

Kew Baptist Church Child Safe Policy 2020

This Child Safe Policy was approved by the Kew Baptist Church meeting on 5th July 2020. It is due to be reviewed on 1 January 2022.

This policy was written to

- demonstrate the strong commitment of the management, staff and volunteers to child safety, and
- provide an outline of the policies and practices we have developed to keep everyone safe from any harm, including abuse.

Commitment to child safety

All children who come to Kew Baptist Church have a right to feel and be safe, and we have a zero-tolerance approach to child abuse. We aim to create a child safe and child-friendly environment where children feel safe and have fun. This policy was developed in collaboration between our staff, volunteers, children, and their parents. It applies to all staff, volunteers, children and individuals involved in Kew Baptist Church. We are committed to principles of cultural safety and inclusion of children from diverse backgrounds and to the safety and inclusion of children with a disability, and we recognise that these principles support the safety of all children.

Children's rights to safety and participation

Kew Baptist Church actively seeks to include the voices of children in our organisational planning, worship services, management of facilities and other activities. Kew Baptist Church actively seeks to understand what makes children feel safe in our organisation. We regularly communicate with children about what they can do if they feel unsafe. Kew Baptist Church values the voices of children and will act on concerns raised by children or their families in regard to their safety.

Valuing diversity

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

- support the cultural safety, participation and empowerment of Aboriginal children and their families,
- support the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds and their families,
- welcome children with a disability and their families and act to promote their participation
- commit to ensuring our facilities promote inclusion of children of all abilities.

Recruiting staff and volunteers

Kew Baptist Church applies the best practice standards in the recruitment and screening of staff and volunteers. Kew Baptist Church recruitment and selection of leaders ensures that child safety requirements are addressed in the recruitment process. Kew Baptist Church carefully assesses the level of contact and responsibility each role will have in regard to children.

For roles which involve contact or responsibility for children, or influence or authority over children, such as leadership positions, the following are required:

- attendance at Kew Baptist Church for at least 6 months,
- appropriate Working With Children Checks,
- suitable referee checks,
- an interview with a church leader, including questions addressing their experience and previous engagement with children to gauge the applicant's attitudes and values toward children,
- applicants to have read and signed the Child Safe policy and Code of Conduct,
- suitable qualifications, experience and training for the role, including Ansvar online modules,
- National Police Checks (for senior leadership roles).

Supporting staff and volunteers

Kew Baptist Church is committed to ensuring that all leaders, staff and volunteers receive training to ensure they understand their responsibilities in relation to child safety. Kew Baptist Church assists its leaders, staff and volunteers to incorporate child safety considerations into decision-making and to promote a culturally safe environment where children are empowered to speak up about issues that affect them.

Mandatory training requirements for all Kew Baptist Church leaders is as follows:

- Child Safe Policy,
- Code of Conduct,
- identifying indicators of child abuse,
- responding to disclosures of child abuse, and
- Code of Conduct breach and child safety incident reporting procedures.

As these training courses are essential to support Kew Baptist Church's zero tolerance of child abuse approach, leaders, staff and volunteers are required to undertake all of these components before being allowed to work in a child-related role.

Child Safety Person

Kew Baptist Church has a Child Safety Person who will have specific responsibility for responding to any complaints made by staff, volunteers, parents or children. If a person does not feel comfortable making a report to a Child Safety Person, they may report their concern to the Head of Organisation. The Child Safety Person is introduced to the children to ensure they understand who the appointed person is, and how and when they may contact them.

Reporting procedures

This Child Safe Policy includes how to respond to an allegation or incident of child abuse (See Appendix One).

Record keeping and incident monitoring

Kew Baptist Church is committed to best practice record keeping. All reports of child abuse shall be recorded within the incident reporting system. Kew Baptist Church, in maintaining records on reports of child abuse, will maintain confidentiality and privacy for children and families in accordance with legislation. Records will be retained in line with the recommendations from the Office of Public Records. Reports of child abuse and complaints about child safety will be monitored by the leadership team to ensure that they are appropriately managed. Risks to child safety that are identified in complaints and reports of abuse will be reviewed and acted upon appropriately.

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 policies, procedures and activity planning.

As part of our risk management, all existing and new activities and facilities are assessed for risks of harm including:

- Physical risks,
- Environmental risks (e.g. areas that might obscure a line of sight), and
- Vulnerability risks (such as activities that may foster personal relationships between leaders and children who have an increased risk of being exploited).

As part of our risk management,

- All identified risks of harm are actively reduced by designing and implementing appropriate preventative measures, and
- Risk management plans are documented for all existing and new activities and facilities,
- Leaders are made aware of their responsibility for identifying risks of child abuse,
- Families and children are made aware of how to report on identified risks of child abuse, and
- Risk management plans are updated as required, referred to regularly and reviewed periodically.

Reviewing this policy

This policy will be reviewed every two years and we undertake to seek the views, comments and suggestions from children, parents, carers, staff and volunteers as a part of this process.

Legal Framework

This Child Safe Policy includes recent legislative requirements, including information about the Failure to Disclose and Failure to Protect offenses, outlined at Appendices 3 and 4.

Non-compliance with this policy and the Code of Conduct

Kew Baptist Church will enforce this policy and the Code of Conduct. Following any non-compliance, we will instigate a review that may result in restriction of duties, suspension or termination of employment or other corrective action.

Appendix One – Reporting Procedures

If a leader becomes aware of an incident or allegation of abuse, the first responsibility is to ensure that the child or children are safe and the risks of further abuse or harm are mitigated. If there is any ongoing risk to a child or children, then the staff member or volunteer should immediately call 000.

If the incident or allegation of abuse could involve criminal conduct, the matter must be immediately reported to Victoria Police. It may also be appropriate to notify the Department of Health and Human Services if there is a belief that a child is in need of protection. This may involve notifications to the police or Child Protection.

All reports of child abuse will be treated as serious, whether they are made by an adult or a child.

When an allegation of child abuse is received, all mandatory reporting requirements must be met, including reporting to police, Department of Health and Human Services, the Commission for Children and Young People under the Reportable Conduct Scheme, or other government departments or regulators as appropriate.

Who can report?

Any parent, child, staff member or volunteer

What to report?

Any child safety concerns, including, A disclosure of abuse or harm, An allegation or suspicion or observation, A breach of Code of Conduct, or Any general safety or environmental concerns

How to report?

A choice of face-to-face verbal report, letter or email, telephone call, or a meeting

Who to report to?

Child Safety Person, Head of Organisation, or Church staff member or leader

What happens next?

The Child Safety Person or other leader will offer support to the child, the parents, the person who reports and the accused person; initiate internal processes to ensure the safety of all children including an alleged victim, clarify the nature of the complaint and commence disciplinary process and investigation (if required), and decide, in accordance with legal requirements and duty of care, whether the matter should or must be reported to police, Child Protection and/or the Commission and make a report as soon as possible if required.

Outcome

Investigation completed; outcome decided; relevant staff, volunteers, parents and child notified of outcome of investigation; disciplinary action taken; and policies and procedures reviewed and updated where necessary.

Appendix Two – Key Personnel

Hannah Constantine has been appointed as the **Interim 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:

hannah@kewbaptist.org.au

0433 815 737

Ashray Rajagopalan is the current **Head of Organisation** for the purposes of organisational accountability.

His contact details are as follows:

secretary@kewbaptist.org.au

0438 751 157

Appendix Three – 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 Four – 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