



INITIAL POLICY DATE	1 January 2025
EFFECTIVE DATE	1 January 2025
REVIEW DATE	1 July 2027
POLICY OWNER	Chancery
APPLIES TO	This Policy applies to clergy, members of religious institutions, employees, board members, contractors (as defined and in relation to WHS and Children’s Guardian legislation and a one member corporation), volunteers, work experience students and trainees (Workers) of the Diocese.
EXCLUSIONS	Where an agency or entity of the Diocese has its own policy, the relevant agency or entity policy will apply to Workers engaged by those agencies or entities. In the event of conflict between the policies of agencies or entities and the Diocesan policy, the Diocesan policy prevails.
RELATED POLICIES, GUIDELINES & PROCEDURES	Code of Conduct Inappropriate Behaviours Policy Complaint Handling Policy Safeguarding Children, Young People and Adults at Risk Policy Working with Children Check Policy Commitment to Safeguarding Statement
REFERENCE	<i>Child Protection (Working with Children) Act 2012 (NSW)</i> <i>Child Protection (Working with Children) Regulation 2013 (NSW)</i> <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> <i>Children and Young Persons (Care and Protection) Regulation 2012 (NSW)</i> <i>Children’s Guardian Act 2019 (NSW)</i> <i>Crimes Act 1900 (NSW)</i> <i>National Catholic Safeguarding Standards</i>
RELATED FORMS	There are no forms related to this policy
HEADINGS	Introduction and Purpose Scope Principles Definitions Legislative Framework Responsibilities and Obligations

	<ul style="list-style-type: none"> 1. Duty of Care 2. Appropriate relationships and boundaries 3. Working With Children Clearance 4. Mandatory Reporting <ul style="list-style-type: none"> 4.1 Principles 4.2 Risk of Significant Harm 4.3 Responsibilities Under the Care Act 4.4 Diocesan Policy and Procedure for Mandatory Reporters 4.5 Diocesan Policy and Procedure for Other Workers 4.6 Responding to Other Child Wellbeing Concerns 4.7 Information Exchange 4.8 Protection for Reporters 5. Confidentiality 6. Victimisation 7. Record Keeping <p>Breaches of this Policy</p> <p>Revision/ Modification History</p> <p>Approval Date/ Revision History</p>
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INTRODUCTION AND PURPOSE

Children and young people have a fundamental right to grow, develop and feel safe in environments that are free from violence, exploitation and harm. The Diocese of Lismore has clear expectations that all children and young people will be protected from all forms of harm including sexual, physical and psychological harm as well as ill-treatment and neglect.

Consistent with its mission and values, and in compliance with its legislative obligations, the Diocese of Lismore strives to ensure children in its care are safe and secure. Our strategy for building child safe communities includes regular and comprehensive assessment of risk and providing a safe and supportive environment for children and workers.

The purpose of this policy is to contribute to a framework for creating safe and supportive environments throughout the Diocese, particularly for Children and Young People. This policy identifies the way in which the Bishop, Safeguarding Office, Parish Priests and Workers, as defined by the Act, are to work together to act upon concerns about possible abuse or neglect of Children and Young People, in compliance with reporting obligations under the Children's Guardian Act 2019 (NSW) (**Children's Guardian Act**) and *the Children and Young Persons (Care and Protection) Act 1998 (Care Act)*.

This Policy identifies the need to:

- Ensure that everyone within the Diocese understands what they are required to do when reporting concerns that a Child is at Risk of Significant Harm.
- Recognise the importance of reporting concerns about Children at Risk of Significant Harm to the Department of Communities and Justice in promoting the safety and wellbeing of Children and Young People.
- Understand the importance of providing support to Children and Young People at risk in accordance with the Diocesan commitment to Safeguarding.
- Ensure that everyone within the Diocese understands what they are required to do in order to protect children from harm by reporting Reportable Allegations and Reportable Convictions.
- Recognise the role of Workers reporting Reportable Allegations and Reportable Convictions to the Safeguarding Office as an important strategy for promoting the safety and wellbeing of children and young people.
- Recognise the role of the Safeguarding Office in receiving reports from Workers regarding Reportable Allegations and Reportable Convictions and making appropriate reports to the NSW Office of the Children's Guardian (**Children's Guardian**) as an important strategy for promoting the safety and wellbeing of children and young people.

SCOPE

This policy aims to:

- Clarify the expectations of Workers who work in child related employment;
- Provide a safe and supportive environment for children and workers; and
- Build and maintain a contemporary Catholic workplace that is safe, respectful, professional and legally compliant.

PRINCIPLES

Within the Diocese of Lismore, the procedures to be followed in handling allegations of child protection concerns are based on the following principles:

- Jesus Christ, through the Scriptures, instructs us about the dignity and infinite value of every human being, especially children and young persons;
- The care and protection of children and young people is paramount;
- The value of the family unit is respected but not to the detriment of the well-being of the child;
- Persons involved in child protection concerns should be treated with sensitivity, dignity and respect;
- In any preventative and/or protective action, the total well-being of the child is the primary concern;
- All Workers have an obligation to promptly inform the head of relevant entity of serious matters concerning the welfare, care and protection of children;
- Information regarding allegations of child protection shall be made available only to those Workers who have a genuine and/or legislative need to be informed. Workers who have access to such information have the obligation to observe appropriate confidentiality in relation to this information.

DEFINITIONS

Bishop means the Bishop of the Catholic Diocese of Lismore

Care Act means the Children and Young Persons (Care and Protection) Act 1998 (NSW)

Child means an individual under the age of 18 years, however for the purposes of Mandatory Reporting pursuant to the Care Act, a child is a person under the age of sixteen (16) years;

Children's Guardian means the NSW Office of the Children's Guardian;

Complaint or Allegation, for the purpose of this document, is any issue raised regarding the conduct of a Worker of the Diocese of Lismore in relation to children or young people;

Diocese means the Roman Catholic Diocese of Lismore and includes without limitation any Diocesan agencies, corporations, entities, parishes, parish corporations and parish entities where the Worker is employed or otherwise engaged;

Head of relevant entity means the Bishop of the Diocese of Lismore, who is deemed to be the Head of relevant entity, as per the *Children's Guardian Act 2019 (NSW)*. The head of relevant entity has delegated responsibility to the Diocesan Safeguarding Manager, where all complaints and allegations are to be reported and recorded in the first instance;

Ill-Treatment means the conduct towards a child that is:

- unreasonable; and
- seriously inappropriate, improper, inhumane or cruel.

This can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child;

Mandatory Reporter has the meaning set out in section 4 of this policy.

Risk of Significant Harm has the meaning set out in section 4.2 of this policy.

Suspected Person means a person who is suspected to have engaged in conduct that may be Reportable Conduct or to have been convicted of an offence involving Reportable Conduct.

Worker means all clergy, religious, employees, board members, contractors, volunteers, work experience students and trainees of the Diocese including those working in or visiting its Parishes.

Working with Children Clearance (WWCC) has the same meaning as set out in the WWCC Policy.

WWCC Holders means individuals who hold, or are required by the Diocese to hold, a WWCC Clearance for the purpose of engagement with the Diocese. Individuals who are exempt from holding a WWCC Clearance, as set out in the WWCC Policy are not WWCC Holders.

Young Person means a person who is aged 16 years or above but who is under the age of 18 years.

LEGISLATIVE FRAMEWORK

Workers are required to be familiar and comply with child protection legislation as varied from time to time, including but not limited to:

- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Child Protection (Working with Children) Regulation 2013 (NSW)*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Children and Young Persons (Care and Protection) Regulation 2012 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Children's Guardian Act 2019 (NSW)*

RESPONSIBILITIES AND OBLIGATIONS

1. Duty of Care

A worker has a legal obligation to take reasonable care for their own safety and the safety of children and others with whom they come into contact with as part of their engagement with the Diocese.

These obligations arise from the specific role and responsibilities of the worker including (but are not limited to) the following:

- providing adequate supervision;
- following procedures relating to child safety, behaviour management, welfare and wellbeing (for example, reporting procedures);
- demonstrating personal behaviours that promote the safety, welfare and well-being of children;
- providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a child who is injured or becomes sick;
- protecting a child from hazards that pose a risk of harm and which can be reasonably predicted; and
- taking appropriate action where a child's safety, welfare or well-being is at risk.

The extent of the duty is impacted by various factors, such as a child's maturity, ability and circumstances.

The duty applies during all activities and functions conducted or arranged by the Diocese where children are in the care of workers. Workers must assess and manage the risk associated with any activity before undertaking the activity.

Actual harm to a child, or potential to cause significant harm to a child, caused by:

- a. a single serious failure to discharge their duty; or
- b. repeated less serious failures to discharge their duty

may constitute misconduct, neglect or negligence and/or a breach of this policy.

2. Appropriate relationships and boundaries

Workers must act professionally and appropriately when dealing with children and others they come into contact with as part of their engagement with the Diocese. This obligation also extends to relationships workers have with children outside of work. Workers must maintain appropriate professional boundaries and levels of professional conduct with children. A single serious or repeated less serious breaches of the Diocesan Code of Conduct may constitute misconduct, sexual misconduct and/or a breach of this policy.

3 Working with Children

Workers who are required to have a working with children check and do not have a current clearance, or are barred from working with children, cannot continue to be engaged in child related work. Consequently, their employment or engagement with the Diocese may be terminated.

4. Mandatory Reporting – Risk of Significant Harm

4.1 Principles

All Workers of the Chancery, Parishes and agencies of the Diocese who provide religious ministry or religion-based activities to Children, including clergy, are considered to be 'Mandatory Reporters', who have a legal obligation to make a report to the Department of Communities and Justice if they have reasonable grounds to suspect that a Child is at Risk of Significant Harm and those grounds arise during the course of their work or role.

The Diocese acknowledges its responsibility to establish and maintain appropriate procedures to support Mandatory Reporters in fulfilling their reporting obligations to the Department of Communities and Justice.

4.2 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:

- (a) the Child's basic physical or psychological needs are not being met or are at risk of not being met;
- (b) the Child's parents or other guardians have not arranged and are unable or unwilling to arrange for the Child to receive necessary medical care;
- (c) in the case of a Child who is required to attend school, the parents or other guardians have not arranged, and are unable or unwilling to arrange, for the Child to receive an education;
- (d) the Child has been, or is at risk of being, physically or sexually abused or ill-treated;
- (e) the Child is living in a household where there have been incidents of domestic violence and, as a consequence, the Child is at risk of serious physical or psychological harm; or

- (f) 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.

As discussed further in below, Mandatory Reporters may seek guidance from the Safeguarding Office or consult the Mandatory Reporter Guide to assess whether a Child or Young Person is at Risk of Significant Harm or whether a report should be made. The Mandatory Reporter Guide can be accessed via the following link: <https://reporter.childstory.nsw.gov.au/s/mrg>.

4.3 Responsibilities under the Care Act

The following persons will be 'Mandatory Reporters' and must make a report to the Department of Communities and Justice if they have reasonable grounds to suspect that a Child is at Risk of Significant Harm, and those grounds arise during their work or role:

- (a) a person who, in the course of their professional work or other paid employment, delivers:
 - i. health care (e.g. doctors, nurses, dentists and other health workers);
 - ii. welfare (e.g. psychologists, social workers and youth workers);
 - iii. education (e.g. teachers);
 - iv. Children's services (e.g. Child care workers, family day carers and home-based carers);
 - v. residential services (e.g. refuge workers and community housing providers);
 - vi. law enforcement (e.g. police); or
 - vii. disability services (e.g. social workers and certain carers),
wholly or partly to Children;
- (b) a person who holds a management position in an organisation which provides the services set out above at clause 2(a.) wholly or partly to Children;
- (c) a person in religious ministry, or a person providing religion-based activities to Children (e.g. minister of religion, priest, Children's liturgy volunteer or youth group leader); and
- (d) a registered psychologist providing a professional service as a psychologist.

All Workers of the Chancery, Parishes and agencies of the Diocese who provide religious ministry or religion-based activities to Children, including clergy, are 'Mandatory Reporters'.

Workers who hold a Working With Children Check (**WWCC**) Clearance, or are exempt from holding a WWCC Clearance, may or may not be a Mandatory Reporter. Workers who hold a WWCC Clearance, or are exempt from holding a WWCC Clearance, should refer to the guidance regarding who is a Mandatory Reporter above to determine if they are a Mandatory Reporter.

Any Worker who is unsure about whether or not they are a Mandatory Reporter should seek guidance from the Safeguarding Office.

Mandatory Reporters have a legal obligation to make a report if they have reasonable grounds to suspect that a Child is at Risk of Significant Harm.

Mandatory Reporting responsibilities relate only to situations where the grounds arise during the course of, or from, the person's work. Mandatory Reporting responsibilities do not extend to situations that a Worker may come across outside their working environment.

4.4 Diocese Policy and Procedure for Mandatory Reporters

4.4.1 Mandatory Reporting

Mandatory Reporters who have reasonable grounds to suspect that a Child is at Risk of Significant Harm are under an obligation to immediately report those concerns to the Department of Communities and Justice.

Any report to the Department of Communities and Justice must include the name of the Child who is suspected to be at Risk of Significant Harm, or a description of the Child. The following details are also helpful for the Department of Communities and Justice:

- (a) the Child's address, phone number, school details, age, care arrangements or cultural identity or language barriers;
- (b) the Child's parents' name, address, phone number, cultural identity or language barriers;
- (c) the 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; and
- (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, or disclosures made by the Child.

Reports can be made by:

- (a) contacting the Department of Communities and Justice Child Protection Helpline – 132 111; or
- (b) submitting an eReport to the Department of Communities and Justice at: <https://reporter.childstory.nsw.gov.au/s/>.

Mandatory Reporters may seek guidance from the Safeguarding Office or consult the Mandatory Reporter Guide to assess whether a Child or Young Person is at Risk of Significant Harm or whether a report should be made. The Mandatory Reporter Guide can be accessed via the following link: <https://reporter.childstory.nsw.gov.au/s/mrg>

4.4.2 Notification to the Safeguarding Office

The Diocese requires that all Mandatory Reporters who make a report to the Department of Communities and Justice also promptly notify the Safeguarding Office of that report.

If a report is made to the Department of Communities and Justice via eReport, the Mandatory Reporter must download the eReport and email it to the Safeguarding Office at safeguarding@lismore.catholic.org.au as soon as possible after making the Report.

If a report is made to the Department of Communities and Justice via telephone, the Mandatory Reporter must complete a Risk of Significant Harm Report Form and email a copy of the form to the Safeguarding Office at safeguarding@lismore.catholic.org.au as soon as possible after making the Report.

4.4.3 Feedback to Reporters

The Child Protection Helpline will provide feedback in writing to Mandatory Reporters on whether a report meets the statutory threshold of Significant Harm or not. If the feedback indicates that the threshold of Significant Harm is not met, Mandatory Reporters must inform the Safeguarding Office as soon as possible.

4.5 Diocesan Policy and Procedure for other Workers

4.5.1 Reporting Obligation of other Workers

All Workers have an ethical responsibility to promote the safety, welfare and wellbeing of Children regardless of the context, and any concerns about situations arising within or outside their working environment can be discussed with a Parish Priest, their supervisor or the Safeguarding Office.

The *Care Act* provides a mechanism for voluntary reports to be made where there are reasonable grounds to suspect a Child or Young Person is or may be at Risk of Significant Harm. All Workers, whether or not they are Mandatory Reporters, are encouraged to make voluntary reports where they hold concerns about a Child being at Risk of Significant Harm.

4.5.2 Notification to Parish Priests or Supervisors

The Diocese requires that all Workers immediately notify their Parish Priest or a direct line report to whom they report of all concerns that a Child may be at Risk of Significant Harm.

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's home life, which parish or agency personnel may come to understand as a result of their conversations with and observations of the Child.

No Worker should attempt to undertake their own investigation before notifying their Parish Priest or a direct line report regarding the matter.

4.5.3 Notification to the Safeguarding Office

On receiving a notification that a Child may be at Risk of Significant Harm, the Parish Priest or supervisor must immediately notify the matter to the Safeguarding Office. Parish Priests are Mandatory Reporters who must also immediately notify the Department of Communities and Justice of a report that a Child may be at Risk of Significant Harm, in accordance with the Diocesan Policy and Procedure above. Depending on the nature of their role, a supervisor may also be a Mandatory Reporter who is required to immediately make a report to the Department of Communities and Justice.

If the Parish Priest or supervisor has concerns about whether the matter is reportable, they should contact the Safeguarding Office to seek guidance.

No Parish Priest or supervisor should attempt to undertake their own investigation before reporting the matter.

4.5.4 Notification to the Department of Communities and Justice

On receiving a notification that a Child may be at Risk of Significant Harm, the Safeguarding Office will assist the worker to consult the Mandatory Reporter Guide (<https://reporter.childstory.nsw.gov.au/s/mrg>) so that the person seeking assistance can determine whether the matter ought to be reported to the Department of Communities and Justice, and if so, support the person to make that report.

In providing this assistance, the Safeguarding Office may seek advice from:

- (a) the NSW Child Protection Helpline on 131 111;
- (b) the Mandatory Reporter Guide: <https://reporter.childstory.nsw.gov.au/s/mrg>; or
- (c) Diocesan legal advisors.

4.6 Responding to other Child Wellbeing Concerns

Workers who have a concern about the wellbeing of a Child or Young Person, but do not suspect that the Child or Young Person is or may be at Risk of Significant Harm, are encouraged to connect the Child, Young Person and/or their family with:

- (a) resources available within the church environment; and
- (b) external services, which may include services offered by Catholic social care agencies.
- (c)

4.7 Information Exchange

The *Care Act* includes provisions that encourage the exchange of certain safeguarding records between agencies. If a request is made by a government or non-government agency for safeguarding records under the *Care Act*, any such request should be immediately directed to the Safeguarding Office. The Safeguarding Office will seek legal advice as to whether the requested documents should be produced.

4.8 Protection for Reporters

Persons who make reports to the Department of Communities and Justice or institutions engaged in child related work under the *Care Act* are protected from liability for defamation and civil and criminal liability. The *Care Act* also provides that such a report does not constitute a breach of professional etiquette or ethics, or amount to unprofessional conduct.

5. Confidentiality

Workers must maintain confidentiality in relation to any matters of a child protection nature and only discuss the matter with those required to be notified or reported to. Where a worker is in doubt as to the requirements of confidentiality, they should seek advice from the Diocesan Safeguarding Manager.

6. Victimisation

Workers must not take detrimental action against a complainant or person who reports information as required by legislation and this document. Such action is unlawful, may be regarded as serious misconduct and may result in disciplinary action, including termination of employment.

7. Record Keeping

Workers must maintain appropriate records and data in relation to their professional practice in the care and protection of children. Records may include incident reports, case notes, student / client files and behaviour management plans.

Workers must keep records of any disclosure, observations and discussions regarding a child protection matter, including any alleged breach of this policy. These records must be kept in a secure location as provided for by the Diocese of Lismore.

BREACHES OF THIS POLICY

Breaching this Policy may result in disciplinary action, which may include the termination of employment or engagement and, notification to external agencies including without limitation professional standards associations, regulatory agencies and police.

Further information about any of the matters outlined in this document can be sought from the Diocesan Safeguarding Manager at safeguarding@lismore.catholic.org.au

REVISION/ MODIFICATION HISTORY

Date	Version	Current Title	Summary of Changes	Approval Date	Commencement Date
May 2024	1	Mandatory Reporting Policy	Initial Policy	4 June 2024	1 January 2025

APPROVAL DATE/ REVISION HISTORY

Approved by: Bishop Gregory Homeming

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