



This protocol is for Parish Priests and Parish workers in relation to reporting a child who is at risk of significant harm.

PROTOCOL: REPORTING A CHILD AT RISK OF HARM

Key obligation

Under the *Children and Young Persons (Care and Protection Act) 1998 (NSW)* and the *Children and Young People Act 2008 (ACT)*, certain people who work with children are under an obligation to make a report to the Department of Family and Community Services (FaCS) NSW or Child Youth and Protection Services (CYPS) ACT if they have reasonable grounds to believe a child is 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:

- the child's basic physical or psychological needs are not being met or are at risk of not being met;
- the child's parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- in the case of a child who is required to attend school, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive an education;
- the child has been, or is at risk of being, physically or sexually abused or ill-treated, regardless of whether consent has been given;
- the child is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;
- the child is living in a household where there has been explicit exposure to pornography; and
- 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 A person who, in the course of their professional work or other paid employment, delivers:

- health care (e.g. doctors, nurses, dentists and other health workers);
- welfare (e.g. psychologists, social workers and youth workers);
- education (e.g. teachers);
- children's services (e.g. child care workers, family day carers and home based carers);
- residential services (e.g. refuge workers, community housing providers); or
- law enforcement (e.g. police), wholly or partly to children is under an obligation to make a report to FaCS or CYPS if they have reasonable grounds to believe a child is at risk of significant harm.

2.2 The obligation to report is highly unlikely to apply to a person working at a parish or agency, other than the Parish Priest, unless they engage in professional or paid work that brings them into one of the categories listed above in 2.1.

2.3 However, legislation in both NSW and ACT allows and encourages voluntary reports to be made to FaCS or CYPS where there are reasonable grounds to believe a child is at risk of significant harm.

2.4 The practice of making voluntary reports is expected to be followed within the Archdiocese of Canberra Goulburn.



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3 Archdiocese policy and procedure

3.1 Notification to the Parish Priest or the Manager of the Institute for Professional Safeguards and Standards (IPSS) of a child at risk

- The Archdiocese requires that all workers – employees and volunteers - must immediately report all concerns that a child may be at risk of significant harm as defined in *Children and Young Persons (Care and Protection Act) 1998 (NSW)* and the *Children and Young People Act 2008 (ACT)*, to their Parish Priest and IPSS.
- The process for reporting can be found in the documents:
 - *Flowchart: Reporting child well-being concerns*; and
 - *Flowchart: Reporting child-related adult behaviour of concern*.
- The risk of significant harm need not arise at a parish in order to be reported. It is more likely that it will relate to the relevant child's home life, which parish workers may come to understand as a result of their conversations with and observations of the child.
- Parish Priests, employees and/or volunteers **must not** attempt to undertake their own investigation before reporting the matter.

3.2 Notification of physical or sexual abuse to Police

If a Parish worker suspects physical or sexual abuse of a child, this information must immediately be passed on to the Parish Priest and/or IPSS for reporting to the Australian Federal Police or NSW Police. Amendments to the NSW Crimes Act (1900) in 2018 clearly outlines (316A) that all adults in NSW are required to report information to Police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused, or know, believe, or reasonably ought to know that they have information that might materially assist in securing the apprehension, prosecution or conviction of an offender.

3.3 Notification to FaCS or CYPS

- The Parish Priest and Manager of IPSS will work in collaboration to determine whether the matter should be reported to FaCS or CYPS.
- In making this determination, the Priest and IPSS may seek advice from:
 - a) the Vicar General;
 - b) the Archdiocesan Professional Standards Advisory Panel;
 - c) external lawyers;
 - d) the CYPS Child Concern Reports Line; and/or
 - e) the FaCS Child Protection Helpline.
- If a determination is made to report, the Manager of IPSS will assume the responsibility for this.
- If a determination is made not to report, the Parish worker is still able to make a voluntary report of concern to FaCS or CYPS.

Related documents

Advice: When is a child at risk of significant harm?



Fact sheet: When is a child at risk of significant harm?

Flowchart: Reporting child well-being concerns

Flowchart: Reporting child-related adult behaviour of concern

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