



Safeguarding Information and Record Keeping Policy and Procedure

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 institutes, employees, board members, Independent Contractors including contractors (as defined and in relation to WHS and Children's Guardian legislation and a one-member corporation), and volunteers.
EXCLUSIONS	Where an agency or entity of the Diocese has its own policy, the relevant agency or entity policy will apply to Workers engage by those agencies or entities. In the event of conflict between the policies of agencies or entities and the Diocesan policy, the Diocesan policy, the Diocesan policy prevails.
RELATED POLICIES, GUIDELINES & PROCEDURES	Privacy Policy Code of Conduct Policy Working with Children Check Policy National Police History Check Policy Safeguarding Children, Young People and Adults at Risk Policy Mandatory Reporting Policy Reportable Conduct Policy
REFERENCE	Privacy Act 1988 (Clth) Privacy Regulation 2013 (Clth) Child Protection (Working with Children) Act 2012 Children's Guardian Act 2019 (NSW) Children and Young Persons (Care and Protection) Act 1988 (NSW) Work Health and Safety Act 2015 National Redress Scheme for Institutional Child Sexual Abuse Act 2018
RELATED FORMS	N/A
HEADINGS	Objective Definitions Policy and Procedure 1. What are Safeguarding Records? 2. Obligations to keep and share records 3. Diocesan Policy and Procedure 3.1 Records relating to Children who are involved with the parish or entity

	<p>3.2 Records relating to the employment or engagement of Workers, including screening records</p> <p>3.3 Records relating to safeguarding training</p> <p>3.4 Records relating to the reporting of Safeguarding Complaints</p> <p>3.5 Sharing Safeguarding records</p> <p>3.6 General obligations for record retention</p> <p>3.7 Accessing records</p>
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OBJECTIVES

This policy sets out the requirements of the relevant legislation and recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse, regarding keeping Safeguarding records. It also outlines the Diocese of Lismore's expectations of Workers of the Trustees of the Roman Catholic Church for the Diocese of Lismore know how to engage volunteers.

DEFINITIONS

Act means the *Child Protection (Working with Children) Act 2012 (NSW)*;

Child means a person who is under 18 years of age;

Contractor means Independent Contractors including contractors as referred to in WHS legislation and/or a company when one main person through the personal skills or efforts as an individual of that person is contracted to the Diocese, or a one shareholder/member company;

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.

Entity a parish entity is an operational Business of the Parish for example and Early Education and Care Service which operates under the auspice of the Parish.

Volunteer means a person who freely and with no coercion contributes their time and services to an organisation without remuneration (for no financial payment). Volunteering is not 'unpaid work experience', an unpaid internship' or an 'unpaid trial period'. Volunteers are not employees.

Worker has the same meaning given to it in Part 1 of the Act;

Note: At the date of this policy this is a person engaged as an employee, a self-employed person or contractor or subcontractor, a volunteer or a person undertaking practical training as part of an educational or vocational course (other than a school student undertaking work experience), as a minister, priest (or religious leader or Spiritual Officer of a religion) or other member of a religious organisation;

Working With Children Check (WWCC) means the background checking process which is a prerequisite for individuals engaged in child-related work, and involves a full national criminal history check and a review of reported workplace misconduct;

Working with Children Check Number means the number given for a WWCC clearance under the Ac

POLICY AND PROCEDURE

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 Young Person who are involved with the parish or entity;
- (b) the employment or engagement (as a Worker) of persons working with Children, including screening of those persons;
- (c) the Safeguarding Office's Child protection training (including attendance records); and
- (d) any Safeguarding Complaint whether or not that complaint or concern:

- (i) has been reported to the NSW Police, NSW Office of the Children's Guardian or the Department of Communities and Justice; or
- (ii) has otherwise been reported to the Vicar for Safeguarding and the Safeguarding Office.
- (e) National Redress Scheme Applications;
- (f) Civil claims.

2. Obligations to keep and share records

2.1 The Child Protection (Working With Children) Act 2012 (NSW) Act and the 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 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 1988 (NSW) both set out provisions that encourage the exchange of certain safeguarding records between agencies.

3. Diocese Policy and Procedure

All personal records must be kept in a secure area that can only be accessed by approved personnel.

3.1 Records relating to Children who are involved with the parish or entity.

a) Each Parish Priest and Entity Head should keep copies of all documents relating to Children who participate in activities or are otherwise involved in their parish or entity, including:

- (i) each Child's name and date of birth;
- (ii) any consent forms signed by the Child's parent or guardian;
- (iii) documents setting out 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 Workers and Volunteers, including screening records

- (a) Parishes and other Diocesan entities should maintain files on all Workers and volunteers. The records may include paper files and database files and include personal details. All volunteers need to fill out an application form for the roles they perform within the parish or entities and meet any and all requirements for checks, screening and training.
- (b) 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 Priest or Entity Head must keep records of the person's:

- (i) full name;
 - (ii) date of birth;
 - (iii) Working With Children Check number; and
 - (vi) Working With Children Check expiry date.
 - (vii) Proof the Working with Children Check has been verified at a Parish or entity level.
- (c) 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 Priest or Entity Head must keep a record of this.
- (d) If the Parish Priest or Entity Head wishes to delegate their responsibility to verify Working With Children Checks to another person within the parish or parish entity, that delegation should be made in writing and a record kept.
- (e) Each person involved in Child-Related Work must sign a copy of the Diocese of Lismore Code of Conduct and the relevant Parish Priest or Entity Head must retain a copy of the signed Code of Conduct.
- (f) If a Parish Priest or Entity Head is notified that the NSW Office of the Children's Guardian wishes to conduct an audit of the relevant parish or entity's records relating to Working With Children Checks, it must cooperate with all reasonable requests made by the NSW Office of the Children's Guardian.
- (g) If a Parish Priest or Entity Head requires any assistance or advice in relation to an audit by the NSW Office of the Children's Guardian, they should contact the Diocese of Lismore Safeguarding Office.
- (h) Each Parish Priest and Entity Head 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 a person who works with Children at the relevant parish or entity.

3.3 All Safeguarding education and training attendance records are maintained at both the Diocesan Safeguarding Office and the relevant Parish.

3.4 Records relating to the reporting of Safeguarding Complaints

- (a) Complete and accurate records are created and maintained for all safeguarding incidents, complaints, responses and decisions.
- (b) Records are created at the time of, or as soon as practicable, following an incident, complaint, response or decision.

(c) 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 of that record to the Safeguarding Office:

(d) Each Parish Priest and Entity Head must keep records relating to all 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 alleged perpetrator;
- (iv) accurate record of what the alleged victim said when describing what happened – report only what the person has said at the point of initial disclosure.
- (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.

(e) In addition to the above, the Safeguarding Office must keep records relating to all Safeguarding Complaints that are reported to it, including, but not limited to:

- (i) any reports made to the NSW Police, NSW Office of the Children's Guardian or the Department of Communities and Justice;
- (ii) National Redress Applications; and
- (iii) Civil claims.

3.5 Sharing Safeguarding records

(a) In the event that a request is made by a government or non-government agency for safeguarding records under the Children's Guardian Act 2019 (NSW) or Children and Young Persons (Care and Protection) Act 1988 (NSW), 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) 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.
- (d) The quality of the electronic version must be of superlative standard.

3.7 Accessing records

- (a) A complainant who is the subject of records retained by the Diocese, parish or entity should be provided with full access to those records if requested, subject to any legal requirements and advice relating to such access.
- (b) Where records are only partially available or have been redacted for any reason, a full explanation for the redactions or partial availability of records, should be provided to the complainant who is the subject of the records.
- (c) Persons accused of child abuse offences or persons who are otherwise under investigation (whether externally by the NSW Police or other agency or by an external investigator commissioned by the Diocese or internally by the Diocese) will not readily be provided with access to records relating to them. The Diocese will respond to requests for records by persons under investigation, in accordance with the Diocese's Privacy Policy and after obtaining legal advice.

BREACHES OF THIS POLICY

Breaching this Policy may result in disciplinary or 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.

REVISION/ MODIFICATION HISTORY

Date	Version	Current Title	Summary of Changes	Approval Date	Commencement Date
1 January 2025	1	Safeguarding Information and Record Keeping Policy and Procedure	Initial Policy	4 June 2024	1 January 2025

APPROVAL DATE/ REVISION HISTORY

Approved by: Bishop Gregory Homeming

Date: 10 September 2024

To be revised: June 2027