

In Children ²	In Young People ²	In Parents or Carers
<ul style="list-style-type: none"> • general indicators of female genital mutilation (e.g. having a 'special operation') 		
<p>Social/psychological</p> <ul style="list-style-type: none"> • wears clothing that is inappropriate to the weather conditions, to conceal injuries • fears adults, is aggressive, lacks empathy 	<p>Social/psychological</p> <ul style="list-style-type: none"> • aggressive and violent behaviours toward others, particularly younger children • explosive temper that is out of proportion to precipitating event • constantly on guard around adults, cowers at sudden movements, unusual deference to adults 	<p>Social/psychological</p> <ul style="list-style-type: none"> • family history of violence • history of their own maltreatment as a child • fears injuring their child • uses excessive discipline

Sexual Abuse

Sexual abuse is any sexual act or threat to a child or young person that causes them harm, or to be frightened or fearful. It covers a continuum from:

- non-contact forms of harm, such as flashing, having a child or young person pose or perform in a sexual manner, exposure to sexually explicit material or acts (including pornographic material), communication of graphic sexual matters (including by email and SMS)
- a range of contact behaviours, such as kissing, touching or fondling the child or young person in a sexual manner, penetration of the vagina or anus either by digital, penile or any other object or coercing the child to perform any such act on themselves or anyone else.

Sexual abuse may result in physical, emotional or psychological harm. It can occur to children of any age, from infants to teenagers. It may occur once, a few times or be a repeated occurrence, and can be perpetrated by either males or females. In most cases the offender is known to the child and can include household members such as parents, step-parents, de facto partners of parents, siblings of the child or young person, or non-household relatives and acquaintances of the family.*

Physical and psychological coercion of children is intrinsic to child sexual assault and differentiates such assault from consensual peer sexual activity. Adults, young people and children who perpetrate child sexual abuse exploit the dependency and immaturity of children by misusing their power and encouraging children to be secretive. Although the child victims of sexual assault often feel guilty, it is never their fault.

Recognising sexual abuse can be difficult because there is often an absence of clear physical evidence or indicators. There also may be a number of explanations that could account for some behavioural presentations listed in the indicators table, such as general stress reactions or even other abuse types.

Children with a disability are at greater risk of sexual abuse. A large epidemiological study in 2000³ found that the rate of sexual abuse of children with a disability is higher than that of children with no disability. It identified that this abuse was more likely to be by an extra-familial perpetrator.

GROOMING

Recently the Crimes Act specified a particular offence that refers to "grooming". The traditional use of the term 'grooming' is broader. It describes patterns of behaviour aimed at engaging or 'grooming' a child as a precursor to sexual abuse. Grooming may involve a person identifying particularly vulnerable children, such as isolated children who may be unhappy or needy and using tactics to establish trust with the child for inappropriate purposes.

The actual act of sexual assault need not have occurred for grooming to have occurred. The grooming process can include:

- persuading a child that a 'special' relationship exists:-
 - spending inappropriate 'special' time with the child,
 - inappropriately giving gifts,
 - showing special favours to them but not other children,
 - allowing the child to overstep rules, etc.;
- testing of boundaries –
 - undressing in front of the child,
 - allowing the child to sit on the lap,
 - talking about 'sex stuff' and other inappropriate acts,
 - 'accidental' touching of intimate areas including genitalia, etc.;
- establishing relationships outside the employment relationship – grooming should not be assumed where such relationships are the result of a relationship established before employment; and/or
- inappropriate personal correspondence, including electronic communication, with a child.

These behaviours may not indicate risk if they occur in isolation, but if there is a pattern of behaviour occurring, it may indicate grooming.

In order to maintain the relationship with the child, the person may also 'groom' others (such as other employees or family members) to ensure the adult is considered to be a 'credible' person and the child is someone who is not to be believed if they do disclose inappropriate behaviour by the employee.

INDICATORS OF SEXUAL ABUSE:

In Children ⁴	In Young People ⁴	In Non-Offending Parents, Carers	In Perpetrator
<p>Physical</p> <ul style="list-style-type: none"> • bleeding from the vagina, external genitalia or anus • tears or bruising to the genitalia, anus or perineal regions 	<p>Physical</p> <ul style="list-style-type: none"> • adolescent pregnancy and/or reluctance to identify father of child 	<p>Physical</p> <ul style="list-style-type: none"> • Nil 	<p>Physical</p> <ul style="list-style-type: none"> • Nil

³ Sullivan, P. M. & Knutson, J. F. (2000). *Maltreatment and disabilities: A population-based epidemiological study*. *Child Abuse & Neglect*, 24(10), 1257-1273.

⁴ Indicators of sexual abuse that are listed for children may also be evident in young people

In Children	In Young People	In Non-Offending Parents, Carers	In Perpetrator
<ul style="list-style-type: none"> • trauma to the breasts, buttocks, lower abdomen or thighs including bite/burn marks • sexually transmitted disease 			
<p>Social/Psychological</p> <ul style="list-style-type: none"> • direct or indirect disclosures • describes sexual acts with age inappropriate knowledge • age-inappropriate behaviour and/or persistent sexual behaviour • self-destructive behaviour, drug misuse, suicide attempts, self mutilation • runs away from home persistently • eating disorders • goes to bed fully clothed • regression in developmental achievements in younger children • has contact with a known or suspected paedophile • unexplained money and gifts 	<p>Social/Psychological</p> <ul style="list-style-type: none"> • poor self esteem • runs away from home, homelessness • particularly negative reaction to adults of only one sex • desexualisation (e.g. wearing baggy clothes in order to disguise gender) • artwork or creative writing with obsessively sexual themes • sexually provocative behaviour • engaging in/talking about violent sexual acts • knowledge about practice and locations usually associated with prostitution • risk-taking behaviours – self-harm, suicide attempts • contact with a known or suspected paedophile 	<p>Social / Psychological</p> <ul style="list-style-type: none"> • defers to partner • may minimise disclosure 	<p>Social/Psychological</p> <ul style="list-style-type: none"> • controlling attitude and behaviour to children and/or partner • inappropriately curtails child's age appropriate development of independence from the family • overly critical of adult partner • defends against accusations by claiming the child or young person is lying • encourages/tolerates sexualised behaviour between family members • exposes child or young person to prostitution or pornography; or uses a child or young person for pornographic purposes • intentionally exposes child or young person to the sexual behaviour of others • committed/been suspected of child sexual abuse or child pornography • coerces child or young person to engage in sexual behaviour with other children and young people • verbal threats of sexual abuse • family denies adolescent pregnancy

Psychological Harm

The focus is the serious harm caused by the psychologically abusive behaviour of a parent or other caregiver. Serious psychological harm can occur where the behaviour of their parent or caregiver damages the confidence and self-esteem of a child or young person, resulting in serious emotional deprivation or trauma.

Serious psychological harm can lead to significant impairment of a child's or young person's social, emotional, cognitive, intellectual development and/or disturbance of a child's or young person's behaviour.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the **frequency, persistence and duration** of the parental or carer behaviour that is instrumental in defining the consequences for the child. Additionally, individual child factors can mediate the impact of psychological harm – such as age, intelligence, resilience – as can the nature of support the child receives from others.

INDICATORS OF PSYCHOLOGICAL HARM:

In Children ⁵	In Young People	In Parents or Carers
<p>Social/Psychological</p> <ul style="list-style-type: none"> • feels worthless about life and themselves • unable to value others or show empathy • lacks trust in people • lacks interpersonal skills necessary for age-appropriate functioning • extreme attention-seeking • takes extreme risks, is markedly disruptive, bullying or aggressive 	<p>Social/Psychological</p> <ul style="list-style-type: none"> • avoids all adults • is obsessively obsequious to adults • has difficulty maintaining long term significant relationships • is highly self-critical • is depressed, anxious, other mental ill-health indicators • is self-harming, attempts suicide 	<p>Social/Psychological</p> <ul style="list-style-type: none"> • constantly criticises, belittles, teases a child or young person • ignores or withholds praise and affection • excessively criticises a child in comparison to child's peers • is persistently hostile and verbally abusive, rejects and scapegoats • makes excessive or unreasonable demands • believes that a particular child or young person is bad or evil • uses inappropriate physical or social isolation as punishment • domestic violence involvement such as where weapons are used, significant threats made

Exposure To Domestic Violence

Domestic violence is any abusive behaviour used by a person in a relationship to gain and maintain control over their intimate partner. It can include a broad range of abusive and intimidatory behaviour causing fear and physical and/or psychological harm. Domestic violence can be physical assault, sexual assault or psychological abuse. It may also include behaviour such as restricting a partner's or child's social contact and financial deprivation.⁵

⁵ Indicators of psychological harm that are listed for children may also be evident in young people

Living with domestic violence can cause physical and emotional harm to children and young people. Studies show that children who live with domestic violence are more likely to:

- show aggressive behaviour
- develop phobias and insomnia
- experience anxiety
- show symptoms of depression
- have diminished self-esteem
- demonstrate poor academic performance and problem-solving skills
- have reduced social competence skills, including low levels of empathy
- show emotional distress
- have physical complaints

Children and young people can be physically injured or threatened within an environment of family violence. Children and young people do not need to see violence to be affected by it. Recent research on infant brain development highlights the potential for serious harm occurring to the development of neural pathways in an infant's brain when exposed to trauma such as domestic violence. Research has also drawn links between household violence and insecure or disorganised attachment in children.

Psychological harm caused by domestic violence may vary depending on the age of the child, the length of exposure to incidents of domestic violence, the nature of incidents of domestic violence, and the nature of any protective factors or influences available to the child or young person and their family.

The following situations should act as a trigger to consider whether the child or young person is at risk of serious psychological harm:

- there has been a repetition or escalation in frequency/severity of household violence
- the violence resulted in the need for medical intervention for any party
- weapons have been used
- police officers have intervened and an Apprehended Violence Order (AVO) has been issued/breached, or the offender has been removed from the house

It is also critical to consider whether **the caregiver's level of victimisation** is such that they are unable to act protectively towards the child or young person and to note whether domestic violence coexists with one or more factors such as the hazardous use of alcohol or other drugs and/or untreated mental health concerns. Violence to Aboriginal women is reported to be 45 times higher than to non-Aboriginal women, with 23% of these women needing hospital treatment compared to 6.6% of non-Aboriginal victims.

The **developing baby's brain** is most vulnerable to the impact of traumatic experiences between the seventh prenatal month and the infant's first birthday. It is believed that raised levels of cortisol, secreted during stress, may affect the development of a major stress regulating system in the brain.

Remember: One indicator in isolation may not imply that domestic violence is occurring. Each indicator needs to be considered in the context of the individual situation and the presence of other indicators.

INDICATORS OF EXPOSURE TO DOMESTIC VIOLENCE:

In Children ⁶	In Young People ⁶	In Parents or Carers	
		Adult Victim	Perpetrator
<p>Physical</p> <ul style="list-style-type: none"> • preterm and low birth weight baby • slow weight gain in infants • difficulties with sleeping/eating • unexplained physical injuries. 	<p>Physical</p> <ul style="list-style-type: none"> • unexplained physical injuries • eating disorders, such as anorexia and bulimia • uses alcohol and drugs • psychosomatic complaints • higher rates of genital tract infection. 	<p>Physical</p> <ul style="list-style-type: none"> • injuries do not fit the cause/history given • bite marks • unwanted pregnancy or sexually transmitted infection through coerced sex/refusal to use contraceptives • bruising/other injuries, especially if pregnant • unexplained miscarriage or stillbirth • nutritional/sleep deprivation or disorders • alcohol and drug abuse • psychosomatic complaints 	<p>Physical</p> <ul style="list-style-type: none"> • physical signs of the victim fighting back, such as facial scratches and injuries to hands
<p>Social / Psychological</p> <ul style="list-style-type: none"> • defiant at school, particularly with female teachers • aggressive or violent behaviour • over-protects mother or fears leaving mother at home • concentrates poorly • constantly fights with peers • frequently absent from school • clingy, dependent, sad and secretive • regressive behaviour • delayed or problematic 	<p>Social / Psychological</p> <ul style="list-style-type: none"> • depressed • suicide attempts • takes extreme risks • physically and verbally abusive • abuses siblings, parents, peers • sexually abusive • frequently absent from school, and poor academic achievement • disruptive • homeless or stays away from home for prolonged time • socially isolated 	<p>Social/Psychological</p> <ul style="list-style-type: none"> • anxious, depressed • suicidal thoughts and attempts • low self-esteem • socially isolated • submissive and withdrawn • repeat/after hours presentations at emergency departments • seldom/never makes decisions without referring to partner • fears reprisal • frequent absences from work/studies 	<p>Social/Psychological</p> <ul style="list-style-type: none"> • presents as the victim of abuse, discrimination or allegation of abuse • admits to some violence but minimises its frequency and severity • visible rough handling of victim/children/pets • impresses as overly concerned about suspected victim • threatens to commit acts of violence • is unable to control angry outbursts • always speaks for partner/children

⁶ Indicators of exposure to domestic violence that are listed for children may also be evident in young people and vice versa

In Children*	In Young People*	In Parents or Carers	
		Adult Victim	Perpetrator
language development • stealing			<ul style="list-style-type: none"> • believes he 'owns' partner/children • describes partner as incompetent or stupid • holds rigidly to stereotypical gender roles • jealous of partner, lacks trust in her or anyone else • does not allow partner or child to access service providers alone

6. EMPLOYMENT SCREENING

Child Related Employment

As noted on pages 15 and 18-19, the Commission for Children and Young People (CCYP) has the responsibility for the maintaining and administering the *NSW Working With Children Check* database of relevant employment proceedings for the Working With Children Check and employment screening.

As part of this responsibility the CCYP is the lead agency in the development, maintenance and monitoring of the employment screening processes through the *NSW Working With Children Check Employer Guidelines* with the latest revisions released February 2010.

For the purposes of the CCYP, employment is:

<i>Type of employment</i>	<i>What's included</i>	<i>What's excluded</i>
work under a contract of employment; or	<ul style="list-style-type: none"> work for a salary or wage 	
work as a self-employed person; or	<ul style="list-style-type: none"> "fee for service" work as a sole provider - contract work as a sole provider 	
work as a contractor or subcontractor; or	<ul style="list-style-type: none"> engagement for a project or sub-project within a contractor's project 	
work as a volunteer for an organisation; or	<ul style="list-style-type: none"> carrying out an unpaid role in an organisation eg sports coach, reading tutor 	<ul style="list-style-type: none"> attending with or viewing your own children in (for example) a sporting or learning organisation
practical training as part of an educational or vocational course; or	<ul style="list-style-type: none"> a compulsory or other placement that is part of a university or other educational course. 	<ul style="list-style-type: none"> work experience as part of the school curriculum
work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation; or	<ul style="list-style-type: none"> the religious leader whose role is equivalent to a priest or minister -official holders of roles or titles within a religious order eg youth group leaders, Sunday school teachers 	<ul style="list-style-type: none"> general members of a religious congregation
foster carer; or	<ul style="list-style-type: none"> an authorised carer appointed by Community Services or an approved agency of Community Services - 	<ul style="list-style-type: none"> a parent whose children are being returned to them -an adoptive parent
providing a prescribed children's service; or	<ul style="list-style-type: none"> individuals or committee members licensed to provide a child care children's service, home based children's service or mobile children's service care service 	
work as a person involved in the control or management of a prescribed children's service	<ul style="list-style-type: none"> supervisors and managers of child care centres, family day care services, home based care for children or mobile child care services 	

The CCYP has established five criteria to determine whether a particular role may be considered a **child related employment position**. Child related employment must meet all five criteria.

(1) Employment in the following work setting	What's included	What's excluded
pre-schools, kindergartens and child care centres;	<ul style="list-style-type: none"> • services providing education and care for children under, • child care services provided in commercial or recreational facilities • before and after school care • vacation care 	<ul style="list-style-type: none"> • babysitting, playgroup or child-minding service organised by and for participating parents of the children involved
babysitter or childminder arranged by a commercial agency;	<ul style="list-style-type: none"> • agency nannies and babysitters 	<ul style="list-style-type: none"> • privately engaged nannies and babysitters • babysitting, playgroup or child-minding service organised informally by parents of the children involved
private tuition of children	<ul style="list-style-type: none"> • formal engagements where the tutor/coach is teaching a program or course • sports, music and academic tutoring or coaching 	<ul style="list-style-type: none"> • informal help and support
schools or other educational institutions (not being universities);	<ul style="list-style-type: none"> • schools, TAFEs, training colleges teaching students under the age of 18. 	<ul style="list-style-type: none"> • universities • organisations whose primary function is not education (eg a museum or library is not in this category)
school buses;	<ul style="list-style-type: none"> • buses accepting travel passes from students travelling to and from school at the start and finish of the school day 	<ul style="list-style-type: none"> • general route buses not providing a school transport service
regular provision of taxi services for the transport of children with a disability;	<ul style="list-style-type: none"> • taxi services arranged especially to support and transport disabled children 	<ul style="list-style-type: none"> • general taxis that may on occasion pick up a person or child with a disability
child protection services;	<ul style="list-style-type: none"> • facilities and services established to provide a child protection service 	
fostering or other child care;	<ul style="list-style-type: none"> • foster care by authorised carers • boarding or home stay arrangements • respite care • residential child care centres 	
refuges used by children;	<ul style="list-style-type: none"> • formally established and governed refuges that accommodate children 	
detention centres or juvenile correction centres	<ul style="list-style-type: none"> • Juvenile Justice facilities • Kariong Correctional facility 	
counselling or other support services for children	<ul style="list-style-type: none"> • youth services, family support services and other welfare services • mentoring services • personal care for disabled children that involves intimate contact (for 	<ul style="list-style-type: none"> • personal care for adults • personal care for children who are not disabled

(1) Employment in the following Work Setting	What's included	What's excluded
direct provision of child health services	example bathing, dressing or toileting disabled children) • medical and dental services, ambulances, and therapies covered by major health insurance funds	• administrative or other employees not providing a direct health service to children
wards of public or private hospitals in which children are patients; clubs, associations, movements, societies, institutions (eg of a cultural, recreational or sporting nature) with a significant child membership or involvement	• sporting and youth clubs (eg scouts, PCYC) • children's choirs, bands and orchestras • museums, councils, galleries and other like institutions are included if they provide programs specifically for children	• libraries are not included, except where they provide a particular children's program • organisations without significant child membership
in entertainment venues where the clientele is primarily children	• public fairs and events intended for children, children's theatres, computer games arcades, vacation care centres, public swimming pools and sports facilities	• zoos, aquariums, theme parks, fun parks, general theatres, circuses and cinemas except within programs they run specifically for children
overnight camps for children	• camp-grounds or group accommodation that caters for groups of children staying overnight	• Camp-grounds or accommodation where children m stay, but that do not cater for children's camps • Hotels and motels
religious organisation	• formal religious body that is part of a Church or similar organisation	
providing prescribed children's service	• licensees • managers and supervisors • authorised supervisors	
assessment officers in Well-Being Units of government agencies	• NSW government agencies with Well Being units are: • NSW Health • NSW Police, • Department of Education and Training • Department of Human Services	
principal officers of designated agencies	• CEOs of agencies that provide out of home placements	
principal officers of accredited adoption services	• CEOs of adoption agencies accredited under the Adoption Act 2000	

1439

(2) The position primarily involves contact with children

The position primarily involves contact with children when direct contact with children is an essential requirement of the role. E.g. a builder can do his/her job without contact with children, so this is not child-related work

However, if you are a contractor, a contractor's employee or a self employed person working for an agency that has child related services, you meet this requirement by having regular or extended contact with children at the premises of these agencies.

If your contact with children at these places is fleeting or transient you do not need a Working With Children Check. For example, people delivering goods to schools, or occasionally maintaining grounds or buildings, are not in child-related employment

(3) Direct contact with children

To involve direct contact with children, it must be face to face contact. Contact with children by telephone or online is not direct contact.

(4) Contact with children is not directly supervised

Direct supervision is when a supervisor is on site and observes the worker for the whole time they are with children (except for infrequent and short breaks).

(5) The supervisor has capacity to direct the employee

A person can 'direct' if they have a higher authority or they are delegated to do so. Generally parents or other observers cannot direct an organisation's employees, so cannot be used as "supervisors" for the Check.

Child related employment has certain legal restrictions and other expectations placed on it including undertaking the '**Working With Children Check**' which is a form of employment screening.

As an employer, the Working With Children Check requires that you:

- don't employ prohibited persons in child-related employment;
- do Working With Children background checks where directed by the Guidelines; and
- report relevant employment proceedings.

Most volunteers (except specific classes of volunteers discussed below) are excluded from undergoing a WWCbC. Agencies satisfy the CCYP's Guidelines by having volunteers give a statutory declaration – the Volunteer/Student Declaration (formerly the Prohibited Employment Declaration). The declaration is designed to exclude prohibited persons from volunteering

Working With Children Background Check

You must conduct Working With Children background Checks (WWCbC) for the preferred applicants for "primary" child-related employment. Primary child-related employment is:

What's included	What's excluded
<ul style="list-style-type: none"> • Paid child-related employment 	<ul style="list-style-type: none"> • Existing employees in paid employment (unless they are to start a new position with a different range of child-related contact) • Volunteers ,other than those listed elsewhere in this table.

What's included	What's excluded
<ul style="list-style-type: none"> • Foster carers • Adult household members of foster carers 	<ul style="list-style-type: none"> • Existing carers • Natural parents (restitution) • Adoptions • Adult household members of home stay providers
<ul style="list-style-type: none"> • Licensees and authorised supervisors of child care centres, home based care services, mobile child care services and family day care services 	
<ul style="list-style-type: none"> • Adult household members of home based carers 	
<ul style="list-style-type: none"> • Ministers of religion 	<ul style="list-style-type: none"> • Volunteers in the congregation Members of the congregation
<ul style="list-style-type: none"> • Assessment officers in government Well-Being Units 	
<ul style="list-style-type: none"> • Principal officers of adoption and foster care agencies 	
<ul style="list-style-type: none"> • Students on placement in Community Services 	<ul style="list-style-type: none"> • Students on placement anywhere else
<ul style="list-style-type: none"> • Volunteers working with an agency, who mentor disadvantaged children in a program involving family like relationships (eg Aunties and Uncles, or Big Brother, Big Sister programs) 	<ul style="list-style-type: none"> • Mentoring programs that are not for disadvantaged children • Mentoring programs that are short term and supervised Informal mentoring without an organisation or program • Mentoring that does not foster family-like relationships • Volunteers whose roles do not require mentoring, for example those with general supervisory responsibilities
<ul style="list-style-type: none"> • Volunteers providing personal care for disabled children, involving intimate contact, (for example bathing, dressing or toileting disabled children) • Permanent or temporary disability • Disability services Roles that specifically require personal care 	<ul style="list-style-type: none"> • General services where a disabled child may participate without special support • Support for children with a short term problem like a broken bone • Helping a child in an emergency or one-off situation Work with children who do not have a disability • Roles where personal care is not a core duty

With the 2010 review of the guidelines, the CCYP has also issued revised forms. The table on the following page sets out which forms to use and when, depending on the nature of the recruitment that you are undertaking.

CCYP forms are available to complete on-line at the website:
<https://check.kids.nsw.gov.au/>

Application of 2010 Pre-Employment forms from the CCYP – For Diocesan Personnel

Form Title	What its for	When you should use it
Volunteer/Student Declaration	<p>The volunteer/student declaration replaces the old Prohibited Employment Declaration. The new form requires that the volunteer provides adequate identifying information for their identity to be verified if the CCYP chooses to undertake a background check at some later time.</p> <p>You are also required to sight a valid form of photo ID from the volunteer before you sign off on the declaration. Zimmerman House recommends using a current NSW Driver's Licence (where available).</p>	<p>This form should be filled out by any person who is wanting to undertake volunteer work in parishes or any church related activities involving children, including liturgy, Catholic schools or CatholicCare child related services.</p> <p>NB.: Those volunteers who mentor disadvantaged children in family-like relationships, or provide intimate personal care (eg bathing or toileting) for disabled children must complete the Applicant Declaration And Consent for instead.</p>
Applicant Declaration And Consent	<p>The applicant declaration and consent form replaces the old he Prohibited Employment Declaration and Working With Children Background Check (WWCC) Consent.</p> <p>The form allows the diocese to undertake a working with children check on preferred applicants to child related employment and includes their statutory declarations that they are not prohibited persons</p>	<p>Prior to engagement, the preferred applicant to any child related employment is required to establish their identity (100 Point Check – Points Document), make a statutory declaration that they are not a prohibited person and consent to a working with children check (Applicant Declaration And Consent). You then request a working with children check (Employer Request For Background Check).</p> <p>Child related employment is determined by five tests:</p>
100 Point Check – Points Document	<p>The 100 point check – points document is a quick and easy way of making sure you have collected sufficient proof of identity to fulfil your statutory obligations.</p> <p>Take photocopies of the original ID documents provided by the preferred applicant & attach them to the 100 point check – points document.</p>	<ul style="list-style-type: none"> • Is the nature of the work “employment” by the act? YES – all paid or volunteer activities are defined as work • Is the work in a “child-related” setting? YES – all activities related to religion, schools or welfare services to families/children are 'child-related' • Does the applicant work primarily involves contact with children, i.e. the job cannot be done without contact with children • Will the applicant have direct face to face contact with children • Will the applicant have this contact without direct supervision, i.e. under the immediate or direct supervision of another employee who has the authority to direct their work.
Employer Request For Background Check	<p>The employer request for background check replaces the old Working With Children Background Check Request form.</p> <p>The form requests the CCYP to undertake a working with children check on the preferred applicant to child related employment.</p>	

If in doubt as to which process should be undertaken or which forms you should use and you work in:

- CSO/schools – contact CSO Employment Services (Ph. 4979 1230)
- Parish or Chancery – contact Zimmerman House (Ph. 4940 8091)
- CatholicCare – contact CatholicCare Human Resources (Ph. 4979 1120)

The WWCbC considers three types of records:**(1) RELEVANT CRIMINAL RECORDS**

A relevant criminal record is a criminal record of a person with respect to a charge or conviction for:

- any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
- any assault, ill-treatment, neglect of, or psychological harm to, a child;
- any registrable offence;
- offences of attempting, or of conspiracy or incitement, to commit any of the above offences;
- and if any offence above was:
 - committed in New South Wales and was punishable by penal servitude or imprisonment for 12 months or more; or
 - committed elsewhere and would have been an offence punishable by penal servitude or imprisonment for 12 months or more if it had been committed in New South Wales.

A relevant criminal record includes all matters irrespective of whether they are otherwise considered spent and all relevant offences committed as a juvenile.

Relevant criminal records include charges which:

- may have not been heard or finalised by a court; or
- are proven but have not led to a conviction; or
- have been dismissed, withdrawn or discharged by a court.

(2) RELEVANT APPREHENDED VIOLENCE ORDERS

An Apprehended Violence Order (other than an interim order):

- made by a court under Part 15A of the *Crimes Act 1900*; or
- an external protection order (within the meaning of Part 15A of the *Crimes Act 1900*) which is registered in NSW;
- made on the application of a police officer or other public official for the protection of a child (or a child and others).

It does not include orders made before 3 July 1995.

(3) RELEVANT EMPLOYMENT PROCEEDINGS

Relevant employment proceeding records are findings by an employer that the following conduct occurred or may have occurred:

- reportable conduct - any sexual offence or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence;
- any child-related personal violence offence:
- any assault, ill-treatment or neglect of a child;
- any behaviour that causes psychological harm to a child; or
- an act of violence committed by an employee in the course of employment and in the presence of a child.

Additional Screening Requirements for Clergy and Religious

Towards Healing contains the principles and procedures in responding to complaints of abuse against personnel of the Catholic Church in Australia. It is produced by the National Committee for Professional Standards under the auspice of the Australian Catholic Bishops Conference & the Australian Conference of Leaders of Religious Institutes.

Section 45 of Towards Healing details preventative strategies that the Church will apply to reduce the risk of future abuse within the Church. Subsections 45.6 and 45.7 detail requirements for screening clerical or religious personnel when they transfer (permanently or temporarily) between one diocese or institution and another:

45.6 Whenever a cleric or religious is to transfer from one diocese or institute to another, or is to carry out a ministry or apostolate in another diocese or institute, the Church authority to which the person is to be transferred shall ask for a written statement from the priest or religious indicating whether there have been any substantiated complaints of abuse against him or her or whether there are known circumstances that could lead to a complaint of abuse. Such statements shall be held as confidential documents by the Church authority.

45.7 In these same circumstances the Church authority in the diocese or institute where the cleric or religious previously lived and worked, shall provide a statement in writing to the new diocese or institute indicating whether such authority knows of any complaints of abuse which have been substantiated or is aware of circumstances that could lead to a complaint of abuse. Where there has been a substantiated complaint, the Church authority shall furnish all information necessary to evaluate the seriousness of the offence, and shall report on all treatment undertaken, and other measures employed to ensure that further offences do not occur. Such statements shall be held as confidential documents by the Church authority.

The Diocese requires that a cleric or religious who is going to be transferred into the diocese or is visiting and wishes to minister in the diocese whilst visiting provide evidence to satisfy the Towards Healing requirements.

This evidence is in the form of a testimonial provided by the cleric or religious Bishop or Leader of religious institutes. Equally, where applicable, the Diocese will provide diocesan clerics and religious testimonials to the same effect.

The Diocese seeks evidence on 6 criteria that, to the best of the Bishop or Leader's knowledge, the individual:

1. Is a cleric or religious under the relevant Bishop or Leader's jurisdiction and that they are in good standing
2. Has never been suspended or otherwise canonically disciplined
3. Has no criminal record, nor have criminal charges ever been brought against him;
4. Has manifested no behavioural problems in the past that would indicate that the individual might deal with children, vulnerable adults or others in an inappropriate/immoral manner nor have any allegations ever been made against them with respect to such inappropriate behaviour
5. Has never been involved in anything which called into question their fitness or suitability to fulfil the responsibilities and duties of their ministry due to alcohol, substance abuse or other causes
6. Has no other particular mental health and physical attribute, condition and/or past situation which would adversely affect their performance of ministry.

Prohibited Persons

It is an offence for a prohibited person to work in child-related employment.

A prohibited person is a person who is convicted of the following (whether in NSW or elsewhere):

- serious sex offence;
- child-related personal violence offence;
- murder of a child;
- indecency offences punishable by imprisonment of 12 months or more;
- kidnapping (unless the offender is or has been the child's parent or carer);
- offences connected with child prostitution;
- possession, distribution or publication of child pornography; or
- attempt, conspiracy or incitement to commit the above offences.

A prohibited person includes a Registrable person under the *Child Protection (Offenders Registration) Act 2000*.

A person is convicted if a charge against them is proven in court and recorded as such. It includes a finding that the charge for an offence is proven, or that a person is guilty of an offence, even though the court does not proceed to a conviction.

A person employed in child-related employment before 2 January 2007 who has previously been convicted of a child-related personal violence offence is not a prohibited person in relation to their current position.

7. REPORTABLE CONDUCT

Ombudsman Act 1974 Part 3A

Section 25A: Definitions

Designated non-government agency means any of the following:

- (a) a non-government school within the meaning of the Education Act 1990,
- (b) a designated agency within the meaning of the Children and Young Persons (Care and Protection) Act 1998 (not being a department referred to in paragraph (a) of the definition of designated government agency in this subsection) or a licensed children's service within the meaning of that Act,
- (c) an agency providing substitute residential care for children,
- (d) any other body prescribed by the regulations for the purposes of this definition.

Employee of an agency includes:

- (a) any employee of the agency, whether or not employed in connection with any work or activities of the agency that relates to children, and
- (b) any individual engaged by the agency to provide services to children (including in the capacity of a volunteer).

Head of an agency means the chief executive officer or other principal officer of the agency. The regulations may specify the person who is to be regarded as the head of a particular agency for the purposes of this definition.

The Bishop of Maitland-Newcastle is the Head of Agency for all diocesan instrumentalities (including parishes, Chancery, CatholicCare, Catholic Schools Office and all related Catholic systemic schools) under the Ombudsman Regulation 2005, clause 6.

Reportable allegation means an allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct.

By the act, **reportable conduct** means:

- (1) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- (2) any assault, ill-treatment or neglect of a child, or
- (3) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child. **Reportable conduct does not extend to:**

- (a) 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
- (b) 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
- (c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

Note Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child's attention, to guide a child or to comfort a distressed child; a school teacher raising his or her voice in order to attract

attention or to restore order in the classroom; and conduct that is established to be accidental.

Reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in this State or elsewhere, of an offence involving reportable conduct.

Detailed Definition of Reportable Conduct

SEXUAL OFFENCES

The term 'sexual offence' encompasses all criminal offences involving a sexual element that are '**committed against, with or in the presence of a child**'. Children under 16 years of age are unable to give valid consent, sexual assault refers to sexual intercourse by a person with a child. These offences include (but are not limited to) the following:

- indecent assault
- sexual assault
- aggravated sexual assault
- sexual intercourse and attempted sexual intercourse
- possession/dissemination/production of child pornography
- using children to produce pornography
- procuring children under the age of 16 years for unlawful sexual activity
- deemed non-consensual sexual activity on the basis of special care relationships

Section 73 Crimes Act 1900 defines the particular offence **of sexual intercourse with a child over 16 and under 18 years and under special care**. For those persons providing special care, the age of consent is raised to 18 years. A child is seen to be under special care if the person:

- (a) is the step-parent, guardian or foster parent of the victim, or
- (b) is a school teacher and the victim is a pupil of the offender, or
- (c) has an established personal relationship with the victim in connection with the provision of religious, sporting, musical or other instruction to the victim, or
- (d) is a custodial officer of an institution of which the victim is an inmate, or
- (e) is a health professional and the victim is a patient of the health professional.

Section 66EB Crimes Act 1900, defines the crime of **procuring or grooming children (under 16 years) for unlawful sexual activity**. Grooming is defined as:

- (a) engaging in any conduct that exposes a child to indecent material or provides a child with an intoxicating substance,
- (b) with the intention of making it easier to procure the child for unlawful sexual activity.

SEXUAL MISCONDUCT

Sexual misconduct describes a range of behaviours or a pattern of behaviour that is not criminal in nature but are identifiable as being 'high risk' activity that has a sexual connotation or may be seen as a precursor to committing or attempting to commit a sexual offence. There are two subtypes of sexual misconduct:

(1) **Crossing professional boundaries:**

Involves behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate relationship with, conduct towards or focus on an individual or group of children

The Ombudsman recommends caution in determining sexual misconduct:

- It is **not** sexual misconduct if an employee, on an isolated occasion, engages in behaviour that involves little more than poor judgement
- It **is** sexual misconduct if an employee engages in persistent less serious breaches of professional conduct in this area, or commits a single serious 'crossing of the boundaries'

(2) **Sexually explicit comments and other sexually overt behaviour:**

Relates to behaviour that involves sexually explicit comments and other sexually overt behaviour, including:

- inappropriate conversations of a sexual nature,
- comments that express a desire to act in a sexual manner,
- unwarranted and inappropriate touching,
- sexual exhibitionism in the presence of a child,
- personal correspondence (including electronic communication) with a child or young person in respect of the adult's sexual feelings for a child or young person,
- exposure of children to sexual behaviour of others including display of pornography, or
- watching children undress, e.g. in change rooms or toilets when supervision is not required or justified.

PHYSICAL ASSAULT

Physical assault refers to the assault and/or non-accidental injury and/or harm to a child by a parent, caregiver or another person responsible for the child or young person. Physical assault is a hostile act towards a child. The assault occurs regardless of the adult's intention to harm and regardless of the child or young person's consent. Assault can include pushing, shoving, throwing objects, hitting, or threatening behaviour (either verbal or actions) that causes the child to fear that an assault is likely to occur.

Physical assault of a child must include all three of the following elements:

- it is an act committed on or towards a child, and
- it involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them, and
- it is either **hostile** or **reckless** (a reckless act is one where a person would reasonably foresee the consequence of or likelihood of inflicting injury or fear, and ignores the risk).

Actual physical harm does not have to occur in order for an assault to have occurred, ie the child does not need to be hurt or injured. Even if the employee did not intend to make contact with the child, it may still constitute an assault if the circumstances indicate the act may have been reckless

(ie being a reasonably foreseeable consequence of their action). Physical contact which is an inevitable or accepted part of everyday life does not amount to an assault.

When deciding whether a reported incident about an employee is a reportable allegation of physical assault, it is important that the employee's alleged behaviour is examined in the context of the behaviour being hostile.

ILL TREATMENT

Ill-treatment of a child occurs where a child is corrected or disciplined in excess of what is reasonable or appropriate for the situation.

Discipline may be considered excessive if it is a disproportionate response to a child's behaviour. Discipline can be considered inappropriate if it is unsuitable for the child for a specific reason such as the child's age, physical ability, developmental level or if the discipline violates community standards. You should consider whether the treatment may affect the long term well-being of the child.

The two principle elements for behaviour to be ill treatment are:

- is it alleged that the employee's punishment of a child was excessive? (That is the alleged punishment was disproportionate to the child's behaviour), and/or
- is it alleged that the employee's punishment of a child was inappropriate? (That is, the punishment was unsuitable for the child because it violated community standards, because of the child's age, physical ability or developmental level, or for another reason).

NEGLECT

Neglect occurs when a child is harmed by the failure to provide basic physical and emotional necessities of life. For example, failure to provide or arrange for adequate and proper food, supervision, nursing, clothing, medical attention or lodging for a child. Generally neglect offences are linked to a person with care responsibilities for a child, such as a foster carer.

Neglect can be ongoing or a single significant incident. However, neglect typically develops as a pattern of behaviour that results in harm to a child over a period of time. For example, accidentally leaving a child locked in a room alone for a short period, and after all standard workplace procedures have been followed, is not considered to be neglect, though it may be inappropriate professional conduct.

Neglect is a failure to take action and by its nature is more difficult to describe or detect than are more visible signs of child abuse. When considering whether a child is being, or has been, neglected, it can be useful to focus on the effect of the situation on the child, that is, whether the situation has affected the physical, emotional or intellectual well-being of the child.

The elements of neglect are:

- were the child's basic physical or emotional needs not met by the employee? and
- did the employee fail to fulfil a duty or obligation arising through statute, common law or policy? and
- did the alleged omission cause or have the potential to cause harm to the child?

PSYCHOLOGICAL HARM

Psychologically harmful behaviour is behaviour that results in significant emotional harm or trauma to a child. There needs to be a causal link between the inappropriate behaviour and the harm. Common types of psychologically harmful behaviour includes

- acts that degrade or belittle a child. (this can be verbal or non-verbal types of behaviour, including harsh criticism, shaming a child for expressing normal emotions or publicly humiliating a child)
- exposing a child to domestic violence
- setting unrealistic expectations with threats of harm or loss if these expectations are not met
- 'isolating' a child by comments/denying the child opportunities to engage in social activities, or unreasonably restricting the child's freedom of movement within the environment
- 'exploiting/corrupting' a child by promoting or exposing the child to self destructive, antisocial, criminal behaviours such as violence or drug use
- persistent failure to care for and support the child, withholding emotional interactions, being detached from the child and interacting only when absolutely necessary.

For a matter to involve reportable conduct of psychological harm, the following must be present:

- a description of persistent and targeted behaviour, eg: scape-goating, humiliation or verbal abuse – although in rare cases the alleged behaviour may be a single incident which is extreme and harmful to a child; and
- signs of harm, eg: displaying patterns of 'out of character behaviour' such as refusal to attend school, sleep disturbances, anxiety, physical symptoms, self harm, and
- an alleged causal link between the behaviour and the harm.

In an employment context, psychological harm is generally characterised by a consistent or repetitive pattern of behaviour by the employee. Isolated incidents generally do not result in significant psychological harm or trauma.

MISCONDUCT THAT MAY INVOLVE REPORTABLE CONDUCT

Misconduct means misbehaviour or wrongdoing. This category involves breaches of an agency's code of conduct that, individually would not be of concern, but when taken collectively may pose significant risk to children.

Allegations of misconduct that may involve reportable conduct need to meet the following criteria:

- does the allegation involve behaviour by the employee that is inappropriate
- or in breach of the agency's code of conduct, policies and procedures? and
- does the allegation relate to a pattern of inappropriate behaviour? and
- does the alleged behaviour pose a significant risk to a child (e.g. grooming behaviour)?

What is Not Reportable Conduct

CONDUCT THAT IS REASONABLE FOR THE PURPOSES OF THE DISCIPLINE, MANAGEMENT OR CARE OF CHILDREN

The Ombudsman Act does not define 'reasonable'. A normative understanding of the term may be used: *'in accordance with reason, not absurd, logical'* (The Australian Oxford Dictionary).

The Diocese's code of conduct will be a cornerstone in defining what is reasonable conduct for any employee.

For behaviour to be excluded from the obligation to notify, the conduct must fulfil the following:

- The conduct must have been 'reasonable for the purposes of the discipline, management or care of children'.
- Regard must be made to the 'age, maturity, health or other characteristics of the children'. This requires that all the relevant characteristics of the child who is the subject of the alleged conduct be considered. For example:
 - any forceful physical contact with a child having 'brittle bone syndrome' is likely to be unreasonable, and
 - behaviour that may be reasonable if directed at a five year-old child may not be reasonable if directed to a 15-year-old (e.g. cuddling or nurturing a child), even though it is claimed that the conduct had the purpose of caring for the child.
- Regard must be had to '*any relevant codes of conduct or professional standards*'. This requirement highlights the importance of agencies having policies and procedures in place that outline what is acceptable and professional conduct, especially regarding disciplining children.

ALLEGATIONS OF PHYSICAL FORCE WHICH, IN ALL CIRCUMSTANCES, ARE TRIVIAL OR NEGLIGIBLE

The terms 'trivial' and 'negligible' are to be afforded their common, everyday meaning.

Trivial: of very little importance or value; insignificant; commonplace; ordinary

Negligible: so small, trifling, or unimportant that it may safely be neglected or disregarded

The Act states that such allegations are only excused from notification if they are to be investigated and recorded by the Diocese according to workplace employment procedures. This requires the Diocese to conduct an internal investigation into the allegation. The outcomes of this investigation are auditable by the NSW Ombudsman.

CONDUCT OF A CLASS OR KIND THAT IS EXEMPTED FROM BEING REPORTABLE CONDUCT

The Ombudsman has the authority to exempt certain classes or kinds of conduct from the full notification requirement of the Ombudsman Act under s.25CA:

- 1) *The Ombudsman may exempt any class or kind of conduct of employees of an agency from being reportable conduct.*
- 2) *The Ombudsman is to notify the agency concerned of any such exemption.*

In 2010 the Ombudsman and Bishop Michael signed off a revised 'Class or Kind' agreement, covering both the Catholic systemic schools managed by the Catholic Schools Office and CatholicCare. From October 2010 the following reportable conduct was exempt from being reported to the Ombudsman:

*No allegation of a **psychical assault**, or a threat of a psychical assault, need be reported to the Ombudsman as a reportable allegation, unless it is alleged that:*

- a) *there was contact with any body part or area of a child that was clearly hostile and forceful, or reckless, and which had the potential to, or resulted in significant harm or injury to the child; or*
- b) *a child believed that the threat would result in significant harm or injury to them.*

*No allegation of **neglect** need be reported to the Ombudsman as a reportable allegation, unless it is alleged that:*

- a) *the neglect resulted in sexual or significant physical harm to a child or a real and appreciable risk of such harm to a child; or*

- b) a child suffered psychological harm as a result of the neglect.

No allegation of **ill treatment** need to be reported to the Ombudsman as a reportable allegation, unless it is alleged that:

- a) The ill treatment resulted in significant physical harm to a child or a real and appreciable risk of such harm to a child; or
 b) A child suffered psychological harm as a result of the ill treatment.

Under the terms of the agreement, the Diocese is obliged to:

- investigate the allegation, including undertaking a risk assessment and making a finding as a result of that investigation,
- take appropriate action as a result of that investigation,
- keep adequate records of the investigation and the reasons for taking or not taking any action as a result of the investigation,
- keep adequate records of those matters covered by this Determination and store these records in a place accessible to the Ombudsman for auditing purposes under section s25B of the Act, and
- provide to the Ombudsman, every six months, the total number and category breakdown of allegations exempted from notification to the Ombudsman under the provisions of this determination.

Should any employee be the subject of a reportable matter in the future and they were the subject of an exempt matter (under the Class and Kind agreement), the Diocese is required to submit all records of the exempt matter with the current notification to the Ombudsman.

DIOCESAN RESPONSIBILITY TO INVESTIGATE AND KEEP RECORDS FOR AUDIT

The Head of Agency has a responsibility to undertake a standard of investigation appropriate for the seriousness of the allegation(s) made. In other words, the Diocese will still undertake an investigation, applying the same investigative principles as those matters that are reported to the NSW Ombudsman.

There is also a requirement for the maintenance of adequate records of any such investigation and having them available to the NSW Ombudsman to audit, as requested by the Ombudsman.

Section 25B: Ombudsman to keep relevant systems under scrutiny

(1) *The Ombudsman is to keep under scrutiny the systems:*

- (f) *for preventing reportable conduct by employees of designated government or non-government agencies or of other public authorities, and*
 (g) *for handling and responding to reportable allegations, or reportable convictions, involving those employees.*

(2) *For that purpose, the Ombudsman may require the head of any such agency to provide information about those systems and their operation*

The last Ombudsman Audit of the Diocese's 'Exempt' matters was held on 8 December 2010, which produced a positive outcome. The interim report found that "the Diocese has sound systems in place for managing those allegations against employees which are exempt from notification to the Ombudsman."

Reporting Obligations

Ombudsman Act 1974 Part 3A

Section 25C: Reporting of reportable allegations or convictions to Ombudsman

- (1) *The head of a designated government or non-government agency must notify the Ombudsman of the following:*
 - (a) *any reportable allegation, or reportable conviction, against an employee of the agency of which the head of the agency becomes aware,*
 - (b) *whether or not the agency proposes to take any disciplinary or other action in relation to the employee and the reasons why it intends to take or not to take any such action,*
 - (c) *any written submissions made to the head of the agency concerning any such allegation or conviction that the employee concerned wished to have considered in determining what (if any) disciplinary or other action should be taken in relation to the employee.*
- (2) *The notification must be made as soon as practicable and, in the case of the notification of a reportable allegation or reportable conviction, must be made, in any event, within 30 days of the head of the agency becoming aware of the allegation or conviction (or within such further period as may be agreed to by the Ombudsman).*
- (3) *The head of the agency must make arrangements within the agency to require employees of the agency to notify the head of the agency of any such reportable allegation or conviction of which they become aware.*

Ombudsman Act 1974 Part 3A

Section 25F: Results of investigation and action taken to be reported to Ombudsman

- (2) *This section applies to an investigation concerning a reportable allegation, or reportable conviction, against an employee of a designated government or non-government agency that the Ombudsman monitors under this Part.*
- (3) *The head of the agency must, as soon as practicable after being satisfied that the investigation has been concluded:*
 - (a) *send to the Ombudsman a copy of any report prepared by or provided to the head of the agency as to the progress or results of the investigation, and copies of all statements taken in the course of the investigation and of all other documents on which the report is based, and*
 - (b) *provide the Ombudsman with such comments on the report and statements as the head of the agency thinks fit, and*
 - (c) *inform the Ombudsman of the action that has been taken or is proposed to be taken with respect to the reportable allegation or conviction the subject of the investigation.*
- (4) *After receiving that material and information, the Ombudsman may require the head of the agency or any officer involved in the investigation, or both of them, to provide such additional information as the Ombudsman considers necessary to enable the Ombudsman to determine whether the reportable allegation or conviction was properly investigated and whether appropriate action was taken as a result of the investigation.*
- (5) *In subsection (3), appropriate action includes (without limitation) any penalty for the making of a reportable allegation that is shown to be false and malicious.*

Protections for Reporting

Ombudsman Act 1974 Part 3A

Section 25D: Disclosure to Ombudsman of information about reportable conduct

- (1) *The head or other employee of a designated government or non-government agency may disclose to the Ombudsman or an officer of the Ombudsman, any information that gives the head or other employee reason to believe that reportable conduct by an employee of the agency has occurred.*

Ombudsman Act 1974 Part 3A

Section 25H: Protection and other provisions relating to disclosures of information

- (1) *A provision of any Act or law that prohibits or restricts the disclosure of information does not operate to prevent or restrict the disclosure of information (or affect a duty to disclose information) under this Part.*
- (2) *If a disclosure of information is made under this Part, no liability for defamation or other civil liability is incurred because of the disclosure.*
- (3) *Nothing in this Part affects any obligation or power to provide information apart from this Part.*

Ombudsman's Powers of Monitoring or Investigation

Ombudsman Act 1974 Part 3A

Section 25E: Monitoring by Ombudsman of investigations

- (1) *The Ombudsman may monitor the progress of the investigation by a designated government or non-government agency concerning a reportable allegation, or reportable conviction, against an employee of the agency if the Ombudsman considers it is in the public interest to do so.*
- (2) *The Ombudsman or an officer of the Ombudsman may be present as an observer during interviews conducted by or on behalf of the agency for the purpose of the investigation and may confer with the persons conducting the investigation about the conduct and progress of the investigation.*
- (3) *The head of the agency is to provide the Ombudsman with such documentary and other information (including records of interviews) as the Ombudsman may from time to time request with respect to the investigation.*

Ombudsman Act 1974 Part 3A

Section 25G: Investigation of reportable conduct by Ombudsman

- (1) *The Ombudsman may conduct an investigation concerning any reportable allegation, or reportable conviction, against an employee of a designated government or non-government agency of which the Ombudsman has been notified under this Part or otherwise becomes aware.*
- (2) *The Ombudsman may also conduct an investigation concerning any inappropriate handling of or response to any such reportable allegation or reportable conviction, whether on the Ombudsman's own initiative or in response to a complaint.*

- (3) *The Ombudsman may exercise any conciliation or other relevant powers under this Act in connection with an investigation by the Ombudsman.*
- (4) *The head of the agency is to defer an investigation into the matter if the Ombudsman notifies the head that the Ombudsman intends to investigate the matter under this Act and that the investigation by the agency should be deferred.*
- (5) *At the conclusion of an investigation by the Ombudsman, or on a decision by the Ombudsman to refer the matter back to the agency, the Ombudsman is to provide the agency with any recommendations for action to be taken with respect to the matter, together with any necessary information relating to the recommendations.*

Ombudsman Act 1974 Part 3

Section 13: Decision for investigation

Section 5. has a definition of a *Public authority* that includes subsections (f) and (h) that allows for the inclusion of community agencies that act on behalf of or receive funds from public authorities (e.g. out-of-home care agencies).

- (1) *Where it appears to the Ombudsman that any conduct of a public authority about which a complaint may be made under section 12 may be conduct referred to in section 26, the Ombudsman may, whether or not any person has complained to the Ombudsman about the conduct, make the conduct the subject of an investigation under this Act.*
- (2) *Subsection (1) has effect notwithstanding anything in any Act passed before the passing of this Act.*
- (3) *The Ombudsman may discontinue an investigation under this Act.*
- (4) *Where any person has complained to the Ombudsman under section 12 about the conduct of a public authority, the Ombudsman, in deciding whether to make that conduct the subject of an investigation under this Act or whether to discontinue an investigation commenced by him or her under this Act:*
 - (a) *may have regard to such matters as he or she thinks fit, and*
 - (b) *without limiting paragraph (a), may have regard to whether, in his or her opinion:*
 - (i) *the complaint is frivolous, vexatious or not in good faith,*
 - (ii) *the subject-matter of the complaint is trivial,*
 - (iii) *the subject-matter of the complaint relates to the discharge by a public authority of a function which is substantially a trading or commercial function,*
 - (iv) *the conduct complained of occurred at too remote a time to justify investigation,*
 - (v) *in relation to the conduct complained of there is or was available to the complainant an alternative and satisfactory means of redress, or*
 - (vi) *the complainant has no interest or an insufficient interest in the conduct complained of.*

Ombudsman Act 1974 Part 3

Section 13AA: Preliminary inquiries

- (1) *The Ombudsman may make preliminary inquiries for the purpose of deciding whether to make particular conduct of a public authority the subject of an investigation under this Act.*
- (2) *The inquiries may be made whether or not any person has complained to the Ombudsman about the conduct under section 12.*

- (3) *If a complaint has been made under section 12 (whether in writing or otherwise), the Ombudsman may, by way of a preliminary inquiry with respect to the complaint, require the complainant to provide further written particulars of the complaint within the time specified by the Ombudsman.*

8. RELEVANT CHURCH PRINCIPLES, PROCEDURES & STANDARDS

The Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes established the National Committee for Professional Standards to oversee the development of policy, principles and procedures in responding to Church-related abuse complaints.

The National Committee have produced two key documents that guide Church bodies in managing issues of child protection:

- ***Towards Healing***, and
- ***Integrity in Ministry***

Both documents have a number of identical principles, including recognising the pre-eminence of state and federal laws:

In the case of an alleged criminal offence, if the complainant does not want to take the matter to the police, all Church personnel should nonetheless pass details of the complaint to the Director of Professional Standards, who should provide information to the Police other than giving those details that could lead to the identification of the complainant.

(Towards Healing: section 37.4 p.18)

Church personnel who are required by law to report suspected child abuse shall conscientiously comply with their obligations. State or Territory law regarding the reporting of knowledge of a criminal offence must also be observed. The appropriate Church Authority shall also be notified of any such report.

(Towards Healing: section 37.5 p.18)

However, the Committee reminds those to whom Integrity in Ministry applies of their serious obligation to comply with legislation relating to such matters as Privacy, Discrimination, Harassment and the Protection of Children. It is incumbent on clergy and religious to familiarize themselves with the relevant legislation and to abide by such legislation.

(Integrity in Ministry, Preamble p.7)

It is essential that clergy and religious abide by the requirements of mandatory reporting and other relevant civil legislation. They also take care to ensure that the proper processes of law are not interfered with, nor hindered. Notwithstanding the civil law requirements, clergy and religious are required to alert Church authorities in accordance with section 5.3.

(Integrity in Ministry, section 5.3 p.14)

Further, both documents were written with reference to, and are based on canon law:

Consideration of the requirements of Canon Law was also part of the revision, so that decisions made through Towards Healing could be securely implemented.

(Towards Healing, Introduction, p.1)

The provisions of Integrity in Ministry go beyond the provisions of the Code of Canon Law and yet they are based on the Code.

In short, Integrity in Ministry is not in itself canon law and it does not take the place of canon law. At the same time, it will be of assistance in implementing, interpreting and applying canon law. It will do this in cases of perceived misconduct, but its more important role will be to help clerics and religious fulfil their roles in the Church and to know that they are fulfilling their roles.

(Integrity in Ministry, Appendix 1, p.21)

Towards Healing

In December 1996 the original version of *Towards Healing* was published and versions in 2000 and 2007, the current version was released in January 2010. In the introduction, it states:

As bishops and leaders of religious institutes of the Catholic Church in Australia, we acknowledge with deep sadness and regret that a number of clergy and religious and other church personnel have abused children, adolescents and adults who have been in their pastoral care. To these victims we again offer our sincere apology.

*Like the earlier documents, this revised document restates public criteria according to which the community may judge the resolve of Church leaders to address issues of abuse within the Church. **If we do not follow the principles and procedures of this document, we will have failed according to our own criteria.***

(Introduction, p. 1)

In *Towards Healing* the Catholic Church in Australia (excluding Melbourne Arch Diocese) commits itself to achieving seven key goals:

1. truth,
2. humility,
3. healing for the victims,
4. assistance to other persons affected,
5. a just response to those who are accused,
6. an effective response to those who are guilty of abuse, and
7. prevention of abuse

Towards Healing consists of three parts:

- Definitions
- Principles for Dealing with Complaints of Abuse
- Procedures for Dealing with Complaints of Abuse

THE FUNCTIONS OF TOWARDS HEALING

Towards Healing is a means for the Church to respond to allegations of abuse (referred to as complaints in *Towards Healing*). As a general rule, it is designed to deal with historic matters where the alleged victim is now an adult.

Often in these circumstances, the alleged victim is not prepared to go to the Police with the allegation or perhaps the accused is deceased, so the Police are unable to launch an investigation.

Towards Healing provides a standardised methodology for conducting investigations into these complaints and making a determination on the balance of probabilities, whether the complaint is deemed 'true'.

In each state, there is a Director of Professional Standards who, in consultation with the local diocese or relevant religious institute, engages or ensures that an independent assessor is engaged to conduct the investigation. The Director usually reviews the assessor's report, findings

and recommendations and these findings are provided to the relevant Bishop or Leader of the religious institute responsible for the accused.

The expectations in Towards Healing for the Church to make amends for harm caused does not require completion of a Towards Healing investigation/assessment process:

In the event that the Church Authority is satisfied of the truth of the complaint, whether through admission of the offender, a finding of a court, a penal process under canon law, an assessment under these procedures or otherwise, the Church Authority shall respond to the needs of the victim in such ways as are demanded by justice and compassion. Responses may include the provision of an apology on behalf of the Church, the provision of counselling services or the payment of counselling costs.

Financial assistance or reparation may also be paid to victims of a criminal offence or civil wrong...

(Outcomes Relating to the Victim, ss.41.1 & 41.1.1, p.24)

Towards Healing expects that an agreed settlement will be achieved between victim and Church through facilitation, involving an independent third party facilitator. The victim may also be given the opportunity to be assessed psychologically or psychiatrically, to quantify what the impact of the abuse may have been to the victim. If a Deed of Release is part of the settlement process, the Church will ensure that the victim will obtain independent legal advice, prior to signing any deed of release. The Church will meet all costs related to the investigation and settlement phases of Towards Healing.

Towards Healing is clear that persons who are accused are afforded natural justice:

All persons are presumed innocent unless and until guilt is either admitted or determined in accordance with the requirements of the law governing their position. Proper consideration should be given to the importance of confidentiality in the handling of the complaint, particularly prior to the conclusion of an assessment. If Church personnel accused of abuse are asked to step aside from the office they hold while the matter is pending, it is to be clearly understood that they are on leave and that no admissions or guilt are implied by this fact. Every effort should be made to conclude inquiries as quickly as possible in relation to a person who has been asked to step aside from a position. Unless and until guilt has been admitted or proved, those accused should not be referred to as offenders or in any way treated as offenders

(A Response to Those Accused, s.26, p.10)

THE MEANING OF ABUSE IN TOWARDS HEALING

Towards Healing provides a brief definition of abuse:

- *Sexual assault, sexual harassment or any other conduct of a sexual nature that is inconsistent with the integrity of the relationship between Church personnel and those who are in their pastoral care.*
- *Intentional acts by a person with responsibility for a child or young person causing significant physical injury, or other behaviour which causes serious physical pain or mental anguish without any legitimate disciplinary purpose as judged by the standards of the time when the behaviour occurred.*

(Definitions, p.3)

However, the Principles give a more detailed, contextualised discussion as to the nature of abuse:

Sexual Abuse

1. *Clergy and religious are in a special position of trust and authority in relation to those who are in their pastoral care, for example, those in their parish, people seeking advice, or students at a Catholic school. Any attempt to sexualise a pastoral relationship is a breach of trust, an abuse of authority and professional misconduct. Such sexualisation may take the form not only of sexual relations, but also harassment, molestation, and any other conduct of a sexual nature which is inconsistent with the integrity of a pastoral relationship. Compliance by the other person does not necessarily imply meaningful consent. Even when the other person concerned is the one who seeks to sexualise the relationship, it is the professional responsibility of clergy or religious to guard the boundary against sexual contact.*
2. *Other people who are employed by an official agency of the Catholic Church or appointed to voluntary positions may also be in a pastoral role. This includes, for example, pastoral workers in parishes, teachers in Catholic schools, counsellors in Catholic welfare organisations, health care professionals, youth workers, staff in child care centres, and volunteers conducting religious education classes in schools or parishes. Any attempt to sexualise a pastoral relationship is professional misconduct.*
3. *Any form of sexual behaviour with a child or young person, is always sexual abuse. It is both immoral and criminal.*
4. *Sexual abuse by clergy, religious, or other Church personnel of adults in their pastoral care may be subject to provisions of civil or criminal law. Even when there are no grounds for legal action, we recognise that serious harm can be caused, including damage to a person's faith and trust in God.*

Physical and Emotional Abuse

5. *Physical and emotional cruelty also constitute an abuse of power. Where a cleric, religious or another person appointed to a position of pastoral care by an agency of the Church has acted towards a child or young person in a way which causes serious physical pain or mental anguish without any legitimate disciplinary purpose, as judged by the standards of the time when the incidents occurred, then this constitutes abuse.*

(Part One: Principles for Dealing with Complaints of Abuse, p.7)

THE SCOPE OF TOWARDS HEALING

Towards Healing is written for the '**Church body**', which is defined as:

...a diocese, religious institute and any other juridical person, body corporate, organisation or association, including autonomous lay organisation, that exercises pastoral ministry within, or on behalf of, the Catholic Church.

(Definitions, p.3)

Clearly, Towards Healing is written with Clergy and Religious particularly in mind; nevertheless, it is a document that is intended to be globally applicable for **all Church personnel** which includes:

...any cleric, member of a religious institute or other persons who are employed by the Church body, or appointed by a Church body to voluntary positions in which they work with children or young people, or engage in other forms of pastoral care.

(Definitions, p.3)

Both school and out of home care settings are specifically referred to when discussing 'inappropriate care practices' which is defined as:

allegations of harsh or inappropriate disciplinary practices, bullying and deficiencies in providing care such as in the provision of food, clothing or medical attention, as judged by the standards of the time.

(Definitions, p.4)

Integrity in Ministry

Integrity in Ministry is the Code of Conduct for "deacons, priests and religious throughout the Catholic Church in Australia."

Integrity in Ministry identifies the role of a code of conduct in the following terms "a set of behavioural standards to ensure that professionals themselves preserve their own dignity and respect the human dignity of all to whom they relate in the exercise of their profession"

Integrity in Ministry's objectives are:

- to offer a theology of Church as the context for shaping and measuring behavioural standards for religious and clergy;
- to encourage clergy and religious in their vocation as witnesses and ministers of the reign of God through lives of respect, service, integrity and selfless love;
- to support clergy and religious in their efforts to care for themselves and one another;
- to support religious and clergy in their efforts to be visibly accountable as witnesses and ministers of the Church's mission;
- to support clergy and religious in their concern to protect children and adults from all abuses of power, including sexual abuse and harassment;
- to support the Church in responding to instances of sexual abuse and professional misconduct, in the best interests of those who have been harmed, the wider community, and the offender.

Integrity in Ministry has 8 chapters:

1. A Communion of Love
In their lives and ministries clergy and religious witness God's love for every human person by sensitivity, reverence and respect in their relationships.
2. At the Service of Communion
Jesus served God's plan by serving the men and women of his time. He came 'as one who serves...Religious and clergy witness to that spirit of service by their way of life and by their pastoral conduct
3. Ministers of Communion: A Life of Commitment
Following in Jesus' footsteps, religious and clergy promise their lives to the service of God's plan...a vocation and a way of life that continually invites openness, growth, humble reverence and ongoing commitment
4. Ministers of Communion: Developing and Maintaining Competence
In addition to love and faith, many of these situations call for the pastoral application of professional skills...religious and clergy develop and maintain the skills their particular ministry or way of life requires...also means that ministers recognise the limitations of their skills...

5. **Ministers of Communion: Commitment to Justice**
Clergy and religious serve as witnesses and agents of God's justice by living and ministering justly in all things
6. **Ministers of Communion: Integrity in Administration**
Religious and clergy who have responsibility for property and finance recognise that they are stewards, not owners of those goods. In the spirit of the first disciples they administer their responsibilities with justice and integrity
7. **Ministers of Communion: Responsibility for Personal Well-Being**
Each recognises in themselves and in each other the 'image of God' and a 'temple of the Spirit.' Because of this we are moved to care for ourselves and one another, recognising that our physical, emotional and spiritual health are gifts from God
8. **When Communion is Broken**
...the Church will seek to restore communion as quickly and fully as possible. That responsibility lies with the whole community, and in a particular way with the bishops and religious leaders of the Church. Their first concern is for the healing and care of those who have been hurt by the Church's ministers. Their next concerns are for justice and the healing of the community of the Church, its relations with the wider human community, and for the healing and well-being of those who have caused damage by their behaviour.

This will always mean full cooperation with civil authorities and processes in the cases where that is required, and will sometime mean that a cleric or religious is relieved of pastoral duties and responsibilities, depending on the nature of the harm that has been done...

STANDARDS RELATING TO CHILD PROTECTION

There are elements relevant to child protection throughout Integrity in Ministry. A clear code of conduct that is supportive of safe practices and clear boundary setting is one of the fundamental protective strategies in abuse prevention thinking.

A Communion of Love (Chapter 1) contains two specific standards and related behaviours when ministering to children or young people that address issues of child protection:

1.4 Pastoral love requires that clergy and religious respect the physical and emotional boundaries appropriate to relationships with adults and minors.

Among the behavioural standards that follow from this principle are:

- *exercising sensitivity with regard to the physical and emotional space others require in pastoral encounters;*
- *exercising a prudent judgment, that has the well-being of the other as its goal, in initiating and responding to physical contact, such as giving a comforting hug or an affirming touch;*
- *providing pastoral ministry only in places that offer a sufficiently safe environment where there is openness and visibility;*
- *exercising prudent judgment in the expression of affection and regard, and in the giving of gifts.*

To safeguard integrity, and to preserve clarity of sexual and professional boundaries with regard to this principle, it is essential that clergy and religious:

- *do not provide pastoral ministry in the sleeping quarters/bedrooms of one's community house or of the presbytery/parish house.*

1.5 Religious and clergy witness to God's care for the most vulnerable by their concern for the dignity and safety of children and youth

Among the behavioural standards that follow from this principle are:

- avoiding any form of over-familiarity or inappropriate language;
- ensuring whenever reasonably possible that another adult is present or close by when providing pastoral ministry to a minor;
- avoiding, whenever reasonably possible, being alone with a minor or group of minors in sleeping, dressing or bathing areas, making sure to exercise prudent judgment and behaviour when another adult cannot be present;
- familiarising oneself with the causes and signs of child abuse or neglect, the steps to be taken for the protection of children, and the procedures to follow if abuse or neglect is suspected or observed;
- familiarising oneself with the procedures outlined in the document *Towards Healing*

To safeguard integrity, and to preserve clarity of sexual and professional boundaries, it is essential that clergy and religious in the exercise of their ministry:

- behave with due prudence, not staying overnight in the same room as a minor or vulnerable person unless it is impossible to avoid. In that circumstance every provision needs to be made to provide a safe environment, e.g. the permission of a parent or guardian, and appropriate openness and visibility;
- never administer corporal punishment;
- use electronic and print media responsibly;
- do not supply or serve alcohol or any controlled substance to a minor without the express permission of a parent or guardian.

(Chapter 1, pp.3-4)

9. MAKING THE DECISION TO REPORT CHILD PROTECTION CONCERNS

All employed staff, contractors and volunteer who work in parishes, CatholicCare, Catholic Schools Office and Catholic systemic schools, the Chancery and any other group or programme that is associated with the Diocese of Maitland-Newcastle is required to abide by the **Reporting Child Protection Concerns Policy (2010)** which is included in this information book (refer Chapter 10).

Determining That You Should Make a Report

The Children and Young Persons (Care and Protection) Act 1998 requires that a reporter has:

- reasonable grounds to make a report
- a suspicion of risk of significant harm
- current concerns about safety, welfare or wellbeing.

For all Diocesan staff and management, you are encouraged to ring Zimmerman House if you are in doubt whether something should be reported to Community Services, or you wish to discuss a situation, or obtain advice.

To contact Zimmerman House		
Office Hour Phone:		4940 8091
24 Hour Call Line		1800 234 050
Facsimile:		4940 8087
E-Mail		child.protection@mn.catholic.org.au

WHAT DOES 'REASONABLE GROUNDS' MEAN?

Reasonable grounds is the standard that reporters must use in deciding whether or not to report to Community Services. It refers to the need to have an objective basis to deduce that a child may be at risk of significant harm. This could be derived from such things as:

- first-hand observations about the child or family
- what a practitioner has been told by a child, their parent or another person, or
- what a practitioner can reasonably infer based on professional training and/or experience.

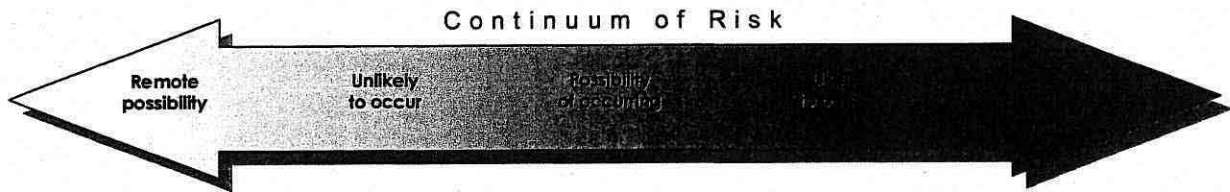
It does not mean that reporters are required to confirm their suspicions or provide incontrovertible proof before making a report to Community Services. A useful rule of thumb is to consider whether another person, when faced with similar information, would also draw the same conclusion.

WHAT DOES 'RISK' MEAN, WHAT DOES 'SIGNIFICANT HARM' MEAN?

The term 'risk of significant harm' is pivotal to the Act. It is important to have an understanding of its two components:

- what constitutes risk
- what constitutes harm.

Put simply, risk refers to the relative likelihood of something occurring in the future. The continuum of risk (diagram below) indicates that reports of risk of significant harm should not be focused on concerns falling to the left side of the continuum (those with an unlikely or remote possibility of occurring), but concerned with those that are possible, likely or probably will occur.



The NSW Government has accepted Community Services' policy definition of "significant harm":

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well being.

In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth.

Significance can result from a single act or omission or an accumulation of these.

Agencies and practitioners are required to make a judgment about whether the known facts or observations may constitute a risk of significant harm to a child or young person from abuse or neglect. In general, it is clear that a sound judgment will require consideration of the likely degree of harm taking into account the following factors:

- the age, development, functioning and vulnerability of the child or young person
- the behaviour of a child or young person that suggests they may have been or are being harmed by another person
- history of previous harm
- behaviour by another person, that has had, or is having, a demonstrated negative impact on the healthy development, safety, welfare and wellbeing of the child or young person (e.g. drug and alcohol abuse, domestic violence or mental health issues)
- contextual risk factors (For example, recent abuse or neglect of a sibling, or a parent recently experiencing significant problems in managing a child or young person's behaviour)
- indications that a child or a young person's emotional, physical or psychological wellbeing is significantly affected as a result of abuse and neglect.

Consider also factors that may heighten risk of significant harm. These are not grounds for current concerns in themselves, but may be relevant when thinking about the level of risk and the degree of harm:

- Access to financial and other resources
- Social isolation
- Presence of disability
- Absence of educational opportunity

WHAT DOES 'CURRENT CONCERNS' MEAN?

Current concerns may exist for a child or young person where maltreatment has not yet happened but there is a reasonable suspicion that, should the circumstances continue unchanged, then it is likely in the foreseeable future that the child or young person will experience abuse or neglect. Similarly, current concerns may arise from circumstances involving a child or young person's contact with someone who is known or suspected to be a person responsible for causing harm to a child in the past and there is a concern that a child is at risk of being harmed.

Current concerns also refer to situations where the abuse or neglect of the child occurred some time in the past, but continues to have an impact on the child or young person's safety, welfare or wellbeing.

For a concern to have currency, there has to be a 'present time' element to the risk of significant harm or to the risk becoming apparent to the reporter. It is not appropriate for a reporter to delay reporting their concerns about a child.

Making a Report to Community Services**ONLINE MANDATORY REPORTER GUIDE**

In conjunction with a US research company (Children's Research Centre), the Department has developed a comprehensive set of criteria that 'feed into' a structured decision making tool that supports both mandatory and other reporters in making a determination as to whether the concerns held constitute risk of significant harm.

The NSW Online Mandatory Reporter Guide is available at:
<http://sdm.community.nsw.gov.au/mrg/app/summary.page>




The Diocesan strongly recommends that any employee, who believes that they should be making a report to Community Services, should use the Mandatory Reporter's Guide and obtain a print out of the outcome.

HELPLINE

Community Services Helpline is the initial point of contact for mandatory and non-mandatory reporters who have concerns about a child's safety, welfare and wellbeing. It is the 'front door' of Community Services and receives and screens all reports of harm and requests for assistance from the community. The Helpline operates as an inbound call centre, 24 hours a day, 7 days a week, and is staffed by professionally qualified Community Services caseworkers.

The Helpline also provides an after-hours crisis team to respond to call-outs in metropolitan Sydney, and coordinates responses in rural areas. As appropriate, the Helpline will notify the NSW Police of urgent matters that may require their involvement.

To Make a risk of significant harm Report to the Helpline you may:

General public Phone Number:		132 111
Mandatory Reporter Phone Number:		13 3627 (13 DoCS)
Fax for Mandatory Reporters:		9633 7666

Information Required to Make a Report to Community Services Helpline

The detail and quality of the information provided by the reporter is critical to the quality of the decision-making that follows.

The Helpline is reliant on the reporter's information, as it does not usually make outbound calls to other agencies or services involved with the child or family in order to clarify or corroborate the information provided. Additional inquiries are only initiated by the Helpline to clarify the child's identity or their current location, or to a school or hospital to determine essential information, such as whether the child is currently on their premises.

Reporters need to be prepared to provide as much information as possible and to answer the exploratory questions from the Helpline caseworker. Reporters can assist the reporting process by having all required information close at hand – this might be the demographic information from agency records, as well as any contemporaneous notes of observations or disclosures.

DEMOGRAPHIC INFORMATION	
Child's Information	Family's Information
<ul style="list-style-type: none"> • Name of child or young person (or alias) or other means of identifying them • Age and date of birth (or approximation) • If child is Indigenous – Aboriginal, Torres Strait Islander or both • Language, religion and other cultural factors • Name, age of other household children or young people • Address of child and family • School or child care details (if known) • If child has a disability – nature/type, severity, impact on functioning 	<ul style="list-style-type: none"> • Name, age of parents and household adults • Home and/or mobile phone number • Language, religion and other cultural factors • Information about parental risk factors and how they link to child's risk of significant harm <ul style="list-style-type: none"> ○ domestic violence ○ alcohol or other drug misuse ○ unmanaged mental illness ○ intellectual or other disability • Protective factors and family strengths • Non-offending carers' capacity to protect child • Any previous suspicious death of a child or young person in the household
Reporter's Details	Other Information
<ul style="list-style-type: none"> • Name, agency address, phone and email details • Position • Reason for reporting today • Nature of contact with child or family • Nature of ongoing role with child or family (include frequency, duration and type) • If report is being made by someone else in the agency, name of the agency worker who sourced the report 	<ul style="list-style-type: none"> • Services involved with child/family if known • Principal language of family and whether an interpreter or signing is required • If parent knows of report and their response • If child or young person knows about the report and their views • Information related to worker safety issues (if known)

RISK OF SIGNIFICANT HARM ISSUES	
Neglect	Psychological Harm
<ul style="list-style-type: none"> • Description of neglect – who, what, when: <ul style="list-style-type: none"> ○ inadequate provision of food/shelter ○ inappropriate clothing or hygiene ○ inadequate supervision ○ failure to provide medical treatment ○ emotional needs unmet • Implications/impact of neglect on child 	<ul style="list-style-type: none"> • Description of harmful parenting practices and frequency (e.g. rejection, criticism, scape-goating, isolating, ignoring, blaming) • The impact on the child's behaviour • Description of exposure to domestic violence, its nature and frequency • Reason to suspect risk of serious psychological harm
Physical Abuse	Sexual Abuse
<ul style="list-style-type: none"> • Description of injury – who, what, when: <ul style="list-style-type: none"> ○ site, size and colour of injury ○ who allegedly caused injury (if known) and how ○ medical treatment – what, when, who • Suspicions regarding future risk of significant harm • Did child/parents disclose/ – What did they say? 	<ul style="list-style-type: none"> • Description of harm incident or risk of significant harm, including what occurred and when • Did child disclose? – What was said (use direct quotes of child), to whom, when? • Description of behaviours • Who/where is the alleged perpetrator (if known)? • Response of the non-offending parent