



Protocol: Reporting a Child who is at Risk of Significant Harm to the Department of Communities and Justice

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 Communities and Justice. It also outlines the Archdiocese's expectations of Employees, Volunteers, Clergy and Religious Appointees.

Key obligation

Under the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*, certain persons who work with Children, including Clergy, are under an obligation to make a report to the Department of Communities and Justice if they have reasonable grounds to suspect a Child is or may be 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:

- a) the Child's basic physical or psychological needs are not being met or are at risk of not being met;
- b) the Child's parents or other guardians have not arranged and are unable or unwilling to arrange for the Child to receive necessary medical care;
- c) in the case of a Child who is required to attend school, the parents or other guardians have not arranged and are unable or unwilling to arrange for the Child to receive an education;
- d) the Child has been, or is at risk of being, physically or sexually abused or ill-treated, regardless of whether consent has been given;
- e) the Child is living in a household where there have been incidents of domestic violence and, as a consequence, the Child is at risk of serious physical or psychological harm; and
- f) 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 The following persons are under an obligation to make a report to the Department of Communities and Justice, if they have reasonable grounds to suspect that Child is at Risk of Significant Harm, and those grounds arise during their work or role.

- a) A person who, in the course of their professional work or other paid employment, delivers:
 - (i) health care (eg doctors, nurses, dentists and other health workers);
 - (ii) welfare (eg psychologists, social workers and youth workers);

- (iii) education (eg teachers);
- (iv) Children's services (eg Child care workers, family day carers and home based carers);
- (v) residential services (eg refuge workers, community housing providers);
- (vi) law enforcement (eg police); or
- (vii) disability services (eg social workers, certain carers)

wholly or partly to Children.

b) A person in religious ministry, or a person providing religion-based activities to children (eg minister of religion, priest, deacon, pastor, rabbi, Salvation Army officer, church elder, religious brother or sister).

c) A registered psychologist providing a professional service as a psychologist.

2.2 The obligation to report specifically applies to Clergy, including Parish Priests.

2.3 The obligation to report is highly unlikely to apply to any other 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.

2.4 However, the *Children and Young Persons (Care and Protection) Act 1998* (NSW) also provides a mechanism for voluntary reports to be made where there are reasonable grounds to suspect a Child is or may be at Risk of Significant Harm. This practice is followed within the Archdiocese.

3 Mandatory Reporting

3.1 Any person who delivers services wholly or partly to children as part of their professional work or other paid employment and those in management positions in organisations that deliver those services including Clergy and Parish Priests, who have reasonable grounds to suspect that a Child is at Risk of Significant Harm, are under an obligation to report those concerns to the Department of Communities and Justice, **as soon as practicable** and should consult with the Safeguarding Office in that regard, in accordance with the Archdiocese's Policy in 4 below.

3.2 Any report to the Department of Communities and Justice must include the name of the Child who is suspected to be at Risk of Significant Harm, or a description of the Child. Other details such as the following are also helpful:

- a) Child's address, phone number, school details, age, care arrangements or cultural identity or language barriers.
- b) The Child's parents' name, address, phone number, cultural identity or language barriers.
- c) The reporter's name, address, phone number, email address, position, reason for reporting, nature of contact with the Child, nature of any ongoing role with the Child or their family.
- d) Information about the reasons for suspecting that the Child is at Risk of Significant Harm, such as whether the child appears to have suffered Neglect, Physical or Sexual Abuse, or is exhibiting at-risk behaviour.

Further guidance is available at:

<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report/chapters/information-needed>

3.3 Reports can be made through:

- a) contacting the NSW Child Protection Helpline – 132 111
- b) submitting an eReport at: <https://reporter.childstory.nsw.gov.au/s/>

3.4 Clergy may use the Mandatory Reporter Guide to determine whether a Child is suspected to be at Risk of Significant Harm, or whether a report should be made to the Department of Communities and Justice, and should seek guidance from the Safeguarding Office. The Mandatory Reporter Guide can be accessed via the following link: <https://reporter.childstory.nsw.gov.au/s/mrg>

4 Archdiocese Policy and procedure

3.1 Notification to Parish Priest or Agency Head

- a) The Archdiocese requires that all Clergy, Religious Appointees Employees and Volunteers must immediately report all concerns that a Child may be at Risk of Significant Harm (as defined in the *Children and Young Persons (Care and Protection) Act 1998* (NSW)) to their Parish Priest 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 member of the Clergy, Religious Appointee, Employee or Volunteer should attempt to undertake their own investigation before reporting the matter.

3.2 Notification to Safeguarding Office

- a) The Parish Priest or Agency Head (whoever is relevant) must immediately report the matter to the Safeguarding Office.

If the Parish Priest or Agency Head has concerns about whether the matter is reportable, they should also contact the Safeguarding Office.

- b) No Parish Priest or Agency Head should attempt to undertake their own investigation before reporting the matter.

3.3 Notification to the Department of Communities and Justice

- a) The Safeguarding Office must then determine whether the matter ought to be reported to the Department of Communities and Justice.
- b) In making this determination, the Safeguarding Office may seek advice from:
 - i) The NSW Child Protection Helpline on 131 111;
 - ii) The Mandatory Reporter Guide:
<https://reporter.childstory.nsw.gov.au/s/mrg>
 - iii) the General Counsel.

Related documents

1. Guidance document: When is a Child at Risk of Significant Harm?
2. Flowchart: Reporting Safeguarding Complaints
3. Fact sheet: When is a Child at Risk of Significant Harm?