



## SUMMARY OF OUR POLICY ON CARE, WELLBEING AND PROTECTION OF CHILDREN AND YOUNG PEOPLE

### 1. Introduction

The Catholic Archdiocese of Sydney (**CAS**) is committed to ensuring the emotional, physical and spiritual wellbeing, safety and dignity of children and young people. This commitment forms the foundation of CAS' long-standing and rigorous child protection procedures.

We, together with our community, share the responsibility for creating a safe and nurturing environment for children and young people. CAS believes that it is essential to have in place systems that prevent abuse from occurring as well as procedures and processes to ensure an appropriate response in the event that, despite these preventative measures, abuse does occur. To that end, CAS strives to implement protective systems and practices, plan safe and supportive environments and respond appropriately to disclosures of reportable conduct towards children and young people in its care.

The purpose of this summary is to provide those working within CAS with a basic understanding of CAS's approach to child protection. Where appropriate, this summary includes links to further information and related documents. This summary is not a stand alone document and is supplemented by other documents developed by CAS and specific agencies from time to time. This summary does not apply to the Sydney Catholic Schools (SCS) and CatholicCare (which have in place their own well established child protection policies).

First and foremost, our policy is directed to ensuring the safety and wellbeing of children and young people who come into contact with CAS. Our policy is also in place to ensure that CAS complies with its duties and responsibilities under legislation to protect children and young people from harm. Applicable legislation includes *Child Protection (Working with Children) Act 2012*, *Ombudsman Act 1974*, *Commission for Children and Young People Act 1998* and *Children and Young Persons (Care and Protection) Act 1998*.<sup>1</sup>

### 2. Who does our policy apply to?

This summary applies throughout the Catholic Archdiocese of Sydney (except for SCS and CatholicCare) to all persons who have, or may be expected to have, contact with children in the course of any parish or diocesan activities. This includes each of our parish priests, parish administrators, assistant priests, deacons and other priests with faculties in CAS, religious brothers and sisters involved in pastoral activities, paid employees, contractors and volunteers.

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<sup>1</sup> Further information on ensuring the safety of children and young people generally can be found at <http://www.kids.nsw.gov.au>; <http://www.kidsguardian.nsw.gov.au>; <http://www.community.nsw.gov.au>; <http://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection>; [http://www.police.nsw.gov.au/community\\_issues/children](http://www.police.nsw.gov.au/community_issues/children)

### 3. Definitions

In this summary:

- “*children*” are defined as persons under 16 years of age and “*young people*” are defined as persons 16 years and above but under the age of 18 years.
- “*child related work*” is defined as work in a specific, child-related role or face-to-face contact with children in a child-related sector.
- “*Disqualified person*” is defined as a person convicted of, or subject to proceedings relating to, any offence(s) prescribed in Schedule 2 to the *Child Protection (Working with Children) Act 2012*.

### 4. Child protection principles

The following principles inform CAS’ procedures for creating a safe environment and for responding to disclosures of reportable conduct towards children and young people:

- Children and young people have a right to be in an environment which is safe and not abusive in any way.
- Adults working with children and young people are responsible for caring for and promoting their emotional, physical and spiritual wellbeing and protecting children and young people from any reportable conduct.
- The welfare of the child or young person is the paramount consideration when responding to allegations of abuse or reportable conduct.
- Effective child protection requires strategies to prevent abuse from occurring and procedures that ensure an appropriate response in the event of abuse or reportable conduct does occur.

### 5. Summary of child protection procedures

#### a. *Creating a safe environment for children and young people*

CAS expects that you will engage in behaviours towards children and young people that promote a safe and supportive environment. You are expected to:

- Be caring, respectful, compassionate and take an interest in the children and young people in your care
- Avoid as far as possible being alone with a child or young person and if required discuss strategies to allow for observation by others beforehand.
- Avoid favouring individual children or young people and treat all children you come in contact with in the course of parish or diocesan activities equally.
- Avoid offering or receiving gifts to or from individual children or young people.

- Restrict the transportation of children and young people in your care to circumstances where you have consent from a parent/guardian.
- Ensure that physical contact with children and young people is reasonable for the purpose of their management or care. Examples include:
  - Assessing a child or young person who is injured or ill;
  - Comforting an upset child;
  - Guiding a child or young person in a non-threatening manner;
  - Protecting a child from imminent danger to himself/herself or to others; and
  - Demonstrating or guiding a particular action or skill as part of activities within a lesson.

**b. Working with Children Checks**

CAS believes it is essential that appropriate screening processes are in place to ensure that persons working with children do not present an unacceptable risk. Requirements for employers to conduct background checks on employees that work with children also exist under NSW law.

In June 2012, the *Child Protection (Working with Children) Act 2012* was passed by the NSW Parliament, introducing a new process for Working with Children Checks. The new Working with Children Check is being phased in from 2013 to 2015.

It is a requirement of CAS and our parishes that anybody employed by or volunteering in child-related work for CAS or the parishes obtains a Working with Children Check, which clears the individual allowing them to be engaged in child-related work (subject to the exceptions in the legislation and the phasing in of the new Working with Children Check). Working with Children Checks are administered through the Office of the Childrens Guardian (OCG) A Working with Children Check clearance is valid for five years.

Clergy and other persons within CAS and our agencies who are involved in child-related work are required to submit their Working with Children number and date of birth to the Chancery office of CAS before the person commences work. The Chancery will verify and keep records of Working with Children Checks (including the worker's name, Working with Children Number, date of verification by Chancery and expiry date of the clearance).

People (including religious brothers and sisters) in our parishes who are involved in child-related work are required to submit their Working with Children Check number and date of birth to their parish priest. Parish priests will verify and keep records of Working with Children Checks (including the worker's name, Working with Children Number, date of verification by the parish and expiry date of the clearance).

No person is to work with children until he or she has been cleared through the Working With Children Check. Anybody who does not receive a Working with Children Check clearance or is found to be a "disqualified person" will be prohibited from child-related work. Any person who is the subject of an interim bar on working with children, or who has had their clearance to work with children terminated, must not be permitted to work with children.

The Chancery and each parish have been registered as child-related employers for the purposes of receiving notifications if a person's Working with Children Check status changes. If the Office of the Children's Guardian (**Children's Guardian**) notifies the Chancery or parish priest that a person's Working with Children Check has been put under an interim bar or terminated, that person must be stood down and prohibited from engaging in child-related work.

There are some limited exemptions where people in child-related work do not need to apply for a Working with Children Check. Please consult the New Working With Children Fact Sheet for Parishes on this issue and also if you require more information on the new Working with Children Check generally.

***c. Reporting and responding to reportable conduct***

The safety and welfare of children and young people is our shared responsibility. If you have any concerns about any potential or actual risk of harm of a child or young person, you should immediately contact the **Child Protection Helpline** on **132 111** (TTY 1 800 212 936). The Child Protection Helpline is a 24 hours a day, 7 days a week, statewide call centre staffed by professionally qualified caseworkers to receive and screen all reports.

Also:

- If you have any concerns about any potential or actual risk of harm of a child or young person in relation to agency or Chancery activities, you must immediately inform the Vicar General.
- In the case of any matter that arises within a parish, the parish priest should be notified (who in turn will advise the Vicar General). If the matter involves the parish priest, Vicar General, should be immediately informed.

Contact details for the above persons are set out at paragraph 6 below.

The matter will be reported to the appropriate NSW authorities. Depending on the nature of the allegation and the CAS persons involved, this may involve a report to NSW Police, NSW Department of Family and Community Services (**FaCS**), the Children's Guardian and the NSW Ombudsman. Where appropriate, the parish priest will be informed (if you have not already done so) and will be responsible for taking action to remove or terminate the person from child-related work if the abuse or reportable conduct is found to have occurred.

It is required to make a report to NSW authorities in the following circumstances:

- **NSW Police:** A report is required if it is known or if there are grounds to believe that a serious indictable offence has been committed. This includes, for example, the production, dissemination or possession of child abuse material, or the rape or sexual assault of a child.
- **FaCS:** Any person may make a report directly to FaCS if they believe that a child or young person is at risk of significant harm. We, as an institution engaged in the management and supervision of the delivery of welfare, education, children's services or residential services to children has a **duty** to report if there are reasonable grounds to suspect that a child is at risk of significant harm. Reasonable grounds may arise if, for example, a child or young person is exposed to domestic violence and is at risk of serious physical or psychological harm, or if the

parents or caregivers of a child or young person are unable to unwilling to meet their basic physical or psychological needs.

- **NSW Ombudsman:** A report is required where an allegation is made that a person in one of our parishes has engaged in reportable conduct. This includes an allegation that any sexual offence, or sexual misconduct, has been committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), any assault, ill-treatment or neglect of a child, or any behaviour that causes psychological harm to a child. The Ombudsman will also be notified of any disciplinary action which we take against an employee.
- **Children's Guardian:** A report will be made to the Children's Guardian if, following an investigation, it is found that a person has engaged in sexual misconduct committed against, with or in the presence of a child, including grooming of a child, or any serious physical assault of a child.

Importantly, any inappropriate conduct towards children and young people (regardless of whether it is reportable conduct) may result in the termination of the individual's employment or a prohibition on that person volunteering in child related-work.

If a child or young person attempts to report or make known to you an incident of abuse or reportable conduct, it is important to bear in mind that children and young people generally disclose risk of harm with much hesitation and are often fearful. It is therefore important that you reassure the child or young person that they are not in trouble and have a right to feel safe and protected. Tell the child or young person you will tell someone who can help. Immediately record any details you are told, including the date, time and parties involved, and sign the record. Immediately report the matter to the Vicar General or your parish priest (in the case of any matter that arises within a parish unless the matter involves the parish priest).

Where a report is made to the NSW police, the accused will generally not be notified of the complaint or possible complaint against him/her unless the police give CAS permission to do so. A police investigation or potential investigation can be compromised if an accused person is alerted before the police themselves are ready to make contact with the accused.

## 6. Further information, advice & reporting incidents

If you have any concerns about any potential or actual risk of harm of a child or young person, you should immediately contact the **Child Protection Helpline** on **132 111** (TTY 1 800 212 936).

Further, if you have questions or require further information about this policy, or wish to report an incident, please contact:

- for clergy, Vicar General, on 9390 5184 or at [vg@sydneycatholic.org](mailto:vg@sydneycatholic.org) or Karen Larkman, Safeguarding and Ministerial Integrity Office on 9390 5810 or at [karen.larkman@sydneycatholic.org](mailto:karen.larkman@sydneycatholic.org).
- for issues and incidents concerning your parish, **your parish priest** or **parish administrator**.
- for agency and Chancery staff and volunteers, **Mr David Nethery**, Employment Services Manager, on 9390 5198 or at [david.nethery@sydneycatholic.org](mailto:david.nethery@sydneycatholic.org).

The above people will arrange for the matter to be reported to the appropriate authorities as outlined at paragraph 5 (c) above (if you have not already done so).

- If a parish priest requires any assistance regarding this policy or an incident, please contact **Karen Larkman**, Safeguarding and Ministerial Integrity Office on 9390 5810 or at karen.larkman@sydneycatholic.org.

This policy summary is current as at **today** and may be reviewed or updated from time-to-time.