



Protocol: Reporting a child who is at risk of significant harm to the Department of Family and Community Services

This protocol sets out the requirements of the Children and Young Persons (Care and Protection Act) 1998 (NSW) in relation to reporting a child who is at risk of significant harm to the Department of Family and Community Services. It also outlines the Archdiocese's expectations of employees, volunteers and religious appointees.

Key obligation

Under the *Children and Young Persons (Care and Protection Act) 1998 (NSW) (CAP Act)*, certain persons who work with children are under an obligation to make a report to the Department of Family and Community Services (**FaCS**) if they have reasonable grounds to believe a child is at risk of significant harm.

1 When is a child at risk of significant harm?

- 1.1 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:
- the child's basic physical or psychological needs are not being met or are at risk of not being met;
 - the child's parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
 - in the case of a child who is required to attend school, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive an education;
 - the child has been, or is at risk of being, physically or sexually abused or ill-treated, regardless of whether consent has been given;
 - the child is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm; and
 - 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.

2 Obligation to report

- 2.1 A person who, in the course of their professional work or other paid employment, delivers:
- health care (eg doctors, nurses, dentists and other health workers);

- b) welfare (eg psychologists, social workers and youth workers);
- c) education (eg teachers);
- d) children's services (eg child care workers, family day carers and home based carers);
- e) residential services (eg refuge workers, community housing providers); or
- f) law enforcement (eg police),

wholly or partly to children is under an obligation to make a report to FaCS if they have reasonable grounds to believe a child is at risk of significant harm.

- 2.2 The obligation to report is highly unlikely to apply to a person working at a parish or agency, unless they engage in professional or paid work that brings them into one of the categories listed above in 2.1.
- 2.3 However, the Children and Young Persons (Care and Protection) Act 1998 also provides a mechanism for voluntary reports to be made where there are reasonable grounds to believe a child is at risk of significant harm. This practice is followed within the Archdiocese.

3 Archdiocese policy and procedure

3.1 Notification to Parish Priest (or administrator) or agency head

- a) The Archdiocese requires that all employees, volunteers and religious appointees must immediately report all concerns that a child may be at risk of significant harm (as defined in the Children and Young Persons (Care Protection) Act 1998 to their Parish Priest (or administrator) or agency head (whoever is relevant).
- b) 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.
- c) No employee, volunteer or religious appointee should attempt to undertake their own investigation before reporting the matter.

3.2 Notification to Vicar General

- a) The Parish Priest (or administrator) or agency head (whoever is relevant) must then immediately report the matter to the Vicar General.
- b) If the Parish Priest (or administrator) or agency head has concerns about whether the matter is reportable, they should contact:
 - i) the Safeguarding and Ministerial Integrity Office; or
 - ii) the Parish Advisory Service.
- c) No Parish Priest (or administrator) or agency head should attempt to undertake their own investigation before reporting the matter.

3.3 Notification to FaCS

- a) The Vicar General must then determine whether the matter ought to be reported to FaCS.
- b) In making this determination, the Vicar General may seek advice from:
 - i) The Safeguarding and Ministerial Integrity Office; or
 - ii) the General Counsel of the Archdiocese;
 - iii) external lawyers; or
 - iv) FaCS's Child Protection Helpline on 1800 212 936; or
 - v) FaCS's online Mandatory Reporter Guide at <http://sdm.community.nsw.gov.au/mrq/screen/DoCS/en-GB/summary?user=guest>

Related documents

1. Guidance document: When is a child at risk of significant harm?
2. Flowchart: Reporting child protection concerns
3. Fact sheet: When is a child at risk of significant harm?