

Protocol: Storing and Sharing Safeguarding Records

Key obligations

It is essential that full and accurate safeguarding records are kept to comply with legislation and assist with any safeguarding queries or investigations that arise in future. While records relating to allegations of child abuse, safeguarding complaints or the operations or procedures of the Diocese, parish or agency, must be retained under relevant legislation for a period of 45 years, it is policy of the Diocese to retain these records **indefinitely**.

1 What are “safeguarding records”?

- 1.1 For the purposes of this protocol, “safeguarding records” are all records of information that relate to:
- a) children or vulnerable adults who are involved with the parish or agency;
 - b) the employment or engagement (as a volunteer, contractor or otherwise) of persons working with children or vulnerable adults, including screening of those persons;
 - c) Safeguarding training (including attendance records); and
 - d) any concern regarding the safety or well-being of a child or vulnerable adult, whether or not that concern:
 - i) has been reported to the NSW Police, Office of Children’s Guardian or department of Communities and Justice; or
 - ii) has otherwise been reported to the Safeguarding office.

2 Obligations to keep and share records

- 2.1 The *Child Protection (Working with Children) Act NSW(2012)* and *Children’s Guardian Act 2019 (NSW)* contain requirements to keep certain safeguarding records related to the obligations contained in those Acts.
- 2.2 The purpose of these record-keeping requirements is to allow the Office of the Children’s Guardian to conduct audits of child-related employers and designated agencies, and to keep their child safeguarding systems under scrutiny.
- 2.3 In addition, the *Children’s Guardian Act 2019 (NSW)* and the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* set out provisions that encourage the exchange of certain safeguarding records between agencies.

3 Diocese policy and procedure

3.1 Records relating to children who are involved with the parish or agency:

- a) Each parish should keep copies of all documents relating to children who participate in activities or are otherwise involved in their parish or agency, including:
 - i) each child’s name and date of birth;
 - ii) any consent forms signed by the child’s parent or guardian;
 - iii) the activities the child participates in;
 - iv) the adults who conduct or supervise those activities; and
 - v) details of the child’s allergies or other medical needs.

3.2 Records relating to the employment or engagement of persons working with children, including screening

- a) In relation to each person who requires a Working With Children Check under the *Child Protection (Working With Children) Act 2012 (NSW)*, the relevant parish must keep records of the person's:
 - i) full name;
 - ii) date of birth;
 - iii) Working With Children Check number; and
 - iv) Working With Children Check expiry date.
- b) If, during the Working With Children Check verification process, a person has been:
 - i) barred; or
 - ii) placed under an interim bar,the relevant parish must keep a record of this.
- c) If a parish is notified that the Children's Guardian wishes to conduct an audit of the relevant parish or agency's records relating to Working With Children Checks, it must cooperate with all reasonable requests made by the Children's Guardian.
- d) If a parish requires any assistance or advice in relation to an audit by the Children's Guardian, they should contact the Safeguarding Office.
- e) Each parish must also keep copies of all:
 - i) CVs or resumes;
 - ii) notes of interviews;
 - iii) references received or notes of reference checks;
 - iv) employment agreements;
 - v) contractor agreements;
 - vi) volunteer agreements; and
 - vii) correspondence or other documents relating to disciplinary matters;relating to persons who work with children at the relevant parish or agency.

3.3 Records relating to Safeguarding training

- a) Each parish must also keep copies of all records of attendance at Safeguarding training and induction at the relevant parish or agency.
- b) The Safeguarding Office must keep all records of attendance at safeguarding training and induction.
- c) Individual parishes must keep all records of attendance at any training provided in connection with the parish.

3.4 Records relating to the reporting of Safeguarding Complaints

- a) Each person who makes a report to the NSW Police regarding a suspected reportable crime must keep a record of the following information and provide a copy to the Safeguarding Office:
 - i) the date they became aware of the suspected reportable crime;
 - ii) the names of the alleged victim and perpetrator (unless the victim has requested their

- name be kept confidential);
 - iii) any correspondence with any other person regarding the suspected reportable crime, including file notes of conversations; and
 - iv) a copy of the report made to the NSW Police.
- b) Each parish must keep records relating to safeguarding complaints that are reported to them and provide them to the Safeguarding Office, including but not limited to:
- i) the person who raised the matter;
 - ii) date the matter was raised;
 - iii) the name of the alleged victim and/or perpetrator (unless the victim wishes to remain confidential);
 - iv) brief details of the matter;
 - v) the date the matter was notified to the Safeguarding Office; and
 - vi) copies of any documents in their possession created in relation to the matter, before or after it was reported to the Safeguarding Office.
- c) In addition to the above, the Safeguarding Office must keep records relating to all safeguarding complaints that are reported, including but not limited to:
- i) correspondence with any party relating the matter;
 - ii) any reports made to the NSW Police, Office of Children's Guardian or Department of Communities and Justice;
 - iii) any investigation reports; and
 - iv) details of any action taken in relation to the matter.
- d) In practice, the Safeguarding Office assists with reporting Reportable Crimes to the NSW Police and will provide a copy of its report to the person who originally notified the Reportable Crime to the Safeguarding Office.

3.5 **Sharing child protection records**

- a) In the event that a request is made by a government or non-government agency for safeguarding records, any such request should be immediately directed to the Safeguarding Office.
- b) The Safeguarding Office will seek legal advice as to whether the requested documents should be produced.

3.6 **General obligations for record retention**

- a) Records relating to Safeguarding Complaints or incidents should be as detailed, accurate and objective as possible.
- b) Records should be stored securely in physical and or/digital environments where they will not be subject to alteration or corruption.
- c) It is policy of the Diocese to retain records relating to allegations of child abuse, safeguarding complaints or the operations or procedures of the Diocese, parish or agency, **indefinitely**.