

FACT SHEET: Reportable Conduct Scheme

Children's Guardian Act 2019 Part 4 (The Act)

Information for Clergy, Agency and Parish workers in a child related role within the Diocese of Lismore

From 1 March 2020, the *Children's Guardian Act 2019* (The Act) came into effect and replaced Part 3A of the NSW Ombudsman Act 1974 which provided the framework for the Reportable Conduct Scheme (The Scheme). The Act provides a new legislative framework for The Scheme. The Scheme covers all workers 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 in the Diocese of Lismore.

What is the Reportable Conduct Scheme?

The Reportable Conduct Scheme is an allegations-based scheme. The Scheme oversees how organisations investigate and report on certain conduct (known as "reportable allegations" and "reportable convictions") made against Clergy, employees, volunteers or contractors who provide services to children. The Scheme covers religious bodies, in line with recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.¹

A particular requirement of The Scheme is to ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions. The goal of 'prevention' is a critical element of The Scheme.

The Scheme exists to protect children as well as workers.

What is a Reportable Allegation or Reportable Conviction?

A reportable allegation is an allegation that a worker has engaged in conduct that may be reportable conduct². 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.

The *Children's Guardian Act 2019* defines Reportable Conduct as:

- A sexual offence
- Sexual misconduct
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- An offence under section 43B or 316A or the *Crimes Act 1900* and
- Behaviour that causes significant emotional or psychological harm to a child.

What does it mean for you?

1. As a member of the Clergy or worker (paid or volunteer) of the Diocese you have an obligation to report alleged reportable conduct of colleagues who work with children.
2. The Scheme covers the conduct of workers towards children both at home and at work.
3. If an allegation of reportable conduct is made about your behaviour towards children, the Diocese must report to the Office of the Children's Guardian and initiate an investigation.

How to report an allegation of reportable conduct?

Reportable allegations or convictions against Clergy or workers may be received by the Priest of the Parish who in turn will report the concern to the Safeguarding Office (Chancery). Alternatively you can report directly to the Safeguarding Office (Chancery) by emailing

safeguarding@lismore.catholic.org.au or phone **02 6621 9444**

¹ NSW Reportable Conduct Scheme – helping to keep kidssafe, <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme> 05/01/2020

² Children's Guardian Act 2019 (NSW), Part 4 (20)

More Information

For further information on the Reportable Conduct Scheme you can visit the Office of the Children's Guardian website at kidsguardian.nsw.gov.au

If you have specific questions about the *Children's Guardian Act 2019* in relation to Reportable Conduct, you can email the Safeguarding Office at safeguarding@lismore.catholic.org.au

The concern will be taken seriously.