



Guidance document: Relevant government agencies

A number of NSW government agencies have a role in child protection. In addition, the National Children's Commissioner was recently appointed to focus on children's interests at a national level.

This document provides some guidance as to the role of these agencies and their interaction with the parishes and agencies.

Overview

The following government agencies have a child protection role:

1. Office of the Children's Guardian
2. NSW Police
3. NSW Ombudsman
4. Department of Family and Community Services
5. National Children's Commissioner

Of these government agencies, the parishes and agencies are only likely to deal with the Office of the Children's Guardian (for screening of persons working with children).

However, it is important Parish Priests (and administrators), agency heads and other staff have a basic understanding of the functions of all the government agencies described below, even if they will not have direct, regular contact with them.

For completeness, we note that the position is slightly different for agencies with an education or welfare focus as those agencies are likely to have relatively regular dealings with the NSW Ombudsman and Department of Family and Community Services.

Specific agencies

Office of the Children's Guardian (Children's Guardian)

Parish Priests (or administrators) and agency heads will need to verify with the Children's Guardian that all persons who work with children have a valid working with children clearance.

The Children's Guardian is an independent government agency that works to protect children by promoting and regulating child safe organisations and services.

After changes in 2013, the Children's Guardian took over responsibility for administering the Working with Children Check (WWCC) from the Commission for Children and Young People. The Children's Guardian also accredits and monitors designated agencies that arrange out-of-home care and non-government adoption services providers.

Relevant legislation: *Children and Young Persons (Care and Protection) Act 1998 (NSW); Child Protection (Working with Children) Act 2012 (NSW)*

NSW Police

Parish Priests (or administrators), agency heads and their staff are under a personal obligation to report serious indictable offences to NSW Police.

The key child protection role of the NSW Police is to intervene in child abuse and neglect to ensure the immediate protection of children and young people. The Department of Family and Community Services and the NSW Police conduct joint investigations of reported child sexual abuse and serious physical abuse through the Joint Investigative Response Team (JIRT).

NSW Police also provide support for other agencies that do not have 24 hour response capabilities.

Relevant legislation: *Crimes Act 1900 (NSW)*

NSW Ombudsman

Under the NSW Ombudsman's child protection regime, the Archbishop of Sydney is under an obligation to develop child protection systems and report reportable allegations and convictions to the NSW Ombudsman. Parish Priests (or administrators) and agency heads must maintain and act in accordance with child protection systems, including notifying the Chancery of any concerns relating to employees, so that the Archbishop can discharge his obligations in this regard.

The NSW Ombudsman is responsible for scrutinising the systems for:

1. preventing reportable conduct by employees; and
2. handling and responding to reportable allegations and convictions regarding those employees,

	<p>of all government and certain non-government agencies in NSW.</p> <p>In addition, the NSW Ombudsman receives notifications from employers regarding allegations against employees and either monitors or oversees the employer's investigation into those allegations. In doing so, the NSW Ombudsman will review whether the investigation has been conducted properly and whether appropriate action was taken in response.</p> <p>Relevant legislation: <i>Ombudsman Act 1974</i> (NSW)</p>
<p>Department of Family and Community Services (FaCS)</p>	<p>Parish Priests (or administrators) and agency heads should notify the Vicar General and the Safeguarding and Ministerial Integrity Office of concerns regarding child abuse and neglect to make a determination as to whether they should be reported to FaCS.</p> <p>FaCS is the lead NSW government agency for providing and coordinating the community response when intervention is necessary for the care and protection of children and young people. FaCS's key roles include:</p> <ol style="list-style-type: none"> 1. providing or arranging services for children, young people and their parents when assistance is requested; 2. receiving, assessing and acting on reports of child abuse and neglect; and 3. monitoring children and their families. <p>Relevant legislation: <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)</p>
<p>The Commission for Children and Young People</p>	<p>The parishes and agencies have no direct connection with the CCYP.</p> <p>The CCYP was established after the Wood Royal Commission. The CCYP was previously responsible for monitoring the screening of persons who work with children in NSW, but now has more of an advocacy role, advocating for the interests and needs of vulnerable children and young persons.</p> <p>Relevant legislation: <i>Commission for Children and Young People Act 1998</i> (NSW)</p>
<p>The National Children's Commissioner (NCC)</p>	<p>The parishes and agencies have no direct connection with the NCC.</p> <p>In February 2013, the role of the NCC was established to focus on children's rights and interests at a national level. The NCC's primary functions are to report and make recommendations, promote discussion and awareness, conduct research and educational programs and examine existing and proposed Commonwealth legislation in relation to the enjoyment and exercise of human rights of Australian children.</p> <p>Relevant legislation: <i>Australian Human Rights Committee Act 1996</i></p>

(Cth)

Relationships between government agencies

The different pieces of legislation regulating the activities of these agencies sets up a complementary and connected framework for dealing with child protection issues.

For example:

1. If a child has been sexually abused, a person with information about that offence is required to report it to the NSW Police.
2. If the abuse occurred in a place of employment, the alleged offender's employer must notify the NSW Ombudsman.
3. If the child is considered to be at risk of significant harm, a report should also be made to FaCS.
4. Once the police investigation is complete, the matter will form part of the alleged offender's criminal record.
5. If the alleged offender applies for a volunteer or paid position working with children, they will need to apply for a WWCC. As part of the WWCC process, the Children's Guardian will review the alleged offender's criminal record, and they will likely be barred from obtaining the WWCC, and accordingly, unable to work with children.

Related documents

1. Fact sheet: Relevant government agencies