



NSW Child Protection changes alert: Impact on our Churches 2010

Dear Pastors and secretaries,

“On Sunday 24 January 2010, the main provisions of the new Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 will begin.” (www.keepthemsafe.nsw.gov.au- accessed 14/01/10). These provisions are the first steps in the NSW Government's 5 year action plan called **Keep Them Safe – a shared approach to child wellbeing**. *“The central theme of the changes is that care and protection of children and young people is a shared responsibility”* (*Keep them safe Fact Sheet No1*). It recognises that they are foremost the responsibility of their parents, then their wider families and the whole communities. *“When Government support becomes necessary, child protection is not the sole responsibility of the Department of Community Services but a collective responsibility”* (www.community.nsw.gov.au/docswr - accessed 14/01/10).

Many of the changes relate specifically to government agencies, schools, health and non Government service providers, such as the trial and establishment over the next 5 years of: *“child wellbeing units, regional intake and referral services, early intervention and prevention services, increasing the role of non government organisations, changes to out-of-home care, changes to processes in the children's court and providing better services to Aboriginal children and young people”* (www.keepthemsafe.nsw.gov.au- accessed 14/01/10).

What changes impact churches?

There are changes that relate to church related children and youth programs. Please use the following information in your training of leaders and helpers in all children and youth programs.

a) Raising of the threshold of children at risk – to risk of significant harm: *“Reports to the Child Protection Helpline need to meet the threshold of “risk of significant harm” as opposed to “risk of harm”. This change has been introduced to ensure children and young people needing the protection of statutory intervention receive this from Community Services, while children and families who need other forms of support and assistance are given this from a range of government and community organisations without reporting to Community Services”*(*ibid*).

Q: What is meant by the term: “significant”?

A: *“That which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young persons safety, welfare or well being. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth. Significance can result from a single act or omission or an accumulation of these”* (*ibid*).

To help the child protection officer (or equivalent/ senior pastor) in your congregation to make decisions on whether or not they should report, a **Mandatory Reporter Guidance tool (MRG)** is being developed and were are assured this will be available online. We will provide a link to this on the SCTA website www.safechurches.org.au when it becomes available.

The process for making a report does not change: reports of “risk of significant harm”, should be made the DoCS' Child Protection Helpline on 132 111 or 133 627 (as is current practice). However, where mandatory reporters have concerns for a child or young person that do not meet the significant harm threshold, they (or their agency) should offer and coordinate assistance to the child or young person, or make a referral to other services” (ibid).

b) Something new to report: a new category for significant harm – “If parents or carers fail to make proper arrangements for their child to receive an education or if they are unwilling for their children to receive an education” (Keep them Safe Fact Sheet No:3).

c) Removal of criminal penalties for not reporting: “The new legislation also removes the criminal penalties for now reporting [section 27] and sets up an alternative reporting process [section 27A]” (ibid).

d) Working with Children Checks – There will be new employment categories which are required to undergo police background checks, these include unsupervised contractors (such as piano and dance teachers), and high risk volunteers (ibid). Volunteers in children and youth teams still do not need to undergo a background check unless they would be considered high risk volunteers.

The information herein is compiled from direct quotes from NSW Government's **Keep Them Safe** website <http://www.keepthemsafe.nsw.gov.au>. However if you have any further questions please contact your denominational safe ministry or professional standards person.

Towards Safer Churches



Rev Peter Barnett
CREATING SAFE SPACES COORDINATOR

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