

Kew Baptist Church Child Safe Policy

This Child Safe Policy was approved by the Kew Baptist Church membership meeting held on _____.
It is due to be reviewed on ____ [date 2 years from original acceptance] _____.

This policy was written to:

- Demonstrate the strong commitment of the management, staff and volunteers to child safety,
- Provide an outline of the policies and practices we have developed to keep everyone safe from any harm, including abuse,
- Minimise the risk of abuse, misconduct and the misuse of positional power,
- Ensure that all cases of suspected abuse and misconduct are handled thoroughly,
- Ensure that leaders and programs are safe,
- Ensure that all people are respected and valued,
- Protect children and young people who receive services from abuse and inappropriate behaviour from adults,
- Provide staff and volunteers with the overarching principles that guides our approach to child protection,
- Help staff and volunteers to maintain the standard of behaviour expected of them, and
- Adhere to National and State legislation.

Commitment to child safety

Kew Baptist Church is committed to protecting the safety and wellbeing of all people within its programs, ministries and events. All people, regardless of age, gender, race, culture, disability and family or social background have equal rights to this protection.

All people (including children) who come to Kew Baptist Church have the right to be respected and valued as well as feel emotionally, physically and spiritually safe at all times. The welfare of the children in our care will always be our first priority and we have a zero tolerance to child abuse. We aim to create a child safe and child friendly environment where children feel safe and have fun.

Kew Baptist Church is committed to the following values concerning child safety: Due diligence, Integrity, Duty of Care, Transparency, Inclusivity and Teamwork.

This policy was developed in collaboration with all our staff, volunteers and the children who use our services and their parents. It applies to all staff, volunteers, children and individuals involved in our organisation.

Legal framework

This Policy reflects legislation and guidance that seeks to protect children, namely:

National Legislation

- National Framework for Protecting Australia's Children "Protecting Children is Everyone's Business" 2009 – 2020 (Commonwealth of Australia)

State Legislation

- Children, Youth and Families Act 2005 (Vic.) Working With Children Checks
- Working With Children Act 2005 (Vic.)

Value of children

The concept of under-18s being an important part of the Christian community began with Jesus himself. When he said, “Let the children come to me” and “Whoever welcomes one such child in my name welcomes me” (Matthew 18:5), he indicated that the place of children is at the very centre of the church community.

Kew Baptist Church upholds the following principles:

- Children are equal partners with adults.
- All of God’s people, regardless of age, are called to evangelism.
- The discovery and development of gifts in children is important.
- The concept of the ‘Priesthood of all believers’ includes children.

In addition, we recognise that:

- The welfare of the child is paramount, and is everyone’s responsibility as outlined in the National Framework for Protecting Australia’s Children.
- All children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have a right to equal protection from all types of harm or abuse.
- Some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.
- Working in partnership with children, young people, their parents, carers and other organisations/agencies is essential in promoting young people’s welfare.

The church takes responsibility, with the family, in nurturing young people in life and faith. The ministry of teaching children is a command given to the Israelites in Deuteronomy 11:18-19, and Jesus gave us his example in welcoming and loving children in Mark 10:13-16.

Kew Baptist Church leaders demonstrate the value of children by:

- Attempt to know them and taking an active interest in them.
- Respect individual differences and encourage discovery of personal giftedness.
- Recognise and develop each person’s talents, skills and abilities.
- Consider all opinions and views fairly.
- Give time and attention to them, showing respect for their opinions and recognising and affirming their competencies.
- Allow, encourage and maximise participation by each child.
- Permit them the right to make mistakes without fear of criticism or rejection.
- Acknowledge and encourage them, according to age and ability, to be progressively involved in decision-making in ministry programs in which they are involved.
- Afford participants a say in the programs and the activities in which they participate by fostering and valuing their ideas and encouraging participation.
- Encourage open communication between all children, young people, parents, staff and volunteers.
- Being accountable and transparent.

- Creating a welcoming, inclusive, safe and child-friendly environment, allowing all children, young people, parents, staff and volunteers to raise their concerns in an appropriate manner.
- Obtaining appropriate information relating to the program participants, including children's health and family situation, to ensure that we are able to care for their physical and emotional needs.

Children's rights to safety and participation

Kew Baptist Church ministries aim to provide safe, ethical care and supervision of teenagers and children. It is our intention to build appropriate relationships to introduce them into a personal relationship with Christ.

Kew Baptist Church staff and volunteers encourage children to express their views. We listen to their suggestions, especially on matters that directly affect them. We actively encourage all children who use our services to 'have a say' about things that are important to them.

We teach children about what they can do if they feel unsafe. We listen to and act on any concerns children, or their parents, raise with us.

Valuing diversity

We value diversity and do not tolerate any discriminatory practices. To achieve this we:

- Will be mindful in our approach for all programs to be inclusive for all people.
- Will be sensitive of and promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children, and children from culturally and/or linguistically diverse backgrounds and their families with our programs, information, support and services.
- Treat all children and young people with respect, regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Will not act in a way that shows unfair and differential treatment of children and young people.
- Welcome children with a disability and their families and act to promote their participation.
- Will adapt programs for anyone with a disability to receive access to various programs, as well as provide adequate training for leaders.
- Seek appropriate staff from diverse cultural backgrounds.
- Will respect to all cultures and encourage the participation of all people and recognise their unique contribution to our community.

Recruiting and supporting staff and volunteers

Kew Baptist Church applies the best practice standards in the recruitment and screening of staff and volunteers. We interview and conduct referee checks on all staff and volunteers, and require all leaders to have up-to-date Working with Children Checks.

We require that all leaders of children's ministries attend a Child Safe training workshop before commencing in their role and attend a refresher workshop every 3 years. Some positions also require police checks. We require all leaders to attend additional specific training as required. Our commitment to Child Safety and our screening requirements are included in all advertisements.

Kew Baptist Church seeks to attract and retain the best staff and volunteers. We provide support supervision and ongoing training so people feel valued, respected and fairly treated. We have developed a Code of Conduct to provide guidance to our staff and volunteers, all of whom receive agree to follow the requirements of the Code.

Leadership standards

In addition to the Code of Conduct, which applies to all leaders in the church, leaders who have a role with children hold a unique position of influence and trust that should never be violated or compromised. Staff and volunteers are responsible for keeping a professional role with children. They must adhere to limits and boundaries to their relationships with children under their care.

All Kew Baptist Church leaders who work with children must:

- Hold all personal, legal information and details in confidence.
- Plan activities within the confines of the law.
- Model equal treatment of all regardless of race, colour, creed or social status.
- Don't give out any details of young people on electronic notice boards or in electronic communication or posting or displaying photos of them on any form of communication without written permission.
- Inform the KBC ministry team leader or pastor of any allegation of sexual misconduct or abuse immediately. NOTE – it is not appropriate to attempt counselling or handle any such situation by the leader alone.
- Ensure appropriate and safe premises for any planned activities.
- Plan ahead to prepare for cases of accident or emergency.
- Ensure any contact with children and young people is appropriate and in the parameters of the program or event.
- Take responsibility for being accountable and not placing themselves in positions where there is a risk of allegations being made.
- Self-assess my behaviour, actions, language and relationships with children.
- Recognise that special caution is required when you are discussing sensitive issues with children or young people.

A professional relationship will be violated if a leader:

- Has an intimate relationship (ie. boyfriend/girlfriend) or a sexual relationship of any kind with a person under 18.
- Uses sexual innuendo or inappropriate language and / or shares such material with a person under 18.
- Uses inappropriate, offensive, harassing, abusive, sexually provocative, demeaning, culturally inappropriate or discriminatory language when speaking with a child or young person.
- Makes sarcastic, insensitive, derogatory or sexually suggestive comments or gestures to or in front of children and young people.
- Acts in a way that can be perceived as threatening or intrusive.
- Touches a person under 18 without a valid reason or their consent.
- Spends time alone and unsupervised with a person under 18 years.
- Takes photographs of a person under 18 who has asked not to be photographed, or of a person under 18 who are inappropriately dressed.

- Sends any form of electronic communication that attempts to hide the identity of the sender, or represents the sender as someone else.
- Physically disciplines a child or teenager under their care.
- Ridicules, humiliates, belittles, degrades, rejects or bullies a person under 18, in person or on social media.
- Uses any computer, mobile phone, or video and digital camera to exploit or harass children.

For the protection of the leadership team, Kew Baptist Church recommends that leaders:

- Do not have 'closed conversations' with a young person on social networks.
- Save all e-mails / letters / text messages to and from young people.
- CC the team leader when sending electronic messages to a young person.
- Restrict SMS and online conversations to purpose only statements (ie. Meet at ____), to eliminate misunderstandings.
- When a pastoral conversation requires confidentiality, make sure (i) that another adult is aware that the conversation is taking place, (ii) there is another adult in the building, and (iii) a written record is kept of the conversation, including date, time, place and what was said.
- Do not do things of a personal nature that a child can do for him/herself, such as assistance with toileting or changing clothes. If necessary, for example for a child with a disability, the leader will inform their supervisor first and be as open as possible in my behaviour.
- Do not make inappropriate promises to children and young people, particularly in relation to confidentiality.
- If organising an informal meeting, invite more than one person under 18, and a second adult where possible.
- Wherever possible, ensure that another adult is present when working with or near children.
- Encourage young people and adults to feel comfortable and caring enough to point out attitudes or behaviour they do not like.
- Do not let children and young people have their personal contact details (mobile number or address).
- Do not seek to make contact and/or spend time with any child they come into contact with in their role as a representative of the church outside of the designated times and activities.

Reporting a child safety concern or complaint

Kew Baptist Church condemns all forms of child abuse, discrimination and sexual exploitation. We have zero tolerance for any behaviour regarding children that is illegal, unsafe or abusive. All leaders will report disclosures or suspicions of child abuse, according to our procedure in the Code of Conduct.

We will listen to and believe children who raise concerns. We will not exaggerate or trivialise child abuse concerns. We will ensure that procedures are clear and appropriate in responding to allegations of abuse, and not allow allegations, suspected abuse, risk of harm or disclosures to go unreported. Where an allegation of misconduct is made against a person in the organisation in relation to a child, we will prioritise support to the child. We will seek appropriate support for the person implicated to protect the safety of the child as the paramount consideration.

We will understand the processes of responding to disclosures of abuse and harm including self-harm and suicide ideation. We will ensure that appropriate training takes place to recognise and respond to indicators of abuse and neglect and receive support for all involved in the disclosure (including the leaders/volunteers). We understand that responding to abuse is not limited to children, but also includes adults within our programs who may be vulnerable at any given time

where abuse could be present and that everyone understands the most appropriate steps to take in supporting our vulnerable people within our community.

We will keep all information regarding child protection concerns confidential, only discussing information with relevant and appropriate people according to the reporting procedures. We will not release or discuss any personal confidential information about suspected or proven child abuse or protection cases other than with the Child Safety Officer and other parties as designated by them and according to reporting procedures.

We will comply with all relevant Australian and local legislation regarding reporting of abuse. All allegations of child abuse will be reported to statutory authorities, such as police or child protection. A report may/will also be made to the BUV professional standards unit - but this will not replace or negate the report to obligation to report to statutory authorities. Victoria has guiding legislation around responding to allegations of abuse. Information is provided on this legislation in the Appendix to this Child Safe Policy.

Risk Management

We recognise the importance of a risk management approach to minimising the potential for child abuse or harm to occur and use this to inform our policy, procedures and activity planning. In addition to general occupational health and safety risks, we proactively manage risks of abuse to our children. All our events have Risk Management forms completed and approved by our Ministry Team.

Definitions

Abuse: Abuse and neglect includes but is not limited to:

- Physical Abuse
- Emotional Abuse
- Family Violence
- Sexual Abuse
- Grooming
- Neglect

Child: a person who is under the age of 18 years.

Disclosure: a disclosure occurs when someone informs a person in authority/leadership (or a trusted adult) within the Church that they have been subject to abuse or knows of abuse. A disclosure may or may not be an allegation or a notifiable circumstance, but it is the responsibility of the person in authority to investigate and take any appropriate action.

Child Safe Environment: Kew Baptist Church discharges duty of care by taking steps to keep all those in our care safe from spiritual, physical, sexual, emotional abuse (including bullying) or neglect.

Child Safe Leader: A Child safe leader has been through a recruitment process, understands responsibilities, is supervised and is an accountable team player.

Child Safe Program: A program within which all risks have been assessed and events thought through and planned.

Vulnerable Person: a person who may be considered to be susceptible to abuse or exploitation based on factors such as their health status (physical or mental), age, grief, previous experience of abuse, social isolation or financial hardship. In this sense vulnerability can be temporary or permanent.

Reviewing this policy

This policy will be reviewed every two years and we undertake to seek views, comments and suggestions from children, parents, carers, staff and volunteers.

Appendix One – Key Personnel

Jacqui Purnell has been appointed as the Child Safety Officer with the specific responsibility for responding to any complaints made by staff, volunteers, parents or children.

Her contact details are as follows:

jacpurn@gmail.com

0411 523 829

David Atkinson is the current Head of Organisation for the purposes of organisational accountability.

His contact details are as follows:

david.atkinson@tpg.com.au

0402 107 633

Appendix Two – Failure to Protect Offence

Failure to protect a child from abuse – organisations

A new criminal offence has been created in Victoria for failing to protect a child under the age of 16 from criminal sexual abuse. The offence will apply where there is a substantial risk that a child under the care, supervision or authority of an organisation will become a victim of a sexual offence by an adult associated with that organisation. The person in a position of authority will be guilty if they knew of the risk of abuse and had the authority to reduce or remove the risk, but negligently failed to do so.

What is the offence of failing to protect a child from sexual abuse?

If a person in authority knows that someone within their organisation poses a risk of committing a sexual offence against a child and they fail to remove that person who poses the risk, they will themselves be guilty of a criminal offence.

As soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk.

Will this criminalise mistakes made by organisations who are working to protect children?

An individual who falls short of the standard of care that a reasonable person would exercise in the circumstances will be found guilty of the offence.

For example, a person in authority who knows someone poses a risk to children and moves them from one location in an organisation to another location where they still have contact with children would be committing an offence.

It will not apply where a person takes reasonable steps to protect a child from the risk of abuse, for example, where the allegation is reported and the person removed from any child-related role pending an investigation.

Will the offence criminalise individuals who fail to protect a child from abuse, for example, a non-offending parent?

No. The failure to protect offence is limited to people in positions of authority within organisations that exercise care, supervision or authority over children. This includes churches, schools, child-care centres and residential care homes. It does not apply to parents or other individuals.

The separate offence, the new failure to disclose offence, will apply to any individual with information about the criminal abuse of a child who fails to report their knowledge to police.

What is the penalty for failing to protect a child?

The maximum penalty is five years' imprisonment.

When will the failure to protect offence take effect?

This offence will commence by 1 July 2015 but may come into effect sooner.

Appendix Three – Failure to Disclose Offence

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

What is a ‘reasonable belief’?

A ‘reasonable belief’ is not the same as having proof. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a ‘reasonable belief’ might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

Are there any excuses for not reporting child sexual abuse to police?

A person will not be guilty of the offence if he or she has a **reasonable excuse** for not disclosing the information. A reasonable excuse includes:

- fear for safety
- where the information has already been disclosed.

Fear for safety

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances.

This defence may apply, for example, if a mother decides not to disclose information about her partner sexually abusing her child due to fear of violence to her or her child.

The person’s fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that the person in question is best placed to judge whether their safety is in danger.

The court or jury will consider whether it was reasonable for the person not to report in the circumstances.

Where the information has already been disclosed

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.

An important example of this exception is where the person has already made a report under the mandatory reporting obligation specified in the *Children, Youth and Families Act 2005*. This obligation requires teachers, doctors and other professionals to report concerns about child welfare to child protection authorities within the Department of Human Services (DHS).

Under the existing mandatory reporting system, DHS already passes on all allegations of child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DHS or reasonably believes a report has been made to DHS. This ensures that people are not required to make multiple reports to different agencies.

What is not a reasonable excuse?

A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or any organisation. 'Perceived interests' includes reputation, legal liability or financial status.

For example, a principal's concern for the reputation of a school, or a clergyman's concern for the reputation of a church where the abuse happened will not be regarded as a reasonable excuse.

Are there any other exemptions to the offence?

There are a number of other exemptions, which include:

- the victim requests confidentiality
- the person is a child when they formed a reasonable belief
- the information would be privileged
- the information is confidential communication
- the information is in the public domain
- where police officers are acting in the course of their duty.

The victim requests confidentiality

The new offence respects the position of a victim who does not want the offending disclosed and who is sufficiently mature to make that judgment. The obligation to report therefore does not apply where the information comes from a person aged 16 or over and this person requests that the offence not be reported. The law recognises that a child under 16 is not able to make this kind of decision and sometimes lacks the capacity to fully understand the effects of sexual abuse.

A person will still be required to disclose information to police if:

- the victim who requested confidentiality has an intellectual disability, and
- the victim does not have the capacity to make an informed decision about a disclosure, and
- the person who received the information is aware or should be reasonably aware of those facts.

The person is a child when they formed a reasonable belief

If a person was under the age of 18 when they formed a reasonable belief, they will not be obliged to make a disclosure when they turn 18. This protects children from the burden of knowing that they will have to disclose to police when they turn 18.

The information would be privileged

People will not be required to disclose where the information would be privileged. This includes:

- client legal privilege
- journalist privilege
- religious confessions.

For example, if a priest obtains information made in good faith through a rite of confession (as long as the admission is not given for a criminal purpose), the priest is exempt from disclosing.

The information is confidential communication

A registered medical practitioner or counsellor is not required to disclose information to police if the information is obtained from a child whilst providing treatment and assistance to that child in relation to sexual abuse. However, under the mandatory reporting obligations, a registered medical practitioner would still be required to report to DHS if they form a reasonable belief that a child has been sexually abused and is in need of protection. This exemption is not designed to prevent the reporting of child sexual abuse, but rather to protect the registered medical practitioner or counsellor from criminal liability.

If an adult provides information to a medical practitioner or counsellor regarding the sexual abuse of a child, the medical practitioner or counsellor would be required to disclose that information to police unless another exemption applies.

The information is in the public domain

A person does not have to disclose to police if they get the information through the public domain, or form the belief solely from information in the public domain such as television or radio reports.

Where police officers are acting in the course of their duties

A police officer acting in the course of their duty in respect of a victim of child sexual abuse is exempt from the offence.

If it is going to be compulsory for everyone to report child sexual abuse, why are there exemptions?

We need to ensure that in creating this legal obligation, we do not put children and their families at even greater risk of harm, especially those who may be experiencing family violence.

Won't child sexual abuse continue to occur if exemptions are allowed?

There is currently no requirement for people to report child sexual abuse to police, so introducing this new legal obligation is a big step towards preventing child sexual abuse in our community and ensuring people understand that it is a community-wide responsibility.

Certain exemptions are required to avoid any unintended consequences of this new obligation. It is not intended, for example, that this offence criminalise victims of family violence who don't report due to fear for their own or someone else's safety.

For example, women in family violence situations may have a reasonable fear for the safety of their child or another family member, especially in cases where threats have already been made. They may fear that making a report to police will escalate the situation, putting their child or another family member at even greater risk of harm – or even death.

Preventing the sexual abuse of children is a community responsibility. Other people connected with the child will still be required to make a report, unless they have a reasonable excuse not to do so.

Won't this offence discourage people from seeking help where they have experienced child sexual abuse?

The law will not require a medical practitioner or counsellor to disclose information to police when it has been obtained from a victim during treatment for sexual abuse.

Disclosures for the purpose of obtaining legal advice will also be protected by client legal privilege. There are also other exemptions which have been listed above.

The offence requires 'any adult' to report suspected child sexual abuse. Isn't this too broad? Won't it lead to people reporting unfounded suspicions?

The offence requires a person to report to police where they have information that leads them to form a 'reasonable belief' that a sexual offence has been committed against a child under 16. Under the offence, people will not be expected to disclose unfounded suspicions as a suspicion does not constitute a 'reasonable belief'.

The failure to disclose offence is a big step towards preventing child sexual abuse in our community and ensuring people understand that protecting children and preventing sexual abuse is a community-wide responsibility.

How will I be protected if I make a disclosure to police?

Your identity will remain confidential unless:

- you disclose it yourself or you consent in writing to your identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

Will any person who knows of child sexual abuse happening in the past be required to report?

A person who knows of child sexual abuse having occurred in the past will not have to report to police unless the victim is still a child when the offence comes into effect.

What is the penalty for failing to disclose child sexual abuse?

The maximum penalty is three years imprisonment.

When will the failure to disclose offence take effect?

27 October 2014.

How do I contact Victoria Police to make a report?

If you want to report a child in immediate risk or danger of sexual abuse please call Triple Zero (000) Alternatively, you can contact your local police station.

If you or someone you know has experienced child sexual abuse in an institutional context, we encourage you to contact Victoria Police's Sano Taskforce via email at sanotaskforce@police.vic.gov.au