

# CATHOLIC DIOCESE OF BROKEN BAY

## RISK OF SIGNIFICANT HARM – MANDATORY REPORTING POLICY



CATHOLIC  
DIOCESE OF  
BROKEN BAY

### CONTENT

This document contains the Diocese of Broken Bay (**Diocese**) Policy on Mandatory Reporting.

### APPLICATION & SCOPE

This Policy applies to clergy, employees, contractors, volunteers, work experience students and trainees (**Workers**) of the Diocese including those working in or visiting its Parishes.

Where an Agency within the Diocese (such as Catholic Schools Broken Bay or CatholicCare) has its own policy, the relevant Agency policy will apply to Agency Workers.

### PURPOSE

The purpose of this policy is to contribute to a framework for creating safe and supportive environments throughout the Diocese, particularly for Children and Young People. This policy identifies the way in which the Bishop, Safeguarding Office (Chancery & Parishes), Parish Priests and Workers, as defined by the Act, are to work together to act upon concerns about possible abuse or neglect of Children and Young People, in compliance with reporting obligations under *the Children and Young Persons (Care and Protection) Act 1998 (Care Act)*. The Policy identifies the need to:

- Ensure that everyone within the Diocese understands what they are required to do when reporting concerns that a Child is at Risk of Significant Harm.
- Recognise the importance of reporting concerns about Children at Risk of Significant Harm to the Department of Communities and Justice in promoting the safety and wellbeing of Children and Young People.
- Understand the importance of providing support to Children and Young People at risk in accordance with the Diocesan commitment to Safeguarding.

### DEFINITIONS

Care Act	The Children and Young Persons (Care and Protection) Act 1998.
Child	A person who is under the age of 16 years.
Mandatory Reporter	Has the meaning set out in section 2 below.
Risk of Significant Harm	Has the meaning set out in section 1 below.
Workers	All clergy, employees, contractors, volunteers, work experience students and trainees of the Diocese.
Young Person	A person aged 16 years or above but who is under the age of 18 years.

### POLICY

All Workers of the Chancery, Parishes and agencies of the Diocese who provide religious ministry or religion-based activities to Children, including clergy, are considered to be 'Mandatory

Reporters', who have a legal obligation to make a report to the Department of Communities and Justice if they have reasonable grounds to suspect that a Child is at Risk of Significant Harm and those grounds arise during the course of their work or role.

The Diocese acknowledges its responsibility to establish and maintain appropriate procedures to support Mandatory Reporters in fulfilling their reporting obligations to the Department of Communities and Justice.

## **1. RISK OF SIGNIFICANT HARM**

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:

- (a) the Child's basic physical or psychological needs are not being met or are at risk of not being met;
- (b) the Child's parents or other guardians have not arranged and are unable or unwilling to arrange for the Child to receive necessary medical care;
- (c) in the case of a Child who is required to attend school, the parents or other guardians have not arranged, and are unable or unwilling to arrange, for the Child to receive an education;
- (d) the Child has been, or is at risk of being, physically or sexually abused or ill-treated;
- (e) the Child is living in a household where there have been incidents of domestic violence and, as a consequence, the Child is at risk of serious physical or psychological harm; or
- (f) 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.

As discussed further in part 3 below, Mandatory Reporters may seek guidance from the Safeguarding Office or consult the Mandatory Reporter Guide to assess whether a Child or Young Person is at Risk of Significant Harm or whether a report should be made. The Mandatory Reporter Guide can be accessed via the following link:

<https://reporter.childstory.nsw.gov.au/s/mrg>.

## **2. RESPONSIBILITIES UNDER THE CARE ACT**

The following persons will be 'Mandatory Reporters' and must make a report to the Department of Communities and Justice if they have reasonable grounds to suspect that a Child is at Risk of Significant Harm, and those grounds arise during their work or role:

- (a) a person who, in the course of their professional work or other paid employment, delivers:
  - i. health care (e.g. doctors, nurses, dentists and other health workers);
  - ii. welfare (e.g. psychologists, social workers and youth workers);
  - iii. education (e.g. teachers);
  - iv. Children's services (e.g. Child care workers, family day carers and home-based carers);
  - v. residential services (e.g. refuge workers and community housing providers);
  - vi. law enforcement (e.g. police); or
  - vii. disability services (e.g. social workers and certain carers), wholly or partly to Children;

- (b) a person who holds a management position in an organisation which provides the services set out above at clause 2(a.) wholly or partly to Children;
- (c) a person in religious ministry, or a person providing religion-based activities to Children (e.g. minister of religion, priest, Children's liturgy volunteer or youth group leader); and
- (d) a registered psychologist providing a professional service as a psychologist.

All Workers of the Chancery, Parishes and agencies of the Diocese who provide religious ministry or religion-based activities to Children, including clergy, are 'Mandatory Reporters'.

Workers who hold a Working With Children Check (**WWCC**) Clearance, or are exempt from holding a WWCC Clearance, may or may not be a Mandatory Reporter. Workers who hold a WWCC Clearance, or are exempt from holding a WWCC Clearance, should refer to the guidance regarding who is a Mandatory Reporter above to determine if they are a Mandatory Reporter.

Any Worker who is unsure about whether or not they are a Mandatory Reporter should seek guidance from the Safeguarding Office.

Mandatory Reporters have a legal obligation to make a report if they have reasonable grounds to suspect that a Child is at Risk of Significant Harm.

Mandatory Reporting responsibilities relate only to situations where the grounds arise during the course of, or from, the person's work. Mandatory Reporting responsibilities do not extend to situations that a Worker may come across outside their working environment.

### **3. DIOCESE POLICY AND PROCEDURE FOR MANDATORY REPORTERS**

#### **3.1. Mandatory Reporting**

Mandatory Reporters who have reasonable grounds to suspect that a Child is at Risk of Significant Harm are under an obligation to immediately report those concerns to the Department of Communities and Justice.

Any report to the Department of Communities and Justice must include the name of the Child who is suspected to be at Risk of Significant Harm, or a description of the Child. The following details are also helpful for the Department of Communities and Justice:

- (a) the Child's address, phone number, school details, age, care arrangements or cultural identity or language barriers;
- (b) the Child's parents' name, address, phone number, cultural identity or language barriers;
- (c) the reporter's name, address, phone number, email address, position, reason for reporting, nature of contact with the Child, nature of any ongoing role with the Child or their family; and
- (d) information about the reasons for suspecting that the Child is at Risk of Significant Harm, such as whether the Child appears to have suffered Neglect, Physical or Sexual Abuse, or is exhibiting at-risk behaviour, or disclosures made by the Child.

Reports can be made by:

- (a) contacting the Department of Communities and Justice Child Protection Helpline – 132 111; or
- (b) submitting an eReport to the Department of Communities and Justice at: <https://reporter.childstory.nsw.gov.au/s/>.

Mandatory Reporters may seek guidance from the Safeguarding Office or consult the Mandatory Reporter Guide to assess whether a Child or Young Person is at Risk of Significant Harm or whether a report should be made. The Mandatory Reporter Guide can be accessed via the following link: <https://reporter.childstory.nsw.gov.au/s/mrg>.

### **3.2. Notification of Office for Safeguarding**

The Diocese requires that all Mandatory Reporters who make a report to the Department of Communities and Justice also promptly notify the Safeguarding Office of that report.

- (a) If a report is made to the Department of Communities and Justice via eReport, the Mandatory Reporter must download the eReport and email it to the Safeguarding Office ([safeguarding@bbcatholic.org.au](mailto:safeguarding@bbcatholic.org.au)) as soon as possible after making the Report.
- (b) If a report is made to the Department of Communities and Justice via telephone, the Mandatory Reporter must complete a Risk of Significant Harm Report Form and email a copy of the form to the Safeguarding Office ([safeguarding@bbcatholic.org.au](mailto:safeguarding@bbcatholic.org.au)) as soon as possible after making the Report. Mandatory Reporters should follow the Diocesan 'How to Report a Risk of Significant Harm' Flowchart (see Appendix A).

### **3.3. Feedback to reporters**

The Child Protection Helpline will provide feedback in writing to Mandatory Reporters on whether a report meets the statutory threshold of Significant Harm or not. If the feedback indicates that the threshold of Significant Harm is not met, Mandatory Reporters must inform the Safeguarding Office (Chancery & Parishes) as soon as possible.

## **4. DIOCESE POLICY AND PROCEDURE FOR OTHER WORKERS**

### **4.1. Reporting obligations of other Workers**

All Workers have an ethical responsibility to promote the safety, welfare and wellbeing of Children regardless of the context, and any concerns about situations arising within or outside their working environment can be discussed with a Parish Priest, a direct line report or the Safeguarding Office.

The *Care Act* provides a mechanism for voluntary reports to be made where there are reasonable grounds to suspect a Child or Young Person is or may be at Risk of Significant Harm. All Workers, whether or not they are Mandatory Reporters, are encouraged to make voluntary reports where they hold concerns about a Child being at Risk of Significant Harm.

### **4.2. Notification to Parish Priest or direct line report**

The Diocese requires that all Workers immediately notify their Parish Priest or a direct line report to whom they report of all concerns that a Child may be at Risk of Significant Harm.

The Risk of Significant Harm need not arise at a parish or agency in order to be reported. It is more likely that it will relate to the relevant Child's home life, which parish or agency personnel may come to understand as a result of their conversations with and observations of the Child.

No Worker should attempt to undertake their own investigation before notifying their Parish Priest or a direct line report regarding the matter.

### **4.3. Notification to the Office for Safeguarding**

On receiving a notification that a Child may be at Risk of Significant Harm, the Parish Priest or direct line report must immediately notify the matter to the Safeguarding Office. Parish

Priests are Mandatory Reporters who must also immediately notify the Department of Communities and Justice of a report that a Child may be at Risk of Significant Harm, in accordance with the Diocesan Policy and Procedure set out at part 3 above. Depending on the nature of their role, a direct line report may also be a Mandatory Reporter who is required to immediately make a report to the Department of Communities and Justice.

If the Parish Priest or direct line report has concerns about whether the matter is reportable, they should contact the Safeguarding Office to seek guidance.

No Parish Priest or direct line report should attempt to undertake their own investigation before reporting the matter.

#### **4.4. Notification to the Department of Communities and Justice**

On receiving a notification that a Child may be at Risk of Significant Harm, the Safeguarding Office will assist the worker to consult the Mandatory Reporter Guide (<https://reporter.childstory.nsw.gov.au/s/mrg>) so that the person seeking assistance can determine whether the matter ought to be reported to the Department of Communities and Justice, and if so, support the person to make that report.

In providing this assistance, the Safeguarding Office may seek advice from:

- (a) the NSW Child Protection Helpline on 131 111;
- (b) the Mandatory Reporter Guide: <https://reporter.childstory.nsw.gov.au/s/mrg>; or
- (c) Diocesan General Counsel

#### **5. RESPONDING TO OTHER CHILD WELLBEING CONCERNS**

Workers who have a concern about the wellbeing of a Child or Young Person, but do not suspect that the Child or Young Person is or may be at Risk of Significant Harm, are encouraged to connect the Child, Young Person and/or their family with:

- (a) resources available within the church environment; and
- (b) external services, which may include services offered by Catholic social care agencies

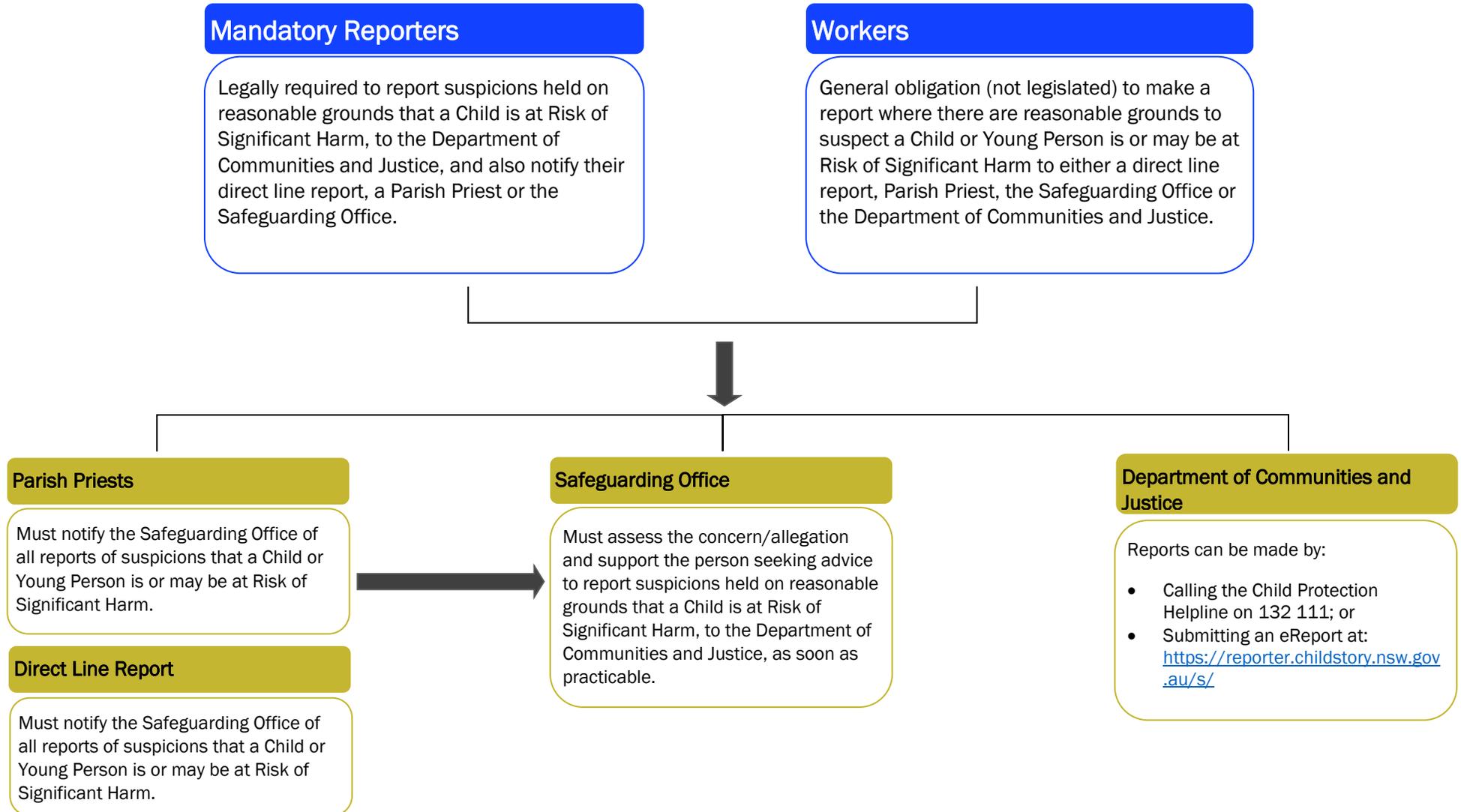
#### **6. INFORMATION EXCHANGE**

The *Care Act* includes provisions that encourage the exchange of certain safeguarding records between agencies. If a request is made by a government or non-government agency for safeguarding records under the *Care Act*, any such request should be immediately directed to the Safeguarding Office. The Safeguarding Office will seek legal advice as to whether the requested documents should be produced.

#### **7. PROTECTION FOR REPORTERS**

Persons who make reports to the Department of Communities and Justice or institutions engaged in child related work under the *Care Act* are protected from liability for defamation and civil and criminal liability. The *Care Act* also provides that such a report does not constitute a breach of professional etiquette or ethics, or amount to unprofessional conduct.

## APPENDIX A – HOW TO REPORT A RISK OF SIGNIFICANT HARM FLOWCHART



## REFERENCE

*Children and Young Persons (Care and Protection Act) 1998*  
Risk of Significant Harm Mandatory Reporting Fact Sheet  
Diocesan Safeguarding Office Charter  
Diocesan Commitment Statement to Safeguarding  
National Catholic Safeguarding Standards

## APPENDIX

A – How to Report a Risk of Significant Harm Flowchart

## RELATED FORMS

Risk of Significant Harm Report Form  
Risk of Significant Harm Reporting Fact Sheet

## RELATED POLICIES

Diocesan Complaints Handling Policy  
Inappropriate Workplace Behaviour Policy  
Privacy Policy  
Safeguarding Education and Awareness (Chancery & Parish) Policy

## POLICY REVIEW

Review of this Policy, related forms and resources will be considered following any changes to the *Care Act* or associated guidelines or undertaken every three years by the Safeguarding Manager of the Safeguarding Office (Chancery) in consultation with the Diocesan Financial Administrator and approved by the Bishop of the Diocese.

## REVISION/ MODIFICATION HISTORY

Date	Version	Current Title	Summary of Changes	Approval Date	Commencement Date
26/06/20	1	Risk of Significant Harm – Mandatory Reporting Policy	New Policy	Jun 2020	Jun 2020
22/12/23	2	Risk of Significant Harm – Mandatory Reporting Policy	Reviewed and updated	Dec 2023	Dec 2023

## APPROVAL DATE/ REVISION SCHEDULE

**Approved by:** Most Rev Anthony Randazzo, Bishop

**Date:** 22 December 2023

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