

Notes on using the model documents, for GJIC clients

Overview

The model documents on the GJIC website have been written to assist Christian organisations to achieve compliance with the legislation concerning Child Safety or Child Protection.

They have been checked for legal accuracy by a reputable legal firm that specialises in Child Protection, especially for not-for-profit organisations.

The documents are acceptable to the insurance underwriters as evidence of the work and intention of the church or other organisation to be compliant and to actively promote child safety.

The documents in themselves do not indemnify an organisation against legal action in the event of an allegation of child abuse by a person acting for the church or in attendance on church property. They simply fulfill some of the mandated obligations, that is, to have a Child Protection Policy, a Code of Conduct and documented procedures, protocols and forms.

To be fully compliant, there needs to be evidence of a culture of awareness and practice in every aspect of the church or organisation's operation. This includes having very sound processes in place for recruiting workers (paid or volunteer), screening, appointing and inducting them into their roles and responsibilities. Training all those who work with children is essential, as is keeping secure and up-to-date records of such training, Working With Children cards, and complaints and allegations about suspected misconduct or abuse.

Since the Royal Commission, Australian governments are very focused on religious organisations and how they respond when an allegation of abuse is made. The evidence shows that churches have been slow to act and have been more concerned about their reputation or other costs of taking responsibility for the damage done to victims who were in their care. Church leaders have been singled out in legislation and their failure to protect or report is judged a criminal offence in some states.

For all the reasons outlined above, it is vital that church leadership teams and governing bodies (by whatever name) take full responsibility for the content of these documents, the communication of them to all affected people and for the training of anyone who works with children or administers church youth programs.

The notes below are to guide organizational leaders in customizing the model documents to accurately reflect the values, beliefs and current practices.

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Section 1. The Child Protection Policy

1. Introduction

The opening commitment to child safety is a paragraph designed to acknowledge many of the key elements of the Ten National Principles for child Safe organisations, and the complementary State standards. Each sentence captures one or more of these ideas. However, paragraphs seek to frame a commitment to caring for children in a biblical understanding, particularly the teachings of Jesus.

This opening statement also picks up on three overlays of the child protection legislation, that is, specific awareness of and care for:

- children of Aboriginal or Torres Strait Island descent;
- children of different cultural and/or language backgrounds, and
- children with a disability, be that intellectual, physical or mental

Even if you don't currently have such children in your programs, leave the statement in.

Finally, the intro statements recognize Federal and State legislation and commit to cooperating with the agencies of these governments.

1.2 Scope

This section of the policy details those to whom the Policy applies. The definition of 'minister' under the law is provided, because it doesn't matter what you call your senior leader, the government is specifically putting the onus on this person, and all others appointed to specific leadership roles, to take the lead in child protection.

To customize this first dot point, you can add, *'In <the church> this means the senior pastor, assistant pastor, Youth leader, Children's Ministry leader'* using the titles you use for any leadership role.

To customize the next dot point, insert the term you use for your governing body, be it Board, Eldership, Oversight, Session, etc.

Leave the third dot point as it is.

The fourth dot point may not apply if you do not own the building you use as a place of worship, or never allow it to be used by other organisations. In this case, delete it.

The final dot point is again dependent on your circumstances. If there are no children in the premises during the week, then it may not be necessary. However, bringing in tradesmen and their apprentices to do emergency work when children are in the building does require management, as indicated. Ensure they use toilets that will not be used by children, for example.

1.3 Authority and 1.4 Policy Review

It is important to insert your terms into this paragraph and ensure that the minutes of the governing body or a church meeting adopt the Policy, Code and Procedures. Because the law is changing so rapidly (Federal law and State law) it is important to review and affirm the documents as required.

1.4 Operating Principles

Leave as is. These principles are what lie behind the judgements made in court, and help members to understand that individual actions can cause huge reputational damage to your church.

2. Safety and Participation for Children, and Feedback

Please note that this heading has changed, but not the content. I doubt we can say that anyone has a 'right' to be safe! We **can** commit to doing all that we can to keep them as safe as is reasonably possible, so the heading no longer uses the term 'Rights'.

This section picks up on key elements of the Ten National Principles and the Standards in place in some states. It picks up on some key ideas, which have real value for children:

- Helping a child to feel they are a valued member of the church community.
- Seeking their input and feedback about what we do and how we do it. If children tell you the Bible teaching program is boring or too hard to understand, that can help you be more engaging and relevant.
- Listening to children. The most common complaint children make in nearly every setting is that they are not really listened to, particularly about feeling anxious or unsafe.
- Accepting children for who they are, loving them for who they are, and not making them feel different, embarrassed or ashamed for any reason. Kids will not 'hear' the gospel if you don't model it in word and deed!

The final paragraph is one that authorities look for in the event of litigation, as proof of due diligence.

3. Employment of Staff and Volunteer Leaders

In the legislation, a volunteer or unpaid worker ***IS an employee***, or staff member. So, the same criteria apply when recruiting, screening, appointing and training all those who will work in the church.

The statements in this section are those most strongly suggested by the legal advisers. If these are not your practices currently, then you should rethink and adopt these in the future.

In considering point 4, small churches may not ever be as formal as this, in which case, the practice of providing a written welcome to the team letter would add credibility, and Point 5, the signing of a Ministry Covenant (Appendix 10) is an alternative. You should adopt which ever model best fits your church.

3.2 emphasises that just having a policy on a shelf or computer somewhere is NOT sufficient to comply. Every person involved in working with children needs a copy, and needs specific training and refreshing in the content, especially in the procedures and code of conduct.

4. Reporting and Investigating Child Abuse

If you are using the 2017 or 2018 version of this Policy, you need to cut and paste this section in!

All governments and agencies are ramping up their expectations around the way you manage complaints or allegations, report and investigate them. This section needs to be workshopped by church leadership teams and make sure that you have the various elements in place. You need the following:

1. **A Complaints Record Form.** You have to be able to demonstrate that there is a formal process in place for children, their parents or other adults to express concern, make a complaint or an allegation. GJIC have provided a model, but you can invent your own. I also recommend a separate Incident Form (also provided) to allow for staff or volunteers to record their own perspective on incidents that have led to a complaint.
2. **A Complaints Management Process.** A flow chart of such a process is provided, (see Appendix 3A and 3B) but you need to customize to reflect your people and roles. It highlights the need to store complaints securely, be careful about privacy issues, communicate with the complainant and manage the investigation of the complaint carefully and justly.
3. **An Investigation Process/Plan.** If you are in a state where there is a Reportable Conduct Scheme, this is critical. It may say that the ‘head of entity’ is to conduct the investigation; if the allegation is serious or criminal, we would advise against this. Despite the expense involved, it would be wise to bring in an impartial, trained investigator, for two reasons; a) if you know the accused person, which is almost guaranteed in a church, then this is viewed as a conflict of interest by a court; b) theological training does not mean you are qualified and skilled at conducting an investigation into child abuse.
4. **Clarity about How to Report and Who to Report To.** To help churches in this, we have provided two separate flow charts, Appendices 1A and 1B
 - The first Flow Chart deals with how to report a disclosure about someone outside of the church. You can’t ignore this and hope it goes away. If you come to a reasonable belief that the child is at risk, you **MUST** report it. The Police are first responders, on 000. You need to put in your state specific Child Protection Agency. (GJIC have supplied these details to the best of our knowledge – but check to make sure this is correct!)
 - The second Flow Chart deals with the far more onerous issue of one of your people being accused of child abuse. Not only do you have to report this, as per the first flow chart, but you also have to take steps to stand the person down and take steps to assess ongoing risk and mitigate it. It also includes the Reportable Conduct Scheme **additional requirements**.
5. **A Child Protection Officer.** It is very important to have someone in the church authorized and trained to take this role. It **MUST NOT** be the Senior Pastor, or the Children’s Ministry Coordinator. It has to be someone one step removed from the operations of children’s work. The CPO will confer with and communicate with the leadership, but has to have some autonomy to act for the child. We suggest it should be a woman. To put it bluntly, most child abuse is committed by men; a child who has been abused by a man is not going to confide in another man, even a nice one! So, choose wisely.

6. Risk Management

The current environment requires every organisation to take risk management seriously. This section talks about having a Risk and Compliance Subcommittee. In small churches this can be a function of the governing body, as long as you ensure that it is a regular agenda item, and that you actively go and assess programs and the facility for risks and take steps to deal with risks that are identified or foreseeable.

7. and 8. Privacy, Confidentiality and Record Keeping

There is a lot of legislation around Privacy, which it is important to know about. Have protocols like 'need to know' basis for managing critical incidents and allegations. The statements here are bare minimum.

Section 2. The Code of Conduct

A Code of Conduct is a vital document to develop as a church or Christian organisation. It defines how you want to operate as a community, the kind of behavior and respect that you show to one another and to others with whom you interact.

The Code of Conduct provided here is **Child Protection specific**. We encourage you to broaden this at some time. This Code has been checked by legal practitioners who work in Child Protection, and it is quite detailed and extensive.

The only section that you may wish to modify in some way is the Purpose section at the beginning. The 'Do's and Don'ts' section should not be reduced; you can add other guidelines if required. **If you do, please let the GJIC office know this when you submit your documents.**

Section 3. Reporting Procedures and Appendices

The final section of the model documents provides a suite of examples for you to use, presented as Appendices. These are not all compulsory, but if you choose not to use these, then you should have a good, compliant alternative. We hope and pray that you don't have to go through any of the complaint managing, investigation or reporting processes, but discussing what is involved will help you increase your vigilance and ensure that if the worst does happen, you are prepared.

Appendix 1, 1A and 1B.

These pages are an attempt to clarify the quite complex reporting obligations for your people. It is your job to ensure the phone numbers and agency details are correct. Check the final page of these notes for your state or territory phone numbers and web links.

Appendix 2. The Complaint Form

If you don't have one, then use or adapt this one. Having such a form and letting people know about it demonstrates a healthy culture of awareness. It also lets you manage an emotional issue, recording facts and letting the complainant know you have a good process in place.

Appendix 3 and 3A. Managing Complaints

This is being highlighted currently as a weak element in organisations, so we have provided two flow charts for your consideration.

Appendix 4. Reportable Conduct Schemes

The information provided is for Victorian clients. Not every state has a RCS currently. You need to be well-informed about this additional process, particularly the investigation process.

Appendix 5. The Incident Report Form

Many churches have such a form, and it is used to record critical incidents, usually injuries or accidents. We suggest this form can be used to record allegations of misconduct or abuse, so that staff can give their version of an incident or even a 'near miss'! Most people make mistakes from time to time, and organisations should learn from these.

Appendix 6 Definitions of Abuse

This is an important section to have in your documents. Some groups like to have definitions at the front of a policy. In this case, we have opted to include it as an appendix. However, it is MOST IMPORTANT to communicate these definitions to your children's workers as a part of the training. Many people focus on child sexual abuse and don't pick up on the more subtle forms of abuse that can have long-term negative impacts on a child.

Appendix 7. An Example Feedback Survey

Very few churches we have dealt with have a purpose-designed way of getting feedback from children. This concept is emphasized in all the material concerning standards and principles for Child Safety. This form is carefully designed to help leadership know if there is a trend of concern amongst children about the programs or staff. Children feel unsafe when adults don't know what they are doing or say and do embarrassing things. We highly recommend you use this form at least once per year or develop your own survey.

Appendices 8 and 9 Permission, Authorisation and Medical Details

You may well have your own forms for this purpose. It is essential to have a data base of children's health details in these days of allergies and anaphylaxis, especially if you are taking kids away for the day or overnight. Having contact numbers and details available on your phone or device is probably better than carrying around wads of paper.

The Permission Form achieves several key functions: It is evidence that you have **communicated clearly** about the activities you are going to be doing; parents only give permission if they know the nature of the activity.

Secondly it gains **permission** for the child to attend and participate. The parent effectively signs the care and protection of their child over to you! You then become '*in loco parentis*' – *in the place of the parent*. You assume legal duty of care.

Thirdly, it **authorizes** you to seek medical help in the event of injury or sudden illness. **Authorization** is different to **permission**. Without this, even if the child has permission to attend, you are not sure if you have the authority to act on behalf of the child. You would be wise to call and notify parents, but in an emergency, you have to be able to act decisively, without being sued! Authorization achieves this.

Appendix 10 Example Ministry Covenant

If you have no other formal agreement for people working under the auspices of your church, you can use this one. It is mentioned in the employment section of the Policy.

State and Territory Agencies and Contacts Regarding Child Abuse

State or Territory	Reporting authority	Contact details	Further Information
ACT	Child and Youth Protection Services	General: 1300 556 729 (24 hrs) Mandated Reports: 1300 556 728	https://www.communityservices.act.gov.au/ocyfs/keeping-children-and-young-people-safe Contact: Child Protection Reports for an online report
NSW	Department of Family and Community Services	Child Protection Helpline: 13 21 11 or 133 677. SMS: 0423 677 767	https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk Mandatory Reports: use eReporting
NT	Territory Families	Child Abuse Hotline: 1800 700 250	https://territoryfamilies.nt.gov.au Report Child Abuse page
Queensland	Department of Child Safety, Youth and Women	1800 177 135 Or (07) 3235 9999	https://www.csyw.qld.gov.au/child-family/protecting-children https://www.csyw.qld.gov.au/contact-us/department-contacts/child-family-contacts/child-safety-service-centres/regional-intake-services
South Aust.	Department for Child Protection	Child Abuse report Line: 13 14 78	https://www.sa.gov.au/topics/education-and-learning/health-wellbeing-and-special-needs/report-child-abuse/report-child-abuse https://my.families.sa.gov.au/IDMProv/landing.html
Tasmania	Department of Health and Human Services	Child Safety Service: 1800 000 123	https://www.dhhs.tas.gov.au/children/child_protection_services
Victoria	Dept of Health and Human Services	Child protection Emergency: 13 12 78	https://services.dhhs.vic.gov.au/child-protection
Western Aus	Dept. of Communities, Child Protection and Family Support	BH: 1800 273 889 AH: (08) 9223 1111 or freecall 1800 199 008	http://www.dcp.wa.gov.au/ChildProtection/Pages/Ifyouareconcernedaboutachild.aspx http://mandatoryreporting.dcp.wa.gov.au/Pages/Home.aspx