

Copy of Safe Place Services Policy which is currently under review by AdSAFE Ltd.

Safer Environments for Children, Young People and the Vulnerable



POLICY IMPLEMENTATION

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Purpose, Scope and Principles

1.1 Purpose

The purpose of this policy is to establish a comprehensive multi-layered safety framework, providing clear direction for leaders and protection for children and vulnerable people. Inclusive of sexual, physical, emotional and psychological abuse.

1.2 Scope

This policy is designed to be used in conjunction with all AdSAFE policies and procedures. It is to be used either directly by any organisational entity, or to be incorporated into policies and procedures specifically designed by the entity operating within the South Pacific Division of the Seventh-day Adventist Church. The or use by local churches, companies of believers, and church plants throughout the Conferences of the Seventh-day Adventist Church in Australia and New Zealand. This policy applies to members, officers, staff, volunteers, attendees, and participants in the local church and its programs and activities.

1.3 Principles

The local church will establish safer environments for children and young people by:

1. *Screening* all staff and volunteers who work with children and young people This includes careful inquiry (due diligence) being exercised during any nominating or appointment processes being followed by the church;
2. Promoting a *Code of Conduct* that all adults in church environments are expected to uphold. In addition, all staff and volunteers are *required* to adhere to the *Code of Conduct* when working with children and young people;
3. *Training* Board members and key leaders who work with children and young people, using a range of programs produced by (i) Safe Place Services; (ii) local Conference Safe Place Committees and Coordinators; (iii) the National Council of Churches and the like; (iv) Government child protection services; and (v) 'best-practice' Clearinghouses and relevant services and agencies;

4. *Approving* ‘high risk’ activities (such as over-night and off-site activities) involving children and young people by the Board (or a Business Meeting), by means of a documented ‘Risk Assessment’ and Risk Management plan.
5. *Reporting* situations, incidents, or disclosures of (i) child abuse and neglect or (ii) apparent misconduct by staff or volunteers, to:
 - a. A team leader or other suitable local church leader such as the pastor, an elder, or the church’s Safe Place Coordinator;
 - b. Statutory authorities such as the Police and Government Child-Protection Services; and to
 - c. The local Conference Safe Place Coordinator or Safe Place Services.
6. *Complying* with the introduction, monitoring/support, and review of Safety Agreements, as required under the Conference and Union safe place policies and procedures. These documents establish that an applicant who has a criminal conviction for an offense of a violent or sexual nature against a child, young person, or an adult with an intellectual, physical, or other disability or vulnerability, be subject to a Safety Agreement based on an assessment of the individual’s risk and the local environment (the people, the venue, the activity, and the capacity of personnel to supervise etc.). Types of convictions that trigger a Safety Agreement include non-contact offenses such as the use, possession, editing, exchange, or manufacture of illegal or indecent images or recordings of children or young people in sexualized, explicit, or offensive material.

Legal Framework

2.1 Principles

The local church has a duty to adhere to certain principles enshrined in legislation (Acts of Parliament) and established tort and civil law (cased based on precedent rulings). These principles include:

1. *Duty of Care*: Means any legal responsibility that the local church has to provide for and ensure the safety and wellbeing of: (i) those who organize activities and programs; and (ii) those who participate in them;

2. *Reasonable Standard of Care*: Refers to the level of care that a leader or participant may reasonably expect that the local church will take when planning and approving a church-sponsored activity or program;
3. *Reasonable Foresight*: Refers to the responsibility that the local church has, when planning activities that involve children and young people, to: (i) identify the likelihood and consequences of reasonably foreseeable risks/dangers; and (ii) implement strategies to prevent, avert, or minimize any potential adverse impacts from such assessed risks/dangers;
4. *Vicarious Liability*: Means any legal liability that the local church may be determined to have for the actions and conduct of those who act on its behalf (e.g. staff, volunteers, appointed church officers, or contractors);
5. *Negligence*: May be found to exist when it is established that the local church has a duty of care; that the said duty of care was breached; and that a specified loss or damages were experienced by a person or persons as a result; and
6. *Confidentiality and Privacy*: As outlined in the principles of the Privacy Act and other relevant privacy legislation or regulations (Commonwealth, 1998; New Zealand, 2003).

2.2 Other Acts of Parliament

There are several Acts (legislation) of Parliament that outline: definitions of child abuse and neglect; violent and sexual offences; child-protection processes and notification requirements; the age-of-consent for sexual activity; criminal history check requirements; registration of sexual offenders; rules of evidence; victims of crime services and (financial) restitution or compensation/insurance; equal opportunity; workplace relations; safety and welfare; and privacy. The local church will adhere to such legislation as applicable within its region or territory.

Appointing Volunteers and Staff to Work with Children and Young People

3.1 Background

This section outlines procedures (steps) to ensure that suitable people are appointed to work with children and young people. This includes a commitment by staff and volunteers to adhere to the local church's *Code of Conduct*. Certain standards for

safeguarding are also outlined in the document known as the *Church Manual* published by the *General Conference of Seventh-day Adventists*. Compliance with this document is non-negotiable. The *Church Manual* states (for example), under the heading “Safeguarding Children”:

Have all volunteers complete a volunteer information form, check their references, and, if required by law, do a police background check (2010, p. 169).

The local church recognizes its obligation to act in harmony with this statement and others referred to herein.

3.2 Police Background Checks

1. Criminal History Record Checks are required by law in all States and Territories in Australia. This check is commonly referred to as a ‘Working with Children Check’ (WWCC), but sometimes referred to as a National Police Certificate. Compliance with these Police background checks is required of all staff and volunteers as outlined in the rules for the applicable clearance. A Criminal History Record Check is not required by law in New Zealand. However, a free check is available (for volunteers) through a licensing and vetting service. An individual may also obtain a copy of their Criminal History Record from the Ministry of Justice.
2. The local church shall adhere to the rules and requirements of any applicable WWCC in Australia. In New Zealand all key leaders, staff, and volunteers who work with children or young people shall pass a criminal history record check by means of the vetting service of the Ministry of Justice.
3. Web links to Government-operated sites with reliable information on Criminal History Record Checks in Australia and New Zealand are maintained on the Safe Place Services’ website (see the homepage and relevant links for details at www.safeplaceservices.org.au).

3.3 Qualifying Periods

1. The *Church Manual* states under the heading “Safeguarding Children”:

“Require a waiting period of six months for newly baptized or transferring members who have indicated a willingness to work with children” (2010, p. 169).

The local congregation recognizes its duty to act in harmony with this statement regarding ‘qualifying’ periods. A qualifying period is a period of time a person must ‘wait’ in order to be appointed to a position.

2. In addition to the minimum six (6) month standard for newly baptized or transferring members, a twelve (12) month qualifying period shall apply for prospective staff and volunteers who are non-members or who are new to the congregation.

3.4 Staff and Volunteer Data Form and Referee Checks

1. A sample Staff and Volunteer Data Form is available from the Safe Place Service’s website (by going to the “Resources” menu). The local church will maintain up-to-date list of contact details for staff and volunteers who work with children and young people. This list is for the purpose of enabling leaders and activity/program organizers to communicate with parents/caregivers and to fulfil any duty of care responsibilities.
2. The local church requires staff and volunteers who are (i) new to the congregation or (ii) serving for the first time, to provide referees which are checked. A sample Referee Check Consent Form is available from the Safe Place Services’ website. A list of suggested questions to use when conducting a referee check is also available (called “Tips for Referee Checks”).
3. It is the responsibility of any appointing Church Authority to screen (or establish that prior screening has occurred) the staff and volunteers that they appoint. A Church Authority includes the Nominating Committee, Board, a Business Meeting, or a Department of the local church such as children’s ministries, youth, or Pathfinders.

3.5 Volunteer Pledge and Code of Conduct

1. All staff and volunteers who work with children and young people are required to complete a pledge (or otherwise acknowledge) indicating that they understand and agree to abide by the local church’s *Code of Conduct*. Young people aged 16 or 17 years of age may also complete the pledge if they are assistants or helpers. Young people who complete the pledge do not need to complete the pledge again once they turn 18-years of age.
2. The Pledge can be completed online at the Safe Place Services’ website, at www.safeplaceservices.org.au. The online pledge is the preferred method of compliance. However, in situations where the online pledge is not accessible, a hardcopy may be downloaded and used in lieu of the online pledge. Hardcopy pledges should be stored by the local church for at least 3-years after the

staff/volunteer ceases to hold a child/youth-related role or position. The pledge should be stored with due regard to privacy and security.

3. Staff and volunteers who complete the online pledge are issued with an e-mail receipt. They should show to the receipt to the relevant appointing Church Authority to fulfil compliance with screening. After being sighted a copy need not be stored, since Safe Place Service retain a permanent electronic record of the pledge. The electronic record can be retrieved for the staff/volunteer if they lose their receipt and/or if they need to demonstrate their compliance elsewhere at a later date.
4. A brochure outlining the local church *Code of Conduct* is available from the Safe Place Services' website. This may be customized so long as approval is vetted by the Conference Safe Place Committee or Coordinator.

3.6 Training for Staff and Volunteers

1. The local church requires that Board members and key leaders who work with children and young people complete training, at least 3-yearly. This training may include a range of programs produced by (i) Safe Place Services; (ii) local Conference Safe Place Committees and Coordinators; (iii) the National Council of Churches and the like; (iv) Government child protection services; and (v) 'best-practice' Clearinghouses and relevant services and agencies. Training to be completed over a 3-yearly cycle should, in totality, cover the following four areas (standards) of training: (i) foundations of child safe environments; (ii) identifying and responding to signs and indicators of abuse and neglect; (iii) appointing safe staff and holding volunteers accountable for misconduct; (iv) planning safe programs. Not all training needs to be delivered face-to-face, and can include online and e-learning modules produced by Safe Place Services.
2. In addition to training for Board members and key leaders, all staff and volunteers who are team members and helpers should complete training/induction in (i) the Code of Conduct and (ii) identifying and responding to signs and indicators of abuse and neglect.
3. Training events and opportunities are planned by the Conference Safe Place Committee and/or Coordinator in conjunction with Safe Place Services. The local church should report specific training needs and requests to the Conference.

3.7 Screening Volunteers for Conference or Union-organized Events and Codes of Conduct by other Church Entities

1. All staff and volunteers appointed by a local church to assist with a Conference or Union-organized event shall be screened by the local church according to points 3.2, 3.3, 3.4 & 3.5 if they have not been screened already.
2. Where the Conference or Union directly recruits staff or volunteers to work at such events, the Conference or Union is responsible for ensuring that all appointees are screened. This will be done by the relevant Departmental leader, service, or team at the Conference or Union under whose area the program or event is being run, or the person delegated by the Conference to do this. A Conference may delegate its Safe Place Committee or Coordinator to fulfil this task and to maintain a log or register of screened personnel.
3. In addition to Conference and Union-organized events, in settings where the local church operates a program/project in partnership with or under the auspice of ADRA Australia (Adventist Development and Relief Agency), staff and volunteers shall also adhere to any relevant ADRA *Code of Conduct*, child-protection policy, and training that is specified for the program/project.

Establishing and Maintaining Safer Environments for Children and Young People

4.1 Background

The purpose of this section is to ensure that safer places and programs are provided for children and young people.

4.2 Two-Adult Requirement and Ratios of Staff/Volunteers

1. The local church requires at least two adults be present when working with children or young people (see the *Church Manual*, 2010, p. 168).
2. In addition to the two-adult requirement, there should be an adequate ratio of staff for an activity when considering (i) the age and developmental abilities of the children and young people; (ii) the venue; (iii) the nature of the activity being undertaken; as well as (iv) factors such as the presence of parents/guardians who may be in attendance with a person in their care.

The following principles should be taken into account in determining an appropriate ratio of staff in the circumstances:

- a. Younger children generally need more supervision and support than older children or young people;
- b. Children or young people with special needs may require more supervision or a designated staff/volunteer;
- c. Closed-venues or rooms generally require less personnel to maintain supervision than open or outdoor venues with good visibility;
- d. High-risk activities may require personnel with specific skills, ability, or training;
- e. As a guideline, Pathfinder (and similar) camps will generally need to utilize a ratio of at least one (1) adult to five (5) participants, whereas a regularly operating Sabbath School class that is meeting in their usual room may only require one (1) adult to 12 participants or simply two (2) adults in order to adhere with the 'two-adult requirement'.

4.3 Rooms, Venues and Equipment

1. Activities for children and young people should be conducted in easily monitored places that are open to external view. For example, the *Church Manual* (2010) states: "Discourage private or one-on-one contact and encourage an open-door policy in all situations. Where an open door is not possible, station a second adult at the door" (p. 169).
2. Facilities and equipment for children and young people should also be:
 1. Safe for use;
 2. Clean and hygienic;
 3. In sound working order and of good repair;
 4. Comply with servicing standards such as electrical safety testing and fire extinguisher servicing requirements;
 5. Medications, chemicals or other hazardous substances should be stored securely out of reach of children;
 6. First-aid equipment should be clearly identified and staff and volunteers aware of its location;

7. An evacuation plan and meeting location should be in place;
8. Ensure that hats and sunscreen are used, as appropriate, during outdoor events and activities.

4.4 The Conduct of Adult Staff and Volunteers

The local Church requires that volunteers and staff who work with children and young people:

1. Avoid showing favouritism of a particular child, children or young person(s);
2. Refrain from using physical discipline with a child or young person participating in a Church-run activity, meeting or service;
3. Adhere to appropriate standards and protocols of conduct when communicating with children or young people via electronic means (for example protocols such as: [i] adhering to suitable times for messaging; [ii] directing children and young people to access appropriate services and parents/guardians if issues/concerns of an emotional, psychological, or psychiatric nature appear to emerge; [iii] refraining from issuing invitations or organizing times to meet alone or privately outside of authorized programs, activities, and groups);
4. Report concerns or inappropriate conduct of another staff person or volunteer to the team leader/coordinator, or someone in authority such as a Board member, the pastor, an elder, or the local church Safe Place Coordinator;
5. Abide by and uphold the local Church *Code of Conduct*;
6. Follow the reasonable and lawful directions of leaders and people in authority;
7. Not engage in any illegal activity with a child or young person.

4.5 Processes to Maintain Care and Protection Must Be Followed, Including:

1. Responding to bullying and other inappropriate behaviour between children or young people, when it occurs;
2. Transporting children with due care;

3. Obtaining parental/guardian consents and permissions, where required, for particular events and activities;
4. Not taking unauthorised pictures or records or a child on church property, or at church activities, without church authorization and the parental/guardian/carer consent (where necessary);
5. Recording medical, allergy, dietary requirements, and emergency contact details of parents/guardians for particular events and activities off-site;
6. Using sign-in and sign-out forms, as suitable, particularly for activities where parents/guardians drop off, leave, and then return to collect their children afterwards;
7. A child or young person should not be released to an adult who is not approved.

4.6 Safe Programs and Activities

The local church will plan and conduct safe programs with children and young people by:

1. Completing a documented (written) Risk Assessment and Risk Management plan for all high-risk, off-site, or over-night events and activities.
2. Submitting the Risk Assessment and Risk Management form to the local church Board or Business Meeting, to obtain permission to proceed, prior to going ahead with the proposed high-risk, off-site, or over-night event or activity.

A template form is available on the Safe Place Services' website at www.safeplaceservices.org.au Acceptable alternatives include forms provided by the SPD Risk Management Services, or a Department of the Church (such as Youth/Pathfinders, or Children's Ministries).

3. Ensuring that people with appropriate qualifications or skills are present for specialist activities (such as qualifications in First Aid, outdoor recreation, or use of equipment), as relevant.
4. Submitting an Incident Report to the church Board/Business Meeting for review, actioning, and the ongoing learning/safety planning following any accident, injury, or adverse event.

A sample Incident Report form is available in the Resource section of the Safe Place Services website at www.safeplaceservices.org.au. Acceptable alternatives include forms provided by the SPD Risk Management Services, or a Department of the Church (such as Youth/Pathfinders, or Children's Ministries).

Responding to Children and Young People 'At Risk' of Harm or Neglect

5.1 Responding to Signs, Indicators, and Disclosures of Harm or Neglect

The local church requires all staff and volunteers who work with children and young people to:

1. Report any concerns or suspicions that a child is at risk of harm to a team leader or someone in leadership such as the Pastor, an elder, or the church's Safe Place Coordinator. For advice on reporting a concern or suspicion to Government child-protection services or Police, contact the Conference Safe Place Coordinator or Safe Place Services. The Safe Place Services website (www.safeplaceservices.org.au) provides details of phone numbers and links to child protection services across Australia and New Zealand. These are located under the 'Supporting People' menu from the homepage.
2. Report all *disclosures* from children and young people alleging harm, abuse, or neglect to the above Government child-protection services *and* to local Police, and the Conference Safe Place Coordinator.
3. Seek advice from the Conference Safe Place Coordinator or Committee if there are any doubts, concerns or question about reporting a situation to Police or to child-protection authorities.
4. Advice all reports/notifications made within the local church to the Conference Safe Place Coordinator or Safe Place Committee.
5. Report all suspicions, disclosures, knowledge, convictions, Court appearances, charges, or allegations about a Church worker (employee), volunteer, or officer committing sexual abuse or assault against a child or young person, to Safe Place Services. This can be done via an online Incident Report Form, Person of Interest Form, or an Allegation Form available at the Safe Place Services' website at www.safeplaceservices.org.au or by phoning the office on 02 9487 5833 or 1800 220 468 (from Australia) or 0800 442 458 (from New Zealand).

6. Encourage and support adults who disclose historical abuse to report that to Police and/or to seek support from a counsellor with appropriate skills, experience, and qualifications for working with survivors of sexual abuse and assault. In addition, refer the case to the Conference Safe Place Coordinator who can assist in such instances (and refer the case to Safe Place Services).

5.2 Future Church Roles if Claims are Established, Proven or Sustained Regarding a Person Subject of Allegation (PSOA)

1. According to the *South Pacific Division Executive Committee*, 21 August 2002, if there is a determination by statutory authorities (such as a Court or Tribunal) or a Professional Standards Committee of the Church (such as the Union's *Safe Place Adjudication Committee* or an *Adjudication Panel* appointed by a Conference or affiliated-entity) that establishes claims of child sexual abuse or assault or misconduct, then such individual "shall not hold any position of responsibility in the church. Nor shall they, in the future, hold any church office or position or responsibility in the church that places them in contact with children or youth (e.g. Sabbath School, Pathfinders, youth and social activities) as this could ... signal ... that the church supports this individual as a trustworthy leader."
2. In addition, it is the Policy of the Union throughout Australia and New Zealand that a person subject of allegation (PSOA) about whom a 'positive finding' or a conviction is determined (by a Court, Tribunal, or Church adjudication process) regarding an offense of a sexual, violent, or pornographic nature against a minor, shall not be permitted to either hold church office or perform a task that is imbued with moral or spiritual authority and leadership. Such office or task includes but is not limited to that of Elder, Deacon, praise leader, preacher/speaker in the pulpit for worship services, ceremonies, and any outreach meeting or other similar program or meetings.

The Local Church's Relationship to Statutory Authorities and the Church Organization's Services and Programs

6.1 Disclosures, Allegations, and Suspicions of Conduct that is Apparently (or is likely to be) Criminal in Mature

1. In situations where criminal conduct towards a child or young person is disclosed, alleged, suspected, or believed likely to be uncovered, the local

church supports the reporting (either directly or indirectly) of such situations/conduct to Police (by those ‘who need to know’).

2. After a situation is reported to Police, usually no immediate visible action is taken by the local church towards the Person Subject Of Allegation (PSOA). This is so that local responses do not potentially interfere with and compromise a Police investigation. If a Police investigation proceeds, it is the role of Police to notify the PSOA of allegations at the time that the Police determine, for example when the person is interviewed and/or arrested and charged. It is not the role of the church or members/leaders to confront or advise the PSOA of allegations, and such actions are not endorsed. If/when Police give the ‘all clear’ (permission to proceed), either formally or informally, the Board/leadership will then have liberty to act in visible ways. Such actions may include: (i) informing the matter to certain leaders and program organizers; (ii) requiring the PSOA to ‘stand down’ from any local church position and/or roles; (iii) other responses that might be recommended in the circumstances, including the introduction of a temporary Safety Agreement.
3. The ‘stand down’ will be monitored and reviewed in view of further Police responses and advice and in view of any eventual Court judgement or outcome.
4. The local church will cooperate fully with Police during all stages of a Police investigation and Court trial.
5. The Conference Safe Place Coordinator and/or Safe Place Services will liaise with and advise the local church throughout such situations, if/as appropriate.

6.2 Reportable Conduct

1. In addition to reporting apparent (and likely) conduct of a criminal nature to Police, the local church will also ensure that reportable conduct is notified to other relevant authorities such as child protection services and/or any applicable Ombudsman’s office and the like.
2. Reportable conduct includes alleged or apparent child abuse and neglect that meets legal definitions of crime as well as less serious forms of misconduct along a continuum of harm. Overall, all forms of abuse and misconduct will be reported to the relevant Government authority or agency as necessary.

6.3 Non-Compliance with Practice Standards, Ethical Statements, or Codes of Conduct for Professionals who are Registered/Accredited Practitioners

1. In addition to reporting apparent (and likely) conduct of a criminal nature to Police, and reportable conduct to relevant authorities, the local Church will also

ensure that apparent (or likely) conduct that breaches practice standards, ethical statements, or Codes of Conduct for individuals who are members of applicable professional associations, to the relevant body.

2. This includes professionals in the medical, health, and teaching/education professions and similar occupations.

6.4 Response to a Situation of Allegations

In response to an allegation (either: before, during, or after an investigation), the local church will undertake the following (as applicable):

1. Report the allegations or apparent conduct to Police, child-protection services, statutory authorities, or professional associations or bodies, as applicable in accordance with this policy;
2. Support and cooperate with any action by Police and/or any other investigative or disciplinary proceeding;
3. Remain fair and neutral to all parties, so far as possible, during any investigation or similar action (such as a risk assessment) by a relevant body;
4. Manage real and potential risk to various parties, within prevailing constraints;
5. Support all parties, to the best of its ability, including the complainant(s) and the Person Subject Of Allegation (PSOA), if known/identified;
6. Implement advice and recommendations made by Police, child-protection services, statutory authorities, discipline-processes, the Conference Safe Place Coordinator or Committee, or Safe Place Services, if/as received.

6.5 Action Following a Police and/or Other Agency/Body Response

1. Sometimes in situations where allegations are reported to Police, the case does not progress to a Court conviction due to a range of factors such as: (i) the private nature of child sexual assault; (ii) the rules of evidence that determine what material can and can't be used in Court; (iii) availability of witnesses; (iv) the passage of time; and (v) the Court's requirement to be satisfied "beyond reasonable doubt" that a person is guilty. As a result, several other outcomes are possible. In some instances where no conviction is made, Safe Place Services and/or the Conference Safe Place Committee may still implement safeguards where it is deemed a duty to do so exists.

2. The local church shall adhere to policy and also implement recommendations made by Safe Place Services and the local Conference Safe Place Committee that flow from the findings and outcomes of any criminal, child-protection, disciplinary proceedings, or professional practice determinations or findings.

6.6 Church Internal Investigation

1. Depending on the outcome of any statutory and/or disciplinary proceedings (such as by a Registration Body), the Church organization may be required or requested to carry out an internal Church-based investigation. Any such investigation will be done in compliance with the local Conference *Safe Place Policy* and the Union's *Creating A Safe Place Policy* and related procedures.

6.7 Church Risk Assessment

1. The local church is entitled to act on any assessment or risk and risk-management advice that it receives before, during, or after an investigation or disciplinary proceeding, made to it by statutory authorities or bodies OR by the Conference Safe Place Coordinator or Committee OR by Safe Place Services.
2. Risk shall be assessed and managed as outlined in the local Conference *Safe Place Policy* and the Union *Creating A Safe Place Policy* and *Framework for Investigations* document and related procedures.
3. Risk assessment and management may happen parallel to an investigative process but, in such situations, in no way means that the church has formed any opinion or decision on the facts of the case before investigative outcomes are known and adjudication occurs.
4. Even in situations where a positive finding is not made, the local church is still entitled and has authority to implement short-term and ongoing risk-management strategies as outlined in Church policy/procedures and as recommended by the Conference Safe Place Committee and/or Safe Place Services.

6.8 The Church's Indemnification Regarding Liability

1. The local church may accept as *prima facie* proof of the facts of an allegation the findings of any Court, professional Tribunal or association, or disciplinary proceeding. In addition, the local church and its Board or Business Meeting may accept as *prima facie* proof of the facts of an allegation, any allegations found proved, established, or sustained by a Professional Standards Committee of the Church such as, but not limited to, the Union's *Safe Place Adjudication Committee* or the *Adjudication Panel* of a Conference, Union, or

an affiliated entity of the Seventh-day Adventist Church throughout Australia and New Zealand.

2. The local Conference indemnifies the local church and its members for any liability that may arise in terms of negligence, breach of privacy, or defamation, if they have acted in accordance with this policy and/or were following duly made recommendations of statutory authorities, child-protection services, and/or the policy or advice or other recommendations of the local Conference Safe Place Coordinator or Committee, Safe Place Services at the Union, or the Safe Place Adjudication Committee or an duly appointed Adjudication Panel of the Conference or Church-affiliated entity.

6.9 Situations Involving a Church Investigation of a Church Worker (employee) or Volunteer.

1. Internal Church investigations will be undertaken in adherence to relevant policies of the Church and its affiliated entities and Departments.
2. Where results of such investigation result in a positive finding or sustain allegation(s), the local church shall consider disciplinary responses such as censure and dis-fellowshipping as outlined in the *Church Manual*. Church discipline, against a Church worker (employee) or a local church volunteer should not be undertaken until a finding is determined about the facts or otherwise of the allegation(s).

In addition to censure and dis-fellowshipping, the local church may also implement strategies designed to reduce risk such as:

1. Placing restriction on the PSOA holding local church office, roles and positions;
2. Non-participation of the PSOA in roles with children and young people;
3. Non-contact by the PSOA with children and young people at local church services and activities, besides their immediate dependants;
4. Compliance with a Safety Agreement as a pre-requisite to being welcome on the local church's property and/or church-sponsored activities;
5. Requiring adherence to the local Church's *Code of Conduct*.

6.10 Disclosure of complaints

1. Where a local church member, volunteer, or attendee is also a Church worker (employee), it may be necessary to disclose the fact of an investigation/risk

assessment to the PSOA's employing entity in order for the local church and the employing entity to fulfil a duty of care. In most circumstances this disclosure will be made on behalf of the local church by the local Conference Safe Place Coordinator/Committee.

2. The PSOA's employing entity should not prejudice or treat the PSOA unfairly within the workplace whilst a complaint or allegation is being tested.
3. Similarly, in some instances it may be necessary for the local Church to publish the outcomes or agreed or established fact or outcome of an investigation/risk assessment to certain local Church leadership and/or the wider congregation, in order to: allay fears, correct misinformation, dispel apparent rumours, gossip or hearsay, and to fulfil its duty of care. The local Conference Safe Place Coordinator/Committee, or Safe Place Services at the Union, may make such recommendation and assist with an implementation plan.

Safety Agreements

7.1 Safety Agreements

1. The local church shall authorise and provide support monitors to enable Safety Agreements to proceed in situations where this is recommended by the Conference Safe Place Coordinator or Committee and/or by Safe Place Services. Such situations include:
 1. After an allegation or complaint has been made about a Person Subject Of Allegation (PSOA).
 2. During an investigation, complaint inquiry or disciplinary proceeding/process.
 3. After an investigation, complaint inquiry or disciplinary proceeding has concluded.
 4. When an historical conviction or positive finding regarding an individual comes to the attention of the local church, the Conference, or Safe Place Services at the Union, where the conviction or finding relates to conduct or a violent or sexual nature involving a child, children, or young person or persons under 18-years of age (including non-contact offences).

7.2 Parties and Roles

1. A Safety Agreement is a contract between an applicant and the Conference that permits the individual to attend a specified congregation subject to the endorsement of the local church and the provision of suitable support-monitors to supervise the Safety Agreement responsibly.

2. The Conference Safe Place Committee and Coordinator will usually act on behalf of the local Conference in preparing the Safety Agreement and signing it with the applicant.
3. The Conference Safe Place Committee will prepare the document in consultation with: (i) the applicant; (ii) the proposed local church; and (iii) Safe Place Services at the Union. The document will usually be based on the template Safety Agreement as published and updated on the Safe Places Website from time-to-time.
4. The introduction of a Safety Agreement is made on the basis of an assessment of risk that includes the applicant's likelihood to reoffend and the situation and circumstances of the proposed local church and its capacity to introduce and supervise such agreement.

7.3 The Use of Temporary Safety Agreements

1. A temporary Safety Agreement may be introduced during a complaint inquiry, investigation, or employment proceeding. Such agreement should be supervised by two local Church personnel and shall expire at the end of the complaint inquiry, investigation, or employment proceeding. If allegations are sustained, a temporary Safety Agreement may transition into an ordinary Safety Agreement.

7.4 Responding to Grievances

1. The local church does not bear the onus of responding to grievances about the implementation of recommendations that are made to it. The task of responding resides with the Conference Safe Place Committee and Safe Place Services. All grievances should be channelled through to the Conference Safe Place Committee or Coordinator, including those that are accompanied by legal representation. The Conference Safe Place Committee, which meets periodically, and Safe Place Services, shall respond and advise upon responses to grievances. The normal pathway is for the Safe Place Committee to be given the first opportunity to respond, with the Conference Executive then able to review the response. The Conference Executive may invite Safe Place Services to provide input into its review of a situation, or appoint Safe Place Services to conduct such review of the grievance.
2. In terms of risk assessment for Safety Agreements, disputes and appeals regarding the assessment of an individual's personal likelihood of further offending are not subject to grievance but will be settled by further professional

opinion and assessment being obtained. This may require the cooperation of the aggrieved party for the assessment (or reassessment) to proceed.

7.5 Failure to Adopt and Adhere to Recommendations by a Local Church

1. If the local church does not follow recommendations and advice from the (i) Conference Safe Place Committee or Executive, (ii) Safe Place Services at the Union, or (iii) other reasonable advice and recommendations by Police, child-protection authorities, or a Tribunal or Professional Standards Committee of the church, then the Conference insurers *may not* agree to indemnify the local church in the event that any liability or claim for damages arises from such failure to implement recommendations.
2. This could include situations where a local church:
 1. Fails to conduct screening in the appointment of staff and volunteers to work with children and young people;
 2. Refuses to introduce a Safety Agreement as recommended to it;
 3. Allows an applicant for a Safety Agreement to attend the local Church or a Church-sponsored activity following a medium-to-high risk assessment;
 4. Permits or otherwise allows a person with a prior conviction for a violent, sexual, or pornographic offense against a minor to work or otherwise hold a position that places them in any contact with children or young people or leadership of staff and volunteers who work with children and young people;
 5. Fails to require an appointee to complete Working with Children Check requirements, when required by legislation and/or Church policy;
 6. Fails to hold staff and volunteers who work with children and young people accountable to the local church *Code of Conduct*;
 7. Fails to hold a person with a prior (known) conviction for an offense of a sexual, violent, or pornographic nature involving a minor, accountable for an apparent breach of the local church *Code of Conduct*.
 8. Fails to uphold Section 5.2 of this policy, which applies:

“... it is the Policy of the Union throughout Australia and New Zealand that a person subject of allegation (PSOA) about whom

a ‘positive finding’ or a conviction is determined (by a Court, Tribunal, or Church adjudication process) regarding an offense of a sexual, violent, or pornographic nature against a minor, shall not be permitted to either hold church office or perform a task that is imbued with moral or spiritual authority. *Such office or task includes but is not limited to that of Elder, Deacon, praise leader or preacher/speaker in the pulpit for worship services, ceremonies, and outreach or other similar meetings;*

9. Fails to follow Church discipline as outlined in the *Church Manual*.

Support for victims and survivors of child abuse and neglect

8.1 Church-provide Services

1. Safe Place Services at the Union can assist a person who experienced abuse or neglect within the Church and its environments find a suitable counsellor or support service within their area. Safe Place Services may also work with the person’s advocate or the local Pastor or Safe Place leader to ascertain options for referral and support. The local Conference Safe Place Coordinator may also be able to assist as a resource person to locate suitable persons and services. In certain instances Safe Place Services appoints a client-consultant to journey with victims/survivors throughout the process of reporting allegations to Police and any Court proceedings that follow.
2. A few Conferences operate counselling services or centres, besides certain ADRA centres which provide counselling services. Many of these services or centres utilize counsellors with suitable skills, experience, and qualifications for working with survivors of childhood abuse and neglect. However, the Church also recognizes that in many instances people may elect to choose counselling and supports that are separate to the Church organization (or any other religious affiliation). Mainstream State and community-based agencies and services may provide a more appropriate choice and option in many instances.
3. The Safe Place Services’ website at www.safeplaceservices.org.au maintains a list of useful services and helplines across Australia and New Zealand across various regions. This can be a good starting point for an individual to access services and can be searched in privacy when and as it suits the person.

8.2 Victim Support Services and Agencies

1. Most Governments across Australia and New Zealand operate insurance, victim support, compensation, or restitution programs for people who experience violent crime including victims and survivors of child abuse and neglect. It is not necessary in many instances for a person to be convicted before a Court of law for a victim or survivor to be eligible for assistance, including financial assistance. Some details are provided on the Safe Place Services' website under the menu 'supporting people'. Safe Place Services can assist persons explore and access the options available to them.

Notes

Policy Approval and Revision History.

Earlier versions approved by the Board of Directors of the Seventh-day Adventist Church (Australian Union Conference) Limited 2008, 2009, 2011. The 2008 policy was based on the earlier 2005 and 2007 policy entitled 'Local Church Child-Protection Policy'.

Definitions:

All terms of definitions as used herein have their plain usage meaning as defined and used in the AUC & NZPUC document *Creating A Safe Place Policy (2013)* and the *Church Manual (2010, 18th Edition)*.

Intellectual property:

Safeguarding in environments for children and young people draws on a body of 'best practice' experience and literature (See Appendix – Supporting Documents and Standards) which this Policy is informed and shaped by, although no sources are cited in the text of this policy. If you believe material should be cited, or listed in the Appendix, please contact Safe Place Services via e-mail at safeplaces@adventist.org.au

Contributors:

Safe Place Services thank the following for their feedback and contribution to this and earlier versions of this policy:

- Safe Place Services' Management Committee, and various AUC and NZPUC representatives
- Dr David Rankin, (former) Senior Government Advisor and Policy Writer, New Zealand
- Shelley Eden, Shieff Angland Lawyers, New Zealand
- McMahon Fearnley Solicitors, Melbourne Australia
- Graham Jones Lawyers, Sydney Australia
- Geoff Kelly, ESPC Services Pty Ltd, Australia and New Zealand
- Garth Blake SC, Wentworth Chambers, Sydney Australia
- Prolegis Lawyers, Sydney Australia
- Local Church Child-Safe Policy versions 2008, 2009, and 2011 and Child Protection Policy 2005 and 2007.

Permitted uses:

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Appendix

Supporting documents & standards

- General Conference (GC) of Seventh-day Adventists (2010, 18th Edition) *Church Manual*.
- GC (2010) Statement, *Nurture and Protection of Children*, retrieved from www.adventist.org/beliefs/statements
- GC (1997) Statement, *Child Sexual Abuse*, retrieved from www.adventist.org/beliefs/statements
- South Pacific Division (SPD), Statement on Child Sexual Abuse, 21 August 2012, South Pacific Division Supplement to the 2012 *Church Manual*, p. 235.
- SPD (2008), Working Policy (ADM.20.45) *Child-Protection Policy*.
- Australian Union Conference (AUC) & New Zealand Pacific Union Conference (NZPUC) (2013.1) *Creating A Safe Place Policy*.
- AUC & NZPUC (2012.1) *Framework for Investigations*.
- AUC & NZPUC (2003.6) *Local Conference Safe Place Policy*.
- AUC & NZPUC (2013.1) *National Safe Place Register – Procedures*.
- AUC & NZPUC (2013.1) *Terms of Reference for the Safe Place Adjudication Committee*.
- Safe Place Services (2012) *Safe Church Training Manual*.
- Safe Place Services' website, at URL www.safeplaceservices.org.au
- Churches' Child Protection Advisory Services (2004) *Guidance to Churches: A Working Manual for Child Protection and Safe Practice*.
- Community and Disability Services Ministers Conference (July 2005) *Creating a Safe Place for Children: Organisations, Employees and Volunteers – A National Framework*.
- QLD Commission for Children and Youth People and Child Guardian (January 2007) *Safe Environments for Youth People: Child-Protection Managing the Risks*.

- The Australian *Commonwealth Sex Discrimination Act* (1984) and various State, Territory, and New Zealand “equal opportunity”, “anti-discrimination”, and “workplace relations” legislation that cover workplace sexual harassment.
- The New Zealand *Human Rights Act* (1993) and *Employment Relations Act* (2000).
- The Australian Commonwealth *Privacy Act* (1988) and the New Zealand *Privacy Act* (2003).
- Office of the Commonwealth Privacy Commissioner, see www.privacy.gov.au
- The Australian Institute of Family Studies, see www.aifs.gov.au
- ChildSafe (2008) *A Child safe Organisation*, see www.childsafe.org.au
- NSW Ombudsman (June, 2004) *Investigating complaints: A manual for investigators*, retrieved from (and updated) at www.ombo.nsw.gov.au
- Ministry of Justice (New Zealand), see www.justice.govt.nz/privacy
- Anglican Church in Australia (2007, 2009) *Faithfulness in Service and the Code of Good Practice*.
- Catholic Church in Australia (2010, January) *Towards healing: Principles and procedures in responding to complaints of abuse against personnel of the Catholic Church in Australia* (first published 1996).
- Module CHCCN301B (2012) *Ensure the Health and Safety of Children*, a compulsory module of the Nationally accredited CHC30708 Certificate III in Children’s Services, including:
 - Australian Standard SS099 Provide a Safe Environment
 - Australian Standard SS109 Travel with children safely
 - Australian Standard WP019 Supervise the safety of children