



# Safeguarding Children and Young People Policy

Document number: PO2022-019 *Version 7*

## Approval

Policy owner	Director Office of the CEO		
Approved by	Executive Leadership Team State Council		
Date approved	27.07.2022 & 17.08.2022	Review date	27.07.2025

## Purpose

1. The Society of St Vincent de Paul (NSW) and the company titled the St Vincent de Paul Society NSW (together the Society) are committed to:
  - being a best practice Child Safe Organisation with a zero tolerance for behaviours and practices that harm children
  - protecting children by developing systems and mechanisms to raise awareness of child safety, prevent harm to children, respond to and report concerns about child safety
  - placing children’s participation, safety and wellbeing at the centre of practice by building a child safe culture in alignment with the National Principles for Child Safe Organisations, NSW Child Safe Standards, the Catholic Professional Standards, NDIS Code of Conduct and NDIS Practice Standards
  - providing employees, members and volunteers with clear behaviour protocols to enable them to understand their role in keeping children safe
  - enabling employees, members and volunteers to be alert to, sensitively and effectively respond and appropriately report any concerns about, or incidents of, child abuse and neglect.

## Scope

2. This policy applies to all Society Personnel in NSW engaged in any capacity in the Society (including employees, members, volunteers, carers, and Board Directors).
3. The Society’s services, programs and activities variously interact with children and young people as clients (people we assist), family members of clients, members, volunteers, employees or, as members of the public (for example, as customers of the Society’s retail shops).

## Related policies and procedures

4. Related policies and procedures include:
  - Behaviour Support Policy
  - Code of Conduct
  - Feedback and Complaint handling Policy
  - Police Check and Working with Children Check Policy
  - Privacy Policy
  - Recruitment Policy
  - Restrictive Practices Policy
  - Trauma Informed Care Policy
  - Voluntary Out-of-Home Care Policy
  - Whistleblower Policy
  - Work Health and Safety Policy

## Policy principles

### 5. The Society:

- values, respects and promotes the inherent dignity and rights of all children, especially those who are most vulnerable in our community
- recognises in policy and practice, the diverse needs and circumstances of children and ensures that support is tailored accordingly so that children are kept safe – regardless of social or economic position, cultural context, abilities and impairments
- recognises the additional challenges and vulnerabilities for some communities including:
  - culturally and linguistically diverse communities
  - First Nations Peoples
  - Children and young people who identify as part of the LGBTQI community
  - Children and young people with a disability
- recognises and values members and volunteers of all ages and ensures that Society activities are suitable and age appropriate for children and young people prior to their involvement
- acknowledges that parents/carers have primary responsibilities for the development, wellbeing and safety of their children
- acknowledges children’s right to participate, be heard, listened to and taken seriously, and provides them with opportunities that support this in practice including by:
  - ensuring that programs and services involving children and young people systematically embed their voices in program design, implementation, monitoring, and evaluation
  - basing decisions regarding the welfare and protection of children and young people on their best interests after giving serious regard to the child or young person’s views
- engages in partnership with parents/carers, families, and communities to develop safe, inclusive, and supportive environments and processes to facilitate the well-being, and to prevent the abuse and neglect, of children and young people including by:
  - informing and engaging openly with parents/carers, families, and communities on issues, policies, and decisions impacting child safety and wellbeing
  - facilitating the participation of parents/carers in decisions affecting their child or young person
- acknowledges that physical environments can pose a risk to children and designs Society services to balance visibility, child privacy, and a child’s capacity to engage in creative play
- acknowledges that online environments can pose a risk to children and implements risk management processes to ensure these risks are identified and mitigated without compromising a child’s right to privacy or wellbeing

- believes that child safety and the wellbeing of children must be committed to, supported, and monitored by *all* levels of the organisation through appropriate recruitment, ongoing training of Society Personnel, and the implementation of appropriate child safe preventative and responsive organisational systems
  - implements child-focused, timely and effective processes to respond to concerns and complaints about child safety.
6. The Society does not tolerate any behaviour that is not child safe. Such behaviour may result in dismissal and, if it constitutes illegal activity, will be reported to relevant authorities.
  7. The Society is committed to preventing abuse or harm to children and young people by:
    - implementing appropriate risk management systems for all activities involving children
    - executing child safe recruitment and screening measures
    - requiring child safe behaviours from all Society Personnel
    - implementing procedures for reporting and responding to concerns about children and young people, and
    - implementing effective procedures for reporting and responding to child protection allegations against Society Personnel.

## Participation of children and young people

8. The Society recognises the unique insight, experiences, and contribution of children and young people and provides opportunities for their feedback about staff and services to be heard and incorporated into its policies and programs.
9. The Society will inform children and young people about the child safe behaviour expected from Society Personnel and the Society's procedure for responding to concerns about children and young people including who to contact if they are at risk, have been abused, or are concerned about another child.
10. Where appropriate children and young people will be involved in making decisions that affect them.
11. Any services or programs that provide Voluntary Out of Home Care (VOOHC) should also refer to the Voluntary Out of Home Care Policy for additional requirements.
12. All activities or programs where children attend without their parents, carers, or school, must have a designated staff member present for the duration of the activity. Any exemptions to this requirement, must be approved in writing by the Safeguarding Team.

## Child safe behaviour expected of Society Personnel

13. The Society's Code of Conduct identifies acceptable and unacceptable behaviour (including appropriate boundaries) expected of Society Personnel working with children and young people.

14. The Society requires all Society Personnel to demonstrate appropriate, professional, child safe behaviours as referenced in their signed Code of Conduct.
15. Any behaviour that is not child safe, is unlawful or identified as grooming, will be treated seriously and may result in immediate suspension, or permanent removal from the Society. Unlawful behaviour will be reported to the relevant authorities.
16. Any use of Restrictive Practices must be in accordance with the Restrictive Practices Policy.
17. Behaviour Support strategies must be implemented in accordance with the Behaviour Support Policy.
18. Any employees, members and volunteers engaged in Overseas Development are required to adhere to requirements outlined in National Safeguarding Children & Vulnerable Adult Policy. It is a crime for Australians to travel overseas to engage in, encourage or benefit from sexual activity with children (under 16 years of age). Despite occurring overseas, these offences can be investigated and prosecuted in Australia.

## Risk Management

19. The Society determines agreed minimum ages for children and young people participating in Society activities.
20. The Society ensures that relevant Personnel are trained in child safeguarding and risk assessment so that they can identify potential risks to children and actively minimise the risk that children may be harmed.
21. The Society conducts a child protection risk assessment for its operations, programs, and activities involving and affecting children and young people before their commencement according to the following Guidelines on conducting a child protection risk assessment <https://vinns.w.sharepoint.com/:b:/s/staffportal-nsw-Controlled-Documents/ERg5eAxXhWJMuBjY9cyZnQkBcDMQksIQUMRDScz-vC7tRw?email=Belinda-Jayne.Davis%40vinnies.org.au&e=3Ogh0t>
22. All risk assessments for child-related activities and programs must be approved by the Safeguarding Team annually.
23. All new activities or programs for children and young people must have a risk assessment approved by the Safeguarding Team prior to the activity or program commencing.
24. The Society puts in place mitigation strategies for any risk identified which are actively monitored throughout the activity/program cycle.
25. The Society ensures that risk and mitigation strategies regarding child safety are recorded in the Society-wide risk assessment register for regular monitoring.
26. The Society's programs and services identify and mitigate risks to children from online environments without compromising their right to privacy or wellbeing by ensuring effective measures are in place. The Child Safety in Online Environments Guideline is at Appendix 10.

## Communication and use of children's images

27. The Society will at all times portray children in a respectful and appropriate way.
28. The Society will obtain informed consent from children/young people and their parent(s)/guardians prior to using a child's story, image or personal information for promotion, fundraising and or educational purposes.
25. When requesting consent, the Society will give examples of, and provide details as to how, where and for how long the story, information and/or image will be used.
26. Prior to seeking consent, the Society will:
  - undertake a risk assessment (with the child and their family) regarding publication of any image, information or story about the child or young person
  - explain to the child/young person and their parent (s)/guardian(s) that it cannot control the use of images, stories or information once they are loaded onto the internet and that they could be viewed by anyone with internet access at any time.
27. The Society will not disclose any information identifying children/young people (including their family name, community or school name) in the published images.
28. The Society will ensure that all images and information about children and young people are stored safely and are only able to be accessed by authorised personnel.

## Personnel recruitment and selection

29. The Society implements child safeguarding measures within recruitment and selection process for all employees, members and volunteers to:
  - reduce the risk of engaging people who may pose a risk to children and young people
  - ensure that people working with children and young people are suitable to secure the safety and wellbeing of children and young people in practice.
30. The Society requires all Society Personnel who are over 18 years old to undergo pre-engagement screening including:
  - Working with Children Checks (WWCCs)
  - National Criminal History Check (Police Checks)
  - two (2) Reference checks
  - NDIS Worker Screening (in NDIS funded services)
  - interviews that include behavioural based questions for child related roles.
31. WWCCs are a statutory requirement wherever employees, members or volunteers engage in child-related work. Where specified positions in particular areas are demonstrably not child-related work under the legislation, the Service Manager or Director may seek an exemption through the Society's Safeguarding team. All requests supported by the Safeguarding team will be forwarded to the CEO for approval.
32. The CEO and all Board Directors are required to have a valid Working with Children Check, verified on the Office of the Children's Guardian (OCG) Website.

33. The Society will not allow any person without the appropriate Working with Children Check clearance to engage in any child-related work. Personnel who are under the age of eighteen engaged in child related work must apply for a Working with Children Check in the three months prior to their eighteenth birthday.
34. Where a person currently engaged by the Society receives a bar or interim bar from working with children, the Society will immediately remove them from any child related role and will only continue their engagement in non-child related work with the approval of the CEO.
35. WWCCs are obtained and 'owned' by the individual and provided to the Society to complete online verification of the current clearance on the OCG website. Since WWCCs have a five-year expiry date, all Personnel are required to renew their check before it expires in line with legislative requirements and the processes set out by the Office of the Children's Guardian.
36. All WWCCs are verified by designated personnel. No person can self-verify, and, in the event, the designated personnel are unable to complete a verification, this will be conducted by the Safeguarding team.
37. In accordance with the Society's Police Check and Working with Children Check Policy, apart from the pre-engagement Police Check, the Society also requires existing employees, members, and volunteers to obtain a Police Check no later than three months after their eighteenth birthday and re-checks for all members, volunteers and employees every three years regardless of their role.
38. Agreements with other agencies (such as a Work for the Dole provider or Correctional Services) will require a Police Check to a standard that is consistent with the Society's requirements.
39. The Society requires all interviews of potential employees, members, and volunteers for engagement in child-related work to include child safe interview questions.
40. The Society requires all new members, volunteers, and employees in child-related roles to provide the contact details of two referees before commencement of their role (written references will not be accepted). The Society will make direct contact with each referee before engaging the person and will ask about the candidate's capacity to work in a Child Safe Organisation.

## Safeguarding children education and training

41. The Society will promote child safe practices in Society activities and in the communities in which it works by:
  - educating personnel about creating child safe environments
  - assessing and reducing risks to children and young people
  - providing children, young people, their families, and communities joining Society programs or using Society services with information about this policy, the Society's Code of Conduct, and the Society's Complaints and Investigations process.
42. The Society will ensure that all of its Personnel are aware of, and receive appropriate training in child safe behaviours, measures to prevent harm to children, and measures to appropriately respond to and report concerns about child safety.
43. All Society Personnel with direct or indirect contact with children will complete mandatory Child

Safe Learning as part of their induction and to participate in refresher training at least every two years.

44. The Society will communicate this and related policies and procedures to all Society Personnel in on-boarding and induction procedures and ensure that they understand their responsibility, and the procedures, to report concerns about children and young people, including mandatory reporting obligations, in accordance with the *Procedure for identifying and responding to concerns about Children and Young People* (Appendix 2).
45. Society Personnel engaged in child-related work or who are designated Mandatory Reporters will be required to complete the training program *Identify and Respond to Children and Young People at Risk* (Module CHCPRT001).

## Responding to and reporting child protection concerns

46. The physical and sexual abuse of children is a crime in all Australian states and territories and neglect and/or abuse of children and young people is also required to be reported to State child protection authorities and other statutory bodies as required under relevant legislation.
47. The Society considers the abuse and neglect of children to be completely unacceptable, takes all concerns and reports of child abuse and neglect seriously, and acts on these reports immediately.
48. The Society is committed to a reporting process that is fair and professional.
49. Every effort will be made to protect the best interests, rights, and safety of the child in responding to concerns and reports of child abuse.
50. It is mandatory for all Society Personnel to report any disclosed, witnessed, suspected or alleged incidents of child abuse, concerns about a child or young person's safety, or any breach of this Child Safeguarding Policy or the Code of Conduct by immediately following the Society's *Procedure for identifying and responding to concerns about Children and Young People* (Appendix 2).
51. The Society will not take responsibility for any personal fines or legal action taken against individual personnel for failing to meet legislative reporting requirements.
52. Confidentiality is a key principle in reporting and managing child protection concerns. Any information relating to a child protection concern must only be shared with the designated Manager or Society Child Protection personnel. The names of people involved, and the details of the report will remain confidential. Information will only be released on a 'need to know' basis, when required by Australian law, or when a report to police or child protection authorities is made.
53. All reports will be reviewed by the Safeguarding team to determine if there is a requirement to report to the OCG or NDIS Quality & Safeguards Commission or other statutory authority.

## Roles and responsibilities

54. Society Personnel have roles and responsibilities to ensure this policy is effectively communicated, monitored, implemented, and reviewed.
55. All Society Personnel must:



- demonstrate appropriate and professional child safe behaviours at all times, adhere to this and related policies and the Code of Conduct, and take all reasonable steps to protect children and young people from abuse or harm
- advise the Society immediately if a reason arises why they may be ineligible to work with children
- report any concern about a child or young person in accordance with the Society's procedure for identifying and responding to a concern about a child or young person and relevant legislative requirements
- participate in the Society's Child Safe Learning and induction required for their role and seek clarification from managers about child safeguarding responsibilities, if necessary.

56. State Council and the Board of the St Vincent de Paul Society NSW must:

- ensure appropriate policies and procedures for safeguarding children and young people exist and are reviewed on a regular basis
- promote the safeguarding of children and young people
- ensure the Society complies with Child Protection legislation.

57. The CEO must:

- ensure the development, implementation, monitoring and evaluation of policies to safeguard children and young people and provide regular reports to the Board
- promote the safeguarding of children and young people and a Society wide culture of safeguarding children
- ensure the Society maintains appropriate documentation and provide reports to the State Council and the Board of the St Vincent de Paul Society NSW
- act as Head of Agency for Reportable Conduct allegations as required by the Children's Guardian Act, 2019 (NSW)
- act as the Society's Principal Officer for the Society's Voluntary Out of Home Care service as required by the Child Protection (Working with Children) Regulation, 2013
- approve any exemptions to this policy.

58. Central Council Presidents must:

- ensure that this policy is fully communicated with members in their area and that these members are aware of, sign onto, and agree to comply with this policy
- ensure that members comply with the requirement to report children and young people at risk of harm
- ensure that any breach by a member is responded to appropriately and promptly
- in serious breaches, suspend a member immediately pending investigation
- ensure compliance with the Society's Child Safe Learning.

59. Each Executive Director/Chief Financial Officer must:

- manage the legal compliance obligations in their directorates

- promote, monitor, and uphold a positive compliance culture
- identify the need to engage support and/or train staff to implement the policy,

60. Regional Directors, Directors, and Managers must:

- ensure the effective implementation of policies and procedures to safeguard children and young people in the relevant Central Council or area of responsibility
- promote the safeguarding of children and young people and a culture of safeguarding children in their area
- ensure all members, volunteers, and employees in their area understand their responsibilities under the Safeguarding Children and Young People Policy, sign and agree to comply with this policy
- disseminate communications about how the Society safeguards children to relevant stakeholders including members, volunteers, employees, people we assist, customers, and the broader community via the Society website
- approve all activities and programs that involve children and young people and ensure that all programs or activities that have direct or indirect contact with children and young people have a Child Safe risk assessment that is recorded in the Society-wide Risk Register at least seven (7) days before commencement
- ensure that all activities explicitly address any identified risks
- with assistance from State Support Office, ensure that recruitment, screening, supervision, and training requirements are met for all members, volunteers, and employees
- ensure that all reportable conduct allegations are appropriately investigated and reported to the CEO and appropriate statutory reporting body/s
- if they are a designated Mandatory Reporter, be accessible to provide support to non-Mandatory Reporters and fulfil legislative requirement to assess and report risk of significant harm to the child protection authority (Department of Communities and Justice, (also known as Family and Community Services) in line with Society procedures
- ensure that employees or volunteers who breach this policy or who behave in a way that is not child safe are dealt with in accordance with this policy in a timely manner.
- ensure all NDIS reportable incidents regarding children are reported in line with legislative requirements.

61. The Safeguarding team must:

- coordinate training and development programs for members, volunteers, and employees in line with policy requirements and identified needs
- develop communication materials to effectively promote the Society's policy and procedures to members, volunteers, employees, children and families, and the broader community
- provide support and advice to Central Councils and others on effective implementation

of this policy

- promote the safeguarding of children and young people and a Society-wide culture of safeguarding children
- provide a mechanism for all members, volunteers, and employees to receive advice and support from an experienced professional when mandatory reporting may be required
- provide oversight and direction on all child-related incidents, reports, statutory responses, investigations, and child protection matters.

62. Service Managers / Team Leaders must:

- promote the safeguarding of children and young people and a culture of safeguarding children in their area
- ensure distribution of policy and procedures and implementation in their area
- manage incidents in accordance with this and other relevant policies
- ensure Child Safe Behaviours are demonstrated by Society Personnel and that all instances of unacceptable behaviour are addressed
- ensure recruitment processes are adhered to and that supervision is provided of all Society Personnel
- ensure compliance
- ensure child protection reports, concerns and allegations are reported and managed through the Integrated Risk Management System
- seek support from senior staff wherever needed and especially where there are compliance issues
- support training and development for all members, volunteers, and staff in their area.

63. Ensure documentation is maintained as per relevant society policies and legislative requirements.

## Breaches of this Policy

64. All Society Personnel are required to fully comply with this policy and procedure to ensure that the Society is child safe. The Society will take appropriate action to respond to any breach.

65. Where any Society Personnel refuse to comply with this policy or demonstrate behaviours that are not child safe, they will be immediately removed from any contact with children or young people while the matter is being investigated. Depending on the nature and severity of the alleged behaviour they may be suspended from their duties with the Society pending the outcome of an investigation. Central Council Presidents, Regional Directors, and Area and Regional Managers should consult with State Support Office (Membership, Volunteers, and Regional Operations) before suspending Society Personnel to ensure appropriate processes are followed.

66. The Society and Central Council Presidents will respond to all alleged breaches in accordance with the appropriate procedures in Appendix 2 including, where necessary, referral to statutory authorities for criminal investigation.

67. Substantiated breaches may incur, depending on the severity of the breach, disciplinary action including: compulsory further education and training, a written warning, performance review, suspension, or dismissal. This may include multiple instances of minor behavioural breaches.
68. Where Society Personnel have been indefinitely suspended or their employment has been terminated as a result of a substantiated breach of this policy, they should not be re-engaged in another role with the Society unless a full risk assessment has been undertaken with the involvement of the Society's Safeguarding expert and a re-verified Working with Children Check is completed.

## Assessment and evaluation of child safe strategies

69. The Society will regularly assess and evaluate its child safe strategies, including by reporting against relevant child-focused implementation plans and participating in accreditation and auditing against NSW Child Safe Standards.
70. The Society will ensure that accreditation report recommendations are communicated and addressed using an integrated, whole of organisation planning approach.

## Review

71. This policy and the effectiveness of its implementation will be reviewed at least once every three years after coming into operation or on a needs basis as required to align with legislative or practice changes.

## Further assistance

72. For additional assistance or information about a concern about a child or young person, Society Personnel should contact:
  - Safeguarding team: [safeguarding@vinnies.org.au](mailto:safeguarding@vinnies.org.au) / [childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au) / 1800 4 SUPPORT (1800 478 776).
73. Society Personnel should raise any questions about the implementation of this policy with their Manager.
74. The following links may provide further information and assistance:
  - the Mandatory Reporter Guide: <https://reporter.childstory.nsw.gov.au>
  - NSW Office of the Children's Guardian at <https://www.kidsguardian.nsw.gov.au/>

## References

75. Legislation, regulations, and guides relevant to this policy include:
  - Child Protection (Working with Children) Act 2012 (NSW)
  - Child Protection (Working with Children) Regulations 2013 (NSW)
  - Children's Guardian Act 2019 (NSW)
  - Children's Guardian Amendment (Child Safe Scheme) Bill 2021

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Privacy and Personal Information Protection Act 1998 (Cth)
- Crimes Act 1900 (NSW).
- National Disability Insurance Scheme (Code of Conduct) Rules 2018  
<https://www.legislation.gov.au/Details/F2018L00629>
- National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018  
<https://www.legislation.gov.au/Details/F2020C01138>
- Incident Management Policy.

76. This suite of legislation is referred to in this document as ‘the Child Protection Legislation’.

77. This Policy and Procedures document is written to comply with NSW legislation. Accordingly, advice should be sought in situations where the Society works across State borders.

## Approval and amendment history

Version	Approved authority	Date	Amendment summary
Version 1	Working Document	August 2007	NA
Version 2	State Council	July 2012	Complete rewrite of policy
Version 3	State Council and Board	11 February 2017	Complete rewrite of policy
Version 3.1	Executive Director of People and Culture (pursuant to delegated authority)	19 July 2018	Updated to incorporate voluntary OHC requirements
Doc # PO2020-019	ELT and State Council	22 February 2020	Updated to ensure compliance with the NSW Child Safe Standards
Doc # PO2020-019 Version 2	Executive Director Strategy and Governance	10 June 2020	Minor amendments to comply with legislative changes to the Children’s Guardian Act 2019
Doc # PO2020-019 Version 3	Executive Director Corporate Services	27 July 2020	Updated ownership and responsibilities to align with organisational structure changes
Doc # PO2020-019 Version 4	ELT	24 February 2021	Updated to comply with requirements stipulated by the Office of the Children’s Guardian

<b>Version</b>	<b>Approved authority</b>	<b>Date</b>	<b>Amendment summary</b>
Doc # PO2020-019 Version 5	Director Office of the CEO	15 September 2021	Updated hyperlink at p.14 to new document location.
Doc # PO2020-019 Version 6	Director Office of the CEO	7 December 2021	Amendments to require a staff member presence at activities for children where there are no parents/guardians present, and that risk assessments for any child activities require approval by the Safeguarding Team.
Doc # PO2022 Version 7		24 June 2022	Desktop review undertaken and minor updates included: <ul style="list-style-type: none"> <li>• requirement to embed the Child Safe Scheme</li> <li>• references to the Integrated Risk Management System for reporting purposes.</li> </ul>

## Appendix 1: Definitions

1. Relevant definitions include:

<b>Term</b>	<b>Definition</b>
<b>Allegation</b>	An allegation against any Society Personnel that might involve behaviour that is reportable conduct or behaviour that is exempt from notification to the Office of the Children’s Guardian but is required to be investigated by the agency (Children’s Guardian Act 2019 NSW)
<b>Behaviour Support</b>	Behaviour support is creating individualised strategies that are responsive to the person’s needs, in a way that reduces the occurrence and impact of behaviours of concern and minimises the use of restrictive practices.
<b>Child and Young Person</b>	In this Policy document ‘Child’ means persons between the ages 0-15, a ‘young person’ is any person between the ages 16-17.  Children and young people may be people we assist, family members of people we assist, members (Mini Vinnies, High School Conferences), volunteers, employees, or members of the public (for example, customers of Society retail shops or activities where children and young people regularly or occasionally attend such as working bees with local schools or parish youth groups to pack Christmas hampers)
<b>Child abuse</b>	Any non-accidental act or acts that endangers a child’s health, wellbeing or development. This includes behaviour by parents, caregivers, other adults or older adolescents that entails a substantial risk of causing physical or emotional harm to a child or young person. Child abuse can be physical, emotional, sexual, or through exposure to domestic or family violence. Child abuse can be intentional or unintentional and can include acts of omission (i.e., neglect) and commission (i.e., abuse)
<b>Child Protection</b>	Responsibilities and activities undertaken to prevent or stop children being abused or maltreated.
<b>Child Protection Legislation</b>	Children and Young Persons (Care and Protection) Act 1998, <i>Child Protection (Working with Children) Act 2012</i> (NSW), <i>Child Protection (Working with Children) Regulations 2013</i> (NSW), the Children’s Guardian Act 2019 (NSW), <i>Privacy and Personal Information Protection Act 1998</i> and the <i>Crimes Act 1900</i> (NSW).
<b>Child-related work</b>	Child-related work is defined by Part 2, section 6 of the <i>Child Protection (Working With Children) Act 2012</i> , as work in a specific, child-related role or face-to-face contact with children in a child-related sector. Additional roles can be found in the <i>Child Protection (Working With Children) Regulation 2013</i>
<b>Child Safeguarding</b>	Actions, policies and procedures that create and maintain protective environments for children including to protect them from exploitation and abuse of all kinds.

<b>Term</b>	<b>Definition</b>
<b>Child Safe Organisation</b>	An organisation that is compliant with the National Principles for Child Safe Organisations and the NSW Child Safe Standards
<b>Concern (in relation to a Child or Young person)</b>	Any information that may indicate that a child or young person is at risk of harm.
<b>Conviction (as it relates to Reportable conduct)</b>	Any conviction of a person, in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction (Children’s Guardian Act 2019).
<b>Designated person</b>	A designated person is an employee who has been assigned the responsibility of verifying WWCCs on the OCG website and provided with relevant logins. A list of these employees is maintained by the Safeguarding team.
<b>Direct or indirect contact (with persons under 18)</b>	Any contact with a child or young person regardless of the role of Society Personnel, the child or young person, and regardless of whether the interaction is face to face, via the phone or internet. It includes examples such as providing services to a child or a young person, providing services to the parents or carers of a child or young person while a child or young person is present.
<b>Disclosures</b>	Where a child or young person, or another adult, says something that indicates that they or another child or young person may be at risk of harm.
<b>Duty of Care</b>	The Society’s legal obligation to protect children from all reasonably foreseeable risk of injury.
<b>Emotional and psychological abuse</b>	Repeatedly rejecting, frightening or threatening a child. This may involve name calling, being put down or continual coldness from a parent or care giver, exposure to domestic or family violence, under-age marriage.
<b>Employee</b>	A paid member of staff unless otherwise specified. This includes full time, part time, fixed term or casual staff and includes contractors providing services to the Society for a set time or specific task and those engaged in the performance of duties for the Society from a labour hire agency.  This policy document does not distinguish between the roles and responsibilities of paid and unpaid Personnel unless specifically prescribed by relevant legislation.
<b>Family and Community Services</b>	The former NSW Department of Family and Community Services (FACS), now the Department of Communities and Justice (DCJ)



Term	Definition
<b>Grooming</b>	<p>A series of behaviours and actions designed to prepare a child or young person for sexual abuse or exploitation. This may include acts of manipulating others (parents, carers, co-workers) and situations to gain and maintain access to the victim/s.</p> <p>Grooming is a process that can be difficult to recognise or distinguish from seemingly innocent or everyday actions. It has two core elements:</p> <ul style="list-style-type: none"> <li>• building a trusting or special relationship with the child or young person and his/her carers, and</li> <li>• isolating the child or young person in order to abuse them.</li> </ul> <p>There is no one set of actions or behaviours that are used to groom a child or young person or those around them.</p>
<b>Head of Agency</b>	The Chief Executive Officer (CEO).
<b>Manager</b>	A Society employee responsible for the supervision of particular Society Personnel
<b>Mandatory Reporters</b>	<p>Persons required by NSW legislation to make a report to the Department of Communities and Justice (also known as Family and Community Services) where they have current concerns that a child or young person is “at risk of significant harm”</p> <p>NSW legislation identifies Mandatory Reporters as:</p> <p>(a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children’s services, residential services, disability services or law enforcement, wholly or partly, to children, and</p> <p>(b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, disability services or law enforcement, wholly or partly, to children.</p>

Term	Definition
	<p>Volunteers are not usually Mandatory Reporters, except in the case of volunteers who are managers.</p> <p>The following Society roles are Mandatory Reporters:</p> <ul style="list-style-type: none"> <li>• all staff members in refuges, disability services, accommodation services, health services, welfare services, case work, education, childcare and any Society program with persons under eighteen as clients</li> <li>• member and volunteer Support Staff</li> <li>• managers, coordinators and supervisors who have any oversight for health care, welfare, education, children’s services, accommodation services and disability services</li> <li>• all senior management roles including CEO, Executive Director, Chief Financial Officer, Regional Director, Director and Manager</li> <li>• members of the State Council and Board</li> </ul> <p>Note: The Society requires all other Personnel to report any concern to 1800478776 or <a href="mailto:childprotection@vinnies.org.au">childprotection@vinnies.org.au</a></p> <p>All Personnel retain their right to report directly to the Department of Communities and Justice (also known as Family and Community Services)</p>
<p><b>Mandatory Reporter Guide (MRG)</b></p>	<p>The MRG is a Structured Decision Making tool intended to complement mandatory reporters' professional judgement and critical thinking. The MRG supports mandatory reporters in NSW to:</p> <ul style="list-style-type: none"> <li>• determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child or young person; and</li> <li>• identify alternative supports for vulnerable children, young people and their families.</li> </ul> <p>The MRG is located here: <a href="https://reporter.childstory.nsw.gov.au">https://reporter.childstory.nsw.gov.au</a></p>
<p><b>Member</b></p>	<p>A person who is part of a St Vincent de Paul Society Conference. This is an unpaid or ‘voluntary’ role. For the purposes of legislative compliance, all requirements set out for volunteers in this policy and in Child Protection legislation also apply to members as Society Personnel.</p> <p>For the purpose of this policy, the Society does not distinguish between the roles and responsibilities of paid and unpaid Personnel unless specifically prescribed by relevant legislation.</p>
<p><b>National Catholic Safeguarding Standards</b></p>	<p>The National Catholic Safeguarding Standards (NCSS) a framework which articulates requirements for Catholic entities to promote the safety of children through the implementation of policies and activities to prevent, respond to and report concerns regarding child abuse. They are taken directly</p>

Term	Definition
	from the Royal Commission into Institutional Responses to Child Sexual Abuse's final report, Volume 6.
<b>NDIS Reportable Incident</b>	<p>Registered NDIS providers must notify the NDIS Commission of all reportable incidents (including allegations).</p> <p>Reportable Incidents include:</p> <ul style="list-style-type: none"> <li>• The death of a child or young person with disability</li> <li>• Serious injury of a child or young person with disability</li> <li>• Abuse or neglect of a child or young person with disability</li> <li>• Unlawful sexual or physical contact with, or assault of, a child or young person with disability</li> <li>• Sexual misconduct, committed against, or in the presence of, a child or young person with disability, including grooming for sexual activity</li> <li>• Unauthorised use of restrictive practices in relation to a child or young person with disability.</li> </ul>
<b>Neglect</b>	Depriving a child or young person of anything that they need to thrive to the degree that it impacts their health, wellbeing or development, including medical, education, shelter, food, hygiene and supervision.
<b>Personnel</b>	Any person (or group of people) engaged by the Society to assist in its works. This includes members, volunteers, employees, contractors and consultants.
<b>Physical abuse</b>	Purposefully injuring or threatening to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.
<b>Prescribed body</b>	<p>A prescribed body is any organisation specified in section 248(6) of the Children and Young Persons (Care and Protection) Act 1998 or in clause 8 of the Children and Young Persons (Care and Protection) Regulation 2012.</p> <p>Generally prescribed bodies are:</p> <ul style="list-style-type: none"> <li>• NSW Police Force</li> <li>• A State government department or a public authority</li> <li>• A government school or a registered non-government school or a TAFE</li> <li>• A public health organization or private health facility</li> <li>• an accredited adoption service provider</li> <li>• a registered community housing provider</li> <li>• a designated agency</li> <li>• a registered agency</li> <li>• a children's service</li> <li>• any other organization the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• nurses (enrolled and registered)</li> <li>• registered medical practitioners</li> <li>• registered midwives</li> <li>• registered psychologists</li> <li>• occupational therapists (other than students)</li> <li>• speech pathologists (eligible for membership of Speech Pathology Australia)</li> <li>• an unborn child (if they have been the subject of a report to the Child Protection Helpline or to a Child Wellbeing Unit).</li> </ul>
<b>Records</b>	Electronic or hard copy documents, information and data stored in and retrieved electronically from the Society’s and/or other Society systems and areas that enable the Society to report its activities and funding expenditures.
<b>Reportable conduct</b>	<p>Defined by Children’s Guardian Act 2019, as:</p> <p><b>Reportable conduct</b> means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded-</p> <ul style="list-style-type: none"> <li>• a sexual offence,</li> <li>• sexual misconduct,</li> <li>• ill-treatment of a child,</li> <li>• neglect of a child,</li> <li>• an assault against a child,</li> <li>• an offence under section 43B or 316A of the <a href="#">Crimes Act 1900</a>,</li> <li>• behaviour that causes significant emotional or psychological harm to a child.</li> </ul>
<b>Risk of Significant Harm (as it relates to a Child or Young Person)</b>	<p>A child or young person is at current “risk of significant harm” if current concerns exist for the safety, welfare or wellbeing of the child or young person because of the presence, to a significant extent, or any one or more of the following circumstances:</p> <ul style="list-style-type: none"> <li>• the child or young person’s basic physical or psychological needs are not being met or are at risk of not being met</li> <li>• the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care</li> <li>• in the case of a child or young person who is required to attend school in accordance with the Education Act 1990, the parents or other caregivers have not arranged and are unable or unwilling to</li> </ul>

Term	Definition
	<p>arrange for the child or young person to receive an education in accordance with that Act</p> <ul style="list-style-type: none"> <li>• the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated</li> <li>• the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm</li> <li>• a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm</li> <li>• the child was the subject of a pre-natal report under section 25 of the Children and Young Persons (Care and Protection) Act 1998 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.</li> </ul> <p>Note. Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given (Section 23, Children and Young Persons (Care and Protection) Act 1998 No 157).</p> <p>Further information is available on the Family and Community Services website at <a href="https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters">https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters</a></p>
<b>Sexual abuse</b>	Sexual abuse is any sex act committed on, or in the presence of, a child or young person. It can involve touching or no touching at all and usually involves the use of force, threat or coercion. It can include sexualised language, voyeurism, fondling genitals or breasts, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object and exposing a child to, or involving a child in pornography.
<b>State Council</b>	The State Council of the St Vincent de Paul Society of New South Wales.
<b>Voluntary Out of Home Care</b>	<p>Voluntary out-of-home care is overnight care provided by an organisation to a child or young person away from their usual home and with the consent of the family.</p> <p>Organisations that provide or arrange voluntary out-of-home care must be registered by the Office of the Children’s Guardian before arranging or providing care.</p>
<b>Volunteer</b>	A person undertaking unpaid work for the Society. For the purposes of legislative compliance all requirements of volunteers in this policy apply to members as well as all types of ‘compulsory volunteers’ including interns,

<b>Term</b>	<b>Definition</b>
	<p>student placements, Work for the Dole participants and mandated court orders.</p> <p>For the purpose of this policy, the Society does not distinguish between the roles and responsibilities of paid and unpaid Personnel unless specifically prescribed by relevant legislation.</p>

## Appendix 2: Procedure for identifying and responding to concerns relating to Children and Young People

1. Society Personnel must ensure that all concerns relating to children and young people are taken seriously and assessed for risk of significant harm, in line with the Society's legal mandatory reporting responsibilities, regardless of whether the person who initially becomes aware of the concern is a Mandatory Reporter themselves.
2. A concern in relation to children and young people is any information that may indicate that a child or young person is, or may be, at risk.
3. A concern about a child or young person may be identified by:
  - the observations of Society Personnel
  - the observations of another person
  - from a disclosure where a child or young person, or another adult, says something that indicates that they or another child or young person may be at risk of harm.
4. It does not mean that this concern is proven or that action will always be required, however Society Personnel MUST report all concerns to ensure this can be assessed by appropriately trained employees. Society Personnel must use the following process to respond to any information that may indicate that a child or young person is at risk.
5. Society Personnel (who are not a Mandatory Reporter) with any concerns or information that may indicate that a child or young person is at risk must:
  - In an emergency or after hours:
    1. call Police on 000 immediately (only in an emergency),
    2. alert line manager as soon as possible, and
    3. report to Family and Community Services Child Protection Helpline – 24-hour service (132 111)
  - If not an emergency:
    1. contact the Safeguarding team on 1800 4 SUPPORT (1800 478 776) or [childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au)
    2. complete a Safeguarding Notification Form [https://erm.protecht.com.au/vinnies/worms/client/app/anonymousWidget.html?widget=AnonymousRegisterEntry&appId=1&tablename=table\\_113370](https://erm.protecht.com.au/vinnies/worms/client/app/anonymousWidget.html?widget=AnonymousRegisterEntry&appId=1&tablename=table_113370)

### Mandatory Reporter

6. The Mandatory Reporter must gather sufficient information to assess whether the child or young person is at *risk of significant harm* based on: their professional judgement; the [Mandatory Reporter Guide](#) (MRG) which provides guidance about whether a concern reaches this threshold; and by seeking further information from other organisations as appropriate.

7. The Mandatory Reporter must use the MRG to assess the concern and follow the instructions stated in the outcome.
8. Where the MRG directs the Mandatory Reporter to make an immediate Community Services Report the Mandatory Reporter MUST report their concerns to Department of Communities and Justice (DCJ) immediately and no later than the end of the Mandatory Reporter's current shift. Reports can be made either by phone on 132111 or by e-report at <https://reporter.childstory.nsw.gov.au> and forward the documentation to [childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au)
9. Where the MRG directs the Mandatory Reporter to make a report to Community Services the Mandatory Reporter MUST report their concerns to DCJ within 24 hours. Reports can be made either by phone on 132111 or by e-report at <https://reporter.childstory.nsw.gov.au> and forward the documentation to [childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au)
10. Where the MRG does not direct the Mandatory Reporter to report the concern, the Mandatory Reporter must complete the Safeguarding Notification Form and forward to 1800 4 SUPPORT (1800 478 776) or [childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au)
11. Any concerns that involve a serious criminal element, must be reported to the Police.
12. All MRG results must be saved and kept on the client's file.
13. All Personnel retain the right to report any concern for the wellbeing of a child or young person directly to Police and DCJ by contacting the 24-hour Child Protection Helpline (132 111) regardless of whether or not they have already reported the concern internally.
14. Society Personnel involved in any report are required to maintain confidentiality and to only discuss the matter for the purpose of legal compliance or seeking professional advice.
15. Society Personnel must document any concerns and actions immediately or as soon as practicable before the end of the Personnel's shift.
16. To enable Society Personnel to quickly access relevant information any reports should be cross-referenced in electronic records. For example, the client file should note that a report was made to internal Safeguarding team and or DCJ.
17. The Safeguarding team must provide the CEO with a six-monthly report on Child Protection concerns and notifications who will then forward these to the Board of Directors and State Council.
18. The Safeguarding Coordinator is responsible for following up individual notifications to the Child Protection Helpline that relate to allegation against Personnel or ROSH incidents that occur in relation to a Vinnies Service.
19. Records of these reports will be documented in the Safeguarding Register.

### Reportable Incidents in NDIS Services:

20. Under National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018, if a Reportable Incident occurs or is alleged to have occurred in an NDIS services, Society Personnel must follow the steps outlined in Appendix 5.



## Ensuring children and young people are safe from further harm

21. Where Society Personnel suspect that a child or young person is at risk, they must, to the best of their ability, put in place measures to protect children from further harm and continue to respond to the needs of the child, even though they have made a report to DCJ.

Measures may include:

- conduct a risk assessment
- implement measures to mitigate or reduce identified risks (e.g., provide additional supervision)
- provide referrals to professional services, as required
- provide ongoing support and assistance appropriate to the situation
- report to the Safeguarding team and provide updates on circumstances.

## Section 16A Exchange of information

22. Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 allows information to be exchanged between prescribed bodies despite other laws that prohibit or restrict the disclosure of personal information.
23. Prescribed bodies may share information relating to the safety, welfare or wellbeing of a child or young person. A prescribed body is any organisation specified in section 248(6) of the Act or in clause 8 of the Children and Young Persons (Care and Protection) Regulation 2012.
24. When working with other prescribed bodies to support a child or young person, information relating to the safety and well-being of children and young people should be proactively shared by following procedures in Appendix 11.
25. Refer to Appendix 11 - Guide for Sharing Information under 16A
26. A list of prescribed bodies can be found in *Appendix 1 Definitions*.

## Appendix 3: Responding to Child Protection Allegations against children or young people in our services.

For any allegation concerning Society Personnel, the procedures outlined in Appendix 4 must be followed.

This procedure must be used for allegations of abuse from a member of the public or other people we assist towards a child or young person engaged in Society program or service.

The incident must be managed and reported according to the Society's Incident Management Policy. Personnel must take appropriate actions to respond to an incident, complete the appropriate report form and submit to their manager.

1. Clarify the allegation – exactly what has been alleged. Who, what, when, where etc.? Do not commence investigation at this time. Focus on clarifying the key elements of the allegation.
2. Notify the Director, of the relevant Vinnies Services Directorate and the Executive Director of Vinnies Services.
3. Notify the Safeguarding team as soon as possible after an allegation is made, regardless of whether they meet the ROSH threshold. The Safeguarding team will oversee any further enquiries or investigations and will inform the CEO.
4. Society Personnel must report any potential risk of significant harm concerns to the Department of Communities and Justice (DCJ) and must report all criminal matters to the Police immediately.
5. Conduct a risk assessment which considers and documents the risk to the safety and well-being of children and young people, including the alleged victim, the alleged perpetrator, staff, other people we assist, the organisation. Refer to Safeguarding Risk Template.
6. Where a Police or DCJ investigation is required, the Society must await the outcome of the Police or DCJ investigation before the Society conducts any further enquiries or investigations.
7. If the allegation involves a child or young person in an NDIS service, see Appendix 5.
8. Consider who needs to be notified about the allegation as well as what to tell others who are not involved but aware (e.g., parents, employees). Remind all parties of the sensitivity of the situation and confidentiality requirements.
9. Society Personnel who received the disclosure or witnessed the incident must:
  - report the incident to their Manager or Supervisor and the Safeguarding team
  - document the allegation or concern, using the digital Safeguarding Notification Form OR
  - document the allegation or concern, using the manual form and send the form to [childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au)
  - if the abuse or harm was connected to the delivery of the Society's programs, services or activities you must also complete an Incident and Hazard Report Form.
10. The Safeguarding team must oversee the Safeguarding Register in the Society's Integrated Risk

Management System.

11. The Service Manager, Team Leader, Regional Manager, or Program Manager must ensure reports are documented and escalated appropriately.
12. Any allegations that do not meet the ROSH threshold must be assessed to determine further action.
13. Address support needs of both the child/young person and the person who is the subject of the allegation.
14. The Safeguarding team will be the point of contact between the Society and the Office of the Children's Guardian.
15. If applicable, after the completion of the preceding stages, the matter will be reported by the Society to relevant statutory authorities including OCG and NDIS Quality & Safeguards Commission.

## Appendix 4 Responding to Child Protection allegations against Employees, Members and Volunteers Procedures

This procedure must be used for allegations of misconduct, abuse or failure to comply with mandatory reporting obligations from Society Personnel towards a child or young person engaged in Society program or service.

If the allegation involves a child or young person in an NDIS service, there are additional reporting obligations outlined in Appendix 5.

1. Personnel must manage and report incidents according to the Society's Incident Management Policy. Personnel must:
  - a. report the incident to their Manager or Supervisor and Safeguarding team
  - b. document the allegation or concern, using the digital Safeguarding Notification Form OR
  - c. document the allegation or concern, using the manual form:
    - i. for children and young people send the form to [childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au)
    - ii. for vulnerable adults send the form to [safeguarding@vinnies.org.au](mailto:safeguarding@vinnies.org.au)
2. All Safeguarding Notification forms are recorded in the Safeguarding Register and managed in the Society's Integrated Risk Management System (IRMS).
3. Personnel will always ensure that any potential risk of significant harm concerns towards children and young people are reported to Department of Communities and Justice (DCJ), where required, and all criminal matters are reported to the Police or DCJ immediately.
4. Where a Police or DCJ investigation is required, Personnel must await the outcome of the Police or DCJ investigation before the Society conducts an internal investigation of an allegation of reportable conduct.
5. The Chief Executive Officer (CEO) must be notified immediately of allegations of reportable conduct from a member, volunteer or employee towards a child or young person.
6. The CEO must notify the OCG of all allegations of reportable conduct within 7 days, to enable the OCG to conduct their investigation. If the allegation involves a child or young person in an NDIS service, see Appendix 5 for additional reporting obligations.
7. The Safeguarding Team must conduct a risk assessment which considers and documents the risk to the safety and well-being of the alleged victim, other children/young people, the involved employee, member, volunteer and the reputation of Vinnies and the integrity of the investigation.

8. While the primary concern of the Society at all times is the safety and care of children and young people, Society Personnel must take all reasonable steps to adhere to the principles of procedural fairness and natural justice so that the privacy and dignity of all involved may be considered and maintained.
9. Personnel will always ensure that any potential risk of significant harm concerns are reported where required and in the case of a criminal matter that Police are also informed immediately.
10. The Society must investigate allegations or convictions of “reportable conduct” or allegations of “misconduct which may involve reportable conduct” that are made against its members, volunteers and employees pursuant to child protection legislation.
11. A formal investigation including an investigation plan and investigation report that are document and approved must always occur if the incident is a “reportable conduct allegation”.
12. An investigator will be assigned to manage the investigation, according to the Incident Management Policy. The Safeguarding Team will have oversight of any incident’s investigations involving harm or abuse of children, young people or vulnerable adults. The Safeguarding Team must be advised as soon as possible after an allegation is made
13. Where a member is the subject of an investigation, the relevant Central Council President must be informed that an investigation is to be undertaken and must be further advised of the investigation outcomes. Where an investigation concerns a Central Council President, the State Council President must be informed.
14. Where a Board Director, CEO, Senior Manager, or member of the Vinnies Safeguarding team is the subject of an allegation, an external, independent investigator will be engaged to conduct the investigation.
15. If in conflict, the legislative requirements set out by the Children’s Guardian Act 2019 shall supersede any Society policy requirement.
16. For incidents that involve misconduct, fraud, or allegations of abuse or neglect, the Director or Regional Director must:
  - consider and implement the appropriate action such as removal, temporary redeployment, or relocation of the person against whom an allegation has been made while a risk assessment is completed
  - seek advice from the Employment Relations Partner if the allegation involves a members, volunteer or employee and the Safeguarding Team
  - contact the Safeguarding Team and ensure a Safeguarding Notification Form is completed
  - manage the allegation according to the relevant procedure (*Refer to Flow Chart 3 Internal Notifications and Table 1-Investigations*).
17. The risk assessment must consider the risk the person involved in the investigation poses to:
  - the child/young person who is the alleged victim
  - other people we assist
  - themselves
  - the organisation

- the investigation process (considering the risk once an allegation is made, during an investigation and at the end of the investigation).
18. If an investigation is conducted into an incident involving a Society member, the Central Council President must be informed before the investigation commences and advised of the investigation outcomes.

## Stages in the conduct of an investigation of an allegation of reportable conduct and serious misconduct

19. The staged response by the Society to allegations of reportable conduct against members, volunteers and employees is known as “relevant proceedings”. There are five stages in a proper response to allegations of reportable conduct and misconduct involving members, volunteers and employees.
20. The Safeguarding team will have oversight of any reportable conduct investigations. The Safeguarding team must be advised as soon as possible after an allegation is made.

### Stage One: Initial Response to an allegation

21. The following steps must be taken as part of the Society’s initial response to any allegation that is about a member, volunteer, employee or conduct towards a child or children:
- clarify the allegation – exactly what has been alleged. Who, what, when, where etc? Do not commence investigation at this time. Focus on clarifying the key elements of the allegation.
22. Society Personnel who receive the disclosure or witness the incident must:
- report the incident to their Manager or Supervisor and Safeguarding team
  - document the allegation or concern, using the digital Safeguarding Notification Form OR
  - document the allegation or concern, using the manual form for children and young people send the form to [childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au)
  - if the abuse or harm was connected to the delivery of the Society’s programs, services or activities you must also complete an Incident and Hazard Form.
23. The Safeguarding team oversee all Safeguarding Notification forms in the Safeguarding Register.
- The Manager or Team Leader must ensure reports are documented and escalated appropriately.
  - Assess whether or not a child or young person is at risk of significant harm, and if so, make a report to Department of Communities and Justice.
  - Consider whether or not the allegation may constitute a criminal offence and if so, make a report to the police before taking further action (seek advice from police as to what the Society can and cannot do).
  - Any allegations that do not meet the ROSH threshold, must be assessed to determine if

they constitute a breach of Society policy or Code of Conduct.

- All allegations, regardless of whether they meet the ROSH threshold, must be reported to the Safeguarding team and to the CEO.
  - Assess any possible risks posed by the member, volunteer or employee to children and take any necessary interim action to ensure the safety and wellbeing of children. This may include changed duties or a suspension during the investigation process.
  - Assess whether or not the allegation relates to 'reportable conduct'; and if so ensure that a report is made to the Office of the Children's Guardian within 7 days of Head of Agency becoming aware of the allegation.
  - Consider who else needs to be notified about the allegation as well as what to tell others who are not involved but aware (e.g., parents, other employees). Remind all parties of the sensitivity of the situation and of confidentiality requirements.
  - Address support needs of both the child and the person who is the subject of the allegation.
  - Develop a plan for the investigation based on the outcomes and decisions of these.
24. The Safeguarding Notification form will be recorded in the Society's Integrated Risk Management System and overseen by the Safeguarding Team.
25. The Safeguarding team will be the point of contact between the Society and the Office of the Children's Guardian.

### Stage Two: Investigative stage

26. The Safeguarding team must oversee or manage any reportable conduct investigations. The Safeguarding team must be advised as soon as possible after an allegation is made.
27. An employee from the Safeguarding team must be allocated to the investigation if they:
- have completed an accredited investigation training course, and
  - do not have or be perceived to have a conflict of interest or bias regarding the incident or people involved.
28. An external investigator must be appointed:
- if the allegation is against a Board Director, State Council Member, CEO, Senior Manager, or member of the Vinnies Safeguarding team, and
  - only with the approval of the Executive Director, Corporate Services.

### Stage Three: Determination of a "preliminary finding"

29. Based on the investigator's report, the Executive Director, Corporate Services will make a "preliminary finding" as to whether, on the balance of probabilities, the allegation(s) of reportable conduct is (are) sustained, not sustained or false, or another of the outcomes listed. The Society will then set out proposed reporting to the Office of the Children's Guardian (OCG) and any appropriate disciplinary action.

## Stage Four: Final finding

30. After there has been a reasonable opportunity for the member, volunteer or employee to respond to the preliminary finding, either confirmation of the preliminary finding as final or review of the investigation will occur, as applicable.
31. The investigation and investigation report must be completed within 25 working days from the date an investigator is assigned. If the investigation cannot be resolved within this timeframe, the investigation must be escalated to the Executive Director as soon as possible to ensure the Society can meet its ROSH reporting obligation of 30 days.
32. The investigation report must document the outcome of the investigation including whether there will be any disciplinary action taken (including reasons for taking or not taking such action). A documented risk assessment (with risk mitigation strategies) must be developed at the conclusion of the investigation and approved by the Safeguarding team and Executive Director, Corporate Services.

## Stage Five: Reporting and disciplinary action

33. An interim or final report must be made to the OCG within 30 days of the initial notification. The Society is also responsible for implementing any appropriate disciplinary action.

## Procedural fairness

34. During the conduct of “relevant employment proceedings”, the requirements of procedural fairness specify that the member, volunteer or employee has:
  - a. A right to an impartial decision
    - The Investigators and other decision-makers should conduct all aspects of the process in an impartial and objective manner without prejudging the matters under consideration.
    - The member, volunteer or employee should be given an unbiased hearing of his/her responses both to the matters alleged and to any proposed adverse finding or recommended disciplinary action.
  - b. A right to be heard
    - Prior to being interviewed, members, volunteers and employees should be advised of the allegation in as much detail as possible to enable them to respond and should be provided with a summary of the employer’s current investigation process and/or a copy of this document.
    - Members, volunteers and employees should be provided with reasonable notice regarding arrangements for any interview regarding the allegations, although they may waive the notice period and request the interview proceed at a mutually acceptable earlier time.
    - Members, volunteers and employees should be advised of their right to have a support person present at any interview.
    - Members, volunteers and employees should be advised of the names of the people who have been appointed by the employer to conduct the investigation. Any actual or



perceived conflicts of interest should be addressed by an open and transparent process. If such concerns are not resolved, it may be advisable to appoint an alternative investigator.

- During the investigation phase (Stage Two) of the process, members, volunteers and employees should be provided with sufficient information to enable a response to each allegation.
- Members, volunteers and employees should be provided with reasonable opportunities to respond to the allegations whether at interview and/or in writing.
- Members, volunteers and employees should be advised of and given an opportunity to comment upon any proposed adverse finding and on any proposed report to the Office of the Children’s Guardian and disciplinary action (“preliminary finding stage” – Stage Three). The personnel’s comments should be considered prior to the final determination of the findings and disciplinary action.
- Normally at the preliminary finding stage, but at any stage in the process, the concerned member, volunteer or employee may access the investigation file, and shall be informed of this right.
- Members, volunteers and employees and parents have the right to complain to the Office of the Children’s Guardian if they are not satisfied with the agency’s response to their complaint about the outcome or the way the agency investigation was conducted.

## Appendix 5 Responding to Reportable Incidents in an NDIS Service

This procedure must be used for a reportable incident in relation to a child or young person in a Society/ NDIS Service.

If the incident also involves an allegation about an employee, member or volunteer, this procedure should be applied in conjunction with Appendix 4 and is reportable to both the NDIS Quality & Safeguards Commission and the OCG.

The incident must be managed and reported according to the Society's Incident Management Policy. Society Personnel must take appropriate actions to respond to an incident, complete the Incident Report Form and submit to their manager.

Any reportable incident that has occurred, or is alleged to have occurred, **in connection with the NDIS supports or services** must be notified to the NDIS Quality & Safeguards Commission within set timeframes.

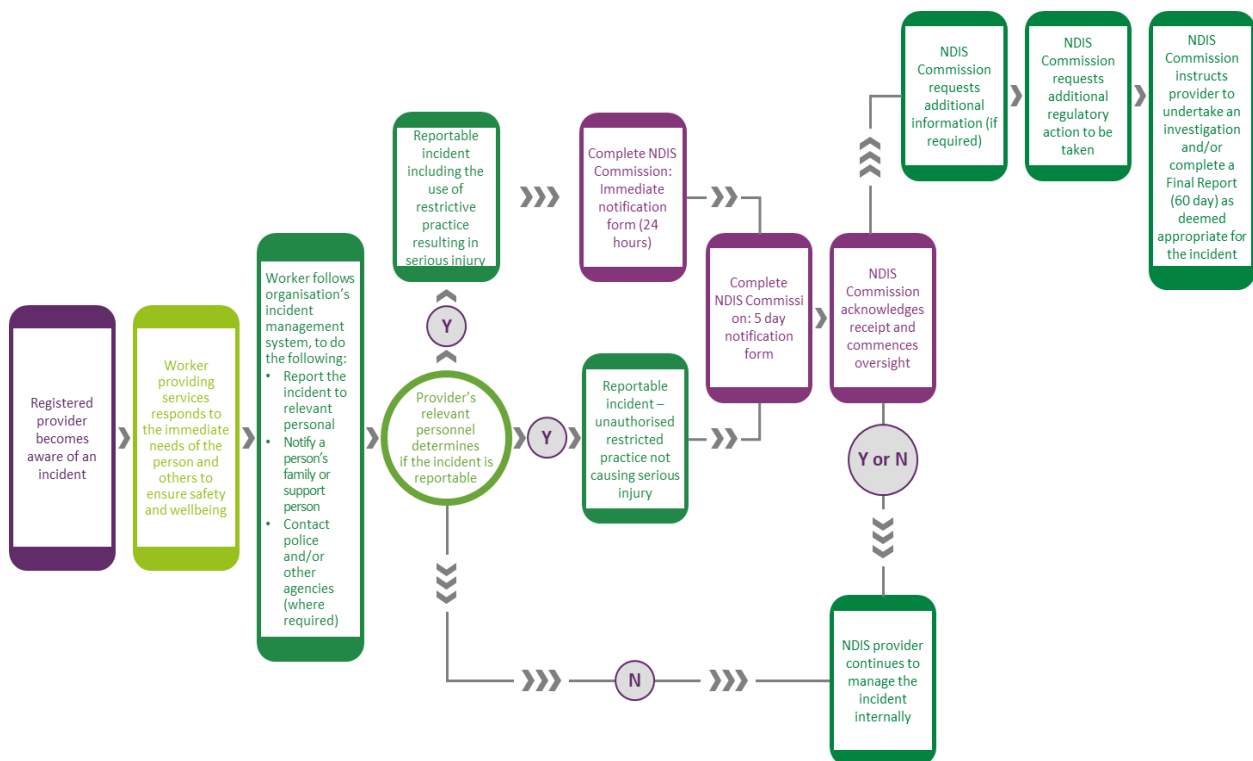
### What to report and when to report it

- report the death of a person with a disability **within 24 hours**
  - report the serious injury of a person with a disability **within 24 hours**
  - report abuse or neglect of a person with a disability **within 24 hours**
  - report unlawful sexual or physical contact with, or assault of a person with a disability **within 24 hours**
  - report sexual misconduct committed against, or in the presence of, a person with a disability, including grooming of the person for sexual activity **within 24 hours**
  - report the use of unauthorised restrictive practice in relation to a person with disability **within 5 business days.**
1. Clarify the allegation – exactly what has been alleged. Who, what, when, where etc.? Do not commence investigation at this time. Focus on clarifying the key elements of the allegation.
  2. Notify your Service Manager, Team Leader, Regional Manager or Program Manager.
  3. Notify the Director, of the relevant Vinnies Services Directorate and the Executive Director of Vinnies Services.
  4. Notify the Safeguarding team 1800 4 SUPPORT (1800 478 776) as soon as possible after an allegation is made. The Safeguarding team will oversee any further enquiries or investigations and will inform the CEO.
  5. As soon as practicable, Society Personnel who received the disclosure or witnessed the incident must:
    - a. document the allegation or concern, using the Safeguarding Notification Form
    - b. send the Child Protection Safeguarding Notification Form to <mailto:childprotection@vinnies.org.au>
  6. Society Personnel must report any potential risk of significant harm concerns to the Department of Communities and Justice (DCJ).
  7. Society Personnel must report all criminal matters to the Police immediately, as part of the immediate incident response, or as soon as possible after becoming aware that a crime has been committed.
  8. The Vinnies Services Directors and Executive Director are the **Authorised Reportable Incident Approvers.**

9. The Senior Managers, Vinnies Services who have been delegated with this responsibility are the Society's **Authorised Reportable Incident Notifiers**.
10. Conduct a risk assessment which considers and documents the risk to the safety and well-being of children and young people, including the alleged victim, the alleged perpetrator, staff, other people we assist, the organisation. Refer to Safeguarding Risk Template. Insert hyperlink to Staff portal
11. Where a Police or DCJ investigation is required, the Society must await the outcome of the Police or DCJ investigation before the Society conducts any further enquiries or investigations.
12. Consider who needs to be notified about the allegation as well as what to tell others who are not involved but aware (e.g., parents, employees). Remind all parties of the sensitivity of the situation and confidentiality requirements.
13. The Safeguarding team must oversee all Safeguarding Notification forms in the Safeguarding Register, within the Society's Integrated Risk Management System.
14. The Manager, Team Leader, Regional Manager or Program Manager must ensure reports are documented and escalated appropriately.
15. Address support needs of both the child and the person who is the subject of the allegation/ incident.

## **Reporting via the NDIS Portal**

### *Process for notification of reportable incidents*



## **Investigation:**

16. The Society may choose, or the NDIS Commission may direct the Society to engage an external investigator to undertake the investigation.
17. Both internal and external investigators need to be appropriately qualified to conduct serious investigations of this sort, including investigating serious incidents that may involve a criminal element.

18. Any investigation must include:
- whether Society policies and procedures have been followed
  - whether the incident could have been prevented
  - how well the incident was managed and resolved
  - whether any systemic performance or management issues arise
  - what, if any, remedial action needs to be undertaken to prevent further similar incidents from occurring, or to minimise their impact
  - whether other persons or bodies need to be notified of the incident.
19. The NDIS Commission may provide, or require the Society to provide, information on the progress or outcome of an investigation to the parents / carer or a representative of the child or young person who was involved in the reportable incident.

### **Corrective action**

20. Corrective steps may include, but are not limited to:
- disciplinary action or dismissal
  - training or education of workers
  - modification of the environment
  - development or amendment of a policy or procedure
  - changes to the way in which supports, or services are provided
  - practice improvements
  - temporary or permanent suspension of service
  - opportunities for continuous improvement.

### **Final report**

20. In certain circumstances, the Society can be required to give the NDIS Commission a final report with information about any internal or external investigation or assessment that has been undertaken in relation to the reportable incident, including:
- the name and position of the person who undertook the investigation
  - when the investigation was undertaken
  - details of any findings made
  - details of any corrective or other action taken after the investigation
  - a copy of any report of the investigation or assessment
  - information about whether persons with disability impacted by the incident (or their representative) have been kept informed of the progress, findings and actions relating to the investigation or assessment
  - any other information required by the NDIS Commission
21. The final report needs to be provided to the NDIS Commission within 60 business days following the initial notification. The NDIS Commission may extend the period for providing the final report.

## Record Keeping

22. The Society must maintain a record of the incident in the incident management system according to the Society's Incident Management policy. The record must include:
- description of the incident – including the impact on, or harm caused to, any person
  - nature of the incident – details of whether the incident is a reportable incident
  - details of the incident – if known, the time, date and place at which the incident occurred or if not known, the time, date and place at which the incident was first identified
  - assessment and investigation – detailed assessment of the incident or allegation, detailed plan of how the investigation will be conducted, details of all interviews and decision made regarding the outcome of the investigation
  - contact details – the names and contact details of the persons involved in the incident and any witnesses to it
  - initial Response and follow up – the actions taken in response to the incident and changes to support continuous improvement
  - consultations – record of any consultations with the child or young person or their parent, guardian or support person affected by the incident and whether the person has been given reports or findings regarding the incident.

## Documentation and Record Keeping

23. The Safeguarding team on behalf of the CEO must ensure that:
- all documents relating to allegations of reportable conduct against members, volunteers and employees are dealt with and stored confidentially
  - all documents relating to allegations of reportable conduct against members, volunteers and employees will be retained indefinitely
  - all documents relating to allegations of reportable conduct against members, volunteers and employees will be stored in the Safeguarding Register and in the "Reportable Conduct" File in the Safeguarding Folder on Microsoft 365 SharePoint
  - information regarding notifications to the Office of the Children's Guardian will be stored confidentially in a secure location and kept indefinitely.

## Appendix 6: National Principles for Child Safe Organisations

The [National Principles for Child Safe Organisations](#) (National Principles) give effect to recommendations of the Royal Commission relating to the child safe standards and provide guidance on key actions and performance measures in implementing the standards. They provide a nationally consistent approach to cultivating organisational cultures and practices that foster child safety and wellbeing across all sectors in Australia.

National Principles for Child Safe Organisations:

- 1) Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- 2) Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- 3) Families and communities are informed and involved in promoting child safety and wellbeing.
- 4) Equity is upheld and diverse needs respected in policy and practice.
- 5) People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- 6) Processes to respond to complaints and concerns are child focused.
- 7) Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- 8) Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- 9) Implementation of the national child safe principles is regularly reviewed and improved.
- 10) Policies and procedures document how the organisation is safe for children and young people.

## Appendix 7 The Child Safe Scheme & NSW Child Safe Standards

The Child Safe Scheme requires organisations to embed the Child Safe Standards as the primary framework that guides child safe practice. The Scheme provides the Children’s Guardian with powers to monitor the implementation of the Child Safe Standards, and to investigate complaints and concerns about a child safe organisation’s implementation of the Child Safe Standards.

- 1) Child safety is embedded in organizational leadership, governance and culture
- 2) Children participate in decisions affecting them and are taken seriously
- 3) Families and communities are informed and involved
- 4) Equity is upheld and diverse needs are taken in to account
- 5) People working with children are suitable and supported
- 6) Processes to respond to complaints of child abuse are child focused
- 7) Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education training
- 8) Physical and online environments minimise the opportunity for abuse to occur
- 9) Implementation of the Child Safe Standards is continually review and improved
- 10) Policies and procedure document how the organization is Child Safe

## Appendix 8 National Catholic Safeguarding Standards

The National Catholic Safeguarding Standards are designed to be implemented by all Catholic entities, ministries and organisations across Australia.

They constitute a framework which articulates requirements for Catholic entities to promote the safety of children through the implementation of policies and activities to prevent, respond to and report concerns regarding child abuse.

They are designed to drive cultural and behavioural change and promote accountability and transparency of Catholic Church leaders and their ministries and entities.

The standards require that Catholic entities, ministries and organisations have:

1. strategies to embed an organisational culture of safeguarding, through effective leadership and governance
2. strategies to ensure children are informed about their rights, participate in decisions affecting them and are taken seriously
3. strategies to ensure families, carers and communities are informed and involved in promoting child safeguarding
4. strategies to ensure equity is upheld and diverse needs of children are respected
5. recruitment, screening, supervision, support and other human resource practices which reduce the risk of child abuse and ensure people working with children are suitable and supported to implement child safeguarding values in practice
6. processes for raising concerns and complaints which are responsive, accessible and used by children, families, carers and communities
7. training and education which equips personnel with knowledge, skills and awareness to keep children safe
8. strategies to identify and reduce or remove risks in both physical and online environments
9. processes for regularly reviewing and improving safeguarding systems and practices
10. policies and procedures which underpin and articulate safeguarding across the entity.

The 10 National Catholic Safeguarding Standards are taken directly from the Royal Commission into Institutional Responses to Child Sexual Abuse's final report, Volume 6.



## Appendix 9: Statement of Commitment

1. The St Vincent de Paul Society is a lay Catholic organisation that values and respects the dignity of all persons, especially the most vulnerable in our community. Safeguarding children and young people so that they thrive in their families and communities, is a fundamental aspect of our work in providing a hand up to those facing adversity.
2. The Society strives to work with the wider community to prevent all forms of abuse against children and young people and to ensure that the inherent dignity, care and wellbeing of all children and young people is upheld.
3. The Society is committed to being a Child Safe Organisation and to continually assessing and evaluating its Child Safe strategies to ensure that we are vigilant in our work to support and protect children.
4. The Society will:
  - support and nurture all children and young people who come into contact with the Society
  - promote the rights, dignity and wellbeing of children and young people
  - enable children and young people to fully participate in the Society and in their local communities
  - ensure children and young people's safety and protect them from abuse and all forms of harm
  - always put the best interests of children and young people first.

## Appendix 10 Child Safety in Online Environments Guideline

1. These guidelines are for Society programs and services where we provide internet / computer access to children and young people and includes all personnel in those programs.

### Physical Locations of Devices

2. Where possible, computers and other devices should be used in an open environment where program or service personnel can supervise the activity.

### Accessing Wi Fi

3. Where Wi-Fi services are used, parental controls must be set to an age-appropriate level, to restrict adult and inappropriate content.

### Internet usage

4. A web filter tool must be used on all Society devices provided to children and young people. To determine which categories to filter, follow the NSW Department of Education standards <https://policies.education.nsw.gov.au/policy-library/policies/pd-2020-0471>. Although the following is not an exhaustive list, web filters on the devices will exclude the following:
  - Obscene digital material or pornography
  - Jokes, video clips, images, text, or other displays which contain material or words that negatively reflect on a particular race, gender, religion, colour, national origin, disability, sexual preference, marital status, or status as a parent or carer
  - Shopping
  - Mature adult material
  - Websites that support illegal or unethical activities
  - Anything that attempts to compromise the security of a device.
5. *YouTube* access should be locked on the devices. Note that the NSW Department of Education blocks *YouTube* access to students until Years 11 & 12 due to unfiltered and inappropriate content. *ClickView* and *Vimeo* – have educational content devised by Educators and IT Professionals - are suggested as alternatives by the NSW Department of Education. *YouTube Kids* is an appropriate alternative.

### Briefing

6. Children and young people accessing Society devices should be briefed inappropriate online behaviour. Briefs should be age-appropriate and should include:
  - Acceptable use of the device
  - Appropriate interactions with others / bullying
  - The importance of not sharing personal details, location etc.
  - Where to go if they need assistance or to report an issue
  - Appropriate sites and content
  - Consequences for breaches of the rules or guidelines

## Social media usage

7. All social media activity must comply with and adhere to the Society Code of Conduct, the Social Media Policy, the Society Privacy Policy and the Society Safeguarding Children and Young People Policy.

## Camera usage

8. Access to cameras should be locked unless a project specifically requires it.

## Storage of data

9. Devices provided to children and young people in our programs or services should not be used to store data or personal information of any kind.

## Security

10. Devices must not be left unattended in public places. After usage, all devices must be stored securely.
11. Devices are not to be taken home by children, young people or personnel.

## Passwords

12. Passwords should be chosen and managed by the Administrator, following Society IT process.
13. Passwords should only be provided on a need-to-know basis. Administrator passwords must not be shared.

## Incidents and breaches

14. An incident includes both:
  - security incidents - where it is suspected or confirmed there is a threat to Society's Information Services; and/or
  - an incident which is suspected or confirmed to compromise safety for a child or young person (in any way).

## Control Exceptions

15. All exemption requests must be reviewed and assessed for both IT security and child safety concerns and approved by the Director or Regional Director.

## Appendix 11 Guidelines for Sharing Information under Chapter 16A

Safeguarding children and young people so that they thrive in their families and communities, is a fundamental aspect of our work in providing a hand up to those facing adversity.

The Society strives to work with the wider community to prevent all forms of abuse against children and young people and to ensure that the inherent dignity, care, and well-being of all children and young people is upheld.

### Introduction to this guide:

The purpose of these guidelines is to provide Society Personnel information about Chapter 16A of *the Children and Young Person's Care and Protection Act 1988* (the Act).

Key policies for reference are [Safeguarding Children & Young People Policy](#) and [Privacy Policy](#).

For information, guidance and support speak with the Safeguarding team on **1800 4SUPPORT** (1800 478 776) or [childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au)

A [flowchart](#) and [template letters](#) for use with Chapter 16A requests can be found at the end of these guidelines.

### Chapter 16A Summary

1. Under *the Children and Young Persons (Care and Protection) Act 1998*, Chapter 16A allows information to be exchanged between prescribed bodies despite other laws that may prohibit or restrict the disclosure of personal information.
2. Chapter 16A sets out the conditions under which information exchange can occur and between whom (see [Types of information that can be exchanged under Chapter 16A](#) and [Prescribed Bodies](#)).
3. **Why is it important?** We may have certain information about a child or young person that makes us suspect that the child is at risk. Chapter 16A allows us to seek information from others so that we have a better understanding of the child's situation and are better able to assess the level of risk to the child. Like pieces of a puzzle, by sharing the pieces we each have, we can see the whole picture. (see [Four Principles of Chapter 16A](#)).
4. **When can it be used?** Society Personnel can apply for information under Chapter 16A if they believe that a child or young person's safety, welfare, or well-being is at risk. This applies to all levels of risk, including Risk of Significant Harm (the statutory threshold for reporting to the Department of Communities and Justice) or Risk of Harm. (see [Relationship to Risk of Significant Harm ROSH](#). Consent to share information is not required, but it is considered best practice to obtain consent wherever possible (see [Key points on consent and privacy](#)).
5. **Who can use it?** Prescribed bodies are any organisation specified in section 248(6) of the Act or clause 8 of the Children and Young Persons (Care and Protection) Regulation 2012.20. A list of prescribed bodies can be found [here](#). St Vincent de Paul Society NSW is considered a prescribed body under the legislation.
6. **How can it be used?** Information exchange can be:
  - requested or provided

- requested in writing (via email/ letter) or orally (phone/ in-person). However, our preference is that requests be completed in writing whenever possible to ensure the legitimacy and quality of the information exchange, including confirming the identity of the requesting party. (see [Responding to requests or providing information to exchange](#)).
  - provided voluntarily, without requiring a request. For example, when you hold information that relates to the safety, welfare, and well-being of a child and this information would be relevant to another agency that is providing a service to the child.
  - declined under some circumstances (see Decline to exchange information under Chapter 16A).
7. [Decline to exchange information under Chapter 16A](#), must be documented in case/ file notes. Any information exchanges relating to the concerns for the safety, welfare, or well-being of a child/ young person must be reported to your line manager and **1800 4SUPPORT**. This can be done via phone (1800 478 776) (Mon- Fri 8 am-4 pm) or email ([childprotection@vinnies.org.au](mailto:childprotection@vinnies.org.au)). See [Documentation](#).
8. **For more information:** Department of Communities and Justice (DCJ), 2020, 'Exchanging information related to child protection and wellbeing', accessed at <https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines/exchanging-information/chapters/chapter-16a>

## Relationship to Risk of Significant Harm (ROSH)

9. Information exchange may be sought:
- where there is sufficient concern/evidence to deem that the child or young person is at Risk of Significant Harm (ROSH)
  - when concerns/evidence do not meet the threshold for ROSH, yet assistance for the child/young person is required.
10. Therefore, Chapter 16A can be used even when there has not been a ROSH report about a child/ young person made to DCJ Child Protection Helpline/ Child Story Portal.
11. Society Personnel are required to follow The [Safeguarding Children and Young People Policy](#) and procedures for 'Identifying and responding to concerns of a child/ young person'.

## Four principles of Chapter 16A

12. DCJ (2020) state that organisations using Chapter 16A should be guided by four (4) principles:
- *“organisations that have responsibilities for children or young persons should be able to provide and receive information that promotes the safety, welfare or wellbeing of children or young persons*
  - *organisations should work collaboratively and respect each other’s functions and expertise*
  - *organisations should be able to communicate with each other to facilitate the provision of services to children and young persons and their families*
  - *the needs and interests of children and young persons, and of their families, in receiving services relating to the care and protection of children or young people takes precedence over the protection of confidentiality or of an individual’s privacy”.*

## Types of information that can be exchanged under Chapter 16A

13. Information that can be exchanged under Chapter 16A: must relate to the “safety, welfare or wellbeing of a child or young person or class of children or young persons (in compliance with legislation)” and will assist the requesting organisation to:
  - make a decision, assessment, or plan
  - initiate or conduct an investigation
  - provide service delivery
  - manage risk.
14. The information must already exist. An organisation cannot request that new information is gathered, or a new assessment is undertaken.
15. Information received from an agency through a Chapter 16A request can be forwarded to another organisation, if it is part of a separate Chapter 16A request received by the Society on the same child/young person.
  - For example, the Society has previously requested information from the Department of Education under Chapter 16A for a young person they are supporting. On a later occasion, a Youth organisation that is working with that same young person makes a Chapter 16A information exchange request to the Society. Information from both the Society and the Department of Education that is **relevant** to the Youth organisation’s Chapter 16A request can be provided.
16. When requesting or providing information, Society employees must ensure that the information exchange pertains to the 4 DCJ principles (see [Four principles of Chapter 16A See Responding to requests or providing information to exchange](#) and [Attachments](#) for DCJ Chapter 16A letter templates for requesting, providing, and refusing Chapter 16A information exchanges.

## Prescribed bodies

17. The Society is identified as a prescribed body under the legislation.
18. A prescribed body is any organisation specified in section 248(6) of the Children and Young Persons (Care and Protection) Act 1998 or clause 8 of the Children and Young Persons (Care and Protection) Regulation 2012. Generally prescribed bodies are:
  - NSW Police Force
  - a State government department or a public authority
  - a government school or a registered non-government school or a TAFE
  - a public health organisation or private health facility
  - an accredited adoption service provider
  - a registered community housing provider
  - a designated agency
  - a registered agency
  - a children’s service
  - any other organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly to children.
  - nurses (enrolled and registered)

- registered medical practitioners
- registered midwives
- registered psychologists
- occupational therapists (other than students)
- speech pathologists (eligible for membership of Speech Pathology Australia)
- an unborn child (if they have been the subject of a report to the Child Protection Helpline or a Child Wellbeing Unit).

## Key points on consent and privacy

19. Consent from the child, young person, or their family is not required to exchange information under 16A, however, it is best practice to work with families to try to obtain consent wherever possible.
20. Consent must be gained directly from children and young people, wherever possible, in an age-appropriate way.
 

*“Generally, children over the age of 12 are considered capable of understanding aspects of their privacy and information sharing issues. Younger children may also be able to express a view”. This, however, may vary with individual children including those with disabilities or other additional needs.” (DCJ 2020)*
21. In some circumstances obtaining consent or informing the child/ young person or family would **not** be appropriate. Such as:
  - where you believe it is likely to further jeopardise a child or young person’s safety, welfare, or wellbeing
  - where you believe it would place you or another person at risk of harm
  - where you are unable to contact a parent/carer and the matter is urgent

## Responding to requests or providing information to exchange

22. When responding to Chapter 16A:
  - assess that the information exchange is in line with the requirements of Chapter 16A (see [Types of information that can be exchanged under Chapter 16A](#)). The prescribed body requesting the information exchange must provide enough information to make this assessment and the Society must verify the legitimacy of the request, for example, identify the prescribed body over the phone.
  - all formal requests for Chapter 16 A should be in writing wherever possible. These requests must be approved by the Service Manager. If the Service Manager is unavailable the Safeguarding team at 1800 4SUPPORT can approve. Society Personnel must use DCJ’s Chapter 16A templates in [Attachments](#) section of these guidelines to make, respond or refuse requests for information exchange
  - information provided in Chapter 16A must be reviewed in relation to the specific request. Only information relevant to the request must be provided. Requests for full files to be submitted must be verified with Safeguarding and / or Legal teams. It is possible to refuse to provide information in some circumstances (see [Decline to exchange information under Chapter 16A](#)).
  - all Chapter 16A requests (verbal or formal) must be documented clearly in case/file notes in the relevant approved Society system e.g., SCIS.

- If the information exchange relates to immediate concerns for the safety and wellbeing of a child/ young person then the information exchange must also be reported to the Safeguarding team at 1800 4SUPPORT using the Safeguarding Notification Form (see [Documentation](#)).
  - Subpoena requests are different from Chapter 16A. Individuals and the organisation must follow appropriate procedures for subpoenas (see [Privacy](#) and Personal Information Requests policies). Subpoena requests must be approved through the Society's Legal Team.
23. Verbal or 'Informal' exchange of information under Chapter 16A can occur in some circumstances such as:
- timeliness of the information exchange is of importance e.g., prompt exchange is needed to manage risk for a child/ young person
  - information exchange may be needed to verify or confirm existing information
  - when there are agreements between organisations such as a Memorandum of Understanding.
  - written records of all verbal requests and exchanges must be documented in case/file notes.
24. A VOOHC Agency may release information to another prescribed body in the absence of a request for information where there are concerns for the safety, welfare and wellbeing of a child or young person. All proactive releases of information must:
- be approved by the Principal Officer or delegated Executive Director
  - be documented in case/file notes
25. When possible, it is best practice that consent be obtained from the person we serve (client) before sharing information. This is done so to support engagement and trust within the working relationship.
26. Further information is available at the Department of Communities and Justice website '[Checklist for providing information or responding to a Chapter 16A information request](#)'.  
<https://www.facs.nsw.gov.au/download?file=336192>

## Decline to exchange information under Chapter 16A

27. Under some special circumstances, the request for information exchange may be declined. These exemptions are contained in section 245D (4) of the Act.
28. An organisation is not obliged to provide any information requested if the organisation reasonably believes this would:
- prejudice the investigation of any contravention (or possible contravention) of a law
  - prejudice a coronial inquest or inquiry
  - prejudice any care proceedings
  - contravene any legal professional or client legal privilege
  - enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained
  - endanger a person's life or physical safety
  - prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating, or dealing with a breach (or possible breach) of a law, or
  - not be in the public interest.



29. Due diligence must be conducted to obtain relevant context and information before disclosing information under Chapter 16A. This includes discussing the request with your line manager.
30. When considering declining a request you must escalate to Service Manager for approval then contact the Safeguarding team to confirm that the decision does not make us non-compliant with Chapter 16A. Contact the Safeguarding team at 1800 4 SUPPORT or [child.protection@vinnies.org.au](mailto:child.protection@vinnies.org.au).

## Documentation

31. All Chapter 16A requests for and exchanges of information must be documented by:
  - using only Society approved systems to record case / file notes. Case/ file notes must adhere to the principles of being an 'impartial, accurate and complete' record of the information exchanged
  - storing copies of Chapter 16A letters and email correspondence in the people we serve (client) files (electronic or hard copies in your service)
  - submitting to the Safeguarding team at 1800 4SUPPORT using a Safeguarding Notification Form (CPNF) with relevant documentation if the exchange relates to immediate concerns for a child/ young person's safety, well-being, and welfare.

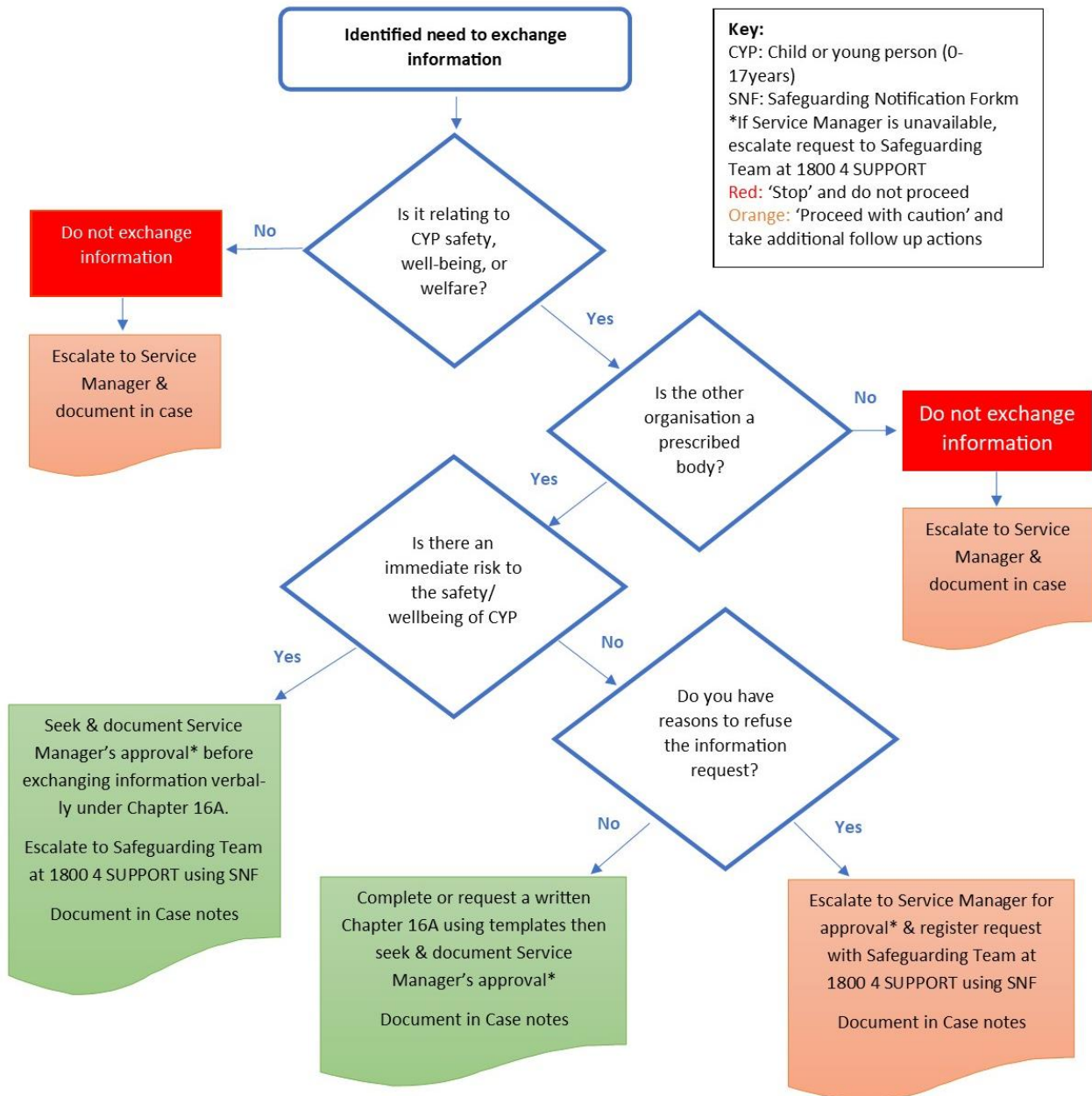
## Process for sharing Information under 16A:

32. On receipt of a request for information under 16A follow the process outlined in Attachment A.

## Attachments: DCJ Chapter 16A Templates:

- 32 See pages below letter templates, sections highlighted in yellow are to be edited for the specific Chapter 16A information exchange.
  - Attachment A- Chapter 16A Flowchart (p. 7)
  - Attachment B- Letter Requesting Information under Chapter 16A (p. 8-9)
  - Attachment C- Letter for Providing Information under Chapter 16A (p. 10-11)
  - Attachment D- Letter Declining a Chapter 16A Request (p.12-13)

# Attachment A- Chapter 16A Flowchart



Attachment B- Letter Requesting Information under Chapter 16A



Our ref: <no>

Date: <date>

<Requesting Officer Name>

<Title>

<Organisation>

<Address>

Dear <name>

**Re: Requesting information under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998***

Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 provides for the exchange of information regarding the safety, welfare or wellbeing of a particular child or young person or class of children or young persons.

<Requesting prescribed body> is requesting information from <providing prescribed body> on the basis that there is a lawful reason to do so, in accordance with the provisions of Chapter 16A.

This request is made in regard to: <name of child or young person>

Date of Birth:

Gender:

Information is also sought regarding the following persons:

Name	Gender	Relationship to child/young person	DOB	Other identifying information
<insert>	<(M/F)>	<insert>	<dob>	<insert>

This information is sought in relation to the following issues of concern held for the above mentioned child/young person or class of children or young persons:

<insert details as to how the information is relevant to the safety, welfare or wellbeing of the Unborn Child/Child/Class of Children/Young Person/Class of Young People>

This information is sought because it relates to the safety, welfare or wellbeing of the child or young person (or class of children or young persons) and will assist with:

- making a decision, assessment or plan
- initiating or conducting an investigation
- providing a service and/or
- managing a risk, to a child or young person that might arise in this agency's capacity as an employer or designated agency.

Specific information is requested in regard to:

- relevant current and/or historical concerns about safety, welfare or wellbeing of the child, young person or family
- current and/or past history of involvement with the child, young person and/or their family
- family/ relationship dynamics (if known)
- attitude of the child, young person and/ or family to agency/service involvement

- other details required

Please provide the requested information

- by phone
- by email
- by mail.

The information is required by <date>.

*Consent should be sought in regard to the exchange of information, where appropriate, and the person should be given adequate information in a manner and language they can understand. However, the Act authorises the exchange of information under Chapter 16A without consent.*

- The child/ young person/ family has consented to the release of information requested in this form by mail.

OR

- The child/ young person/ family has not consented to the release of information requested in this form by mail. The reason for this is:

- The child/ young person/ family has been informed of this request for information.

OR

- The child/ young person/ family has not been informed of this request for information. The reason for this is:

Contact details of the person making the request:

Name:

Title:

Organisation:

Phone:

Email:

Mailing Address:

Attachment C- Letter Providing Information under Chapter 16A



Our ref: <no>

Date: <date>

<Providing Officer Name>

<Title>

<Organisation>

<Address>

Dear <name>

**Re: Provision of information under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998***

Section 245C of the Act allows a prescribed body to provide information of their own accord to another prescribed body that relates to the safety, welfare or wellbeing of a particular unborn child, child, young person or class of children or young persons.

<Providing prescribed body> is providing the information enclosed with this letter on the basis that there is a lawful reason to do so, in accordance with the provisions of Chapter 16A.

The information provided is in regard to: <name of child or young person>

Date of Birth: <dob>

Gender: <(M/F)>

Information is also provided regarding the following persons:

Name	Gender	Relationship to child/young person	DOB	Other identifying information
<insert>	<(M/F)>	<insert>	<dob>	<insert>
<insert>	<(M/F)>	<insert>	<dob>	<insert>

This information is provided in relation to the following issues of concern held for the above mentioned child/young person or class of children or young persons:

<insert details as to how the information is relevant to the safety, welfare or wellbeing of the Unborn Child/Child/Class of Children/Young Person/Class of Young People>

This information is provided because the <providing prescribed body> believes it relates to the safety, welfare or wellbeing of the child or young person (or class of children or young persons) and would assist you with:

- making a decision, assessment or plan
- initiating or conducting an investigation
- providing a service and/or
- managing risk to a child or young person that might arise in your capacity as an employer or designated agency.

Should you decide, in accordance with Chapter 16A, to provide some or all of this information, either on your own motion or in response to a request from a prescribed body, the information can only be shared on a confidential basis in accordance with the processes and principles of Chapter 16A.

If the information is sought from you for any purpose other than those described in Chapter 16A, you should refer the requesting organisation to the original owner of the information.

Any information provided herewith is not to be used in any court or tribunal proceedings. Should the matter proceed to court, the information should be subpoenaed or summonsed.

If you require further information or wish to discuss the matter, please contact <Providing Organisation's Contact Officer's name> on <Providing Organisation's Contact Officer's phone number> during business hours, quoting the reference number above.

Yours sincerely

<Providing Organisation's Officer's name and title>

Enclosed: Information

## Attachment D- Letter Declining a Chapter 16A Request



Our ref: <no>

Date: <date>

<Requesting Officer Name>

<Title>

<Organisation>

<Address>

Dear <name>

**Re: Request for release of information under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998***

I refer to your letter/fax/email dated <date> in which you sought information from <responding prescribed body> under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (the Act) relating to the <name of child or young person> and <d.o.b>.

Sections 245D (4) and (5) allow a prescribed body to refuse to provide information in certain circumstances, with the reasons for the refusal to be given in writing.

In this instance, <responding prescribed body> has decided to withhold information for the following reason/s:

<insert reasons, with reference to section 245(D)(4)>

I trust you will accept <responding prescribed body> decision. However, if you wish to discuss this matter further, please contact <Responding Organisation's Contact Officer's name> on < Responding Organisation's Contact Officer's phone> during business hours, quoting the reference number above.

Yours sincerely

<Responding Organisation's Contact Officer's name and title>