

Catholic Schools NSW Limited Reporting Child Safety Concerns Policy

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Document Authorisation

Name	Signature	Date
Board	By resolution	19 May 2021
Chief Executive Officer	By signature	5 August 2024
Chief Executive Officer	By signature	4 May 2026

Document Review Process

Name	Comment	Date
Chief Legal and Risk Officer	Triennial review	4 May 2029

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 PolicyConnect <https://csnsw.policyconnect.com.au/>

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.

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
 - iv. an employee of a Relevant Entity has engaged in conduct that may be reportable conduct or has been convicted of a reportable conviction.

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 should be read together with CSNSW's Child Safe Policy and Code of Conduct, and Statement of Commitment to Child Safety. 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 this Policy.

Key terms and definitions

Term	Definition
Care and Protection Act	<i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>
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 subsections 316A(9)(a)-(f) of the Crimes Act.
Child Protection Officer	The Child Protection Officer is appointed by the CEO as set out in clause 8 of this Policy.
Children's Guardian Act	<i>Children's Guardian Act 2019 (Cth)</i>
Crimes Act	<i>Crimes Act 1900 (NSW)</i>
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: for CSNSW, the CEO 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).
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 (NSW)</i> .
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: A sexual offence Sexual misconduct Ill-treatment of a child Neglect of a child

	An assault of a child An offence under section 43B or 316A of the Crimes Act.
Reportable Conduct Scheme	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.
Reportable Conviction	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.
Risk of Significant Harm	Has the same meaning as subsection 23(1) of the Care and Protection Act.
ROSH Report	Means a Risk of Significant Harm Report made to the DCJ.

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 the 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.

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 6.1.3 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 6.2.5, 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.

Training

7.1 Employees

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

Declarations

8.1 Contractors and volunteers

8.1.1 Contractors and volunteers working in child related CSNSW work must be provided with, or directed to, a copy of this Policy upon engagement and sign the **Declaration for Contractors and Volunteers working in child related CSNSW work** (attached as Appendix A) confirming receipt and understanding of this Policy.

8.1.2 Contractors and volunteers not engaged in child-related work may be required to sign the **Declaration and Undertaking for Contractors and Volunteers not engaged in child-related work** (attached as Appendix B). This Declaration affirms that they are not obligated to obtain a Working with Children Check (WWCC) clearance for their non-child-related role. If requested to sign the Declaration, contractors or volunteers must be given, or directed to, a copy of this Policy at the time of engagement. They must then sign the Declaration, acknowledge receipt and understanding of this Policy.

Roles and Responsibilities

9.1 Chief Executive Officer

9.1.1 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.

9.1.2 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.

9.2 Child Protection Officer

9.2.1 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*.

Reporting

A periodic report on the number and nature of any reportable allegations will be provided to the Audit & Risk Committee.

Appendix A

Declaration and Undertaking for Contractors and Volunteers working in child related CSNSW work

I declare that:

- (a) I have read and I understand the CSNSW Child Safe Code of Conduct and the CSNSW Reporting Child Safety Concerns Policy,
- (b) I hold a current and valid WWCC Clearance and I am not subject to a bar or interim bar;
- (c) I am not a Disqualified Person;
- (d) I am not subject to any Assessment Requirement Triggers;
- (e) I have not had any volunteer role, previous employment or engagement in any capacity, terminated on the grounds or for any reasons that I engaged in any Reportable Conduct and/or sex offence or any misconduct that may involve Reportable Conduct and/or a sex offence;
- (f) I have not retired or resigned from any volunteer role, previous employment or engagement following allegations that I engaged in any Reportable Conduct and/or sex offence or any misconduct that may involve Reportable Conduct and/or a sex offence;
- (g) I have never been charged with engaging in any Reportable Conduct and/or sex offence;
- (h) I am not currently the subject of allegations that I engaged in Reportable Conduct and/or sex offence or any misconduct that may involve Reportable Conduct and/or a sex offence;
- (i) I have never been the subject of allegations of any Reportable Conduct and/or sex offence or any misconduct that may involve Reportable Conduct and/or a sex offence;
- (j) I will not engage in any Reportable Conduct and/or sex offence; and
- (k) I have not been the subject of proceedings commenced for any of the offences specified in Item 1(3) of [Schedule 1](#) of the WWC Act (whatever the outcome of those proceedings).

I undertake to notify Catholic Schools NSW immediately if:

- (a) An application for a WWC by me is refused by the OCG
- (b) My WWC is cancelled by the OCG for any reason
- (c) I am subject to a bar or interim bar by the OCG
- (d) I am charged with any criminal offence (excluding offences under the *Road Rules 2014* (NSW))
- (e) I am the subject of allegations of any Reportable conduct and/or sex offence.

I understand that if any of the matters I have declared to be true at 1. (a) to (k) are found not to be true, or if I do not notify CSNSW of any of the matters at 2. (a) to (e), CSNSW may terminate my engagement without notice.

Definitions

Assessment Requirement Trigger means an offence or finding of misconduct involving children, as defined in [Schedule 1](#) of the *Child Protection (Working with Children) Act 2012* (NSW) (WWC Act).

Disqualifying Offence means the offences listed in [Schedule 2](#) of the WWC Act.

Disqualified Person means:

- (a) a person convicted of a Disqualifying Offence, if the offence was committed as an adult,

- (b) a person against whom proceedings for any such offence have been commenced, if the offence was committed as an adult, pending determination of the proceedings for the offence.

OCG means the Office of the Children’s Guardian.

Reportable Conduct means:

any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including grooming of a child, child pornography offences or an offence involving child abuse material);

any assault, ill treatment or neglect of a child; or

any behaviour that causes significant emotional or psychological harm to a child,

but does not extend to:

conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or

the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or

WWC means a Working with Children Check clearance issued under the WWC Act.

WWC Act means the *Child Protection (Working with Children) Act 2012* (NSW)

Signature: _____

Date: _____

First name: _____

Surname: _____

Address: _____

Phone number: _____

Email: _____

WWC number: _____

Appendix B

Declaration and Undertaking for Contractors and Volunteers not engaged in child-related work

This declaration must be completed by **contractors** seeking engagement with Catholic Schools NSW Limited (CSNSW) where the person is exempt under the Child Protection (Working with Children) Regulation 2013 from having to hold a Working with Children Check clearance.

I, (full name) declare on (date) :

1. I am a non-child related contractor within the meaning of the NSW *Child Protection (Working with Children) Act 2012* at the time of the making of this declaration.
2. I have not been refused working with children check clearance under the *Child Protection (Working with Children) Act 2012* (this declaration may be made if a clearance was subsequently granted to you).
3. I have not had a working with children check clearance cancelled under the *Child Protection (Working with Children) Act 2012* (this declaration may be made if the clearance was surrendered by you, a clearance was subsequently granted to you, or the cancellation was overturned on review).
4. I am not currently subject to an interim bar on engaging in child-related work under the *Child Protection (Working With Children) Act 2012*.
5. I have not been convicted of an offence, or subject to a finding of guilt for an offence or a finding that the charge for an offence is proven, where the offence was committed as an adult in New South Wales or elsewhere and was an offence of the following kind:
 - a. a sexual assault or intercourse offence;
 - b. the common the common law offence of rape or attempted rape;
 - c. an indecent assault offence;
 - d. a sexual servitude offence
 - e. observing a person engaged in a private act, for the purpose of obtaining sexual arousal or sexual gratification (voyeurism);
 - f. filming another person engaged in a private act or filming another person's private parts, for the purpose of obtaining, or enabling another person to obtain, sexual arousal or sexual gratification;
 - g. installing a device, or constructing or adapting the fabric of a building, for the purpose of facilitating the observation or filming of a child, with the intention of enabling any person to commit an offence referred to at (d)-(e) above;
 - h. murder of a child;
 - i. manslaughter of a child (other than as a result of a motor vehicle accident);
 - j. intentional wounding or causing grievous bodily harm to a child who was three or more years younger than me;
 - k. a child prostitution offence;
 - l. an offence involving an act of indecency with or towards a child;
 - m. procuring or grooming a child under 16 years of age for unlawful sexual activity;
 - n. using a child for the production of child abuse material, or producing, disseminating,

possessing or importing child abuse material;

- o.** possessing or importing child pornography;
- p.** offences relating to the use of a postal or similar service for child pornography material or child abuse material;
- q.** offences relating to the use of a postal or similar service involving sexual activity with a child under 16;
- r.** publishing indecent articles;
- s.** an offence of kidnapping a child, unless a parent or carer of the child at the time of the offence;
- t.** a forced labour or deceptive recruiting for labour or services offence, where the victim was a child;
- u.** intentional or reckless infliction of grievous bodily harm on a child, during or after the delivery of the child;
- v.** intentionally abandoning or exposing a child under the age of seven;
- w.** bestiality;
- x.** an offence an element of which is an intention to commit one of the above offences; or
- y.** an offence of attempting, or of conspiracy or incitement, to commit one of the above offences.

I undertake, as a condition of my continuing to perform work for CSNSW, that I will notify them of:

- (a)** any refusal to grant me a working with children check clearance under the NSW Child Protection (Working with Children) Act 2012;
- (b)** the cancellation of any working with children check clearance I may hold under the NSW Child Protection (Working with Children) Act 2012;
- (c)** the imposition of an interim bar under the NSW Child Protection (Working with Children) Act 2012 that prevents me from engaging in child-related work that requires a working with children check clearance; and
- (d)** any conviction imposed on me for an offence, or finding that I am guilty of an offence, or finding that the charge for an offence against me is proven, where the offence is of the kind referred to in the attached Declaration.

I declare that I am not a disqualified person within the meaning of Section 18 of the NSW *Child Protection (Working with Children) Act 2012*.

I am aware that providing false or misleading information in this document may lead to the following:

- CSNSW withdrawing any offer of engagement that it has made to me; or
- CSNSW terminating my engagement, and
- CSNSW considering any false or misleading information I provide, when considering any future applications by me for engagement.

Signature: _____

Date: _____

First name: _____

Surname: _____

Address: _____

Phone number: _____

Email: _____