



## FACT SHEET: Reportable Conduct Scheme

*Children's Guardian Act 2019 (NSW) Part 4 ('The Act')*

Information for Clergy, Agency and Parish workers in a Child-related role within the Archdiocese of Sydney

From 1 March 2020, the *Children's Guardian Act 2019 NSW (The Act)* came into effect replacing Part 3A of the *Ombudsman Act 1974 (NSW)* which provided the framework for the Reportable Conduct Scheme (The Scheme). The Act will provide a new legislative framework for The Scheme. The Scheme covers all workers including Clergy, paid employees and volunteers providing services to children as well as contractors delivering services to children who hold or are required to hold a Working with Children Check in the Archdiocese of Sydney.

### What is the Reportable Conduct Scheme?

The Reportable Conduct Scheme is an allegations-based scheme. The Scheme oversees how organisations investigate and report on certain conduct known as "reportable allegations" and "reportable convictions" made against Clergy, Employees, Volunteers or contractors who provide services to children. The Scheme covers religious bodies, in line with recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.<sup>1</sup>

A particular requirement of The Scheme is to ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions. The goal of prevention is a critical element of The Scheme.

### What is a Reportable Allegation or Reportable Conviction?

A reportable allegation is an allegation that a worker has engaged in conduct that may be reportable conduct<sup>2</sup>. A reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

### The *Children's Guardian Act (NSW) 2019* defines Reportable Conduct as:

- A sexual offence
- Sexual misconduct
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- An offence under section 43B or 316A of the *Crimes Act 1900* and
- Behaviour that causes significant emotional or psychological harm to a child.

### What does it mean for you?

1. As a member of the clergy or worker (paid or volunteer) of the Archdiocese, you are obligated to report alleged reportable conduct of colleagues who work with children.
2. The Scheme covers the conduct of workers towards children both at home and at work.
3. If an allegation of reportable conduct is made about your behaviour towards children, the Archdiocese must report to the Office of the Children's Guardian and initiate an investigation.

### How to report an allegation of reportable conduct?

Reportable allegations or convictions against Clergy or workers may be received by the Priest of the Parish who in turn will report the concern to the Safeguarding and Ministerial Integrity Office. Alternatively you can report directly to the Safeguarding and Ministerial Integrity Office by emailing [safeguardingenquiries@sydneycatholic.org](mailto:safeguardingenquiries@sydneycatholic.org) or phone **02 9390 5810**.

<sup>1</sup> NSW Reportable Conduct Scheme – helping to keeps kids safe, <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme>, 30/01/2020

<sup>2</sup> *Children's Guardian Act 2019 (NSW) s 20.*

## More Information

For further information on the Reportable Conduct Scheme you can visit the Office of the Children's Guardian website at [ocg.nsw.gov.au](http://ocg.nsw.gov.au)

If you have specific questions about the *Children's Guardian Act (NSW) 2019* in relation to Reportable Conduct, you can email the Safeguarding and Ministerial Integrity Office at [safeguardingenquiries@sydneycatholic.org](mailto:safeguardingenquiries@sydneycatholic.org)

## Further Resources:

Visit the Archdiocese's Safeguarding website to access the Archdiocese's **Policy and Protocols** including:

- **Fact Sheet:** What Conduct must be Reported to the Children's Guardian
- **Protocol:** What Conduct must be Reported to the Children's Guardian
- **Protocol:** Reporting Inappropriate Conduct to the Children's Guardian