

# Professional Standards Consultative Panel



## Terms of Reference

<b>Date of Issue</b>	June 2019
Version 2	
These Terms of Reference supersede any terms of reference previously in force.	

### 1. Introduction

- 1.1. The care, safety and wellbeing of children and young people (any human being below the age of eighteen years<sup>1</sup>) is a central and fundamental responsibility of all people who volunteer, are employed by or are Jesuits within the Australian Province of the Society of Jesus (**the Province**).
- 1.2. The Province is committed to child safety reform to reflect the latest organisational, government and community needs and expectations in this area. It is committed not merely to meeting compliance and legislative requirements but to 'leading the way' through cultural change and ensuring child-safe practices are embedded in the everyday way of proceeding of the Province.
- 1.3. These Terms of Reference (**ToR**) set out the scope, functions, membership, reporting and administrative arrangements for the Province's Professional Standards Consultative Panel (**the Panel**).
- 1.4. The Province and the Panel acknowledge and respect the United Nations *Convention on the Rights of the Child* and in their decision making will ensure that the best interests of the child shall be a primary consideration<sup>2</sup>.

### 2. Purpose & Scope

- 2.1. The Provincial of the Australian Province has established the Panel with the objective of providing expert advice and direction on the initiatives, policies and practices that will enable the Province and all its entities to lead the way in the safeguarding, care and wellbeing of children and young people.
- 2.2. The Panel is not a policy-making body but will advise and make recommendations on matters related to safeguarding children and young people which will then be taken to the Provincial for consideration and endorsement.

### 3. Functions

- 3.1. The Panel will undertake the following functions:

<sup>1</sup> For the purpose of these ToR, children and young people are defined as per Article 1 of the United Nations Convention on the Rights of the Child. [<http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>]

<sup>2</sup> Article 3.1 of the United Nations Convention on the Rights of the Child.

- 3.1.1. Provide advice on and oversight of the initiatives, policies and practices that will enable the Province to lead the way in the care, wellbeing and protection of children and young people.
- 3.1.2. Enable a consistent and best practice approach to child safety reform across the Province by:
  - 3.1.2.1. Building on current policies, procedures and practices to meet and exceed legislative obligations;
  - 3.1.2.2. Developing a shared understanding of the principles that underpin child-safe environments and effective organisational cultures; and
  - 3.1.2.3. Strengthening risk management strategies.
- 3.1.3. Oversight historic and current child abuse complaints received by the Province through:
  - 3.1.3.1. Being appraised of any child abuse complaint received since the Panel's last meeting;
  - 3.1.3.2. Being appraised of all unresolved child abuse complaints on hand when the Panel meets;
  - 3.1.3.3. Reviewing the handling of individual complaints where necessary;
  - 3.1.3.4. Reviewing individual risk mitigation and child safety strategies where a complaint concerns a volunteer, employee or Jesuit currently in the Province; and
  - 3.1.3.5. Being appraised of broader issues which may impact on the Panel's functions.
- 3.1.4. Inquire into, consider and report on any proposal or matter concerned with professional standards as directed by the Provincial.

### ***Towards Healing***

- 3.2. The Panel and the Provincial will comply with the principles and procedures of the Towards Healing protocol, as may be amended from time to time.
- 3.3. Towards Healing requires the Provincial to have access to a "Consultative Panel" to advise him at significant stages of the Towards Healing process.<sup>3</sup> As per Towards Healing, the Provincial must:
  - 3.3.1. Consult the Panel when a priest or religious is charged with a criminal offence in relation to a complaint of abuse<sup>4</sup>;
  - 3.3.2. Consult the Panel in any decision concerning whether a person constitutes an "unacceptable risk" to children, young people or vulnerable persons<sup>5</sup>; and

<sup>3</sup> *Towards Healing*, January 2010, Section 35.8. [<https://www.catholic.org.au/documents/1346-towards-healing-2010-2/file>]

<sup>4</sup> *Ibid.* Section 35.8.2.

<sup>5</sup> *Ibid.* Section 35.8.3.

- 3.3.3. Seek advice from the Panel before making a decision unless urgent action is required to address a significant risk of abuse<sup>6</sup>.
- 3.4. If a complainant chooses to have their complaint addressed through Towards Healing, the Provincial must:
- 3.4.1. Seek the advice of the Panel in determining what action needs to be taken under Clauses 41 and 42 of Towards Healing when a complaint against a priest or religious is substantiated<sup>7</sup>;
- 3.4.2. Seek the advice of the Panel in determining how to respond to a substantiated complaint of abuse<sup>8</sup>; and
- 3.4.3. Seek the advice of the Panel in determining outcomes relating to a priest or religious where a complaint of abuse is substantiated against them<sup>9</sup>.
- 3.5. In some States and Territories, management of abuse complaints are subject to applicable laws. Procedures prescribed in the Towards Healing process are subject to such laws<sup>10</sup>.
- 3.6. If a complainant chooses to have their complaint addressed through Towards Healing, the Panel and the Provincial must take reasonable steps to protect the complainant's and all other parties' privacy and to maintain confidentiality.

#### **4. Panel Membership**

- 4.1. The Panel members are appointed and reviewed by the Provincial from time to time and there will be no fixed term of office for members.
- 4.2. The Chair of the Panel will be the current Director of Professional Standards for the Province.
- 4.3. The Panel shall consist of at least five members who collectively provide the expertise, experience and impartiality which are necessary in this field.<sup>11</sup>
- 4.4. The current members of the Panel are:
- Mr Simon Davies – Director of Professional Standards (Chair);
  - Emeritus Professor Stephen Smallbone;
  - Dr June Kane AM;
  - Mr Bernie Geary OAM;
  - Ms Simone Shaw; and
  - Mr David White.

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<sup>6</sup> Ibid. Section 38.10.

<sup>7</sup> Ibid. Section 40.10.

<sup>8</sup> Ibid. Section 41.1.2.

<sup>9</sup> Ibid. Section 42.1.

<sup>10</sup> Ibid. Section 34.6.

<sup>11</sup> Ibid. Section 35.8.1.

## 5. Remuneration

- 5.1. All members of the panel, excepting the Chair, are volunteers and as such will receive no remuneration for their work associated with the Panel unless they are requested to undertake work in their professional private capacity for the Province.

## 6. Meetings

- 6.1. Meetings of the full Panel will be held at least every second month, with other meetings held as needed.
- 6.2. All Panel members will endeavour to work in a collaborative manner with the aim of reaching a consensus on issues. Where genuine disagreement arises, every effort will be made by members to establish a consensus and collectively respect any outcome.
- 6.3. All discussions at meetings will be child and survivor focussed with an acknowledgement of this given by all Panel members present at the end of each meeting.

## 7. Administration

- 7.1. Administrative support will be provided by the Assistant to the Director of Professional Standards who will be responsible for arranging meetings and taking and producing minutes of the meetings.

## 8. Review

- 8.1. These ToR will be monitored for compliance and effectiveness by the Director of Professional Standards. This document will follow an annual review cycle. Interim reviews will occur at any time as required in response to either feedback or changes in legislation or policy to ensure the document is current, useful and easy to understand.

<b>Section</b>	Professional Standards
<b>Application</b>	Australian Province of the Society of Jesus
<b>Endorsing Body</b>	Provincial
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<b>Written By</b>	Director of Professional Standards
<b>Approved By</b>	Fr Brian McCoy SJ