



Protocol: Managing child protection matters

This document sets out processes for dealing with children, parents and other persons when child protection matters arise.

Key obligation

In addition to ensuring the appropriate measures are taken to report child protection matters, it is essential the safety of children within the Archdiocese is protected, support is provided to the parents and guardians of affected children, and others who work with them. Also, alleged wrongdoers must be treated fairly.

1 Communicating with and supporting children

1.1 As required by:

- a) **Protocol: Reporting reportable crimes to the NSW Police;**
- b) **Protocol: Reporting inappropriate employee conduct to the NSW Ombudsman;**
- c) **Protocol: Reporting a child at risk of significant harm to the Department of Family and Community Services;** and
- d) **Flowchart: Reporting child protection concerns,**

all matters involving reportable conduct under those protocols must be notified by Parish Priests (or administrators) and agency heads to the Vicar General.

1.2 While some of those matters may have already been reported to the NSW Police, further consideration must be given by the Vicar General to all matters to determine whether they are required to be reported to the NSW Ombudsman or the Department of Family and Community Services (**FaCS**).

1.3 Upon being notified of a child protection matter in accordance with the protocols and procedures listed above in paragraph 1.1 above, the Vicar General must consider how to avoid or minimise any risks to:

- a) the child who is the subject of the child protection matter; and
- b) any other child who is known to be "at risk" as a consequence of the notification or who may have also been effected by the child protection matter.

1.4 In conjunction with the relevant Parish Priest (or administrator) or agency head, the Vicar General must take the following measures:

- a) if the child raised the child protection matter themselves, ensure they are reassured that they have done the right thing by reporting it **and** request them to keep it confidential;
- b) maintain the child's usual activities, circumstances and environment, unless change is necessary to protect their safety, eg if they are subject to any

unacceptable risk, trauma, harassment or victimisation by remaining in the activities, circumstances or environment;

- c) avoid questioning the child on the matter unless necessary; and
- d) consult with the affected child's parent or guardian in relation to whether it is appropriate to:
 - i) communicate with the child as to the progress of the matter and if so, how best to communicate with them, eg through the parent/guardian or through a member of the parish or agency;
 - ii) whether it is appropriate to whom they feel comfortable raising any questions relating to the child protection matter;
 - iii) offer the child pastoral or other support, such as access to an external counselling service.

Note: if a child protection matter relates to conduct of a child's parent or guardian, the Vicar General should discuss how best to support the child with FaCS.

- 1.5 In relation to other children, their usual activities, circumstances and environment should also be maintained unless change is necessary to protect their safety, eg if they are subject to any unacceptable risk, trauma, harassment or victimisation by remaining in the activities, circumstances or environment.

2 Communicating with and supporting parents and guardians

2.1 Notification to parents and guardians

- a) The Vicar General should inform the parent(s) or guardian(s) of each child the subject of a child protection matter of the matter and the steps being taken by the Archdiocese in response to the matter unless:
 - i) the matter concerns an allegation relating to the conduct of a parent or guardian; or
 - ii) the Vicar General has determined that in the circumstances, it would not be appropriate to notify the child's parent or guardian because it would compromise any investigation into the matter or put the child or any other children at risk.
- b) The Vicar General must inform the parent(s) or guardian(s) that the matter is confidential and should not be discussed. The Vicar General should also explain whether the matter has been reported to the NSW Police, and provide details of any contact person at NSW Police.
- c) If a matter relating to the conduct of a parent or guardian has been reported to the NSW Police or FaCS, the advice of the relevant agency should be sought before the parent or guardian is informed.

The Parish Priest (or administrator) or agency head should not communicate the matter to the parish or agency community, or to the parents and guardians of other children unless the Vicar General has deemed that action to be appropriate in the circumstances. The Vicar General can seek advice from the

Safeguarding and Ministerial Integrity Office and General Counsel of the Archdiocese in this regard, and the General Counsel may seek further advice from external lawyers.

2.2 Support for parents and guardians

- a) If a child's parent or guardian has been informed of a child protection matter in accordance with paragraph 2.1(a) above, the Vicar General must:
 - i) ensure the parent or guardian is kept informed of the steps being taken in response to the child protection matter, unless the NSW Police, NSW Ombudsman or FaCS have advised against this course;
 - ii) provide the parent or guardian with a contact person who they feel comfortable raising any questions relating to the child protection matter;
 - iii) consider offering the parent or guardian pastoral or other support, such as access to an external counselling service;
 - iv) seek the parent or guardian's permission before interviewing or otherwise questioning the child in relating to the matter; and
 - v) to the extent possible, ensure the parent or guardian is not subject to any harassment or victimisation, particularly if the parent or guardian raised the matter.

3 Communicating with and dealing with an employee, volunteer, contractor or religious appointee who is the alleged perpetrator

3.1 Notification of allegation to the alleged perpetrator

- a) If an allegation of a child protection nature is received against an employee, volunteer or contractor of a parish or agency, or a religious appointee, the Vicar General is required to consider whether it is appropriate to stand them down or alter their duties so that they are no longer in contact with children, under **Protocol: Reporting inappropriate employee conduct to the NSW Ombudsman**.
- b) Before any employee, volunteer, contractor or religious employee is stood down from their position or has their duties altered, the Vicar General should inform them of the allegation against them with as much detail as possible, unless:
 - i) the NSW Police, NSW Ombudsman or FaCS have advised against that course, in which case advice should be sought from the relevant agency as to the appropriate course;
 - ii) there is a concern that the employee, volunteer, contractor or religious appointee will harass, abuse or victimise the person who made the allegation against them, the relevant child or their parents or any other witness, and strategies have not been yet put in place to protect those persons; and
 - iii) there is a legitimate concern that informing the employee, volunteer, contractor or religious appointee will affect the quality of the evidence that

may be obtained during any investigation, or will compromise the investigation.

- c) If the Vicar General has any concerns relating to when or how to inform an employee, volunteer, contractor or religious appointee of an allegation against them, he should contact the General Counsel of the Archdiocese, who will seek advice from external lawyers if appropriate.

3.2 Support for alleged perpetrator

- a) Once an employee, volunteer, contractor or religious appointee is informed of an allegation of a child protection nature against them, the Vicar General must:
 - i) ensure the employee, volunteer, contractor or religious appointee is kept informed of the steps being taken in response to the allegation, unless the NSW Police, NSW Ombudsman or FaCS have advised against this course;
 - ii) provide the employee, volunteer, contractor or religious appointee with a contact person with whom they feel comfortable raising any questions relating to the allegation;
 - iii) offer the employee, volunteer, contractor or religious appointee the opportunity to have a support person present during any disciplinary or other interviews; and
 - iv) if appropriate, offer the employee, volunteer, contractor or religious appointee some other form of support.

3.3 Conduct of the investigation

- a) In accordance with **Protocol: Reporting inappropriate employee conduct to the NSW Ombudsman**, all investigations will be conducted by an external investigator.
- b) The Vicar General must ensure, when appointing an investigator, that the investigator has structures and strategies in place to conduct the investigation in a manner that provides procedural fairness to the employee, volunteer or religious appointee the subject of the allegation.
- c) This includes:
 - i) ensuring the confidentiality of all persons involved in the investigation;
 - ii) documenting each step in the investigation;
 - iii) allowing the employee, volunteer, contractor or religious appointee the opportunity to have a support person present during any investigative interviews;
 - iv) providing the employee, volunteer, contractor or religious appointee the right to reply to the allegations once all evidence has been collated and allowing a reasonable time to do so;
 - v) providing the employee, volunteer, contractor or religious appointee the opportunity to respond to any proposed adverse comments or findings against them; and

- vi) providing reasons for the findings made.
- d) If the Vicar General requires advice in this regard he should contact the Safeguarding and Ministerial Integrity Office and the General Counsel of the Archdiocese, who will seek advice from external lawyers if appropriate.