



Protocol: Keeping and sharing child protection records

This protocol sets out the requirements of the relevant legislation regarding keeping records of child protection related issues. It also outlines the Archdiocese's expectations of employees, volunteers and religious appointees.

Key obligations

It is essential that child protection records are kept to comply with legislation and assist with any child protection queries or investigations that arise in future. It is the policy of the Archdiocese that all Child Protection and Child Related Incident Documents should be permanently retained.

1 What are "child protection records"?

- 1.1 For the purposes of this protocol, "child protection records" are all records of information that relate to:
- a) children who are involved with the parish or agency;
 - b) the employment or engagement (as a volunteer, contractor or otherwise) of persons working with children, including screening of those persons;
 - c) child protection training (including attendance records); and
 - d) any concern regarding the safety or well-being of a child, whether or not that concern:
 - i) has been reported to the NSW Police, NSW Ombudsman or Department of Family and Community Services; or
 - ii) has otherwise been reported to the Vicar General.

2 Obligations to keep and share records

- 2.1 The *Child Protection (Working with Children) Act NSW (2012)* (**WWC Act**) and *Ombudsman Act 1974 (NSW)* (**Ombudsman Act**) contain requirements to keep certain child protection records related to the obligations contained in those Acts.
- 2.2 The purpose of these record-keeping requirements is to allow the Office of the Children's Guardian (**Children's Guardian**) and the NSW Ombudsman to conduct audits of child-related employers and designated agencies, and to keep their child protection systems under scrutiny.
- 2.3 In addition, the Ombudsman Act and the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* (**CAP Act**) both set out provisions that encourage the exchange of certain child protection records between agencies.

3 Archdiocese policy and procedure

3.1 Records relating to children who are involved with the parish or agency

- a) Each Parish Priest (or administrator) and agency should keep copies of all documents relating to children who participate in activities or are otherwise involved in their parish or agency, including:
 - i) each child's name and date of birth;

- ii) any consent forms signed by the child's parent or guardian;
- iii) 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 persons working with children, including screening

- a) In relation to each person who requires a WWCC under the WWC Act, the relevant Parish Priest (or administrator) or agency head must keep records of the person's:
 - i) full name;
 - ii) date of birth;
 - iii) WWCC number; and
 - iv) WWCC expiry date.
- b) If, during the WWCC verification process, a person has been:
 - i) barred; or
 - ii) placed under an interim bar,the relevant Parish Priest (or administrator) or agency head must keep a record of this.
- c) If the Parish Priest (or administrator) or agency head wishes to delegate their responsibility to verify WWCCs to another person within the parish or agency, that delegation should be made in writing and a record kept.
- d) If a Parish Priest or agency head is notified that the Children's Guardian wishes to conduct an audit of the relevant parish or agency's records relating to WWCCs, it must cooperate with all reasonable requests made by the Children's Guardian.
- e) If a Parish Priest (or administrator) or agency head requires any assistance or advice in relation to an audit by the Children's Guardian, they should contact:
 - i) the Safeguarding and Ministerial Integrity Office; or
 - ii) The Parish Advisory Service.
- f) Each Parish Priest (or administrator) and agency head must also keep copies of all:
 - iii) CVs or resumes;
 - iv) notes of interviews;
 - v) references received or notes of reference checks;
 - vi) employment agreements;
 - vii) contractor agreements;
 - viii) volunteer agreements; and
 - ix) correspondence or other documents relating to disciplinary matters;

relating to person who works with children at the relevant parish or agency.

3.3 Records relating to child protection training

- a) Each Parish Priest (or administrator) and agency head must also keep copies of all records of attendance at child protection training and induction at the relevant parish or agency.
- b) The Vicar General must keep all records of attendance at child protection training and induction by the Parish Advisory Service, Parish Priests (and administrators), agency heads and all other persons within the Chancery who have received child protection training.

3.4 Records relating to the reporting of child protection concerns

- a) 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 to the Vicar General:
 - i) the date they became aware of the suspected reportable crime;
 - ii) the names of the alleged victim and perpetrator (unless the victim has requested their name be kept confidential);
 - iii) any correspondence with any other person regarding the suspected reportable crime, including file notes of conversations; and
 - iv) a copy of the report made to the NSW Police.
- b) Each Parish Priest (or administrator) and agency head must keep records relating to all child protection matters that are reported to them and provide them to the Vicar General, 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 perpetrator (unless the victim wishes to remain confidential);
 - iv) brief details of the matter;
 - v) the date the matter was notified to the Vicar General; and
 - vi) copies of any documents in their possession created in relation to the matter, before or after it was reported to the Vicar General.
- c) In addition to the above, the Vicar General must keep records relating to all child protection matters that are reported to him, including but not limited to:
 - i) correspondence with any party relating the matter;
 - ii) any reports made to the NSW Police, NSW Ombudsman or Department of Family and Community Services;
 - iii) any investigation reports; and
 - iv) copies of any other documents in his possession created in relation to the matter.

3.5 Sharing child protection records

- a) In the event that a request is made by a government or non-government agency for child protection records under the Ombudsman Act or CAP Act, any such request should be immediately directed to the Vicar General.
- b) The Vicar General should then contact the General Counsel of the Archdiocese for legal advice as to whether the requested documents should be produced.
- c) The General Counsel may wish to seek further advice from external lawyers.