

2. PREVENTING, RECOGNISING AND RESPONDING TO HARM AND ABUSE

2.1 PREVENTION AND PROTECTION PRACTICES

Safe Recruitment and Selection Practices

A key preventative strategy in safeguarding children and vulnerable adults is to make clear to all who are involved that it is a safe, protective and vigilant environment. Compliance with this strategy will be undertaken by the Diocesan Safeguarding Office and Human Resources through close monitoring and regular internal audits.

It is important that all possible steps are taken to prevent unsuitable people working in parishes/agencies. While the vast majority of people who want to work with children and vulnerable are well-motivated, effective recruitment and selection procedures will help identify the right people to work with children and vulnerable adults, and discourage those who are unsuitable from applying. It also means that potential workers are learning right from the beginning about the priorities, values and practices of the Diocese of Lismore when working with children and vulnerable adults.

When recruiting Diocesan workers, ensure safe practices by following the recommended steps of:

- having position descriptions for each role, which defines the positions, tasks, and the skills and experience required;
- asking the recommended child-related interview questions;
- ensuring the candidate is screened appropriately (including reference check, police check and Working with Children Check);
- presenting the selected applicant with an engagement letter/employment contract;
- completing an induction process with the new employee/volunteer;
- entering volunteers details into the volunteer register.

It is important to read this section in conjunction with the Diocesan *Recruitment Policy*, *Volunteer Engagement Policy* and *Working with Children Check Policy*. For further information and assistance, contact the Diocesan HR Manager.

Working with Children Checks

Under the *Child Protection (Working with Children) Act 2012* (NSW) (WWC Act), Working with Children Checks (WWCCs) are to be obtained by certain parish and agency workers before they can engage in child-related work. The WWCC is administered by the Office of Children's Guardian (Children's Guardian).

What is Child-Related Work?

Child-related work is work involving direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work, or the worker is engaged in work in a child-related role as designated by the WWCC Act (which includes religious services). Direct contact refers to physical or face-to-face contact, and the work may be paid or unpaid.

As part of our obligations, the Diocese of Lismore is required to verify that each of those workers whose role involves child-related work has a valid Working with Children Check prior to commencing their role. Failure to do so will attract a substantial fine.

A Working with Children Check involves screening of particular criminal offences and review of findings of workplace misconduct. The result of a Working with Children Check is either a clearance to work with children for five years or a bar against working with children. Cleared applicants are subject to employer verification and ongoing monitoring. Relevant new records may lead to the clearance being revoked. The Check is fully portable which means it can be used for any paid or unpaid child-related work in NSW for as long as the worker remains cleared.

It is the responsibility of the worker to apply for (and renew every **five years**) their own Working with Children Check and to provide the clearance number (prior to commencing work) to their relevant supervisor (e.g. parish priest, supervisor) for collection and verification purposes as well as for the storage of this information. A person cannot be at work without a clearance.

Some parent volunteers do NOT need a Working with Children Check. The legislation in NSW allows parents and other close relatives (such as siblings, grandparents, aunts, uncles) to volunteer in same day activities that involve their own children without needing a Working with Children Check. The exemption applies so that parents can participate in activities and events that their children may normally participate in. Further information regarding **exemptions** can be found at:

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/parent>

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/employer/who-needs-a-working-with-children-check>

Where an exemption applies to a Worker, the Diocese requires that Worker to complete a *'Declaration of those undertaking Ministry or Church-related activity in the Diocese of Lismore'*. This declaration can be found in Appendix 6 or within the Diocesan *Working with Children Check Policy*. The *Working with Children Check Policy* also identifies those roles that require a WWCC. The list is not exhaustive and the nature of the Worker's role may change so as to warrant a WWCC, therefore please seek advice from the Safeguarding Office and Human Resources if you are unsure whether a Worker requires a WWCC.

Some people may play multiple roles within a parish. If any of those roles, whether paid or unpaid, involve child-related work, then those Workers will need to obtain a Working with Children Check which will need to be verified by the parish priest.

For recording and auditing purposes, it is important to ensure a current electronic **Working With Children Check Register** of those involved in child-related activity. The Working With Children Check Register should contain the following information:

- i. WWCC verification
- ii. Role/Ministry
- iii. Safeguarding Induction completed
- iv. Safeguarding training completed

A sample register can be found in *Appendix 7 – Working With Children Check Register*.

The safety and wellbeing of children and the vulnerable in our parish environments is paramount. It is of the utmost importance that workers in roles of responsibility and trust in our parishes are of sound character and are people we feel confident can be identified by our children and adults alike as trustworthy people within the Church.

A WWCC is only one safeguarding strategy that we use to protect children. However, it is a significant first step for any role that may come into contact with children, as well as sending out a powerful message that the Diocese of Lismore will take all necessary steps to ensure that those with predatory intentions are prevented from harming the vulnerable in our Church communities.

Resources:

- *Appendix 1 – Sample interview questions and red flags*
- *Appendix 2 – Sample reference check questions and red flags*
- *Appendix 3 – Screening of persons working with children flow chart*
- *Appendix 4 – Frequently Asked Questions: Working with Children Checks*
- *Appendix 5 – Working with Children Check Checklist for Parishes*
- *Appendix 6 – Declaration of those undertaking ministry or church-related activity in the Diocese of Lismore*
- *Appendix 7 – Working with Children Check register*

National Police History Check

Workers may be required to complete a National Police History Check (**NPHC**) prior to and during their engagement with the Diocese in Lismore in order to:

- Minimise the risk of appointing a Worker to a role where the inherent requirements of the role mean that the role is not suited to a person with a particular background or history;
- Promote a safe Church environment;
- Protect the people, property and reputation of the Diocese;
- Mitigate risk to the Diocese.

Where a NPHC is required by the Diocese, the current or prospective worker must provide their own NPHC (dated within the last six months) or apply for a NPHC by completing and submitting a Catholic Commission for Employment Relation (CCER) Nationally Coordinated Criminal History Check Application and Informed Consent Form:

- a) Consenting to the NPHC being undertaken; and
- b) Produce the required identification documentation to allow the NPHC to be processed.

In certain positions, NPHC are required to be undertaken at least every three years from the date of appointment or the date of transfer to the worker's current role. For additional information, refer to the Diocese of Lismore *National Police History Check Policy*.

Training and Support

We have a responsibility to ensure that the environments we work in are safe for ourselves and for those we work with. Safeguarding training is one way to uphold our commitment and dedication to safeguard all those within our community, and is one example of how the Diocese is fostering our commitment to the Royal Commission's Child Safe Standard 7 '*staff are equipped with the knowledge, skills and awareness to keep children safe through continual training and education*'.

The Safeguarding Office provides mandatory training for workers including clergy, religious, employees and volunteers. Safeguarding training ensures that all who work and volunteer within the Diocese of Lismore are aware of their safeguarding and child protection obligations in line with current legislative, regulatory and policy requirements. It is expected workers undertake safeguarding training relevant to their role and responsibilities to ensure compliance is maintained within the Diocese.

Clergy and Seminarians

Clergy with faculties ministering within the Diocese of Lismore and Seminarians	
All clergy who have faculties and who minister within the Diocese of Lismore, and seminarians, are required to undertake the following annual mandatory training.	
Training Required:	<ul style="list-style-type: none">• Level 1 Safeguarding Training• Level 2 Safeguarding Training• Level 3 Safeguarding Training• Ongoing annual Safeguarding Training
Delivered by:	Safeguarding Office

Other Religious (Brothers, Religious women)

Other Religious ministering within the Diocese of Lismore	
Training Required:	<ul style="list-style-type: none">• Level 1 Safeguarding Training• Level 2 Safeguarding Training• Level 3 Safeguarding Training• Ongoing annual Safeguarding Training
Delivered by:	Safeguarding Office

Parish Employees and Volunteers

Parish Employees and Volunteers within the Diocese of Lismore	
Training Required:	<ul style="list-style-type: none">• Safeguarding Induction• Level 1 Safeguarding Training• Ongoing annual Safeguarding Training
Delivered by:	Safeguarding Office

In addition to Safeguarding training, those clergy involved with schools are required to complete annual Self-Administered Legal Training (**SALT**). Modules include:

- Child Protection
- Discrimination, Harassment and Bullying

If relevant clergy require assistance with access details, or clarification on training requirements, please contact the Safeguarding Office via safeguarding@lismore.catholic.org.au

Visiting Clergy and Religious

In order to carry out a public ministry in the Diocese of Lismore, visiting clergy or religious to the diocese are required to be compliant with both Civil Law and Church requirements. Therefore, all clergy and religious from outside the diocese who wish to provide a ministry and/or religious services in the Diocese of Lismore are required to submit necessary documentation to the Chancery, and receive confirmation of clearance, prior to undertaking any ministry and/or religious service in the diocese.

On receipt of the required documentation and prior to the planned visit, the Chancery will review the information provided and once the relevant verifications are completed, the Chancery will issue a confirmation email to:

1. the visiting clergy and/or religious; and
2. parish priest where the visit will take place,

to advise of your clearance to perform ministry in a parish/with a religious movement/group at a certain date and time.

To view the *Visiting Clergy and Religious* protocol, and associated forms, please visit <https://www.lismorediocese.org/visiting-clergy-religious-protocol/>

For any questions you may have regarding Diocesan requirements, or for further information, please email the Chancery at chancery@lismore.catholic.org.au or phone 02 6622 0407.

Visiting Clergy/Religious Register

Part of providing a safe environment for children and vulnerable adults includes knowing who is visiting your parish and registering this for future reference if necessary. Visiting clergy or religious are therefore required to sign the *Visiting Clergy/Religious Register* found in *Appendix 8* to declare their presence on a particular time and date. Additional information to be recorded in the register includes:

<ul style="list-style-type: none">• Date of arrival	<ul style="list-style-type: none">• Date of departure
<ul style="list-style-type: none">• Name of priest/religious	<ul style="list-style-type: none">• Diocese
<ul style="list-style-type: none">• ACMR # or Toward Healing Clearance from Diocese	<ul style="list-style-type: none">• WWCC number
<ul style="list-style-type: none">• Purpose of visit	<ul style="list-style-type: none">• Signature of visiting priest/religious

Please note: Parishes are to retain the *Visiting Clergy/Religious register*. This register is to be sent to the Safeguarding Office twice per year, at the end of every six month period (1 January / 1 July).

For support or further information regarding the Visiting Clergy/Religious register, please contact the Safeguarding Office via email at safeguarding@lismore.catholic.org.au or phone 02 6621 9444.

Record Keeping and Sharing

Childrens' and vulnerable adults' rights to safety and wellbeing should be prioritised over other concerns. The creation of accurate records and the practice of good record keeping have an important role in identifying, preventing and responding to child and vulnerable adult abuse.

Records are also important in alleviating the impact for survivors of abuse. Inadequate records and recordkeeping has led to delays in or failures to identify and respond to risks and incidents and contributed to the distress and trauma for survivors of abuse.

The Royal Commission into Institutional Responses to Child Sexual Abuse's final report, *Volume 8, Recordkeeping and Information Sharing*, recommends that all institutions implement the five following principles underpinning good recordkeeping:

- 1) creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture;
- 2) full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse;
- 3) records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately;
- 4) records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy;
- 5) individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.

The Diocese of Lismore requires detailed and up-to-date records relating to children and vulnerable adult issues to be kept at parishes and agencies to assist with any future child, or vulnerable adult, protection queries or investigations. The Diocese accepts that:

- good recordkeeping practices and accurate records can contribute to better outcomes in complaints handling, redress and criminal proceedings; and
- these principles are intended to promote safety, institutional accountability and just outcomes for victims and survivors child sexual abuse.

In addition to sexual abuse, the Diocese accepts these principles as being applicable to all forms of child or vulnerable adult abuse including physical abuse, neglect, emotional (psychological) abuse and grooming.

Maintaining Appropriate Records

All workers have an obligation to maintain appropriate records and data in relation to their professional practice in the care and protection of children, young people and vulnerable adults.

A record services an essential administrative, legal and historical purpose. Records can include emails, electronic documents, digital image and audio recordings, meeting minutes, correspondence, statements, records of interviews, files, forms, plans, drawings, notes, photographs and films/videos.

The responsibility to create and maintain appropriate records of professional activities and decisions in the care and protection of children, young people and vulnerable, includes contemporaneous records of any disclosure, observations and discussions. Workers should be mindful of the need to retain such records securely in physical and/or digital environments where they will not be subject to alteration or corruption.

While records relating to allegations of child abuse, safeguarding complaints or the operations or procedures of the Diocese, parish or agency, must be retained under relevant legislation for a period of 45 years, it is policy of the Diocese to retain these records **indefinitely**.

The parish priest/supervisor/manager has a responsibility to ensure that workers who report to them comply with their records management obligations.

Confidentiality and Privacy

The Diocese of Lismore and its agencies collect and store confidential and personal information about children, vulnerable adults, families and workers. Any misuse of confidential and personal information, whether intentional or reckless, is inconsistent with the policy, mission and ethos of the Diocese. Such misuse might not only be harmful, but may also be unlawful.

It is expected that workers will:

- treat confidential and personal information about children, vulnerable adults, families, or other workers respectfully;
- exercise caution and sound judgement in discussing other people's confidential and personal information;
- comply with relevant laws and regulations regarding the collection, dissemination, use and security of all such information;
- only use such information for work-related and/or authorised purposes;
- only communicate such information to those who need to know in order to perform their role.

Please also refer, and adhere to, the *Diocesan Privacy Policy*

Resources:

- *Appendix 8 – Visiting Clergy/Religious Register*
- *Appendix 9 – Protocol: Storing and Sharing Safeguarding Records*
- *Appendix 10 – Factsheet: Storing and Sharing Safeguarding Records*