



Responding to Reportable Conduct Fact Sheet

Children's Guardian Act 2019 Part 4

Information for Workers holding a Working with Children Check (WWCC) for their engagement in the Diocese of Broken Bay

From 1 March 2020, the *Children's Guardian Act 2019* (NSW) came into effect and replaced the existing Part 3A of the *NSW Ombudsman Act 1974*.

The Act provides a framework for the Reportable Conduct Scheme (**The Scheme**). The Scheme is administered by the NSW Office of the Children's Guardian (**Children's Guardian**).

The Scheme applies to Workers who hold a Working With Children Clearance Check for their engagement in the Diocese (**WWCC Holders**), which includes Clergy and those working in the Chancery and Parish in child-related roles (including employees, volunteers & contractors). The scheme does not apply to individuals who are exempt from holding a WWCC Clearance.

What is the Reportable Conduct Scheme?

The Scheme requires WWCC Holders to report any allegations regarding Reportable Conduct involving a WWCC Holder (**Reportable Allegations**), or convictions regarding Reportable Conduct involving a WWCC Holder (**Reportable Convictions**), to the head of their entity. The Bishop is the Diocese's head of entity, but in practice the Office for Safeguarding assists the Bishop to meet his obligations.

The Scheme covers the conduct of WWCC holders towards children (under 18 years), whether that conduct occurs at home or at work.

The Scheme also requires the Bishop to report any Reportable Allegation or Reportable Conviction involving a WWCC Holder to the Children's Guardian and initiate an investigation.

The *Children's Guardian Act 2019* defines Reportable Conduct¹, as:

- A **sexual offence** committed against, with or in the presence of a child,
- **Sexual misconduct** with, towards or in the presence of a child,
- **Ill-treatment** of a child,
- **Neglect** of a child,
- An **assault** against a child,
- An **offence** under **section 43B or 316A** of the **Crimes Act 1900**, and behaviour that causes significant **emotional or psychological harm** to a child.

What does it mean for you?

If you are a WWCC Holder, you have an obligation to report the conduct of other WWCC Holders who work with children if you think it may be Reportable Conduct.

If you are a WWCC Holder and an allegation of Reportable Conduct is made about your behaviour towards children, the Diocese must report to the Children's Guardian and initiate an investigation.

¹ *Children's Guardian Act 2019*



How to report an allegation of Reportable Conduct?

Reportable Allegations or Reportable Convictions regarding WWCC Holders may be received by the Parish Priest who in turn will report the concern to the Office for Safeguarding (Chancery). Alternatively, you can report directly to the Office for Safeguarding (Chancery) at safeguarding@bbcatholic.org.au or phone **02 8379 1605**.

Reference

Children's Guardian Act 2019

Responding to Reportable Conduct Policy
Responding to Reportable Conduct Practice
Guide

More Information

For further information on the Reportable Conduct Scheme you can visit the Children's Guardian website at

kidsguardian.nsw.gov.au

If you have specific questions about the *Children's Guardian Act 2019* in relation to Reportable Conduct, you can email the Office for Safeguarding (Chancery)

The Matter will be taken seriously.