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Purpose

This policy sets out the obligations for all workers of the Catholic Diocese of Maitland-Newcastle to report ‘concerns for children’ and the timeframes in which these reporting obligations must occur.

Reporting concerns for children contributes to demonstrating the Diocese of Maitland-Newcastle’s commitment to caring for and protecting children from abuse. This commitment promotes and supports the Diocese’s primary mission, to seek first the Kingdom of God:

To evangelise – to proclaim Christ, the Good News of God's love for all. All our pastoral activities must, therefore, flow from our personal response to Christ and be carried out in the spirit of the Gospel.

Scope

WORKERS OF THE DIOCESE OF MAITLAND-NEWCASTLE

A worker is a person who carries out work in any capacity for an employer or ‘Person Conducting a Business Undertaking’. This includes employees, clergy, religious, trainees, apprentices, student placements, volunteers and contractors.

In the Diocese of Maitland-Newcastle, ‘Worker’ includes those who carry out work in parishes within the Diocese and within diocesan agencies.

CONCERNS FOR CHILDREN

‘Concerns for children’ is a term used to capture a wide range of possible situations or issues that directly involve a child or class of children and will likely adversely affect their safety, welfare or wellbeing.

Children are all persons under 18 years of age.

Concerns for children includes those matters that may:

- involve a criminal act
- constitute ‘risk of significant harm’ (*ROSH*)
- constitute reportable conduct under Part 4 Children's Guardian Act 2019
- constitute a ‘serious incident’ or ‘prescribed information’, reportable under Children (Education and Care Services) National Law (NSW)

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- involve a breach of professional standards by a diocesan worker, which may constitute a breach of:
 - the diocesan or related codes of conduct
 - codified standards established by a professional body, e.g. APS Code of Ethics
 - *Integrity in Ministry*, for clergy and religious
 - *Integrity in the Service of the Church*, for laity
- involve a person being engaged in child-related work without a validated working with children check (WWCC).

There is detailed assistance online at the Office of Safeguarding website to assist in determining whether there are genuine concerns for children, including:

- [indicators of abuse and neglect of children](#)
- [what constitutes child abuse and how to report it](#)
- [what forms of conduct by diocesan workers are reportable and how to report.](#)

Policy Statement

The Catholic Church in Australia has made an unambiguous commitment to safeguard children. NSW legislation and Church regulations set out a range of personal, professional and organizational requirements for protecting children.

A cornerstone for safeguarding children is the capacity of responsible adults to identify abuse and neglect and their readiness to report it. There is a complex interrelationship in NSW between criminality, the safety, welfare and wellbeing of a child and matters that may require reporting to (and investigation by) external statutory authorities and Diocesan authorities.

All the workers of the Diocese of Maitland-Newcastle have a particular and personal obligation to report concerns for children in accordance with this policy.

STATUTORY OBLIGATIONS TO REPORT

Many diocesan workers are subject to legal obligations to report matters that fall, wholly or in part, in the scope of child protection concerns, to statutory authorities. The Diocese supports and expects its workers to fulfil all of their statutory reporting obligations.

All adult diocesan workers are subject to [section 316A, Crimes Act 1900](#). It is an offence if an adult knows, believes or reasonably ought to know that that a child abuse offence has been committed and they have information that might be of material assistance in apprehending,

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prosecuting or convicting an offender and they fail to report that information to NSW Police as soon as is practical.

Diocesan workers in Catholic schools, CatholicCare, St Nicholas Early Education and OOSH Services, clergy and laity in children’s ministry are mandatory reporters under [section 27 Children and Young Persons \(Care and Protection\) Act 1998](#). If a mandatory reporter has reasonable grounds to suspect that a child is at ROSH, they have a duty to report their concerns to the Department of Communities and Justice (DCJ) in accordance with the advice from the *ChildStory* website [Mandatory Reporter Guide](#).

[Section 27, Children’s Guardian Act 2019](#) requires diocesan workers in Catholic schools, CatholicCare, St Nicholas Early Education and OOSH Services, clergy and lay workers in parishes who are in child-related work (i.e. they are required to hold a WWCC) and are the ‘first person’ to become aware of a reportable allegation or conviction, to report the allegation to the Office of Safeguarding (as the delegate for the ‘head of the relevant agency’) as soon as practicable.

The Children (Education and Care Services) National Law (NSW) requires that an ‘approved provider, of St Nicholas Early Education and OOSH Services notify the [NSW Department of Education](#) within twenty four hours or seven days if:

- a [‘serious incident’](#) occurs
- [‘prescribed matters’](#) arise
- [‘certain circumstances’](#) arise
- or there is any change relevant to whether the approved provider is a fit and proper person to be involved in the provision of an education and care service.

OFFICE OF SAFEGUARDING ASSUMES RESPONSIBILITY

Many of the concerns for children that are reported by diocesan workers fulfil the criteria for several of the types of concerns listed above. For example, a parent striking a child hard across their head with sufficient force to leave a bruise is a criminal act and it will likely constitute a ROSH. If that parent is a diocesan worker, it will also constitute reportable conduct.

When a diocesan worker reports to the Office of Safeguarding, it assumes responsibility to ensure all statutory reporting obligations are met through advice and support offered the diocesan worker or reporting to the statutory authority on the worker’s behalf.

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Reporting Obligations within the Diocese of Maitland-Newcastle

	Criminal act	ROSH	Reportable conduct	Serious incident / Prescribed info.	Breach of professional standards	No WWCC
Statutory reporting obligation	NSW Police	Department of Communities and Justice (DCJ)	Office of Safeguarding	Department of Education	Nil	Nil
Statutory timeframe	As soon as is practical	In accordance with the ChildStory MRG	As a matter of urgency	Within 24 hours or 7 days	Not applicable	Not applicable
Primary diocesan reporting obligation	Supervisor / local diocesan leader	Supervisor / local diocesan leader	Office of Safeguarding	General Operations Manager Early Educ. / OOSH	Supervisor / local diocesan leader	Supervisor / local diocesan leader
Primary timeframe	As a matter of urgency	As a matter of urgency	As a matter of urgency	As a matter of urgency	As soon as is practical	As a matter of urgency
Discretion for secondary reporting	None – Must be reported	None – Must be reported	None – Must be reported	None – Must be reported	Discretionary reporting – local diocesan leader	None – Must be reported
Secondary diocesan reporting obligation	Office of Safeguarding	Office of Safeguarding	Supervisor / local diocesan leader	Office of Safeguarding	Office of Safeguarding	Human Resources
Secondary timeframe	Within 1 working day	Within 5 working days	As soon as is practical	Within 5 working days	Within 5 working days	Within 1 working day

Reporting as a matter of urgency means reporting without delay. The worker will report the matter as a priority before other obligations or demands once any immediate safety and wellbeing concerns for a child have been addressed.

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WHO TO REPORT TO IN THE DIOCESE

The diocesan workers' primary reporting obligation is to report their concerns for children to their supervisor or local leadership, e.g. parish priest, school principal, director of early education centre or CatholicCare programme manager.

The workers or their supervisors MUST report the following types of concerns for children to the Office of Safeguarding, the secondary reporting obligation:

- involve a criminal act or potential criminality
- constitute *ROSH*
- constitute reportable conduct under Part 4 Children's Guardian Act 2019
- constitute a 'serious incident' or 'prescribed information' reportable under Children (Education and Care Services) National Law (NSW).

Workers may choose to report to the Office of Safeguarding without consulting with their supervisors or local leaders if:

- their supervisors or local leaders are uncontactable or otherwise unavailable
- a reporter believes that their supervisor or local leader may be conflicted or is otherwise unable to respond adequately to the concerns raised.

Workers or their supervisors MUST also report to Human Resources any diocesan worker who is undertaking child-related work in the Diocese without a verified WWCC.

METHODS FOR REPORTING

Reporting concerns for children may be done either verbally or in writing.

A verbal report may be in person or by phone but must involve a 'live time' discussion. The reporter must speak directly to their supervisor and confirm that the supervisor is fully aware of the issues. Leaving a message, either with a third party (e.g. administrative assistant) or on 'voice mail' is insufficient and the worker has not met their reporting obligations under this policy.

The reporter must follow-up with further attempts at direct contact or prepare a written report or contact the Office of safeguarding directly.

A written report to the Office of Safeguarding can be made:

- online, using the [Office of Safeguarding reporting page](#)
- using a reporting template, either diocesan or external (e.g. a copy of the *ChildStory* website e-report to the *Child Protection Helpline*)

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- sending a diocesan email (@mn.catholic.org.au or @mn.catholic.edu.au).

REPORTING TO SENIOR LEADERS

Senior leaders refer to those positions and roles that constitute canonical offices, report or relate directly to the Bishop, are members of the Diocesan Leadership Group or are otherwise specified as such by the Bishop. The roles that form part of the diocesan senior leadership include:

- Chancellor
- Chief Executive Officer
- Chief Operating Officer
- Executive Directors of services
- Parish Priest
- Vicar-General.

It is the supervisor or local leadership’s responsibility to ensure that responsible senior leaders are advised if:

- a child has died or suffered life threatening or serious injury likely to require hospitalisation
- an allegation of criminal conduct has been made against a diocesan worker
- there is or is likely to be media interest.

In most of these circumstances it would be advisable to contact senior leaders immediately. Regardless, supervisors or local leaders must advise the relevant senior leaders before close of business on the day they became aware of the matter.

CONFIDENTIALITY

Concerns for children are dealt with as confidential information, to protect all parties. Diocesan workers, supervisors and local leadership will not discuss concerns for children other than with:

- officers of relevant statutory authorities (e.g. Dept. Communities and Justice, Police)
- Office of Safeguarding personnel
- the Diocese’s senior leaders.

PROTECTIONS FOR REPORTING IN GOOD FAITH

Those in leadership in the Diocese will:

- support workers who report concerns for children
- ensure that workers who report concerns for children in good faith do not suffer any adverse consequences for reporting their concerns.

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Support for the Policy

Detailed procedures, guidance and advice on acting in accordance with this policy is available to workers online on the public Office of Safeguarding '[Reporting abuse](#)' and related webpages.

Diocesan workers are able to contact the Office of Safeguarding and receive advice and support on fulfilling their obligations under this policy during normal office hours (P. 4979 1390).

Breaches of Policy

The failure to report concerns for children by a worker, is considered a failure to protect children.

A worker who fails to protect children has committed a serious breach of the worker's responsibilities to the Diocese. Any alleged failure to protect children will be assessed and responded to in accordance with the Diocesan Safeguarding Framework Policy.

Equally, reporting in bad faith is a serious breach of the worker's responsibilities to the Diocese. Acting in bad faith will result in disciplinary proceedings in accordance with the role of the worker.

Revision History

Vers. no	Date	Details of revision	Author
1.1	19/02/12	Replaced Zimmerman House with DCPU, updated contact details, modified definition, inserted changed appendices.	Sean Tynan
1.2	08/07/13	Updated contact details for DCPU, clarification of reporting timeframes in sections (5), (6), (9), added section on reporting allegations of criminality, deletion of alternate reporting arrangements, replacement of the old CCYP Act with the Child Protection (Working with Children) Act 2012, addition of Quick Reference 2.	Sean Tynan
1.2.1	15/10/13	Change of Diocesan 'Services' to 'Agencies'.	Sean Tynan

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2.0	26/11/14	Addition of 'reportable incidents' Part 3C Ombudsman Act. Change of policy name. Replaced DCPU with PaRT. Insertion of new sections; (4) Breaches of the Policy and (7) Procedure for Reporting Concerns for a Person with a Disability. Additional definitions in sections (5) and changes to reporting requirements in renumbered section (10). Expansion of section (11) to include subsections for child protection concerns, concerns for people with a disability, reporting to Zimmerman Services and advising senior management. Deletion of old sections (9) Procedure for Advising Senior Management and (11) Procedure for Reporting Child Protection Concerns to the DCPU. Renumbering of quick guides from (1, 2, 3) to (I, II, III). Addition of quick references (III + IV). Addition of appendix (B) Types and Indicators of Abuse for People with a Disability. All subsequent appendices re-lettered (+1).	Sean Tynan
3.0	22/09/15	Separation of reporting concerns for children policy and procedures from reporting concerns for people with a disability. Replacing 'child protection concerns' with 'concerns for children'. Restructuring and renumbering sections and sub sections. Section 2 is the Policy statement. Rename title (2.1) from 'Aim' to 'Purpose' and additional statements re reporting criminality & failing to get Clearances. Revision to (2.3) Application highlighting primacy of reporting policy, section (6) with exclusion of automatically reporting people with disability offending against peers. Addition of section (2.3) Support for Reporting Concerns, paragraph removed from (2.5) Breaches of the Policy. Insertion of section (7) Procedure for Reporting People engaged in Child-Related Work without Clearances. Revisions to sections (8.2) Reporting Concerns to PaRT and (8.3) Advising Senior Management.	Sean Tynan
3.1	29/03/17	Deletion of name of In-House Counsel Insertion of new MRG online link. Deletion of former mandatory reporters' phone number of the FaCS Helpline (133 627)	Sean Tynan
3.2	12/04/17	Inclusion of St Nicholas Early Education as a Diocesan service that falls under this policy and procedures. Changing 'Agency' to 'Service' and slight modification of meaning of what constitutes a Diocesan Service.	Sean Tynan

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Vers. no	Date	Details of revision	Author
4.0	9/03/21	Entirely restructured and largely rewritten policy. New diocesan policy template applied. Procedures removed (sections [3] to [8] inclusive). Section 9.1 removed. Quick references [I] and [II] removed. Appendices [A] through [C] inclusive removed. Introduction of internet hyperlinks to guide reader to online detailed procedural and in-depth information and external references.	Sean Tynan