

# Kew Baptist Church

## Kew Baptist Church Child Safe Policy 2024

This Child Safe Policy was originally approved by the Kew Baptist Church meeting on 5<sup>th</sup> July 2020, and was last updated by the Leadership Team in June 2024.

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.

**If you believe a child is at immediate risk of abuse, phone 000.**

### **1. Statement of Commitment**

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. We recognise that these principles support the safety of all children.

### **11 Child Safe Standards**

The Royal Commission into Institutional Responses to Child Sexual Abuse recommended 11 child safe standards based on its findings through extensive research and consultation about what makes an organisation child safe. The standards work together to emphasise the importance of adopting multiple strategies to address child safety and avoiding an over-reliance on any one strategy. At Kew Baptist Church, we are committing to excelling in all areas of child safety by implementing the standards in our church ministries, so that we can create and maintain a child safe culture. (*See Appendix One*).

### **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 regards 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.

## **2. Definitions**

“Child” or “Children” - anyone under the age of 18.

“Youth” - specifically children aged 12-18 years old.

“Vulnerable people” - individuals or groups who are at higher risk of experiencing harm or adversity.

“Creche, Children’s and Youth Ministry” - any activity or program run by Kew Baptist Church where any of the participants are under the age of 18 and not accompanied by parents or carers authorised by the parents.

“Leaders” or “Volunteers” - people who are involved in running the creche, children’s or youth ministry.

“Ministry Leaders” - those who are in some level of leadership in the church and organise the ministries, activities and programs.

## **3. Ministry Leaders 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 regarding children.

### **Recruitment**

For roles which involve contact with 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 Ansva online training modules,
- National Police Checks (for senior leadership roles).

## **Supporting Ministry Leaders 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.

### **4. Training and Supervision**

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 Officer**

Kew Baptist Church has a Child Safety Officer who has 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 Officer, they may report their concern to the Head of Organisation. The Child Safety Officer is introduced to the children to ensure they understand who the appointed person is, and how and when they may contact them.

### **5. Reportable Conduct**

It is the duty of the head of a religious organisation to report 'reportable conduct' to the Commission for Children and Young People.

There are 5 types of 'reportable conduct':

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child

### **Mandatory Reporting and Reporting Procedures**

Mandatory reporting is a legal duty for specific professionals to report suspected abuse or neglect to authorities to protect vulnerable individuals. The aim is to protect vulnerable individuals, such as children, the elderly, and people with disabilities, by ensuring that suspicions of harm are promptly

investigated and addressed. Failure to report in jurisdictions with mandatory reporting laws can result in legal consequences for the professionals involved.

Kew Baptist Church will adhere to all the regulatory requirement of mandatory reporting.

### **People in religious ministry are included as mandatory reporters to Child Protection.**

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

### **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.

## **6. 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.

## **7. 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 4 and 5 (*see appendix four & five*).

### **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 – 11 Child Safe Standards**

The 11 Child Safe Standards in extract are as follows

Standard	Explanation
1	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
2	Child safety and wellbeing is embedded in organisational leadership, governance and culture.
3	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.

4	Families and communities are informed, and involved in promoting child safety and wellbeing.
5	Equity is upheld, and diverse needs respected in policy and practice.
6	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
7	Processes for complaints and concerns are child focused.
8	Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
9	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
10	Implementation of the Child Safe Standards is regularly reviewed and improved.
11	Policies and procedures document how the organisation is safe for children and young people.

The Child Safe Standards align with and are upheld by Kew Baptist Church Code of Conduct and Child Safe Policy.

## **Appendix Two – 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, email, telephone call, or a meeting.

### **Who to report to?**

Child Safety Person, Head of Organisation, or any 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); 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; make a report as soon as possible if required.

### **Outcome**

Once the investigation is complete and outcome decided, relevant staff, volunteers, parents, and child are notified of the outcome of the investigation. This includes disciplinary actions taken, and policies and procedures that have been reviewed and updated where necessary.

## **Appendix Three – Key Personnel**

**Michelle Younger** 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:

[michelle@kewbaptist.org.au](mailto:michelle@kewbaptist.org.au)

0455 333 340

**Mark Edwards** is the **Head of Organisation** for the purposes of organisational accountability.

His contact details are as follows:

[mark@kewbaptist.org.au](mailto:mark@kewbaptist.org.au)

0413 476 204

## **Appendix Four – 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 commenced on 1<sup>st</sup> July 2015.

## **Appendix Five – Failure to Disclose Offence**

In 2014, the law in Victoria was changed to create the failure to disclose offence.

The failure to disclose offence applies to you if:

- you are an adult, and
- you have information that leads you to form a 'reasonable belief' that another adult has sexually offended against a child under 16 in Victoria.

If this applies to you, you must report the information to police as soon as possible, unless:

- you have a 'reasonable excuse' for not reporting the information, or
- you are exempt from the offence.

If you fail to report the information, you may be charged with a criminal offence. The maximum penalty is three years imprisonment.

The failure to disclose offence helps to ensure that protecting children from sexual abuse is the responsibility of the whole community.

### **Reporting historical information about child sexual abuse**

You must report information about child sexual abuse to police only if the alleged victim was still aged under 16 on 27 October 2014, when this offence came into effect.

As of 17 February 2020, if you are a religious minister who hears information in religious confession that leads you to form a reasonable belief of child sexual abuse, you must report that information to police.

### **Reasonable belief and child sexual abuse**

You only need to report to police when you have seen or heard something that has led you to form a 'reasonable belief' that an adult has sexually abused a child.

You have a 'reasonable belief' if a reasonable person in the same circumstances as you would believe that an adult had sexually abused a child, for the same reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:

- the child tells you they have been sexually abused
- the child tells you they know someone who has been sexually abused (which may be a way of talking about themselves)
- someone who knows the child tells you the child has been sexually abused
- you observe signs of sexual abuse in the child
- you are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused.

You do not need to report rumours or unfounded suspicions.

### **Reasonable excuses for not reporting to police**

You may have a 'reasonable excuse' for not reporting information about child sexual abuse to police if, for example:

- you fear for your safety, or the safety of another person, or
- you believe the information has already been reported to the police.

If you are charged with the failure to disclose offence, a court or jury may consider whether it was reasonable for you not to report to police in the circumstances.

You will not be guilty of an offence if you have a reasonable excuse for not reporting.

### **Reasonable excuse – Fear for safety**

You have an excuse for not reporting to police if:

- you reasonably fear for your safety or the safety of another person, except the person you believe committed, or was involved in, the sexual offence, and
- your failure to report is a reasonable response in the circumstances.

This excuse helps to protect children, their families and others from harm where reporting information might risk people's safety. For example, a mother may decide not to report her partner sexually abusing her child because she fears violence against her or her child.

The fear must be reasonable from the perspective of that person in those circumstances. This recognises that this person is best placed to judge whether their safety, or the safety of another person, is endangered.

### **Reasonable excuse – Belief that the information has already been disclosed**

You have an excuse for not reporting to police if:

- you believe on reasonable grounds that another person has already disclosed the information to police, and
- you have no further information to add.

For example, you may have this belief if you have disclosed the information in a 'mandatory report' to Department of Health and Human Services Child Protection under the [Children, Youth and Families Act 2005 \(External link\)](#), as Child Protection will provide the information you have reported to them to police.

People who must make mandatory reports are:

- teachers and school principals
- doctors, nurses and midwives
- out-of-home care workers (excluding volunteer foster carers and kinship carers)
- early childhood teachers and workers
- registered psychologists
- youth justice workers
- school counsellors
- people in religious ministry.

This excuse means that people do not need to report the same information to different agencies. For further [information about mandatory reporting obligations, visit the Department of Families, Fairness and Housing website \(External link\)](#).

### **Excuses that are not reasonable**

You do not have a reasonable excuse for failing to disclose information if you are only concerned about the 'perceived interests' of:

- the person you believe committed, or was involved in, the sexual offence, or
- any organisation.

'Perceived interests' includes reputation, legal liability and financial status. For example, a religious minister's concern for the reputation of a church where an adult sexually abused a child is not a reasonable excuse for not reporting to police.

This ensures that a child's best interests are placed first.

## **Exemptions from the offence**

You may be exempt from the offence if:

- a victim aged 16 or over has provided the information and requests confidentiality
- you were a child when you received the information
- the information would be privileged
- the information is a 'confidential communication'
- the information is in the public domain
- you are a police officer acting in the course of your duty.

Exemptions are important because they can:

- help to protect victims of family violence from the risk of further harm
- enable victims of sexual abuse to seek help and treatment, even if they do not want to report the abuse
- enable professionals to help and treat victims of sexual abuse.

### **A victim aged 16 or over requests confidentiality**

A victim may decide they do not want the sexual abuse to be reported. Where a victim is capable of making an informed decision, the law does not require the abuse to be reported.

This means you do not need to report to police:

- if the information comes from a victim aged 16 or over, and
- the victim requests that the information not be reported.

The law recognises that a child under 16 is not able to make this kind of decision, as they may not fully understand the effects of abuse.

You will still need to report to police if:

- the victim had an intellectual disability when they provided the information, and
- the victim did not have the capacity to make an informed decision about disclosure when they provided the information, and
- you are aware or should reasonably have been aware of these facts.

### **You were a child when you received the information**

If you were under 18 when you received the information, you do not have to report it when you turn 18. This exemption protects children from the burden of knowing they will have to report the information to police when they turn 18.

### **The information would be privileged**

You will not be required to report information that would be privileged, including information protected under:

- client legal privilege
- journalist privilege.

**The religious confessions privilege no longer applies to this offence.**

As of 17 February 2020, if you are a religious minister who hears information in religious confession that leads you to form a reasonable belief of child sexual abuse, you must report that information to police.

### **The information is a 'confidential communication'**

You do not need to report to police if:

- you are a registered medical practitioner or counsellor, and
- you obtain the information from a victim or alleged victim of a sexual offence while treating them.

This exemption aims to protect registered medical practitioners and counsellors from criminal liability when they are treating a victim or alleged victim of sexual offending.

If you are a registered medical practitioner, you must still make a 'mandatory report' to Child Protection where required.

### **The information is in the public domain**

You do not have to report to police if:

- you receive the information only through the public domain, or
- you form a reasonable belief only from information in the public domain.

Information may be in the public domain if, for example, it is on television or radio, in the newspaper or on the internet.

### **Where police officers are acting in the course of their duties**

You do not need to report information if you are a police officer acting in the course of your duty in respect of the victim of the alleged sexual offence.

### **Protections for people who report child sexual abuse**

If you disclose information about child sexual abuse to police, evidence may be given about that information in a legal case. Evidence that identifies, or could identify, you will be confidential unless:

- you consent in writing to the evidence being given, or
- a court or tribunal decides it is necessary in the interests of justice for the evidence to be given.

If you report to police in good faith, your report does not:

- amount to unprofessional conduct or a breach of your professional ethics, or
- subject you to any liability in relation to the report.

### **How to make a report to police**

If you want to report to police that a child is in immediate risk of being sexually abused please call [Triple Zero \(000\) \(External link\)](#)

Alternatively, you can [contact your local police station \(External link\)](#)

If you or someone you know has experienced child sexual abuse in an institution, we encourage you to contact Victoria Police's Sano Taskforce via email [sanotaskforce@police.vic.gov.au \(External link\)](mailto:sanotaskforce@police.vic.gov.au)

Information taken from <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence> on 17<sup>th</sup> June 2024.

**Policy Creation date:** 5 July 2020

**Last Review:** The policy was last updated and approved at the Leadership Team meeting on June 17<sup>th</sup> 2024.

**Next review:** June 2026

**Other relevant policies:** Code of Conduct