

# Catholic Schools NSW Limited

## Reporting Child Safety Concerns Policy

**Document Version Control**

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**Document Authorisation**

Name	Signature	Date
Board	By resolution	19 May 2021

**Document Review Process**

Name	Comment	Date
Chief Legal and Risk Officer	Triennial review	May 2024

**Policy Ownership**

The Chief Legal and Risk Officer is responsible for the development and update of this policy.

**Policy Application**

This Policy is subject to adoption by the Board.

**Policy Location**

This policy is located on SharePoint at [catholicschoolsnsw.sharepoint.com/legal/policy templates](https://catholicschoolsnsw.sharepoint.com/legal/policy%20templates)

### 1. Purpose

Catholic Schools NSW Ltd (CSNSW) has been established by the Bishops of NSW (Member Bishops) for the purposes of:

- a) acting as an overarching entity for the purpose of advancing education and religion in Catholic schools in NSW; and
- b) ensuring that systemic Catholic schools meet their compliance requirements; and
- c) measuring activities in such a way as to maximise the educational and faith outcomes of students.

These purposes are reflected in the Constitution of CSNSW and are further supported by a canonical mandate from the Member Bishops of each of the 11 Dioceses across NSW.

### 2. Scope

This policy applies to

- a) all employees (as defined in the key terms and definitions section of this policy); and
- b) to any information received by employees, in the course of their employment, which indicates that:
  - i. a child has been, or is at risk of becoming, a victim of a child abuse offence;
  - ii. a child is at risk of significant harm;
  - iii. an employee has engaged in conduct that may be reportable conduct or has been convicted of a reportable conviction.

### 3. Context

CSNSW provides sporting pathways for Catholic school students in NSW, this includes representative pathways for state and national selection, and also some school-based sporting competitions. CSNSW collects sensitive personal information of students for a number of purposes including the administration of sporting pathways.

This Reporting Child Safety Concerns Policy (**this Policy**) is intended to provide all employees with clear direction regarding their responsibilities when they become aware of, or receive information related to, child safety concerns involving students in NSW Catholic schools.

This Policy which should be read together with CSNSW's Reporting Child Safety Concerns Policy and Statement of Commitment. All employees are expected to adhere to the behaviours, processes and procedures outlined in those documents.

CSNSW is subject to the NSW Reportable Conduct Scheme under Part 4 of the Children's Guardian Act and must comply with its own statutory obligations.

Employees wishing to report a child safety concern must refer to the Reporting Child Safety Concerns Policy.

#### 4. Key terms and definitions

Term	Definition
Care and Protection Act	<i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)
Catholic School Agencies	Means the Catholic schools office or Catholic education office, however, described, of the NSW and ACT Dioceses.
Child abuse offence	Means any of the offences listed at <a href="#">subsections 316A(9)(a)-(f)</a> of the Crimes Act.
Children’s Guardian Act	<i>Children’s Guardian Act 2019</i> (Cth)
Crimes Act	<i>Crimes Act 1900</i> (NSW)
DCJ	Means the NSW Department of Communities and Justice
Employee	Means employees, directors, contractors, and volunteers of CSNSW, except where otherwise stated.
Head of a Relevant Entity	Means, in the context of this Policy: <ul style="list-style-type: none"> <li>• for CSNSW, the CEO</li> <li>• for any other body other than a Catholic systemic school, Catholic School Agency, or PJP/RI PJP/RI school operating in NSW, the CEO or principal officer (however described) of that body (for example, a statutory authority, government school or sporting organisation subject to the reportable conduct scheme).</li> </ul>
Relevant Entity	Means a public authority, a religious body or an entity listed at Schedule 1 of the Children’s Guardian Act including, for the purposes of this Policy, the Department of Education, and government and non-government schools registered under the <i>Education Act 1990</i> (NSW).
Religious Body	Means a body established for religious purposes, and an entity that establishes, or directs, controls or administers, an educational or other charitable entity that is intended to be, and is, conducted in accordance with religious doctrines, beliefs or principles.
Reportable Allegation	For the purposes of this Policy, means an allegation that an employee (as defined in this policy) has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the engagement with the employer.
Reportable Conduct	Means: <ul style="list-style-type: none"> <li>(b) A sexual offence</li> <li>(c) Sexual misconduct</li> <li>(d) Ill-treatment of a child</li> <li>(e) Neglect of a child</li> <li>(f) An assault of a child</li> </ul>

	(g) An offence under section 43B or 316A of the Crimes Act.
<b>Reportable Conduct Scheme</b>	Means the scheme established under Part 4 of the Children’s Guardian Act to investigate reportable allegations and make determinations in relation to reportable convictions.
<b>Reportable Conviction</b>	Means a conviction or finding of guilt of an offence involving reportable conduct, whether or not the conduct occurred in the course of an employee’s engagement.
<b>Risk of Significant Harm</b>	Has the same meaning as subsection 23(1) of the Care and Protection Act.
<b>ROSH Report</b>	Means a Risk of Significant Harm Report made to the DCJ.

## 5. Child safety incidents and concerns

### 5.1 Risks of significant harm

- 5.1.1 Employees are not mandatory reporters under section 27 of the Care and Protection Act and are not required by law to report to DCJ concerns about a child or young person at risk of significant harm.
- 5.1.2 Notwithstanding clause 5.1.1, it is a condition of engagement with CSNSW that employees report concerns about a child or young person at risk of significant harm in accordance with this Policy.

### 5.2 Child abuse offences

- 5.2.1 It is an offence under section 316A of the Crimes Act to fail to report to NSW Police a child abuse offence.
- 5.2.2 It is an offence under section 43B of the Crimes Act to fail to reduce or remove a risk of a child becoming a victim of child abuse.
- 5.2.3 Employees must report child abuse offences and respond to risks of children becoming victims of child abuse, in accordance with this Policy.

### 5.3 Reportable conduct

- 5.3.1 CSNSW is subject to the Reportable Conduct Scheme under Part 4 of the Children’s Guardian Act and is a Religious Body for the purposes of that Act.
- 5.3.2 Where an employee (the *first employee*) becomes aware that:
  - a) another employee, or
  - b) an employee of a Relevant Entity;

is the subject of a reportable allegation or has been convicted of a reportable conviction, the first employee must inform the Child Protection Officer as soon as possible and no later than within 24 hours of becoming aware.

5.3.3 In the course of their employment, employees may become aware of incidents involving employees (for example, teachers or contractors) engaged by a Relevant Entity where those incidents involve a reportable allegation or reportable conviction.

5.3.4 Employees must report incidents of reportable conduct in accordance with this Policy.

## 6. Reporting and Responding to Child Safety Incidents or Concerns

### 6.1 Reporting children at risk of significant harm

6.1.1 Where an employee has reasonable grounds to suspect that a child is at risk of significant harm, and those grounds arise during the course of their employment with CSNSW, the employee must notify the Child Protection Officer as soon as possible.

6.1.2 The Child Protection Officer must report those concerns directly to:

- (a) in the case of a child enrolled in a systemic Catholic schools in NSW - the Safeguarding Team at the relevant Catholic Schools Office; or
- (b) in the case of a child enrolled at a PJP/RI school - the school's principal.

6.1.3 The Child Protection Officer must seek written confirmation

- a) that the Safeguarding Team, or the School Principal has reported those concerns either to the DCJ, the NSW Police Force, or
- b) the Mandatory Report Guide has been completed and no report was required to be made.

6.1.4 Where the Child Protection Officer has not received written confirmation in accordance with sub-clause 6.1.2 **Error! Reference source not found.** within 24 hours (or such other time as is reasonable in the circumstances), the Child Protection Officer must contact the Child Protection Helpline as soon as possible.

### 6.2 Reportable Conduct

6.2.1 Where an employee (**the first employee**) becomes aware that another employee (**the second employee**) has either:

- (a) been the subject of an allegation that is a reportable allegation, or
- (b) engaged in conduct that is reportable conduct, or
- (c) been convicted of a reportable conviction,

the first employee must notify the Child Protection Officer as soon as possible.

6.2.2 For the purposes of clause 6.2, any reference to a **second employee** has the same meaning as the meaning of **employee** at subsection 16(1)(c) of the Children’s Guardian Act, being a person who holds or is required by CSNSW to hold a working with children check clearance for the purpose of their engagement with CSNSW.

6.2.3 Upon receipt of any information as described in 6.2.1 the Child Protection Officer must:

- (a) Inform the CEO
- (b) Conduct an investigation into the matters raised in accordance with Part 4 of the Children’s Guardian Act, and
- (c) Take any action necessary and authorised by the CEO to manage any risk to children or any employee.

6.2.4 Where an employee becomes aware that an employee of a Catholic school or Catholic School Agency has either:

- (a) been the subject of an allegation that is a reportable allegation, or
- (b) engaged in conduct that is reportable conduct, or
- (c) been convicted of a reportable conviction,

the employee must notify the Child Protection Officer as soon as is practicable.

6.2.5 Upon receipt of any information referred to at sub-clause 6.2.4, the Child Protection Officer must report those concerns:

- (a) directly to the head of the entity concerned, or, in the cases of a child enrolled in a systemic Catholic School in NSW – to the Safeguarding Team at the relevant Catholic Schools Office; or
- (b) in the case of a child enrolled at a PJP/RI school - the school’s principal.

6.2.6 The Child Protection Office must ensure that the person referred to at clause 6.2.5(a) or (b) of this Policy:

- (a) has made a report to the Office of the Children’s Guardian in accordance with part 4 of the Children’s Guardian Act, or
- (b) has determined that the conduct or allegation is not a reportable allegation, conduct or conviction.

6.2.7 Where the relevant person does not provide the written confirmation referred to at 6.2.56.2.5(b), the Child Protection Officer may report the concerns directly to the Office of the Children’s Guardian if the Child Protection Officer determines there are reasonable grounds for doing so.

### 6.3 Child abuse offences

#### 6.3.1 Where an employee:

- (a) knows, believes or reasonably ought to know that a child abuse offence has been committed against another person, and
- (b) knows, believes or reasonably ought to know that he or she has information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for that offence,

the employee must provide the information to the NSW Police Force as soon as it is practicable to do so.

6.3.2 Where an employee has provided information to the NSW Police Force in accordance with sub-clause 6.3.1, the employee must also provide that information to the Child Protection Officer.

6.3.3 Failure to provide information to NSW Police Force in accordance with sub-clause 6.3.1 is a breach of this Policy and may also constitute a criminal offence unless the person has a reasonable excuse for not doing so. Employees should consult with the Child Protection Officer if they are uncertain whether a child abuse offence has been committed and/or whether there is a reasonable excuse for not providing the information to police.

## 7. Training

### 7.1 Employees

7.1.1 All new and current employees must complete an online training module regarding Child Protection, and and directed to this Policy upon commencement of their employment.

7.1.2 Contractors and volunteers must be provided with, or directed to, a copy of this Policy upon engagement and sign the **Declaration for Contractors and Volunteers** confirming receipt and understanding of this Policy.

## 8. Roles and Responsibilities

### 8.1 Chief Executive Officer

8.1.1 As the head of a relevant entity, the CEO is responsible for ensuring reportable allegations are appropriately investigated and reported to the Children's Guardian in accordance with Part 4 of the Children's Guardian Act.

8.1.2 The CEO may delegate these functions as head of a relevant entity to any employee of CSNSW, including an employee designated as the Child Protection Officer, but excluding contractors and volunteers.



### 8.2 Child Protection Officer

The Child Protection Officer is authorised to conduct investigations, or engage an external agency to conduct investigations, of reportable allegations in accordance with Part 4 of the Children's Guardian Act and to exercise any functions as delegated by the CEO as head of a relevant entity and exercise those functions in accordance with Part 4 of the Children's Guardian Act.

## 9. Reporting

9.1 A periodic report on the number and nature of any reportable allegations will be provided to the Governance HR and Remuneration Committee.