

## 2.3 RESPONDING TO AND REPORTING HARM AND ABUSE

Every day we come into contact with people, (adults, children and young people) who are vulnerable in one way or another. As a church we are privileged to be in a position where these people trust us. We therefore need to be clear that when we become aware someone has been abused we have an obligation to report.

The Diocese of Lismore expect that all concerns, allegations, suspicions and disclosures of harm and abuse are taken seriously. It is critical that workers know what is expected of them in these circumstances. The following section outlines reporting responsibilities in line with recent legislative changes including:

- **Mandatory Reporting** – Where a child or young person is at risk of significant harm;
- **Reportable Conduct Scheme**– reporting inappropriate conduct of workers to the NSW Office of the Children’s Guardian; and
- **Reporting to NSW Police**

All reporting of allegations and concerns is highly sensitive and should be dealt with in a sensitive and confidential manner with respect for the privacy of the individual/s involved. There may be situations where reports need to be made to various authorities and therefore advised to seek the advice of the Safeguarding Office where necessary.

Whether the concern involves an active member of the faithful or not, it is still the responsibility of everyone in the Diocese (and its agencies) to make a report to ensure that children and the vulnerable who may need support and protection are not left at risk of abuse.

*Remember,* making a report enables the community to best provide support to the child and vulnerable adult (and their family), to review policies and procedures (where necessary) and take any steps needed to make the parish safe.

### Why do I need to make a report?

Children and vulnerable adults may be in need of protection from abuse or maltreatment in their own home or in other environments including the Church itself. Reporting is essential to uncover any hidden abuse, to prevent further abuse (injury or death) in the future, and to help professionals provide better care for the person.

You also have a legislative requirement to report child abuse offences and serious indictable offences. These are referred to as Reportable Crimes. Reportable Crimes must be reported to the NSW Police and a failure to report can result in imprisonment.

### Mandatory Reporting

Under the *Children and Young Persons (Care and Protection) Act 1998* (Care Act), certain persons are required by law to report matters or concerns if they have reasonable grounds to suspect that a child is at **risk of significant harm (ROSH)** and those grounds arise in the course of, or from their work or role.

Legislative grounds for intervention in NSW cover young people up to 18 years of age, but it is not mandatory to report suspicions of risk or harm in relation to young people aged 16 and 17 years. **It is mandatory to report suspicions of risk of harm in relation to children under the age of 16 years.** While it is not mandatory to make a report in relation to young people aged 16 and 17 years, professional judgement should be used in deciding whether concerns about the safety, welfare, or wellbeing of the young person warrant a report.

Historical allegations, once victims are adults, would not involve mandatory reporting unless there is a current risk to other children identified. A report to the Children's Guardian may be necessary if the allegation relates to someone currently engaged in child-related work/public ministry in the organisation.

### Who are mandatory reporters in NSW?

In NSW mandatory reporting obligations apply to persons who deliver the following services wholly or partly to children as part of their professional work or other paid employment, and those in management positions in organisations that deliver those services;

- health care – doctors, nurses, dentists and other health workers
- welfare – psychologists, social workers, caseworkers and youth workers
- education – teachers, counsellors and children
- disability services – disability support workers and personal care workers
- children's services – child care workers, family day carers and home-based carers
- residential services – refuge workers
- law enforcement – police
- **persons in religious ministry or persons providing religion-based activities to children**
- registered psychologists providing a professional service as a psychologist (whether or not exclusively to children).

This change to legislation means that clergy, deacons, religious brothers and religious sisters are legally required to make a report to the *Department of Communities and Justice (DCJ)* when they have reasonable grounds to suspect that a child is at risk of significant harm. It also means that employees, volunteers, contractors and sub-contractors in Parishes and Ministries of the Diocese who provide religion-based activities to children are also legally required to make a report when they have reasonable grounds to suspect that a child is at risk of significant harm.

A mandatory reporter has a duty to report concerns to the Department of Communities and Justice, as soon as practicable, the name or a description of the child and the grounds for suspecting that the child is at risk of significant harm. Other details such as the following are also helpful:

- a) Child's address, phone number, school details, age, care arrangements or cultural identity or language barriers;
- b) Child's parents' name, address, phone number, cultural identity or language barrier;
- c) Reporter's name, address, phone number, email address, position, reason for reporting, nature of contact with the Child, nature of any ongoing role with the Child or their family;

- d) Information about the reasons for suspecting that the Child is at Risk of Significant Harm, such as whether the Child appears to have suffered neglect, physical or sexual abuse, or is exhibiting at-risk behaviour.

The risk of significant harm need not arise at a parish or agency in order to be reported. It is more likely that it will relate to the relevant child or vulnerable adult's home life, which parish or agency personnel may come to understand as a result of their conversations with and observations of the child or vulnerable adult.

It's important to remember that **no member of the Clergy, Religious Appointee, Employee or Volunteer should attempt to undertake their own investigation before reporting the matter.**

Before making a report to the Department of Communities and Justice (DCJ), please discuss the concern with your parish priest or supervisor. You may also contact the Safeguarding Office who can assist you to understand and carry out your reporting responsibilities.

Everyone in the community including parents, relatives, friends, neighbours and others should be alert to signs of abuse or neglect in children, young people and vulnerable adults. Their safety, welfare and well-being are a community responsibility. An injury, concerning behaviour or a disclosure, may be a trigger to consider whether a report should be made or whether the Diocese can offer support to prevent significant harm from occurring or continuing. Non mandatory reporters including the general public should phone the Helpline on **132 111**

### What is risk of significant harm (ROSH)

Harm is any detrimental effect of a significant nature on the person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by physical, psychological, or emotional abuse or neglect; or sexual abuse or exploitation. It may be caused by a single act, omission or circumstance; or a series or combination of acts, omission or circumstances.

A child or young person is at **risk of significant harm (ROSH)** if there are current concerns for their safety, welfare or wellbeing because of the presence, to a significant extent, of any one or more of the following:

- the basic physical or psychological needs of the child or young person are not being met, or at risk of not being met (neglect) - for example, they don't have enough food or clothing, or don't have a safe or secure place to live;
- the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so) - for example, a child is very sick, but is not taken to a doctor;
- in the case of a child or young person who is required to attend school in accordance with the [Education Act 1990](#) – the parents or caregivers have not arranged for the child or young person to receive an education in accordance with that Act (unwilling or unable to do so);
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated - for example, where a child has bruises, fractures or other injuries from excessive discipline or other non-accidental actions; sexual activity between the child and an older child or adult;

- parent or caregiver’s behaviour towards the child causes or risks serious psychological harm (emotional abuse) - for example, a child having to take care of his parent, or a child being continually ignored, threatened or humiliated;
- the child or young person 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 (domestic or family violence) – for example, where a child could be injured by a punch intended for their mother, or a child can’t sleep at night because of the fear there will be violence in the home;
- the child was the subject of a prenatal report and the birth mother did not engage successfully with support services.

What is meant by “significant” in the phrase “to a significant extent” is that which is sufficiently serious to warrant a response by a statutory authority, irrespective of a family’s consent.

What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child’s or young person’s safety, welfare, or wellbeing.

## Reporting a disclosure or suspicion of harm or abuse

### Mandatory Reporter Guide (MRG)

A Mandatory Reporter Guide (Decision Tree) has been developed to help both mandatory and non-mandatory reporters decide whether a concern meets the statutory threshold for reporting risk of significant harm.

Mandatory reporters are encouraged to use the online [Mandatory Reporter Guide \(MRG\)](#) to help decide whether a child is suspected to be at risk of significant harm.

The MRG is a Structured Decision Making tool intended to complement mandatory reporters professional judgement and critical thinking, and supports mandatory reporters in NSW to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child or young person; and
- identify alternative supports for vulnerable children, young people and their families.

The MRG works by posing specific questions that help reporters work systematically through the issues relating to the concerns they have about a child or young person.

When using the MRG, you select the main decision tree that most closely matches the concern(s) you have. If you have more than one concern, start with your most serious. After selecting the applicable decision tree, you will be asked a series of questions. It is important to read the accompanying definitions to complete a ‘yes’ or ‘no’ answer until a final decision is reached.

At the end, once an assessment has been made to determine whether the child or young person is actually at risk of significant harm, a decision report will be issued with an explanation of the outcome based on your completed decision tree.

If your concern does not fit any of the decision trees, it is probably not reportable, but it is recommended you consult with the Safeguarding Office for further clarification.

## How to report?

When reporting a disclosure or suspicion of harm, you **must** consider:

- Whether the disclosure or suspicion needs to be urgently reported to NSW Police. **If so**, you will need to:
  - a) **Contact NSW police service immediately on 000 if there is immediate danger or a life threatening situation;**
  - b) Advise your parish priest or supervisor/manager
  - c) If you have concerns regarding what action needs to be taken, please contact the Safeguarding office.
- If there is **no** immediate risk of harm to the child or young person, and it is deemed the child is at risk of significant harm via the Mandatory Reporter Guide, there are two ways mandatory reporters can make a child protection report:
  - 1) By eReport through the [ChildStory Reporter website](#).
  - 2) By calling the Child Protection Helpline on **132 111**.

Mandatory reporters are required to report to the Child Protection Helpline as outlined in the Diocese *Flowchart: Reporting a Child who is at Risk of Significant harm to DCJ (Appendix 12)*. In all cases you should complete a *Concern-Complaint Form (Appendix 13)* recording all details that support disclosure or suspicion of harm.

Further information regarding mandatory reporting can be found at:

<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters>

*In situations where there is uncertainty, questions or concern regarding the reporting of an allegation of harm, clarity should be sought from the Safeguarding Office on 02 6621 9444 or [safeguarding@lismore.catholic.org.au](mailto:safeguarding@lismore.catholic.org.au)*

### NSW Department of Communities and Justice:

- Website: <https://www.dcj.nsw.gov.au>
- Mandatory Reporters Guide: <https://reporter.childstory.nsw.gov.au/s/>
- Helpline: 132 111

### Resources:

- *Appendix 11 - Factsheet: Mandatory Reporting*
- *Appendix 12 - Flowchart: Reporting a child who is at risk of significant harm to DCJ*
- *Appendix 13 - Concern-Complaint Form*

## What is a disclosure of harm or abuse?

A **disclosure** of harm or abuse occurs when someone, including a child or vulnerable adult, tells you about harm that has happened, is happening, or is likely to happen to a child or vulnerable adult. Disclosures of harm may start with:

- (a) *'I think I saw...'*
- (b) *'Somebody told me that...'*
- (c) *'Just think you should know...'*
- (d) *'I'm not sure what I want you to do, but...'*

It's important to act quickly and in the best interests of the child, young person, or vulnerable adult after a disclosure of harm is received, irrespective of the alleged source of harm.

## What is a suspicion of harm or abuse?

A **suspicion** of harm or abuse is when someone has a reasonable suspicion that a child or vulnerable adult has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm. A child or vulnerable adult who has been, or may be experiencing, abuse may show behavioural, emotional or physical signs of stress and abuse.

There may also be other circumstances where there is concern for a child or vulnerable adult's welfare but it does not reach the threshold to be considered a disclosure or suspicion of harm. You have a duty of care to follow up any suspicions of harm or potential risk of harm to children, young people or vulnerable adults in your care. You can do this by observing and recording the actions of children or vulnerable adults who might be at risk, and reporting concerns to the relevant authority.

You can suspect harm if:

- a child or young person tells you they have been harmed;
- someone else, for example another child, a parent/carer, or an employee, tells you that harm has occurred or is likely to occur;
- a child or young person tells you they know someone who has been harmed (it is possible that they may be referring to themselves);
- you are concerned at significant changes in the behaviour of a child or young person, or the presence of new unexplained and suspicious injuries; or
- you see the harm happening.

## How to respond to a disclosure or suspicion of harm or abuse

Where there is a disclosure or a suspicion that a child or vulnerable person is being harmed physically, sexually or emotionally, care must be taken to remain calm and show support to the person throughout the disclosure phase. The following key steps guides your behaviour in responding to the disclosure:

- remain calm and patient;
- listen attentively, supportively and non-judgmentally;
- ensure a private conversation occurs, respecting confidentiality, whilst remaining in an open space;
- respect that the person may not disclose full details;
- acknowledge the person's courage and strength.

### Reassure

- reassure the person they have done the right thing by telling you;
- respond empathically, objectively and use supportive language;
- if the person is a child, or young person, ensure you advise and reassure them that the disclosure cannot remain a secret and it is necessary to advise someone in order to get help;
- reassure the person that you will act.

## Record

- encourage the person to talk in their own words and ensure just enough open-ended questions are asked to act protectively (eg. 'Can you tell me what happened?'.or 'Can you tell me more about that?'). **Don't** ask leading questions which tend to suggest an answer;
- record exactly what the person has said, not your interpretation;
- do not attempt to investigate or mediate an outcome.

## Report

- **if the child or vulnerable adult is in a life-threatening situation, you should immediately notify NSW police on 000;**
- explain that you will need to refer their disclosure to someone who can help;
- ensure to keep a copy of your notes in case they are required by Court;
- in all cases you should advise the Diocesan Safeguarding office and complete a *Concern-Complaint Form (Appendix 13)* recording all details that support the suspicion. The Safeguarding office is can assist you with completing this document if required.

## Managing a disclosure: Points to remember

For those who are not trained in Counselling, Psychology or Social Work, dealing with disclosures can be confronting. It is at times difficult to be sure that your support, responses or actions are aligned with best practice and you may fear that your response is in some way incorrect or potentially worsening the situation.

The recommendations below advises on how you can best support the person who has disclosed. It is also encouraged that you approach this person with positive support only, listen and show empathy to what they are sharing. Remember your role is to support and listen to the child or vulnerable adult, **not** to conduct an investigation.

It's important to **avoid**:

- **reacting with disbelief, anger or disgust about the alleged abuser;**
- **reacting with blame, criticism, or judgement** – don't ask "why" and "what" questions, as these are only likely to perpetuate victim blaming and contribute to the survivor's negative thoughts, feelings, and emotions. Questions such as, "Why did you go alone to the room?", "what were you wearing?"; "Why didn't you fight back?" are not helpful. Often this can make them relive the trauma they experienced and will be detrimental in their process of disclosing or seeking help/support;
- **asking too many questions** – leave the investigating and fact finding to trained professionals;
- **minimising what happened** – never tell reporters/survivors to just get over it, or that what happened is in the past, or minimise these past events in any way. These types of questions and statements will come across as attempts to reduce what has happened to the survivor;
- **confronting the alleged abuser** – it could make things worse or unsafe for the child;
- **making promises you cannot keep**, such as promising that you will not tell anyone;
- **seeking further details** beyond those that the child or vulnerable adult freely want to discuss.

When there is a disclosure of an allegation of abuse and/or harm, only ask questions to confirm your understanding of the victim's situation and/or what might need to be reported to an appropriate authority.

When a Diocesan worker witnesses or receives an allegation of harm and/or suspected harm, they must report it as outlined in the section above '*how to report*'. In situations where there is uncertainty, questions or concern regarding the reporting of an allegation of harm, clarity should be sought from the Safeguarding office.

Debriefing and pastoral care after a disclosure or suspicion of harm is received and reported is very important for your own self-care and well-being. Diocesan workers who have been involved with a disclosure and/or suspicion of harm can be debriefed and supported through the **Employee Assistance Program** on **1800 81 87 28** or visit **accesseap.com.au**

*Support services* for survivors of abuse and others impacted by harm can be found in the final section of this Handbook.

## Reportable Conduct Scheme – Reporting inappropriate Employee Conduct to the NSW Office of the Children's Guardian

From 1 March 2020, the *Children's Guardian Act 2019* (NSW) (The Act) came into effect providing a new legislative framework for the **Reportable Conduct Scheme**. Those workers who are required to hold a Working With Children's Check for the purposes of their role within the Diocese of Lismore will fall under the Reportable Conduct Scheme (the Scheme). The Scheme covers all workers behaviour towards children both inside and outside of work; including clergy, paid employees and volunteers providing services to children, as well as contractors delivering services to children, who are required to hold a Working with Children Check (WWCC) for the Diocese.

The Scheme is an allegation-based scheme that oversees how organisations investigate and report on certain conduct, known as reportable allegations and reportable convictions, made against their clergy, employees, volunteers or contractors who provide services to children. The Scheme helps to better protect children by ensuring those engaged in child related activities do not pose a risk to children, and provide greater protections for employees who are the subject of reportable conduct allegations.

### What is a 'reportable allegation' and 'reportable conviction'?

A *reportable allegation* means an allegation that a worker has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of their employment with the Diocese.

Allegations of historical sexual abuse involve reportable conduct if the alleged offender is still alive and engaged in child-related work/public ministry.

A *reportable conviction* means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

Given the Reportable Conduct Scheme is an allegation-based scheme, notification will be made to the Office of the Children's Guardian where there is an allegation that a Diocesan worker has



behaved in a way that constitutes reportable conduct or they are the subject of a conviction that is considered a reportable conviction.

## What is reportable conduct?

In line with the *Children's Guardian Act 2019*, reportable conduct covers a range of behaviours which include:

- a) **A sexual offence** - An offence of a sexual nature under a law of NSW, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as; sexual touching of a child; a child grooming offence; production, dissemination or possession of child abuse material.
- b) **Sexual misconduct** - Conduct with, towards or in the presence of a child that is sexual in nature, but is not a sexual offence. Includes: descriptions of sexual acts without a legitimate reason to provide the descriptions; sexual comments, conversations or communications; and comments to a child that express a desire to act in a sexual manner towards the child or another child.
- c) **Ill-treatment of a child** - Occurs when a person treats a child in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner. This may include: unreasonable and inappropriate punishment of a child; a pattern of seriously inappropriate, degrading or hostile comments or behaviour towards a child; and making excessive and/or degrading demands of a child.
- d) **Neglect of a child** - Although this would rarely arise in a parish or agency context, a failure to keep a child safe from harm by providing adequate supervision or exposure to harmful situations, e.g. outdoors, may in some circumstances be neglect if the child does suffer a foreseeable injury.
- e) **Assault against a child** - Intentionally or recklessly applying physical force without any lawful justification or excuse; or any act which intentionally or recklessly causes another person to apprehend immediate and unlawful violence. Examples include: hitting, striking, kicking, punching or dragging a child; and threatening to physically harm a child.

The following do **not** constitute assault: exercising appropriate control over a child; disarming a child seeking to harm themselves or others or destroy property; separating children who are fighting; moving a child out of harm's way or touching them to attract their attention; and self-defence or the defence of others.

- f) **An offence under section 43B or 316A of the *Crimes Act 1900* (Failure to protect and Failure to Report)**
- g) **Behaviour that causes significant emotional or psychological harm to a child** – Refers to conduct that is obviously or very clearly unreasonable and results in significant emotional harm or trauma to a child. In order to be reportable, there must be evidence of the psychological harm and the harm needs to be shown to have been caused by the conduct of the worker.

It is important to contact the parish priest/manager or Safeguarding Office immediately on becoming aware of reportable conduct allegations or convictions, as notification to the Office of Children's Guardian needs to be made by the Diocesan Safeguarding Manager within **7** business days of being made aware of the allegation. The Safeguarding Office will assess the information and, where required, report to the NSW Office of the Children's Guardian and conduct an investigation.

If an allegation of reportable conduct is made about your behaviour, as a worker, the Safeguarding Office will report the alleged reportable conduct to the Office of Children's Guardian and initiate an investigation. A risk assessment will be undertaken by the Safeguarding Office regarding your engagement with the Diocese for the duration of the investigation.

The Scheme applies even if the alleged conduct occurred at a time when the person was not an employee, as long as they are employed when the allegation becomes known to the Head of Relevant Entity (Safeguarding Manager). This is because the Scheme is designed to address any current risks a person may pose to children being cared for within the Diocese.

Sometimes an allegation may appear to fall within a 'grey area' that requires further clarification or which appears to have taken place within the reasonable boundaries of a person's professional duties. Please seek advice from the Safeguarding Office to help determine whether an employee's alleged behaviour constitutes a 'reportable allegation' for the purposes of this scheme.

## How to report

You have an obligation to report alleged reportable conduct of colleagues towards children both during and outside 'work' hours. If you are concerned about the potentially reportable conduct of a worker towards a child under 18 years, you must:

- Immediately inform your manager/parish priest of this concern, in line with the Diocese *Reportable Conduct Flowchart* (Appendix 15). If your manager is unavailable, please report the alleged conduct to the Safeguarding Office.
- For managers/parish priests receiving the allegation, you must report the concern to the Head of Relevant Entity (Diocesan Safeguarding Manager) within 24 hours of being informed.

Once a report is made to the Safeguarding Office, the Safeguarding Manager will assess the information and, where required, report to the NSW Office of the Children's Guardian.

- Use the *Concern-Complaint form* (Appendix 13) to report such concerns and maintain for record keeping purposes.

Workers can be reluctant to raise their concerns because they fear that there may be adverse actions taken against them by those involved in the circumstances of their disclosure. The Diocese of Lismore completely supports workers that report child protection concerns, and is committed to listening to concerns and ensuring that they are treated in a respectful and dignified manner.

It's important that you have reasonable grounds to suspect that the information you are disclosing indicates that misconduct or illegal conduct has occurred. You must also make the disclosure in 'good faith'. This means your disclosure must be honest and genuine.

The Diocese of Lismore will report any worker to the relevant authority who takes, or threatens to take, detrimental action against a person who has reported in good faith. Disciplinary action may also be taken with respect to the Diocesan *Complaints Handling Policy* and *Code of Conduct*.

There may be situations where reports need to be made to the police, to Department of Communities & Justice, and to the Office of the Children's Guardian. Given these various possibilities, it is advised to always seek the advice of the Safeguarding Office.

## How to avoid allegations

To avoid behaviour that constitutes Reportable Conduct you are required to maintain professional boundaries and follow the Code of Conduct within the Diocese to safeguarding yourself and children.

The following tips may also help in preventing an allegation:

- ensure you are familiar with the Diocese of Lismore Code of Conduct and the expected ways you interact with children in your role;
- keep your interactions with children professional, even in less formal environments including extracurricular activities such as a play or musical productions;
- ensure you receive adequate induction into your role, and if not raise this with your supervisor – even if you are engaged for a short period of time and/or you are a volunteer;
- if you don't have the required experience or training to perform your role safely, discuss this with your supervisor so steps can be taken to ensure you are ready for the role;
- where possible, avoid interacting with children one-on-one in an area not visible to others;
- if you adopt a mentor role with a child, be sure it is a recognised and approved role, and you have a clear understanding of appropriate boundaries in that role;
- don't engage with children outside of family or legitimate social circles via social media;
- if you have a reason to engage with children via other electronic media (such as email) as part of your role, follow your Diocese of Lismore's policies on appropriate communication;
- if you are having personal, health or other issues that may affect your performance at work, access any support available to you.

### Resources:

- *Appendix 14 – Fact-Sheet: Reportable Conduct Scheme*
- *Appendix 15 – Flowchart: Reportable Conduct*
- *Appendix 13 – Concern-Complaint Form*
- *Appendix 16 – Whistleblower protection guidelines*

## Reporting Crimes to the NSW Police

Under the *Crimes Act 1900 (NSW)*, all adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child (Under 18 years) has been abused. It is an offence not to do so, and failing to report a Child Abuse Offence to NSW Police without a reasonable excuse may be considered a Concealing Child Abuse Offence, which is punishable by up to two years imprisonment. In the state of NSW this does not currently extend to clergy in the sacrament of Confession. It does apply to clergy for all other situations outside this Sacrament.

An adult working in the Diocese will also commit an offence if they know another adult working there poses a serious risk of abusing children, and they have the power to reduce or remove the risk and they negligently fail to do so.

In addition, Diocesan workers have a legislative requirement to report Serious Indictable Offences to NSW Police and failure to report can result in imprisonment. There are a vast number of Serious Indictable Offences and Child Abuse Offences (referred to as Reportable Crimes) that are listed in the *Appendix 19 – Table of reportable crimes*. Broadly speaking, Reportable Crimes that present at the parishes and agencies may include:

1. Physical Assault of a child or adult;
2. Sexual Assault of a child or adult;
3. Indecent Assault of a child or adult;
4. Committing a Sexual Act or Sexual Touching against a child;
5. Grooming behaviour;
6. The possession, dissemination or production of 'child abuse material', which includes child pornography and any material depicting a child as a victim of torture or cruelty;
7. The recording or distributing of 'intimate images' without consent; and
8. Stealing.

The parish priest/manager and/or Safeguarding Office will be able to provide support with making a report to NSW Police. Workers may choose to contact the Police directly by contacting their local police station or calling the Police Assistance Line on 131 444, or 000 in an emergency. If making a report directly to the Police, workers must also report all suspected offences to the parish priest/manager and/or Safeguarding Office.

**No worker should attempt to undertake their own investigation before reporting the matter.**

#### **Concealing Child abuse (Failure to Report) Offence:**

If an adult fails to report a Child Abuse Offence to the NSW Police this may constitute a Concealing Child Abuse Offence under s316A of the Crimes Act if they:

- believe, know or reasonably ought to know that a Child abuse Offence has been committed against another person; and
- believe, know or reasonably ought to know that they have information that might be of material assistance to the NSW Police in securing the apprehension, prosecution or conviction of the person who has committed that offence; and
- do not have a 'reasonable excuse' not to report the information.

#### **Reasonable excuses for not reporting to Police may include:**

- if you believe (on reasonable grounds) that the information is already known to Police;
- if you have made a Report/to another government body such as Department of Communities and Justice or the Office of the Children's Guardian;
- if the alleged victim is no longer a child and you have reasonable grounds to believe that the person does not want the information reported to Police;
- if you have reasonable grounds to fear for the safety of the alleged victim or any other person (other than the offender) if the information is reported to Police.

#### **NSW Police:**

- life threatening/Emergency situations: **000**
- police Assistance Line: 131 444

## Resources:

- *Appendix 17 - Fact Sheet: Reporting Crimes to the NSW Police*
- *Appendix 18 – Fact Sheet: What is a Reportable Crime*
- *Appendix 19 – Table of reportable crimes*

## Concern-Complaint Form

If a Diocesan worker has, or is notified of, a Safeguarding concern they should complete a *Concern-Complaint Form* as soon as possible. A Safeguarding concern includes a suspicion, allegation or disclosure of abuse, or a complaint of inappropriate conduct. This form should contain relevant details of the concern, including:

- accurate information as far as it is known. This should include the name and address of the person who has raised a concern (as well as parents'/carers' names and addresses when the person who has raised a concern/allegation is a child);
- the name of the individual against whom the concern/allegation is being raised and any other identifying information;
- as much information as possible about the circumstances that led to the concern/allegation being raised, including why the person reporting is worried about the welfare and safety of the child or vulnerable person;
- dates when the concern arose, or when the incident(s) occurred;
- circumstances in which the concern arose, or when the incident (s) occurred;
- any explanation offered to account for the risk, injury or concern;
- the victim's own statement using the words they actually used to describe the events or incident(s), if possible. *Do not make assumptions about the intended meaning of the words used;*
- details of any action already taken concerning the incident/concern/allegation; and
- any views expressed by other family members, carers, parent(s) or guardian(s) about the matter.

Records relating to Safeguarding concerns should be as detailed, accurate and objective as possible. Do not be selective in your recall of events and include detail that may to you seem irrelevant. This information may prove very useful should a subsequent investigation be deemed necessary.

Any copies of records retained must be stored in a secure manner to maintain confidentiality.

Discuss the matter with the parish priest or Safeguarding office and decide what action needs to be taken. It is important **not** to discuss the concern with anyone other than those detailed in these procedures.

## Confidentiality

It is very important to ensure the safety of all parties once an allegation is made, including the notifier. The circumstances surrounding suspected or alleged harm and/or abuse to children and the vulnerable are highly sensitive and should be dealt with in a way that respects the privacy and confidentiality of all involved.

Any reports or documentation on disclosures must be kept secure at all times and only passed to appropriate authorities and/or individuals. Access should be strictly limited to those involved in the matter, and only discussed with relevant workers or authorities.