



## ***LOCAL CHURCH CHILD-SAFE POLICY***

### **POLICY IMPLEMENTATION**

Version 2011.02 Generic

Name of Local Church (or Company of Believers): \_\_\_\_\_

Date policy adopted by motion of Church Board: \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_

Adoption attested to by: \_\_\_\_\_ (Clerk) \_\_\_\_\_ (Board Chairperson)

Review frequency: 24 monthly (or other \_\_\_\_\_)

Next Review scheduled for: \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_

## ***LOCAL CHURCH CHILD-SAFE POLICY***

This policy belongs to and pertains to the Local Church  
(or Company of Believers) named \_\_\_\_\_  
of the *Seventh-day Adventist Church* in the  
\_\_\_\_\_ Conference, referred to as the  
'Local Church' throughout this document

This policy has been developed by Safe Place Services (2011) for the use and customisation of the Seventh-day Adventist Church within the Local Conference. The following are acknowledged for contributing to the development of this policy:

- Safe Place Services Management Committee, and various AUC and NZPUC representatives
- Dr David Rankin, Senior Government Adviser and Policy Writer, New Zealand
- Shelley Eden, Shieff Angland Lawyers, New Zealand
- Brett McMahon and Peter Hurley, McMahon Fearnley Solicitors, Australia
- Geoff Kelly, ESPC Services Pty Ltd, Australia and New Zealand
- Local Church Child-Safe Policy versions 2008 & 2009

## TABLE OF CONTENTS

<b>1. Purpose, Scope &amp; Principles .....</b>	<b>4</b>
<b>2. Legal Framework .....</b>	<b>5</b>
<b>3. Responding to Children at Risk .....</b>	<b>6</b>
<b>4. Ensuring Child-Safe Volunteers are Selected and Appointed to all Child-related Positions .....</b>	<b>7</b>
<b>5. Maintaining Child-Safe Environments and Activities ...</b>	<b>9</b>
<b>6. Responding to Alleged Child Abuse or Sexual Misconduct .....</b>	<b>11</b>
<b>7. Using Safety Agreements .....</b>	<b>14</b>
<b>8. Failure to Implement Recommendations .....</b>	<b>16</b>
<b>9. Support for Victims and Survivors of Sexual Assault and Abuse .....</b>	<b>17</b>

Note:

Terms and Definitions as used in the Policy are outlined in the Safe Place Services document (2010) *Creating A Safe Place Policy*.

# 1. PURPOSE, SCOPE & PRINCIPLES

## 1.1 Purpose

The purpose of the Policy is to establish and guide the work of the Local Church in establishing and maintaining child-safe environments for children and young people.

## 1.2 Policy Scope

This policy applies to all members, officers, volunteers and attendees of the Local Church and its Church-sponsored activities.

## 1.3 Policy Principles

The Local Church is committed to establishing a safe environment for children by:

- Screening all volunteers who work with children.
- Adopting a *Code of Conduct* for all adults and volunteers who interact with children and young people to abide by.
- Providing adequate planning and supervision of children's programs and activities.
- Offering on-going training opportunities for volunteers and leaders in child-safe practices.
- Reporting incidents of suspected and disclosed child abuse and neglect to:
  - Statutory authorities including Police and government Child Protection Services; and to
  - The Conference Safe Place Coordinator or Safe Place Services.
- Supporting the investigation of complaints and allegations in a timely manner (through Police, Safe Place Services or other available processes).
- Introducing safeguards (as recommended by the Conference Safe Place Committee/Coordinator or Safe Place Services) where a situation of risk has or may be identified such as before, during or after an investigation.

## 1.4 Supporting Documents

- ❖ Safe Place Services (2010) *Creating A Safe Place Policy*.
- ❖ Safe Place Services (2009) *Local Conference Safe Place Policy*.
- ❖ Safe Place Services (2011) Brochure "Screening Volunteers who work with Children and Youth."
- ❖ Safe Place Services (2011) Brochure "Child-Safe Code of Conduct."
- ❖ Safe Place Services (2011) Brochure "Responding to Kids at Risk."
- ❖ Safe Place Services (2011) Brochure "Safety Agreements."
- ❖ See also [www.safeplaceservices.org.au](http://www.safeplaceservices.org.au)

## 2. LEGAL FRAMEWORK

### 2.1 Principles and Legislative Framework

The Local Church recognises that it has a responsibility to adhere to guiding principles enshrined in legislation (Acts of Parliament) and established tort and civil law (cases based on precedent rulings). A summary of these principles is:

- **Duty of Care:** Means any legal responsibility that the Local Church has to ensure the safety and wellbeing of those who participate in its activities and services.
- **Vicarious Liability:** Means any legal liability that the Church may be determined to have for the conduct of those who act on its behalf (e.g. volunteers, appointed church officers and employees).
- **Reasonable Standard of Care:** Refers to the level of care that a participant may reasonably expect that the Local Church will take in providing any church-sponsored activity.
- **Reasonable Foresight:** Refers to a responsibility that the (local) Church has, when planning children's activities, to identify any reasonably foreseen danger/risk and take reasonable steps to prevent or avert such risk.
- **Negligence:** May be found to exist when it is established that the (local) Church had a duty of care; that the said duty of care was breached; and a specific tangible loss was suffered as a result.
- **Confidentiality and Privacy:** Under the Privacy Act (1998) the (local) Church has an obligation to protect personal information that it collects. However, privacy and confidentiality concerns should never impede the need to: protect children; notify of real or potential risk; and manage people believed to pose a real or potential risk to a child/ren's safety or wellbeing.

There are several Acts that provide: definitions of child abuse, neglect, & sexually-related offences; child-protection processes and notification requirements; age of consent; and criminal history checking processes for employees and volunteers; registration of sexual offenders; evidence; victims of crime; equal opportunity; workplace relations and privacy. The Local Church will adhere to such local Acts as applicable within their State, Territory and Country.

## 3. RESPONDING TO CHILDREN AT RISK

### 3.1 Standards and Requirements of Responding

The Local Church is committed to responding to children and young people believed to be at risk of or subject to harm, abuse or neglect.

The Local Church requires all duly appointed leaders, office-holders and volunteers who work with children or in child-related areas, to take actions (either directly or via a superior) such as:

- Notify the relevant Government child-protection service if a child is *suspected* of being at risk of, or the victim of, harm, abuse or neglect.
- Report all *disclosures* from children and young people alleging harm, abuse, or neglect to both Child Protection Services and local Police.
- Report all suspicions of committing child sexual abuse, or disclosures or allegations of such, about a Church worker (employees) or volunteer, to *Safe Place Services* on 1800 220 468 or via [www.safeplaceservice.org.au](http://www.safeplaceservice.org.au)
- Encourage adults who disclose historical abuse (that occurred when they were a child), to report the alleged abuse to Police or a counsellor.

### 3.2 Supporting Documents

- ❖ Safe Place Services (2011) Brochure “*Responding to Kids at Risk.*”
- ❖ See [www.safeplaceservices.org.au/complaints](http://www.safeplaceservices.org.au/complaints)

## **4. ENSURING CHILD-SAFE VOLUNTEERS ARE SELECTED AND APPOINTED TO ALL CHILD-RELATED POSITIONS**

### **4.1 Screening Children's Workers**

The Local Church is committed to the appointment of suitable volunteers (in terms of skills, ability, qualifications, aptitude) to work with children. The Local Church will ensure that:

Applicants for child-related positions complete minimum qualifying periods before being appointed to working with children and young people.

New applicants undergo referee checks and an interview, before their appointment is confirmed.

All applicants comply with Working with Children Checks (criminal history record checks) as required by relevant State, Territory or Country legislation.

The Local Church will also maintain logs, records or registers of Working with Children Check compliance. Note: This can be logged, by Church Clerks or local Church Safe Place Coordinators with assigned access, on the online SPD Membership Database.

### **4.2 Screening Volunteers for Conference Events**

The responsibility to screen the Local Church's volunteers who work with children at Conference-organised events rests with the Local Church.

This means that:

- For Conference Events such as 'Big Camp', Regional Meetings, and Children's Ministry, Pathfinder and Youth events, the Conference will assume that personnel, who are already involved in such areas within their Local Church, have been screened by their Local Church.
- For Conference Events such as above, the Local Church *must not* nominate, recommend or otherwise appoint someone to help out whom they have not screened according to 4.1 in this policy.
- Where the Conference directly invites persons who are not recommended by a local church, the Conference will screen these persons according to section

4.1. This will be done by the relevant Departmental leader at the Conference office under whose area the particular program or event is being run, or the person delegated by the Conference to do this.

## **4.3 Supporting Documents**

- ❖ Safe Place Services (2011) Brochure, *“Screening Volunteers who work with Children & Youth.”*
- ❖ See also [www.safeplaceservices.org.au](http://www.safeplaceservices.org.au)
- ❖ See also SPD (South Pacific Division) Membership Online database.
- ❖ Safe Place Services (2011) *National Child-Safe Database Policy*.



## 5. MAINTAINING CHILD-SAFE ENVIRONMENTS AND ACTIVITIES

### 5.1 Standards and Requirements

The Local Church will endeavour to create a safe environment for children and young people by:

- Promoting a Code of Conduct for all people to abide by in all interaction with children and vulnerable people.<sup>1</sup>
- Holding all people accountable to the Code of Conduct, and other reasonable expectations of behaviour in relation to children.

The Local Church will endeavour to maintain safe environments in all programs and activities for children and young people by:

- Providing adequate levels of supervision for all children's activities, with a higher ratio of volunteers for younger and/or special-needs children.
- Requiring that at least two adults be present when working with children.
- Ensuring that children's activities are conducted in easily monitored places that are open to external view. This means that children's activity rooms will have windows or doors that allow for easy external visibility and activities are not undertaken in confined or concealed areas.
- Responding to bullying and other inappropriate behaviour between children.
- Requiring children's workers to adhere to standards of conduct regarding appropriate communication (including via electronic means) and interaction with children.
- Ensuring that adults in their interactions with children avoid favouritism of a particular child or children.
- Prohibiting workers from using physical discipline on minors.

---

<sup>1</sup> The Local Church's Code of Conduct can be found in the Brochure (2011) *Child-Safe Code of Conduct*.

The Local Church will strive to plan and conduct safe programs and activities with children by:

- Gaining prior approval of the Church Board/Business Meeting for all children's activities, if the activity will be conducted off-site or involve an overnight stay.
- Ensuring the Church Board/Business Meeting keeps a log, or other suitable record, of all children's activities that they approve.
- Ensuring that venues and equipment are safe for children's use.
- Obtaining parental consents and permission, where required, for particular activities.
- Transporting children with due care.

## **5.2 Supporting Documents**

- ❖ Safe Place Services (2011) Brochure "*Child-Safe Code of Conduct.*"
- ❖ Safe Place Services (2011) Brochure "*Grooming of Children.*"
- ❖ See also [www.safeplaceservices.org.au](http://www.safeplaceservices.org.au)

## **6. RESPONDING TO ALLEGED CHILD ABUSE OR SEXUAL MISCONDUCT**

### **6.1 Commitment to Respond**

The Local Church is committed to maintaining active measures to prevent child abuse and sexual misconduct. When these incidents occur within the Local Church or are alleged to have occurred, the Local Church is committed to the allegations being investigated and any real and potential risk being managed on impartial, objective professional advice and recommendations.

### **6.2 Responding to a Situation**

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

- Refer all allegations of child abuse or sexual misconduct toward a child to Child Protection services and the Police.
- Advise all of the above allegations to Safe Place Services.
- Implement recommendations made to it by either the Police, Child Protection services, or Safe Place Services, in order to:
  - Manage real and potential risk to various parties.
  - Support an investigation process to take place without impediment.
  - Implement outcomes that emerge as a result of an investigation.
- Provide support to all parties involved in the allegation, to the best of its ability, including the complainant(s) and the person subject of allegation (PSOA).

### **6.3 The Church's Liability**

- An Investigation conducted by Safe Place Services will be done with due diligence according to the principles of natural justice.
- The outcome of an Investigation and recommendations made to the Local Church by either: Safe Place Services; the Union Safe Place Adjudication Committee; or the Conference Safe Place Committee, may be accepted as *prima facie* proof of the facts of the allegation.

The 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 recommendations made by Safe Place Services, the Union Safe Place Adjudication Committee or the Conference Safe Place Committee.

## **6.4 Responding to Allegations about a Church Worker**

Responding to an allegation(s) about a Church Worker (employee) will be similar to responding to allegations regarding a Church volunteer or attendee, with the following key differences:

1. Results of the Church's Investigation are sent to the Safe Place Adjudication Committee (SPAC), which makes a finding and proposes recommendations.
2. The recommendations from the SPAC are conveyed to the applicable Local Church, Church Body or employing entity (e.g. the Conference Education Department if involving a school employee) via Safe Place Services.
3. An allegation against a Church Worker (employee) of a Conference-affiliated entity, such as a school or aged facility, will also be handled according to any applicable Conference and Institutional policies for that entity and any applicable workplace legislative requirements. This will include the requirement that the employing Affiliated-entity or Church Authority act as a responsible employer in relation to the investigation of allegations and any subsequent disciplinary action or termination decisions, in accordance with its obligations pursuant to applicable Workplace Relations Acts (see 4.1).

In relation to Point 3 above, the Local Church may have a duty to act following a positive finding regarding a Church Worker (employee) who is a member or attendee of their congregation. Although the Respondent's (person subject of allegation) conduct may not have (allegedly) occurred within the Local Church setting, the Local Church is therefore committed to implementing strategies designed to manage risk such as:

- Restrictions on the PSOA holding church office.
- Non-participation by the PSOA in child-related roles.
- Non-contact by the PSOA with children (besides their immediate dependants).
- Compliance with a Safety Agreement, if recommended by the Conference.
- Requiring adherence to the Local Church's *Code of Conduct*.

Where a Church Worker (employee) is a member of the Local Church, the matter of Church discipline will be considered by the Board, according to the procedures outlined in the Church Manual. Church Discipline should not be considered until a finding is determined on the facts or otherwise of an allegation.

## 6.5 Disclosure of Complaints

Where a Local Church member, volunteer or attendee is also a Church Worker (employee), it may be considered necessary to disclose the fact of an investigation/outcome of a risk assessment to the Respondent's employing entity in order for the Local Church to fulfil a duty of care. In most situations this disclosure will be made indirectly on behalf of the Local Church by Safe Place Services or the Local Conference Safe Place Committee. The employing Church Body of the Respondent will be responsible to ensure that the Respondent to a complaint is not prejudiced or treated unfairly in the workplace whilst a complaint or allegation is being tested.

Likewise, in some instances, it may be considered necessary for the Local Church to publicise the fact or outcome of an investigation/risk assessment to the wider congregation in order to allay fears, correct misinformation, gossip or hearsay and to fulfil its duty of care.

Disclosure of a complaint in this manner will only be done by the Local Church if recommended (for example, by Safe Place Services, the Safe Place Adjudication Committee or the Conference Safe Place Committee/Coordinator).

## 6.6 Supporting Documents

- ❖ Safe Place Services (2011) Brochure, "*Safety Agreements.*"
- ❖ Safe Place Services (2010) *Creating A Safe Place Policy.*
- ❖ Safe Place Services (2010) *Framework for Investigations.*
- ❖ Safe Place Services (2010) *Terms of Reference for the Safe Place Adjudication Committee.*

## **7. USING SAFETY AGREEMENTS**

### **7.1 Commitment to the Use of Safety Agreements**

The Local Church is committed to maintaining its duty of care (to all parties) by using Safety Agreements in situations such as:

- After an allegation has been made.
- During an investigation or complaint inquiry.
- Following an investigation or complaint inquiry.
- After a historical conviction or incident comes to light.

The Safety Agreement will be an agreement between the applicant (person subject of the agreement) and the Conference. The Conference Safe Place Committee will act on behalf of the Conference in preparing the Safety Agreement and in signing it along with the applicant. The Conference Safe Place Committee will prepare the Safety Agreement in consultation with the Local Church, the applicant, and Safe Place Services.

The Conference will indemnify the Local Church for any liability that may arise out of implementing and following a Safety Agreement as recommended to it, such as a claim in relation to a breach of privacy or failure to adhere to principles of natural justice.

### **7.2 The Use of Temporary Safety Agreements**

A Temporary Safety Agreement may be introduced during a Complaint Inquiry or Investigation. A Temporary Safety Agreement requires at least two persons to act as monitors of the person subject of the agreement. These monitors are not required to undergo specific training other than being briefed about the role by Safe Place Services.

### **7.3 The Use of Ongoing Safety Agreements**

An ongoing Safety Agreement will be used in situations where the applicant has a conviction for a sexual offence against a minor or where a professional body, tribunal or Church-coordinated Complaint Inquiry/Investigation process upholds an allegation or complaint as being substantiated.

The Local Church (including its Board, Business Meeting or Child-Safe Coordinator/ Committee etc) may use the outcome of a Church-conducted Investigation or Complaint Inquiry as *prima facie* proof of the facts of an allegation.

Safe Place Services normally only recommend introducing an ongoing Safety Agreement when the Conference Safe Place Committee has made an assessment of the Local Church's capacity to introduce and monitor the Safety Agreement and either:

- A personal risk assessment has been made by an appropriate psychologist (organised by either Safe Place Services or the Conference Safe Place Committee), which assesses a person's likelihood of re-offending ... OR ...
- The person has completed a group-based treatment program and provided a report of their treatment progress which Safe Place Services considers is satisfactory to assess the applicant's risk or likelihood of re-offending.

An ongoing Safety Agreement will be used only when a person is assessed to be at a low risk of reoffending (rather than a medium or high risk). If an applicant is low-risk but the Local Church situation is assessed as unsuitable, the Conference Safe Place Committee will try to negotiate for the applicant to attend another church.

An ongoing Safety Agreement will require the Local Church to provide at least two people who can act as monitors. These monitors must be willing to undergo specific training developed by Safe Place Services (this training is arranged by the Conference Safe Place Committee).

## **7.4 Responding to Grievances**

The Local Church does not bear responsibility for responding to grievances about a recommendation it implements, but should direct all such grievances to the Chairperson of the Conference Safe Place Committee. The Conference Safe Place Committee, which meets periodically, and the Conference Executive, shall respond to grievances. Where a risk assessment establishes that a medium to high risk exists, this will result in the applicant not being permitted to attend church or Church-sponsored activities where children are present until the risk can be assessed as low. The Conference Safe Place Committee, with advice from Safe Place Services, will negotiate a restoration plan with the applicant in such cases.

## 7.5 Supporting Documents

- ❖ Safe Place Services (2011) Brochure “*Safety Agreements.*”
- ❖ Safe Place Services (2010) *Creating A Safe Place Policy.*
- ❖ Safe Place Services (2009) *Local Conference Safe Place Policy.*

## 8. FAILURE TO IMPLEMENT RECOMMENDATIONS

### 8.1 Limits to Conference Indemnification

If the Local Church does not follow recommendations from the Conference Safe Place Committee or Safe Place Services, in line with this policy, the Conference may not indemnify the Local Church in the event that any liability or claim for damages arises. This could include situations where the Local Church:

- Fails to undertake background screening of children’s workers.
- Refuses to implement a Safety Agreement.
- Allows an applicant for a Safety Agreement to attend church or a church-sponsored activity where children are in attendance, when a medium to high risk has been assessed, or otherwise fails to advise the Chairperson of the Conference Safe Place Committee of the applicant’s attendance.
- Permits a person with a prior (known) conviction to be involved in any child-related role or permits them to hold a position of moral or spiritual authority.
- Fails to hold a person with a prior (known) conviction for a sexual-related offence against a child to account for an apparent breach of the Local Church’s Code of Conduct or a condition of a Safety Agreement.

In such circumstances the Local Church might be held responsible for all legal costs associated with the case and any damages that may be ordered by the Court.

### 8.2 Supporting Documents

- ❖ Safe Place Services (2009) *Local Conference Safe Place Policy.*
- ❖ Safe Place Services (2010) *Creating A Safe Place Policy.*



## **9. SUPPORT FOR VICTIMS AND SURVIVORS OF SEXUAL ABUSE AND ASSAULT**

### **9.1 Church Support – Safe Place Services**

Safe Place Services provide telephone support to complainants and victims during and after an official church-conducted investigation. This support is offered by a team of trained volunteers.

Where the Victim Support Agency (Victoria) does not cover the cost of counselling in a particular case, Safe Place Services will assist parties involved in a church-conducted investigation to find suitable and appropriate counsellors. In some cases, a subsidy to cover the cost of a limited number of sessions is available (this is capped at 7 sessions to begin with, but may be expanded in certain situations).

The Conference and Local Church pastoral and ministry teams are encouraged to support victims and survivors wherever possible. Safe Place Services is available to offer advice and consultation to ministers, other Conference personnel, and Local Church ministry leaders as they require.

### **9.2 Victim Support Services & Agencies**

Various States, Territories and NZ operate a range of victim support, crisis, counselling and compensation services and schemes for victims of certain crime including sexual abuse and assault. See [www.safeplaceservices.org.au](http://www.safeplaceservices.org.au) for further details.

### **9.3 Local Counselling and Support Services**

A range of Church-based and Non-government groups and agencies provide various counselling, groups, and workshops for victims and survivors of sexual abuse and their families. Check local community health information for details.

### **9.4 Supporting Documents**

- ❖ Safe Place Services (2010) *Framework for Investigations*.
- ❖ Safe Place Services (2010 revised) *Sexual Abuse: A 'How to Help' Guide for Victims, Parents of Victims and Congregations*.
- ❖ See also [www.safeplaceservices.org.au](http://www.safeplaceservices.org.au)

-- End --