



Child & Vulnerable Adult Safeguarding Policy & Procedure

**Formulated by the Sri Lanka Jesuit Province of the Society of Jesus:
June 2019**

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Contents

1. Policy Outline Summary	03
2. Policy Statement	03
3. Scope	04
4. Definitions	04
5. Getting Help	09
6. Guiding Principles	09
7. Code of Good Behaviour	10
8. Developing Good Management Practices	12
9. Procedure A: Recruitment & Training	14
10. Procedure B: Managing Allegations and Disclosures of Abuse	15
11. Should the Local Safeguarding Representative be absent	20
12. Care for the Complainant	20
13. Rights and Response of the accused	21
JESUIT AUTHORIZATION	21
REFERENCES	22

1. Policy Outline Summary

The Society of Jesus (SJ) is a world-wide body of consecrated men (Jesuits) in the Catholic Church who have freely committed themselves ever to love and serve God and fellow human beings, as Jesus taught, by living the religious life in communities. The Sri Lanka Jesuit Province, as part of the Society of Jesus, is committed to a mission of establishing right relationship with God, with one another and with creation. The SJ, inspired by the teaching of Jesus Christ who mandated “*Let the little children come to me, and do not hinder them, for the kingdom of God belongs to such as these*” (Luke 18:16) and directed by the Social Justice and Ecology Secretariat - Rome, has launched a program called the *Promotion of a Consistent Culture of Protection (PCCP)* in October 2018 to place at least three minimum standards of practice in safeguarding Children and vulnerable adults, namely, 1. Policy/guidelines for ethical behaviour and safe environment; 2. Protocols for dealing with allegations and case management; 3. Training and formation for Jesuits and lay mission partners. The Sri Lanka Jesuit Province may achieve these three minimum standards in compliance with *the National Policy on Child Protection (NPCP)* promulgated by the National Child Protection Authority (NCPA, 2021)- *Act, No.50 of 1998* enacted by Parliament of the Democratic Socialist Republic of Sri Lanka, as well as by adherence to *Article 19 of the United Nations Convention on the Rights of the Child (UNCRC) of 1989* (UNOHCHR, 2021). The Sri Lanka Jesuit Province considers the instruction issued by the CBCSL in 2015 titled “*Guidelines and Procedures to be followed as mandated by the Catholic Bishops’ Conference of Sri Lanka for dealing with cases of sexual abuse of minors or vulnerable persons perpetrated by Clergy/Religious*” and notes no. 7 of the Guiding Principles and Values stated in the NPCP- “*The Government recognizes that the protection of children is not a function of any individual state institution but rather that of many diverse agencies that have different complementary roles and responsibilities in a multi-sectoral system*” (NCPA, 2021).

This Child and Vulnerable Adult Safeguarding Policy and Procedure will be in operation in all Communities and Works belonging to the Sri Lanka Jesuit Province of the SJ until further notice by the Provincial Superior of the same SJ. It is to provide an environment in all Jesuit communities and works where all feel safe, secure and protected from all forms of sexual misconduct, abuse or harassment and to deal promptly and effectively with any allegation of sexual misconduct, abuse or harassment made against any of its members, staff and students, to accompany, with compassion and care, both the alleged victim and the alleged perpetrator, offering appropriate support and assistance for healing and reconciliation and to prevent further occurrences of such behaviour, in full compliance with the Law, both civil and canonical.

2. Policy Statement

It is the policy of the Sri Lanka Jesuit Province of the SJ to safeguard the welfare of all children and vulnerable adults by protecting them from all forms of abuse including physical, sexual, verbal, emotional, neglect and bullying. Jesuits in Sri Lanka are committed to creating a safe environment in which children and vulnerable adults can feel comfortable and secure while engaged in any of Jesuit activities as part of the mission. Jesuits, staff,

collaborators, associates, partners, volunteers and other personnel attached to all Jesuit Communities, Formation Houses & Works should at all time show respect and understanding for children's and vulnerable adults' rights, safety and welfare, and conduct themselves in a way that reflects the Gospel values and the principles and guidelines of the SJ.

Jesuits endeavor to do this by:

- Safeguarding Training of Jesuits including Jesuit Formators and those in Formation ("Formees") who are at Jesuit Formation Houses and all non-Jesuits attached to Jesuit Communities and Works:

The Sri Lanka Jesuit Province of the SJ will take steps to train all the above categories on the Child and Vulnerable Adult Safeguarding Policy and Procedure.

Training Methodology:

- a) Introduction of Laws applicable in Sri Lanka: Penal Code Provisions, Special Acts and Regulations
 - b) How to comply and familiarize with the *Guideline and Procedures to be followed as mandated by the Catholic Bishops' Conference of Sri Lanka (the CBCSL), for dealing with cases of sexual abuse of minors or vulnerable persons perpetrated by Clergy/Religious* and the *National Policy on Child Protection (NPCP)*
 - c) Issue a Hand Book on the Child and Vulnerable Adult Safeguarding Policy and Procedure with guidelines to be followed.
 - d) To organize workshops, group discussions and seminars on the Child and Vulnerable Adult Safeguarding Policy and Procedure
- Reporting the manner of safeguarding children's and vulnerable adults' complaints to the law enforcement authorities following the procedure mentioned under Referral of Disclosures, Allegations and Suspicions.

3. Scope

The Child and Vulnerable Adult Safeguarding Policy and Procedure are applied to Jesuits, staff, collaborators, associates and volunteers attached to all Jesuit communities and works in the Sri Lanka Jesuit Province who accept and recognize their responsibilities towards keeping children and vulnerable adults safe.

4. Definitions

4.1 **Child:** A child is defined as a person below the age of 18 as per the *NCPA Act, No.50 of 1998* (Parliament of the DSRS, 1998), *the article – 1 of the UNCRC of 1989* (OHCHR, 2021) and *the Penal Code of Sri Lanka* (LAWNET, 2016).

4.2 Vulnerable Adult: A person, female or male, 18 years and above, who may be regarded as susceptible to harm and at increased risk due to personal circumstances and who by reason of her/his condition, suffers from physical, mental, emotional or spiritual handicaps or disabilities (The CBCSL, 2015), and the context they are in or as a result of social and other inequalities and as a result or in addition, they are not in a position to adequately protect themselves (FPASL, 2021). She or he is incapable of looking after her/his own rights and interest, unwilling or unlikely to report sexual abuse and/or sexual harassment on account of trusting or dependent relationship (between Superior and subject, Director/Principal and retreatant/student, Counsellor and counselee, Employer and employee, etc) unless assisted in doing so.

4.3 Sexual Misconduct: It is a sexual act of any kind, with a person outside the bond of marriage, with mutual consent or otherwise. It involves sexual contact of both heterosexuality and homosexuality, such as sexual molestation, sexual intercourse, sexual abuse, sexual harassment or sexual exploitation of another, whether physical injuries are sustained or not, such as acts of incest, rape, grave sexual abuse or sexual offence of any degree, sodomy and unnatural or perverted practices, lewd or indecent actions or propositions, both verbal and non-verbal, like voyeurism and exhibitionism as stated in *the Penal Code of Sri Lanka* (LAWNET, 2016).

4.4 Child abuse: Child abuse means breach of any provisions of Sections 286A, 288, 288A, 288B, 308A, 360B, 360C, 363, 364A, 365, 365A or 365B of *the Penal Code* (LAWNET, 2016);

any provision of the Employment of Women, Young persons' and Children Act;

any provision of the Children and Young persons' ordinance;

the Regulation relating to compulsory education made under the Education Ordinance and an act or omission committed in regard to a child, and it includes involvement of, a child in an armed conflict which is likely to endanger the child's life or is likely to harm such child physically or emotionally as mentioned in *the Penal Code, Act, No. 16 of 2006* (Parliament of the DSRS, 2006; NCPA, 2021).

According to a provision introduced by *the Penal Code (Amendment) Act, No. 22 of 1995* (LAWNET, 2016), making publication of matters relating to offences specified therein, which would result in identifying the victim, is a punishable offence (Sec. 365c).

The Penal Code (Amendment) Act, No. 16 of 2006 also extended the duty to prevent and report child abuse (Parliament of the DSRS, 2006).

4.5 Vulnerable adult abuse: There is no single explanation for vulnerable adult abuse. It results from a complex combination of psychological and social factors. Provisions of the *Penal Code* (e.g., Sections 365, 365A or 365B) are applicable for the abuse of vulnerable adults (LAWNET, 2016).

There are many harmful effects suffered by the child and the vulnerable adult who fall victim to abuse, physically and emotionally, such as child or vulnerable adult is

traumatized, frightened, and loses self confidence.

4.6 Child & Vulnerable adult abuse takes different forms:

- 4.6.1 **Physical abuse** is when a person purposefully injures or threatens to cause physical harm to a child or a vulnerable adult. This may be a single or repeated incident. This includes corporal punishment. This may include, but is not limited to: hitting, shaking, throwing, poisoning, burning, scalding, drowning, or suffocating (FPASL, 2021). Corporal punishment is now prohibited in Sri Lankan schools, and parents and teachers are advised not to use such punishment, but to adapt other positive disciplinary methods as mentioned in the *NPCP* and the *Penal Code Section 308 A* (NCPA, 2021; LAWNET, 2016).
- 4.6.2 **Sexual abuse** involves forcing or enticing a child or a vulnerable adult to take part in physical sexual activities, including prostitution (whether or not children under 16 are aware of or consent to what is happening). This definition also holds whether or not there has been physical contact and whether or not the child is said to have initiated or consented to, the behavior. This may include but is not limited to: indecent touching, penetration and sexual torture, using sexually explicit language towards a child or a vulnerable adult and showing children or vulnerable adults pornographic material, the inducement or coercion of a child or a vulnerable adult to engage in any sexual activity, and the use of a child or a vulnerable adult in prostitution or other sexual practices such as exhibitionism and voyeurism (NCPA, 2021; FPASL, 2021; LAWNET, 2016; The CBCSL, 2015).
- 4.6.3 **Emotional abuse** is the persistent emotional ill treatment of a child or a vulnerable adult which can cause severe impact on the child's emotional development and the vulnerable adult's life. This could include making a child or a vulnerable adult feels worthless or unloved, inadequate or not valued. There may also be acts towards the child or the vulnerable adult that cause or have a high probability of causing harm to the child's or the vulnerable adult's health or physical, mental, spiritual, moral or social development. Acts include restriction of movement, patterns of belittling denigrating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment (FPASL, 2021). It also includes children or vulnerable adults who witness violence in their home (NCPA, 2021; LAWNET, 2016).
- 4.6.4 **Neglect** involves the deliberate, persistent failure to meet a child's or a vulnerable adult's basic physical and/or psychological needs of health, education, emotional development, nutrition, shelter, and safe living conditions. This is in the context of resources being reasonably available to the family or caretakers or institutes and causes or has a high probability of causing harm to the child's or the vulnerable adult's health or physical, mental, spiritual, moral or social development, and likely to result in the serious impairment of the child's or the vulnerable adult's

health and development. Neglect can also be caused through the omission or the failure to act or protect (FPASL, 2021; NCPA, 2021; LAWNET, 2016).

4.6.5 **Bullying** occurs when a child/an adult or a group of children/adults threaten, humiliate or harm another child or children/vulnerable adult or adults purposely. As stated in the *NPCA Act* (Parliament of the DSRS, 1998) and in the Penal Code (LAWNET, 2016), it is a deliberate, conscious act with an intention to cause harm to another and put her/him/them to pressure or worry. It can be inflicted physically, verbally, by gesture, extortion and exclusion. Bullied victims show loss of confidence, poor self-esteem, poor school attendance and poor academic achievements (Parliament of the DSRS, 1998; LAWNET, 2016)).

4.6.5.1 **Cyberbullying and Online harassment** are new ways of bullying others, but there are no stand-alone offences stated in the *Penal Code* or *Computer Crimes Act* (LAWNET, 2016).

4.6.6 **Sexual Harassment:** It means any such unwelcome sexually determined behaviour such as physical contacts, advances, sexually coloured remarks, showing pornography or making sexual demands, whether verbal, textual, graphic or electronic or by any other actions, which may contain –

- a. Implied or overt promise of preferential treatment in that employee's employment, or an implied or overt threat of detrimental treatment in that employee's employment or an implied or overt threat about the present or future employment status of that employee, including the creation of a hostile working environment.
- b. Interference in an employee's work through such a conduct that is intimidating and humiliating, and creating hostile or offensive work environment constituting a health and safety problem.

4.6.7 **Exploitation:** Commercial or other exploitation of a child or a vulnerable adult refers to use of the child or the vulnerable adult in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child and vulnerable adult prostitution. These activities are to the detriment of the child's or the vulnerable adult's physical and mental health, education, or spiritual, moral or social-emotional development (FPASL website, 2021). "Exploiting the vulnerability of another" means impelling a person to submit to any act, taking advantage of such person's economic, cultural or other circumstances (Parliament of the DSRS, 2006).

4.7 **Child protection :** Child protection is 'the prevention of and response to abuse, neglect, exploitation and violence against children'. All children have the right to protection. They have the right to be physically and emotionally safe and protected at

all times (NCPA, 2021). Taking away a child from the protection of lawful custody is an offense stated in the *Penal Code* (LAWNET, 2016).

4.8 Complainant: A person who alleges having suffered as a result of misconduct by a Jesuit or a non-Jesuit (The CBCSL, 2015).

4.9 Canonical: According to or ordered by the Code of Canon Law (Can./Canons) – the Catholic Church’s fundamental legislative document based on the juridical and legislative heritage of revelation and tradition and regarded as the essential instrument for the preservation of right order, both in individual and social life and in the Catholic Church’s zeal (The Canon Law Society Trust, 1983; The CBCSL, 2015).

4.10 The Provincial Superior of the SJ – Sri Lanka Jesuit Province is hereinafter referred to as **the Provincial** (The Canon Law Society Trust, 1983; The Institute of Jesuit Sources, 1996; Rome Curia of the Superior General of the Society of Jesus, 1997).

4.11 The Provincial appoints a **Designated Liaison Person** whose role includes administering non-judicial decrees issued by the Provincial, investigating and reporting matters pertaining to safeguarding and protection of children and vulnerable adults to the Provincial and coordinating the safeguarding team of the province.

4.12 Jesuit Communities are all groups of Jesuits legitimately constituted under the authority of the same local Superior as defined in *IAG #106* (Curia General of the Society of Jesus, 2005).

4.13 Jesuit Works are stable, permanent organizations of various types. They include, Institutions, Centres, Retreat Houses, Campuses, Colleges (primary and secondary education), Academies and other similar organizations through which the SJ exercises its Apostolic Mission according to *IAG #107* (Curia General of the Society of Jesus, 2005) .

4.14 Jesuit Formation Houses : Houses/Institutes of Catholic religious training (Candidates’, Pre-Novitiate, Novitiate, Juniorate, Scholasticate, Philosophate and Theologate) where young adults (those in Formation) are formed and educated (by Jesuit Formators and their staff) in Jesuit-Religious profession/vocation. In Jesuit Formation Houses, the formator and those in Formation relationship is very important for the matured growth of a future religious and priest as stated in *the Jesuit Formation in Sri Lanka & Pakistan: Norms and Guidelines (Updated)* (Sri Lanka Province of the Society of Jesus, 2019).

4.14.1 **Jesuit Formator** is one who by appointment, is in-charge of the religious training of those in Formation (“Formees”) who enter Jesuit formation houses. Jesuit Formators are themselves qualified and experienced in this Jesuit religious vocation and ideally are those who have completed some measure of studies in Psychology, Spirituality, or found to be worthy exemplars (Sri Lanka Province of the Society of Jesus, 2019) .

4.14.2 **Those in Formation (“Formees”)** (e.g. Candidates, Pre-Novices, Novices, Juniors and Scholastics) are ones who have chosen to join a Jesuit formation house and thereby undergo Jesuit religious training in order to be competent for Jesuit religious profession/vocation. This term is used for all stages of formation (Sri Lanka Province of the Society of Jesus, 2019).

5. Getting Help

To discuss or to make a complaint, please feel free to contact:

5.1 The Provincial

Mobile: +94 (0) 777874242

Email: sri.provincial@gmail.com

5.2 The Designated Liaison Person & the Coordinator – Jesuit Safeguarding Team:

Mobile: +94 776986541

Email: delegateliaison2020@gmail.com

Address: St. Xavier Residence, No. P/U 47, St. Xavier Mawatha, Akkarakara Panaha,
Kimbulpitiya Road, Negombo 11500

Tel. : +94 31 2221927

Fax: +94 31 2225027

6. Guiding Principles

In every Jesuit Community and Work, children are to be under supervision at all times. The Sri Lanka Jesuit Province of the SJ upholds the Catholic Bishops’ Conference’s principle that even in a grave allegation, every accused person is innocent until proved guilty (The CBCSL, 2015).

6.1 Young people under eighteen will not be employed by a Jesuit Community or Jesuit Work. The person in charge of any Jesuit Work directly involved with children has the responsibility to ensure that proper recruitment practices; the provision of training; adequate supervision; the support of employees and volunteers, as well as the review of practices, are put in place.

6.2 A document on Safeguarding Policy & Procedure must be signed by all Jesuits, visiting and permanent staff, volunteers and sessional workers, agency staff, or anyone working

on behalf of the Jesuit Province of the SJ, Sri Lanka, accepting the Child & Vulnerable Adult Safeguarding Policy & Procedure and considering the violation of the same as an offense that causes automatic dismissal.

- 6.3 As there are no stand-alone laws in Sri Lanka to safeguard vulnerable adults, general laws and regulations can be used to protect vulnerable adult as an individual in the country.
- 6.4 In the event of a safeguarding complaint, whether current or historical, a pastoral response to the alleged victim and to the alleged perpetrator will be provided.
- 6.5 The policy is reviewed, as a minimum, every three years, and is adapted whenever there are significant changes in the Work or in legislation.
- 6.6 A review of the implementation of this policy will take place each year as part of the annual audit system.
- 6.7 It is mandatory to appoint a professional body as Auditors to do the annual auditing

7. Code of Good Behaviour

MUST DO

- 7.1 Treat all children and vulnerable adults (with extra sensitivity to those with special needs) as stated in *The National Alternative Care Policy for Children in Sri Lanka* (DPCCS, 2021), in a manner that fully respects their dignity and rights.
- 7.2 Provide, in their own behaviour, an example of good conduct at all times; with regard to correction (de Zoysa, Senarath, & de Silva, 2021)
- 7.3 Operate within the Jesuit principles, guidance and specific procedures in relation to safeguarding children and vulnerable adults.
- 7.4 Respect each child's or vulnerable adult's boundaries; e.g., awareness on "good touch" and "bad touch" as in *Good & Bad Touch: A Safety Guide for children up to 18 years on Proper and Improper Touches* posted on the NCPA website (NCPA, 2021).
- 7.5 Help children develop an awareness and understanding of their own rights and a respect for the rights of others
- 7.6 Provide children and vulnerable adults with information as to how they can seek help if they have a problem and from whom.
- 7.7 Be visible to others when working with children and vulnerable adults

- 7.8 Be accompanied – children should be accompanied by two adults or where only one adult is available, in a place not open to public view, an open-door policy will be implemented.
- 7.9 Challenge and report behaviour that is abusive or potentially abusive
- 7.10 Develop a culture where children and vulnerable adults can talk openly about their contacts with staff and others.

MUST NOT DO

- 7.11 Spend excessive time alone with children away from others
- 7.12 Take children to one's own home.
- 7.13 Use alcohol, tobacco or non-prescriptive drugs when in the company of children, nor should they be offered to those under 21 years as mentioned in *NATA Act, No. 27 of 2006* (LAWNET, 2016).
- 7.14 Committing criminal offences specified in the *Penal Code* of Sri Lanka by *Amendments to the Penal Code Acts Nos. 22 of 1995, 29 of 1998 and 16 of 2006* (LAWNET, 2016)
- 7.15 Hit or otherwise physically assault or abuse a child as stated in *Amendments to the Penal Code-Corporal Punishment-Repeal-Act No. 23 of 2005* (LAWNET, 2016).
- 7.16 Develop sexual relationships with children and vulnerable adults
- 7.17 Engage in inappropriate conversations with children and vulnerable adults.
- 7.18 Develop relationships with children and vulnerable adults that could be deemed to be in any way exploitative or abusive
- 7.19 Act in ways that may be abusive or may place a child or a vulnerable adult at risk of abuse.
- 7.20 Actions or behaviour that could be construed as poor practice or potentially abusive:
 - 7.20.1 Use language, make suggestions or offer advice which is inappropriate, offensive or abusive
 - 7.20.2 Behave physically in a manner which is inappropriate or sexually provocative
 - 7.20.3 Have a child or children with whom they are working stay overnight at their home unsupervised

- 7.20.4 Sleep in the same room or bed with a child or a vulnerable adult with whom they are working
- 7.20.5 Do things of a personal nature for children that they can do for themselves
- 7.20.6 Condone, or participate in, behaviour of children and vulnerable adults which is illegal, unsafe or abusive
- 7.20.7 Act in ways intended to shame, humiliate, belittle or degrade children and vulnerable adults
- 7.20.8 Exclude or discriminate against particular children and vulnerable adults or show favour towards particular children and vulnerable adults.
- 7.20.9 Commit or participate in ragging, within or outside Jesuit Community and Works.
- 7.20.10 Allow children to browse adult websites and to use social media platforms (e.g., Facebook, WhatsApp, Instagram) and equipment (e.g., smart phones) unmonitored.

8. Developing Good Management Practices

The operation of thorough recruitment and training procedures outlined in the next section will help to keep children and vulnerable adults safe, but other strategies should be put in place to minimise the possibility of them coming to harm.

- 8.1 Safe Management Practices Involves: Adopting safe management practices as outlined below:
- a) Supervising children and vulnerable adults in all activities
 - b) Knowing how to deal with disciplinary and challenging behaviour
 - c) Providing training for all workers on a regular and timely basis
 - d) Putting in place appropriate supervision of, and support for, workers

8.2 Safe Management Practices:

Safe management practices will not only enable an organisation to run smoothly and efficiently, but it will also help to minimise the possibility of accidents occurring and of harm being done to children and vulnerable adults. The following pointers should be considered:

8.2.1 Know the children and the vulnerable adults

- a) Have defined criteria for membership of the Jesuit Work
- b) Have a registration system for each child and vulnerable adult
- c) Keep a record in respect of each child and vulnerable adult, including parental or guardian's consent form, medical details, any special needs and emergency contact telephone numbers

8.2.2 Keep records

- a) Obtain a signed copy of the Employee Self Disclosure Form and Acceptance Form for all existing and new personnel

- b) Keep a record of attendance at events and activities
- c) Keep an Incident Report Book recording incidents and accidents. Incidents and accident records should be reviewed regularly and any unusual patterns should also be reported to senior management
- d) Keep a record of all complaints or grievances
- e) Retain completed parental consent forms.

8.2.3 Know the workers

- a) Follow thorough recruitment and selection procedures as outlined in Section 6.
- b) Have a work schedule displayed so that everyone knows who is on duty
- c) Respond to any allegations or complaints made about workers
- d) Make use of personality tests or behavioural assessments during and after the recruitment process

8.2.4 Pay attention to health and safety matters making sure that

- a) Any buildings being used are safe and meet required standards
- b) Toilets, shower areas and washing facilities are up to standard
- c) Fire precautions are in place
- d) First aid facilities and equipment are adequate
- e) There is access to a phone
- f) Equipment is checked regularly

8.3 Children are less likely to experience accidents or harm if they are supervised properly. Activities should be organized so that they maximize participation, fun and learning, but are also safe. It is important to ensure that:

- a) Children are not left unsupervised
- b) Adequate numbers of workers of both sexes are available to supervise the activities
- c) Recommended ratio of adults per number of children, remembering that there should be 1 additional staff member for every 10 children:
- d) At all times, workers should know where children are and what they are doing
- e) Constant adult supervision is required if using potentially dangerous equipment
- f) Dangerous behaviour is not allowed.

8.4 Activities that involve staying away from home overnight require the following attention:

- a) Safe methods of transport
- b) Written parental consent (for each individual trip)

- c) Obtaining from parents and guardians any information which may be relevant to a child or a vulnerable adult staying away from home overnight (information concerning allergies, medical problems, or special needs)
- d) Appropriate and well-supervised sleeping arrangements
- e) Respect for the privacy of children and vulnerable adults in dormitories, changing rooms showers and toilets.

9. Procedure A: Recruitment & Training

The person in charge of any Jesuit Community or Work directly involved with children and vulnerable adults has the responsibility of ensuring that proper recruitment practices, and provision for training, supervision, support of employees and volunteers, as well as review of practices, are put in place.

The person in charge will ensure good recruitment procedures by:

- 9.1 Defining the role, the individual is applying for - Job Description
- 9.2 Ensuring that applicants complete correct application forms - prospective employees or volunteers applying for any posts of responsibility must complete application forms
- 9.3 Obtaining proof of identity : Calling a Police report is recommended
- 9.4 Interviewing the individual
- 9.5 Assessing the individual's experience of working with children and vulnerable adults and knowledge of safeguarding child & vulnerable adult issues
- 9.6 Assessing their commitment to promoting good practice
- 9.7 Assessing their ability to communicate with children and vulnerable adults (i.e., be approachable). One way of doing this is to ask questions to examine how a person would respond to a particular scenario e.g., are they authoritarian or too relaxed in their approach
- 9.8 Noting any experiences that have been difficult for the applicant when working with children and vulnerable adults and how the applicant handled them
- 9.9 Enquiring how the applicant responds to aggression or vulnerable adults who are especially challenging: Psychometric test or some kind of behavioural test/attitude check is suggested
- 9.10 Finding out how the applicant would go about advising a vulnerable adult on sexual matters
- 9.11 Checking how the applicant would respond to a vulnerable adult who says that he/she being abused and what would be done if a vulnerable adult starts sending text messages unrelated to work
- 9.12 Obtaining two references in writing – reference should be sought only for preferred applicants – Ensure that the applicant signs the Self-Disclosure Form
- 9.13 Checking for vetting procedures—obtaining the individual's signed permission/acceptance to enable the Jesuit Community/ Work to request a vetting procedure

- 9.14 Obtain correct approval of the person in charge – for any appointment, whether paid or voluntary
- 9.15 Setting a probationary period (six months for staff and long-term volunteers)
- 9.16 Keeping correct Records: It is required by law that the following records must be kept for one year after the selection process has been completed: Application Forms completed by all applicants; notes on the screening process; interview notes; and a record of the final selection decisions
- 9.17 Initial training and periodic updates for Safeguarding Children and Vulnerable Adults will be given to all personnel in Jesuit Communities/organisations.
- 9.18 All personnel will be jointly responsible for ensuring that Child & Vulnerable Adult Safeguarding Policy and Procedure are upheld and adhered to in Jesuit Communities / Works.
- 9.19 A copy of the Child & Vulnerable Adult Safeguarding Policy and Procedure will be given to all personnel and partner organisations, and will be given the opportunity to look for clarity on any aspect of this.

10. Procedure B: Managing Allegations and Disclosures of Abuse

Applies to: All Jesuits, staff and volunteers of Jesuit Communities and Works

- a. The Society of Jesus is committed to promoting the safety, welfare and protection of children & vulnerable adults and takes seriously all disclosures, allegations and suspicions of abuse.
- b. This procedure sets out the action that must be taken where there has been a disclosure, allegation or suspicion of child and vulnerable adult abuse, whether current or historical. The procedure applies whether the information regarding child & vulnerable adult abuse relates to Jesuit personnel (Jesuits, staff and volunteers of Jesuit communities and Works) or to a person not associated with Jesuit communities or Works. Unacceptable behaviour to children and vulnerable adults by adults or other children is to be dealt in line with the procedures given below.

10.1 Reporting

- 1. The process is begun with an interview mutually arranged after the Provincial or the Designated Liaison Person or the Local Safeguarding Representative receives a complaint in writing, signed by the complainant (The CBCSL, 2015).
- 2. If the complainant is a female, a Religious Sister or a competent and reputable female lay person shall be present (The CBCSL, 2015).
- 3. The complainant will be explained the next steps in the process assuring her/him that her/his privacy will be respected. If the complainant has chosen not to approach the law enforcement authorities such as the child & women

bureau – Sri Lanka Police: +94 11 2444444 (Amendment to the Penal Code, 2006) and NCPA – Hotline - 1929 (Child Help Line) or the Child Protection Officers stationed at District/Divisional Secretariats (Child Protection Handbook, 2019), she/he has to submit a written document duly signed stating the same (The CBCSL, 2015).

4. Whenever possible and practical, take notes during the conversation. Always ask permission to do this and explain the importance of recording all information.
5. Where it is not appropriate to make notes at the time, make a written record as soon as possible afterwards and in any case before the end of the day.
6. Use the **Alleged Incident Report Form** template to record. As you will see, the following data will be required:
 - a. The time, date and location of where and when the allegation or disclosure was made to you.
The time(s), date(s) and location(s) of alleged incidences.
 - b. Record whether the allegation was made or the suspicion raised in person or by telephone or in writing.
 - c. Where the report is made in person, record the names of those who were present.
7. Further information required for the **Alleged Incident Report Form**:
 - a. accurate identifying information, as far as it is known. This should include the name, address, telephone number and date of birth of the person who made the complaint or an allegation.
 - b. if a child or a vulnerable adult makes a complaint or an allegation, the names, addresses and telephone numbers of her/his parent(s) or guardian(s) should be obtained and recorded.
 - c. the name of the individual against whom a complaint or an allegation has been made, as well as any other identifying information.
 - d. the statement of the person who has made an allegation or voiced a suspicion, recording as far as possible, everything they have said regarding the alleged or suspected abuse:
 - i. Do not select what is to be recorded – a detail which may seem irrelevant may be in fact significant.
 - ii. In so far as is possible, record the words the person themselves used in making the allegation or voicing their suspicion.
 - iii. Report also any views or comments they expressed regarding the alleged or suspected abuse.
 - iv. No assumptions or comments should be made regarding the intended meaning of the words used.

- e. in the case of a suspicion of abuse, record full details about the circumstances that led to the suspicion, including relevant date(s).
 - f. record if action has already been taken on this allegation
 - g. have any views been expressed by the child's parent(s) or guardian(s) about the matter?
8. The report should be signed and dated by the author. This initial report supported by the written complaint will form the first entry in a file of information about the case which will be forwarded immediately to the Provincial or the Designated Liaison Person (The CBCSL, 2015).
 9. All original reports, including rough notes, must be passed immediately to the Provincial or the Designated Liaison Person.
 10. All Safeguarding Children reports and complaints must be kept in a safe secure and locked filing cabinet.

10.2 Referral of Disclosures, Allegations and Suspicions:

1. The Local Safeguarding Representative within each Jesuit Community (hereinafter referred to as "Superior") or Jesuit Work (hereinafter referred to as "Director" or "Principal") has a responsibility to ensure that all allegations and suspicions of abuse are brought to the attention of the Provincial without delay (The CBCSL, 2015).
2. As step to protect all Jesuits, staff, candidates, and the board of trustees paid staff, volunteers and sessional workers, agency staff, students, or anyone working on behalf of the Jesuit Province of the Society of Jesus, Sri Lanka from false abuse allegations, there should be a fact finding inquiry by an Internal Supervision Committee of the Jesuit Safeguarding Team appointed by the Provincial for all the complaints received, before informing it or handing over the case to law enforcement authorities (The CBCSL, 2015) such as the child & women bureau – Sri Lanka Police: +94 11 2444444 (Amendment to the Penal Code, 2006) and NCPA – Hotline - 1929 (Child Help Line) or the Child Protection Officers stationed at District/Divisional Secretariats (Child Protection Handbook, 2019).

Four (04) Member Internal Supervision Committee:

1. The Provincial
2. The Designated Liaison Person & the Coordinator – Jesuit Safeguarding Team
3. The Deputy Designated Liaison Person
4. Any other member of the Jesuit Safeguarding Team – Sri Lanka Province (preferably a Religious Sister or a female lay person)

3. Complainants are free to seek assistance outside of the Church at any point of time and provisions of section 10.1.1 never restrict a victim from informing a law enforcement authority by herself or himself. It is the responsibility of the Provincial to cooperate fully with law enforcement authorities and with legal requirements (The CBCSL, 2015).
4. If a Jesuit is accused of an offense against a child or a vulnerable adult, his ministries will be restricted for an indefinite time.
5. In the unlikely case of unreported child abuse being disclosed during Confession, priests will, without breaching the Seal of Confession, take the opportunity to encourage and assist the person to report to the Internal Supervision Committee.
6. At no time after an allegation is made against a Jesuit or a non-Jesuit, shall the Provincial or any priest in the Internal Supervision Committee involved in the process shall hear the Sacramental Confession of the accused as the seal of the Confession is inviolable as stated in Can. 983 #3 (The CBCSL, 2015).
7. The preliminary investigation is to be conducted according to the process given in Canons 1717-1719 (The CBCSL, 2015).
8. The Designated Liaison Person by himself or with the help of at least two members of the Internal Supervision Committee will examine if there is “a prima facie” case based on the following (The CBCSL, 2015):
 - I. the complaint of the complainant
 - II. an interview with the complainant and the alleged offender
 - III. the Alleged Incident Report
 - IV. an interview with one or two significant witnesses
 - V. other evidence, including documentary
 - VI. The investigator in his report to the Provincial, as to whether the allegation is true, can use canonical terms such as “a serious suspicion” (Can. 1339 #1), “moral certainty” (Can. 1608), “beyond a reasonable doubt” and “the balance of probabilities (The CBCSL, 2015).
9. If, in the investigation, there is even a semblance of truth, the outcome relating to the accused has to be referred to the highest authority of the SJ by the Provincial (The CBCSL, 2015).

10.3 Confidentiality:

- a. The person who comes forward with a disclosure, allegation or suspicion of child or vulnerable adult abuse should be assured that the information will be treated with all possible confidentiality and that it will be revealed only to the law enforcement authorities and to the Jesuit Internal Supervision Committee.
- b. Respect and due regard will be shown both to the person making the complaint and the subject of the complaint.

- c. The person who encounters an allegation or suspicion of child & vulnerable adult abuse must not discuss this information with anyone other than those specified in these procedures.
- d. When a person conveys a complaint, allegation or suspicion of child & vulnerable adult abuse, it is necessary to tell the person who communicates it that such information cannot be kept secret from the authorities concerned.
- e. The records of interviewers and all other documents or materials are to be treated as confidential (The CBCSL, 2015).

10.4 Anonymous allegations:

Allegations or complaints about child and vulnerable adult abuse that are raised by a person who wishes to remain anonymous are to be prudently verified (The CBCSL, 2015). Anxiety or fear may cause some people not to reveal their identity immediately. It is difficult to act on information unless at some point the name of the person making a complaint or an allegation becomes known. The complainant should be informed that anonymity will restrict the ability of professionals to access information or to intervene to protect a child or a vulnerable adult; as much openness as possible should be encouraged.

10.5 Revelation by a person that he/she has abused:

Where a person reveals that he or she has abused a child or a vulnerable adult, it is necessary to tell that person that one cannot keep such information secret, even if it relates to an incident many years previously. The person must be informed that it is required to refer the information to the Provincial or the Designated Liaison Person, who will follow the procedures for referral to the law enforcement authorities mentioned in 10.2.

10.6 Temporary work in another organisation:

- a. A Jesuit, an employee or a volunteer of a Jesuit Community or Work who is working on a temporary basis in another organisation (on a placement, for example) and who in the course of that work encounters a disclosure, allegation or suspicion of child and vulnerable adult abuse must report the matter to the Local Safeguarding Representative of that organisation.
- b. In addition, the person must report to the Provincial or the Designated Liaison Person of the SJ the fact that he or she has encountered a child & vulnerable adult abuse complaint in the organisation in which he or she is temporarily working and that it has been reported to the Local Safeguarding Representative of that organisation.

11. Should the Local Safeguarding Representative be absent,

11.1 DO:

- a. inform the Superior/Director / Rector/ Principal of the Jesuit Community or the Jesuit Work where the allegation has been made.
- b. as soon as possible, write down everything that has been told by the child or the vulnerable adult, using their own words to describe the alleged abuse; sign and date this record and pass it on to the Local Safeguarding Representative.
- c. if the disclosure involves the Local Safeguarding Representative,
 - i. seek advice from the Provincial or the Designated Liaison Person or the Jesuit Team for Safeguarding Children & Vulnerable Adults
 - ii. Inform the Superior / Rector/ Principal of the Jesuit Community or the Jesuit Work where the allegation has been made .

11.2 DO NOT:

- a. dismiss the complaints
- b. panic
- c. probe for more information or ask questions other than for clarification
- d. promise 'not to tell anyone' or say that you 'will keep it a secret'
- e. make any comment about the accused person
- f. speculate or make assumptions
- g. disclose to **anyone** other than the Provincial or the Designated Liaison Person or the Local Safeguarding Representative or a member of the Jesuit Team for Safeguarding Children & Vulnerable Adults the fact that an allegation has been made

12. Care for the Complainant

1. The Complainant may be invited to have a support person at the interview.
2. Special care will be taken in interviewing a person with an intellectual or psychiatric disability, and any such interview shall be conducted only by a skilled person in interviewing children (the CBCSL, 2015).
3. In the event the highest authority of the SJ is satisfied of the truth of the complaint whether through admission of the offender, a finding of a court or a penal process under Canon Law, the Provincial shall respond to the needs of the victim in such ways as demanded by justice and compassion (The CBCSL, 2015).
4. The Victim has the right in accordance with Can. 1729 to have recourse to the penal trial itself and to bring a contentious action to repair damages incurred personally from the delict, within the same canonical process (The CBCSL, 2015).
5. The Provincial and the Internal Supervision Committee will offer the complainant and the family assistance in obtaining professional counselling (The CBCSL, 2015).
6. If the matter is also being examined by the law enforcement authorities, it is to be given full cooperation to assist in their investigations (The CBCSL, 2015).

13. Rights and Response of the accused

1. After receiving notice of the complaint, the Provincial shall inform the accused of the nature of the complaint. This should occur as soon as possible unless a delay in so doing is required by the law enforcement authorities (The CBCSL, 2015).
2. The accused needs to be given enough details about the complaint, and the person who was allegedly abused, to be able to offer a response. Thus, the accused must always be heard and a response regarding the allegations should be solicited from the accused.
3. The accused may in person or in writing respond to the complaint (The CBCSL, 2015).
4. The accused has the right to have a support person during any interview (The CBCSL, 2015).
5. The accused has his rights to a legal assistant and right of defence in terms of Canons 1723 and 1481 (The CBCSL, 2015).

JESUIT AUTHORIZATION

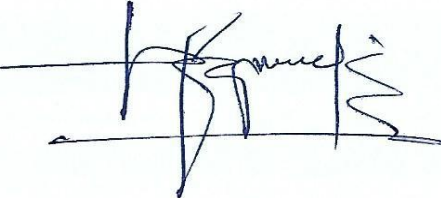
Policy formulated June 2019

Policy to be reviewed November 2024

Authorization of Child and Vulnerable Adult Safeguarding Policy and Procedure by the Governance of: The Sri Lanka Jesuit Province of the Society of Jesus

Name: Rev. Fr. Dexter Fredric Gray, S.J.

Designation: Provincial Superior

Signature: 



Date: 20th November 2021

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