## Guidelines for member non-compliance with the

##  Society’s Safeguarding Obligations

### Introduction

1. The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted significant failings across many institutions to protect children and young people from sexual abuse. The NSW Child Safe Standards and the National Catholic Safeguarding Standards were developed to provide greater rigor in how organisations protect children against all forms of abuse.
2. The Society’s Safeguarding Children and Young People Policy (the Policy) sets out what we need to do as a Society to ensure that we are compliant with these Standards. This Policy and the Standards apply to members, employees and volunteers who have any contact with the people we assist or have access to information about the people we assist.
3. Most importantly, we need to ensure that our members are compliant with Working with Children Checks (WWCCs), National Police Checks (police checks), and mandatory Child Safe Familiarisation training.
4. This document outlines the approved processes for responding to scenarios in which members are non-compliant. It is important to note that many situations will be unique and the Safeguarding Team can assist with best practice responses to the wide range of situations that the Society encounters.
5. Managing non-compliance issues can be challenging for anyone involved. These processes must be managed respectfully and confidentially. If you need to instigate these processes or escalate a matter, the Safeguarding Team can assist you.
6. Confidential and free support and counselling is available and should be offered to all non-compliant members through our Employee Assistance Provider (EAP) – Converge International, on **1300 687 327**

### Non-compliance with WWCCs, Police Checks and Child Safe Familiarisation Training

1. Regional Offices will monitor and advise members three months ahead of when their WWCCs or police checks are due. The Conference President (or appropriate President) will be copied into any correspondence to a member. The Learning and Development Team will advise members when they are required to complete or do a refresh of the Child Safe Familiarisation Training.
2. Correspondence to members regarding non-compliance will advise the member that if they are having difficulties in meeting the requirements that they can speak to their Conference President and seek assistance.
3. If a member does not comply with the WWCC, police check or Child Safe Familiarisation Training requirements in the time stipulated in the reminder email/correspondence, the Conference President will be contacted and advised that the member is non-compliant.
* If a Conference President is non-compliant, the Regional President will be notified.
* If a Regional President is non-compliant, the Central Council President will be notified.
* If a Central Council President is non-compliant, the State Council President will be notified.
* If the State Council President is non-compliant, the State Council Vice President Governance will be notified.
1. In the event of a Member being ill or absent within the three-month period when their checks or training fall due, their absence should be communicated by the Conference or Regional President to the Regional Director and their absence noted in Society People. If there are non-compliance matters that need to be addressed on their return:
* the member will be advised to undertake the Child Safe Familiarisation training within four weeks of their return to the Society
* the member must have a valid WWCC and Police Check before they can return to any direct or online contact with the people we assist.

### Step 1: Conversation with President

1. The Conference President (or other appropriate President) will have a conversation with the member to ascertain their reason for non-compliance.
2. If non-compliance is due to a lack of understanding of the process, or logistical issues that can be reasonably addressed, the Conference President can offer all assistance to support the person complete their compliance obligations. For example:
* difficulty managing online training or online applications
* unable to travel to a Services NSW Office for the WWCC.
1. Members who do not have valid police checks or WWCCs should be removed from duties involving direct or online contact with the people we assist, noting that WWCCs are required under legislation.
2. Members can be given four weeks to meet compliance obligations for Child Safe Familiarisation Training.
3. Where there is a genuine case and a member is not able to complete their compliance obligations, the President can contact the Regional Office for assistance on how the Member can be supported to meet their compliance obligations.
4. The President will advise the Regional Director of the outcomes of their discussions.

#### Step 2: Formal meeting

1. If a member remains non-compliant with training requirements within a week of the four-week deadline expiring, the Regional Director will advise the Conference President (or appropriate President).
2. The Conference President will arrange a formal meeting with the member or will contact the member by phone within two weeks of receiving the advice that the member is still non-compliant.
3. The Conference President will advise the member that they have a further two weeks to comply, after which time they will receive a formal letter advising them that they cannot participate in any Conference activities where there is direct contact with the people we assist, or where any information is shared about individual people we assist.

#### Step 3: Formal letter

1. When a member remains non-compliant with training requirements following the steps outlined above, or is non-compliant with background check requirements, the Regional Director will inform the Conference, Regional and Central Council Presidents, and (with support from the Safeguarding Team) will prepare a formal letter for the Central Council President’s signature.
2. The Member cannot return to conference duties where they may have contact with the people we assist, or access to information about the people we assist, until after they meet their compliance obligations.