helped to face up to the reality of abuse, as well as being assisted in healing.

9.9. The MCSPA has the responsibility of implementing this Policy and Procedures on Safeguarding Children (2015); it will carry out this function mainly through the Legal Matters Committee.
COMMITMENT FORM

I am a member / collaborator * of the MCSPA.

I confirm that I have been briefed on, and have read the document MCSPA Policy and Procedures on Safeguarding Children (2015).

The contents of this document have been explained to me, and I have had the opportunity to ask questions and to seek clarifications on points that were not clear to me.

I am now fully aware of my obligations to act in accordance with the requirements of this document, including reporting instances of abuse or suspected abuse of children that have been or are actually taking place.

I understand the consequences if I fail to act on all matters contained in this document.

Signature: ______________________________________

Name (in capital letters): ______________________________________ Date: ______________

Witness:  Signature: ______________________________________

Name (in capital letters): ______________________________________ Date: ______________

* delete where inapplicable