



## Protocol: Keeping and Sharing Safeguarding Records

This protocol sets out the requirements of the relevant legislation and recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse, regarding keeping safeguarding records. It also outlines the Diocese's expectations of Clergy, Religious Appointees, Employees, Volunteers and contractors with regard to creating and retaining safeguarding records.

### Key Obligations

It is essential that full and accurate safeguarding records are kept to comply with legislation and assist with any safeguarding queries or investigations that arise in future. It is the policy of the Diocese that all safeguarding records should be permanently retained.

#### 1 What are 'safeguarding records'?

- 1.1 For the purposes of this protocol, safeguarding records are all records of information that relate to:
- a) Children who are involved with the Parish or Agency;
  - b) the employment or engagement (as a Volunteer, contractor or otherwise) of persons working with Children and/or Adults at Risk, including screening of those persons;
  - c) the Safeguarding Office's child protection and safeguarding training (including attendance records); and
  - d) any Safeguarding Complaint relating to a Child or Adult at Risk, whether or not that complaint or concern:
    - i) has been reported to the NSW Police, NSW Office of the Children's Guardian, the Department of Communities and Justice or other statutory body; or
    - ii) has otherwise been reported to the Vicar General/Safeguarding Office.

#### 2 Obligations to keep and share records

- 2.1 The *Child Protection (Working with Children) Act 2012* (NSW) and the *Children's Guardian Act 2019* (NSW) contain requirements to keep certain safeguarding records related to the obligations contained in those Acts.
- 2.2 The purpose of these record-keeping requirements is to allow the Children's Guardian to conduct audits of child-related employers and designated agencies, and to keep their child safeguarding systems under scrutiny.
- 2.3 In addition, the *Children's Guardian Act 2019* (NSW) and the *Children and Young Persons (Care and Protection) Act 1988* (NSW) both set out provisions that encourage the exchange of certain safeguarding records between agencies.

#### 3 Diocese's Policy and Procedure

##### 3.1 Records relating to Children who are involved with the Parish or Agency

- a) Each Parish Priest and Agency Head should keep copies of all documents relating to Children who participate in activities or are otherwise involved in their Parish or Agency, including:
  - i) each Child's name and date of birth;
  - ii) any consent forms signed by the Child's parent or guardian;
  - iii) documents setting out the activities the Child participates in;
  - iv) the adults who conduct or supervise those activities; and
  - v) details of the Child's allergies or other medical needs.

### **3.2 Records relating to the employment or engagement of Workers, including screening records**

- a) In relation to each person who requires a Working with Children Check under the *Child Protection (Working With Children) Act 2012 (NSW)*, the relevant Parish Priest or Agency Head must keep records of the person's:
  - i) full name;
  - ii) date of birth;
  - iii) Working with Children Check number; and
  - iv) Working with Children Check expiry date.
- b) If, during the Working with Children Check verification process, a person has been:
  - i) barred; or
  - ii) placed under an interim bar,the relevant Parish Priest or Agency Head must keep a record of this.
- c) Each person involved in Child or Adult at Risk Related Work must sign a copy of the Archdiocese's Code of Conduct and the relevant Parish Priest or Agency Head must retain a copy of the signed Code of Conduct.
- d) If the Parish Priest or Agency Head wishes to delegate their responsibility to verify Working with Children Checks to another person within the Parish or Agency, that delegation should be made in writing and a record kept.
- e) If a Parish Priest or Agency Head is notified that the NSW Office of the Children's Guardian wishes to conduct an audit of the relevant Parish or Agency's records relating to Working with Children Checks, it must cooperate with all reasonable requests made by the NSW Office of the Children's Guardian.
- f) If a Parish Priest or Agency Head requires any assistance or advice in relation to an audit by the NSW Office of the Children's Guardian, they should contact:
  - i) the Safeguarding and Ministerial Integrity Office; or
  - ii) the Parish Advisory Service.
- g) Each Parish Priest and Agency Head must also keep copies of all:
  - iii) CVs or resumes;
  - iv) notes of interviews;

- v) references received or notes of reference checks;
- vi) employment agreements;
- vii) contractor agreements;
- viii) volunteer agreements; and
- ix) correspondence or other documents relating to disciplinary matters relating to a person who works with Children at the relevant Parish or Agency.

### **3.3 Records relating to safeguarding and child protection training**

- a) Each Parish Priest and Agency Head must keep copies of all records of attendance at safeguarding and child protection training and induction at the relevant Parish or Agency.
- b) The Safeguarding Office must keep all records of attendance at safeguarding and Child protection training and induction
- c) Individual Parishes must keep all records of attendance at any training provided in connection with the Parish.

### **3.4 Records relating to the reporting of Safeguarding Complaints**

- a) Each person who makes a report to the NSW Police regarding a suspected Reportable Crime must keep a record of the following information and provide a copy of that record to the Safeguarding Office:
  - i) the date they became aware of the suspected Reportable Crime;
  - ii) the names of the alleged victim and perpetrator (unless the victim has requested their name be kept confidential);
  - iii) any correspondence with any other person regarding the suspected Reportable Crime, including file notes of conversations; and
  - iv) a copy of the report made to the NSW Police.
- b) Each Parish Priest and Agency Head must keep records relating to all Safeguarding Complaints that are reported to them and provide them to the Safeguarding Office, including but not limited to:
  - i) the person who raised the matter;
  - ii) date the matter was raised;
  - iii) the name of the alleged victim and/or alleged perpetrator;
  - iv) brief details of the matter;
  - v) details of any action taken in relation to the matter;
  - vi) the date the matter was notified to the Safeguarding Office; and
  - vii) copies of any documents in their possession created in relation to the matter, before or after it was reported to the Safeguarding Office.
- c) In addition to the above, the Safeguarding Office must keep records relating to all Safeguarding Complaints that are reported to it, including, but not limited to:
  - i) correspondence with any party relating the matter;

- ii) any reports made to the NSW Police, NSW Office of the Children's Guardian or the Department of Communities and Justice;
  - iii) any reports made to other statutory bodies such as the Aged Care Quality and Safety Commission or NDIS Quality and Safeguards Commission
  - iv) any investigation reports;
  - v) details of any action taken in relation to the matter; and
  - vi) copies of any other documents in its possession created in relation to the matter.
- d) In practice, the Safeguarding Office assists with reporting Reportable Crimes to the NSW Police and will provide a copy of its report to the person who originally notified the Reportable Crime to the Safeguarding Office.

### 3.5 Sharing safeguarding records

- a) In the event that a request is made by a government or non-government agency for safeguarding records under the *Children's Guardian Act 2019* (NSW) or *Children and Young Persons (Care and Protection) Act 1988* (NSW), any such request should be immediately directed to the Safeguarding Office.
- b) The Safeguarding Office will seek legal advice from the General Counsel as to whether the requested documents should be produced.

### 3.6 General obligations for record retention

- a) Records relating to Safeguarding Complaints or incidents should be as detailed, accurate and objective as possible.
- b) Records should be stored securely in physical and/or digital environments where they will not be subject to alteration or corruption.
- c) Records relating to allegations of abuse, Safeguarding Complaints or the operations or procedures of the Archdiocese, Parish or Agency, must be retained under relevant legislation for a period of 45 years. It is Archdiocesan Policy that those records are permanently retained.

### 3.7 Accessing records

- a) A Complainant who is the subject of records retained by the Diocese, Parish or Agency should be provided with full access to those records if requested (subject to any legal requirements relating to such access).
- b) Where records are only partially available or have been redacted for any reason, a full explanation for the redactions or partial availability of records, should be provided to the Complainant who is the subject of the records.
- c) Persons accused of Abuse Offences or persons who are otherwise under investigation (whether externally by the NSW Police or other agency or by an external investigator commissioned by the Diocese or internally by the Diocese) will not readily be provided with access to records relating to them. The Diocese will respond to requests for records by persons under investigation, in accordance with the Diocese's Privacy Policy.