

CATHOLIC ARCHDIOCESE OF SYDNEY



Policy on the care, well-being and protection of children and young persons

1 Introduction

The emotional, physical and spiritual safety, well-being and dignity of children is an integral part of the teachings and values of the Catholic Church. The Archdiocese is wholly committed to ensuring the safety, well-being and dignity of all children, and acknowledges its important legal, moral and spiritual responsibility to create a safe and nurturing environment for those children.

In fulfilling this responsibility, the Archdiocese has developed a variety of protocols and procedures that work together to protect children from harm and respond swiftly and appropriately in the rare but regrettable circumstances in which children are harmed or at risk of being harmed. These protocols and procedures seek not only to ensure children's safety, well-being and dignity within the Archdiocese's parishes and agencies, but also outside the Church environment, in the event that a member of the Archdiocese learns of a matter of concern.

In addition, these protocols and procedures embody the inherent values of the Catholic Church, providing education and training to persons who engage with children within the Archdiocese and also representing and sharing our teachings and philosophy with the broader community. This policy contains a broad overview of the Archdiocese's child protection expectations and practices, and it should be read in conjunction with the Archdiocese's comprehensive suite of protocols and procedures, which are referenced throughout.

This policy has been developed with the best interests of the child as the paramount consideration. A child is any person under the age of 16 years and a young person means a person who is aged 16 years or above but is under the age of 18 years.

Who does our policy apply to?

This policy and its accompanying protocols and procedures apply to all parishes of the Archdiocese and all agencies other than the Catholic Education Office (CEO) and CatholicCare, which have their own child protection systems in place.

It applies to all persons within those parishes and agencies who have, or may be expected to have, contact with children in the course of their activities.

This includes each of our Parish Priests, Parish Administrators, Assistant Priests, Deacons and other Priests with faculties within the Archdiocese, religious Brothers and Sisters involved in pastoral activities, paid employees, contractors, volunteers and students on placement.

2 Roles and responsibilities

The primary persons with responsibility for dealing with child protection issues in the Archdiocese are the Archbishop, Vicar General and Safeguarding and Ministerial Office, however all persons within the parishes and agencies who have contact with children are responsible for helping ensure the safety, well-being and dignity of those children.

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Those roles and responsibilities are outlined in the *Chart of Archdiocesan child protection roles and responsibilities*.

Key responsibilities of all persons to which this policy applies include:

- being caring, respectful and compassionate towards children;
- complying with all legal requirements relating to child protection; including:
 - complying with any relevant screening obligations; and
 - reporting matters of concern relating to the safety, well-being and dignity of children to the appropriate person, including the NSW Police, where appropriate;
- complying with the Archdiocese's child protection policy, protocols and procedures;
- cooperating with any internal or external investigation regarding the safety, well-being and dignity of a child or children; and
- signing and complying with the *Code of conduct for working with children*.

3 Screening of persons working with children

Under the *Child Protection (Working with Children) Act 2012 (NSW) (WWC Act)*, Working with Children Checks (**WWCCs**) are to be obtained by certain parish and agency employees, volunteers, self-employed contractors and religious appointees (collectively, **workers**) before they can engage in child-related work. The WWCC is administered by the Office of the Children's Guardian (**Children's Guardian**).

Under the WWC Act, the person who employs or otherwise engages those workers is required to verify that each of those workers has a valid WWCC before they can commence child-related work. Failure to do so will attract a substantial fine.

The Archdiocese's detailed protocols, procedures and guidance documents in relation to screening are:

- *Protocol: Screening persons who work with children*
- *Guidance document: What is child-related work?*
- *Flowchart: Screening persons who work with children*
- *Fact sheet: What is child-related work?*

4 Reporting reportable crimes to the NSW Police

Under the *Crimes Act 1900 (NSW)*, it is an offence to conceal a "serious indictable offence," and any such offences must be reported to the NSW Police (**reportable crimes**). While all crimes are able to be reported to the police, these crimes are required to be reported.

Broadly speaking, reportable crimes relating to children include:

- physical assault of a child or adult;
- sexual or indecent assault of a child or adult;

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- any sexual activity with a child; and
- the possession, dissemination or production of "child abuse material", which includes child pornography and any material depicting a child as a victim or torture or cruelty.

The Archdiocese's detailed protocols, procedures and guidance documents in relation to reporting reportable crimes are:

- *Protocol: Reporting reportable crimes to the NSW Police*
- *Guidance document: What constitutes a reportable crime?*
- *Table of reportable crimes*
- *Flowchart: Reporting child protection concerns*
- *Fact sheet: What is a reportable crime?*
- *Protocol: Managing child protection issues and concerns*
- *Fact sheet: Managing child protection issues and concerns*

5 Reporting inappropriate employee conduct to the NSW Ombudsman

Under the *Ombudsman Act 1974* (NSW) (**Ombudsman Act**), the head of any designated government or non-government agency is required to report any reportable allegations or reportable convictions regarding employees to the NSW Ombudsman. The definition of "employees" is very broad and includes many persons who would not traditionally be considered employees, such as contractors, volunteers, students on placement and Priests and other religious personnel, as well as persons who do not have a role that has any face to face or physical contact with children.

While the parishes and agencies within the Archdiocese will not necessarily be considered designated non-government agencies under the Ombudsman Act, because of the overlapping nature of activities within the Archdiocese context, it is often difficult to determine where lines should be drawn between the activities of one agency (eg a school) and another (eg a parish). Accordingly, it is Archdiocesan policy that all parish and agency matters involving employees that would be considered reportable allegations or reportable convictions are reported to the NSW Ombudsman, even if they do not necessarily fall within his jurisdiction.

Reportable allegations and reportable convictions are allegations and criminal convictions of reportable conduct, which includes:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence;
- any assault, ill-treatment or neglect of a child; and
- any behaviour that causes psychological harm to a child,

regardless of whether the child has given consent.

The Archdiocese's detailed protocols, procedures and guidance documents in relation to reporting inappropriate employee conduct are:

- *Protocol: Reporting inappropriate employee conduct to the NSW Ombudsman*

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- *Guidance document: What conduct must be reported to the NSW Ombudsman?*
- *Flowchart: Reporting child protection concerns*
- *Fact sheet: What conduct must be reported to the NSW Ombudsman?*
- *Protocol: Managing child protection issues and concerns*
- *Fact sheet: Managing child protection issues and concerns*

6 Reporting a child who is at risk of significant harm to the Department of Family and Community Services

Under the *Children and Young Persons (Care and Protection Act) 1998* (NSW) (**CAP Act**), certain persons who work with children are under an obligation to make a report to the Department of Family and Community Services (**FaCS**) if they have reasonable grounds to believe a child is at risk of significant harm.

A child is at risk of significant harm if current concerns exist for their safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the following circumstances:

- the child's basic physical or psychological needs are not being met or are at risk of not being met;
- the child's parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- in the case of a child who is required to attend school, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive an education;
- the child has been, or is at risk of being, physically or sexually abused or ill-treated, regardless of whether they have given consent;
- the child is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm; and
- a parent or other care giver has behaved in such a way towards the child that the child has suffered, or is at risk of suffering, serious psychological harm.

The Archdiocese's detailed protocols, procedures and guidance documents in relation to reporting children who are at risk of significant harm are:

- *Protocol: Reporting a child who is at risk of significant harm to the Department of Family and Community Services*
- *Guidance document: When is a child at risk of significant harm?*
- *Flowchart: Reporting child protection concerns*
- *Fact sheet: When is a child at risk of significant harm?*
- *Protocol: Managing child protection issues and concerns*
- *Fact sheet: Managing child protection issues and concerns*

7 Training and support

8.1 Training

The Archdiocese acknowledges that training in relation to its child protection policy, protocols and procedures is essential to ensuring:

- awareness of the issues is raised;
- guidelines for behaviour are understood;
- each person understands their obligations under those policies and procedures, and can act accordingly; and
- awareness of any changes to those policies, protocols and procedures.

Child protection training should be carried out as follows to persons who will have contact with, or are expected to have contact with, children:

- **Induction for new parish and agency employees:** this should include a complete module or session on child protection, which takes employees through the Archdiocese's child protection policy, protocols and procedures
- **Refresher training for parish and agency employees:** all employees should be provided with child protection refresher training on an annual basis, which covers the Archdiocese's child protection policy, protocols and procedures and focuses on any updates, amendments, or issues that have arisen in the past year
- **Induction for parish and agency volunteers:** volunteers should be given an induction session on child protection, which is similar to the induction for new staff, but need not be as extensive, depending on the nature of their role as volunteers.
- **Refresher training for parish and agency volunteers:** volunteers should be invited to attend staff refresher training sessions.
- **Induction for contractors:** depending on their role (ie not for contractors who will have no contact with children), an overview of child protection issues, with a focus on rules for appropriate contact with children, should be delivered to contractors at the same time as work health and safety induction.
- **Information for children:** children who are involved in activities at the parishes and agencies should be explained the rules for participating in those activities and who they should contact if they are ever concerned for their safety or the safety of another child. This should also cover rules for child-child contact.

8.2 Support

Child protection advice and support can be sought at any time from the Safeguarding and Ministerial Integrity Office.

If appropriate, further advice can be sought from the Archdiocese, and if appropriate, the Archdiocese's General Counsel or external lawyers.

8 Record keeping and sharing

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The Ombudsman Act and WWC Act both require certain records relating to child protection to be kept so that the Ombudsman and Children's Guardian can carry out audits. In addition, the Ombudsman Act and CAP Act contain mechanisms for certain records to be shared between government and non-government agencies.

The Archdiocese also requires detailed and up-to-date records relating to children and child protection issues to be kept at parishes and agency to assist with any future child protection queries or investigations.

The Archdiocese's detailed protocols and procedures in relation to keeping and sharing child protection records are:

- *Protocol: Keeping and sharing child protection records*
- *Fact sheet: Keeping and sharing child protection records*

9 Volunteers and contractors

Child protection obligations at the parishes and agencies apply to volunteers and contractors as well as employees, clergy and religious brothers and sisters.

As above in section 7, child protection induction and/or training must be provided to volunteers and contractors who are expected to have contact with children.

Parish Priests (or administrators) and agency heads are also required to verify the WWCC details of all volunteers and self-employed contractors. Other contractors are responsible for screening their own workers. The Archdiocese's standard contracts all require those contractors to undertake that they have complied with their screening obligations.

For further guidance, see *Guide to dealing with volunteers and contractors*.

10 Other child protection materials

In addition to those listed in this policy, the Archdiocese also has the following child protection protocols and procedures:

- *Protocol: Using social media and technology to communicate with children*
- *Fact sheet: Using social media and technology to communicate with children*
- *Protocol: Using alcohol, tobacco and other drugs*
- *Fact sheet: Using alcohol, tobacco and other drugs*