



St Kilda / Elsternwick Baptist Church

Safe Church Policy

Adopted by St Kilda/Elsternwick Baptist Church, June 2018

This policy will be reviewed in June 2020.

St Kilda Elsternwick Baptist Church (SKEB) is committed to caring for and ministering to children, young people and adults by providing a church environment that is physically emotionally and spiritually safe.

Everyone who is part of the St Kilda Elsternwick Baptist Church (SKEB) shares the responsibility to ensure the safety of all those who participate in the common life of the church and its activities, programs, ministries and events. Designated leaders naturally have greater responsibility during the activities they lead, but creating a culture that is safe, respectful and empowering requires the commitment and participation of everyone.

In this policy, “*vulnerable persons*” means all those susceptible to abuse or exploitation based on factors such as their health status (mental or physical), age, grief, social isolation or financial hardship and includes children and young people of any ability and from any cultural background including aboriginal children and children from culturally or linguistically diverse backgrounds, the elderly, those with disabilities and the emotionally and/or spiritually vulnerable.

This document sets out the specific understandings, biblical mandate, values, policies and strategies adopted by SKEB to help us build a safe, respectful and empowering culture. It gives particular attention to the provision of hospitality and care for those who are most vulnerable to being exploited, excluded, disregarded or abused.

Biblical Mandate

Followers of Jesus are called to love friend, neighbour and enemy, with a special responsibility for the vulnerable (Matthew 25:31-46), including children (Matthew 18:2-6). This is not limited to people ‘like us’. Instead, Jesus teaches that we are to reach out and protect those identified as enemies (Matthew 5:43-48) or ethnic outsiders (Matthew 8:5-13); those who are sick, disabled or impoverished (Matthew 11:4-5); and those who are marginalised because of profession, personal history, sexual identity, or sexual history (Matthew 21:31-32; Luke 19:1-10; Mark 2:25-17; Luke 7:36- 50; Luke 7:1-10; John 8:3-11). Such radical openness was practiced in the early Church and the Holy Spirit has continued to lead the Church further on this same journey of inclusion, care and openness (Acts 2:1-21; Acts 8:26-40; Acts 10:1 - 11:18). This policy seeks to help us live out our Biblical mandate as well as our responsibilities under National, State, and Local legislation.



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This policy aims to:

- Minimise the risk of abuse, misconduct and the misuse of positional power.
- To outline specific strategies for providing a church culture and environment that is physically, emotionally and spiritually safe for all participants in the life of the church particularly for children and those vulnerable to exclusion, abuse or neglect.
- Ensure that all allegations of abuse or misconduct are handled promptly, appropriately and thoroughly.
- To support and assist any person who discloses abuse.
- To embody a culture of zero tolerance towards exploitation and abuse or harm of others recognising that every person is made in the image of God (Genesis 1:27) and must be honoured.

ST KILDA ELSTERNWICK BAPTIST CHURCH COMMITS TO:

1. Safe recruitment of leaders.

St Kilda/Elsternwick Baptist Church will undertake a comprehensive recruitment and screening process before appointing a person to paid employment, including positions of pastoral and leadership roles.

This screening will include:

- Interviews (in accordance with the Baptist Union of Victoria guidelines)
- Thorough reference checks
- A Police Check at the time of appointment and the agreement to undertake further checks at regular intervals throughout their employment.
- Ensure they hold a current *Working with Children Check (WWCC)*
- Require them to read and understand the *Safe Church Policy* and read and sign the *Code of Conduct – parts A & B* (see Appendix A) to indicate that they are committed to complying with them.

1.1 St Kilda/Elsternwick Baptist Church in accordance with Australian legislation, recognises leaders to be those overseeing children's and youth ministries, home group and bible study leaders, worship leaders, deacons, pastors and anyone else the church appoints to lead an area of ministry.

We will screen all prospective volunteers and team members in our ministries before they are appointed (see Appendix B, *Safe Ministry Check Questionnaire*).

Screening will include:

- An interview/meeting with the appropriate church leader and/or pastor.
- Completing a *Safe Ministry Check Questionnaire* (see Appendix B)
- Ensure they hold a current *Working With Children Check (WWCC)* and a Police Check at a minimum.



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- Reading and understanding the *Safe Church Policy and Code of Conduct – parts A & B* (see Appendix A) to indicate that they are committed to complying with them.
- Complete orientation by appropriate leader (for Community Kitchen recruitment see Appendix C, *Community Kitchen checklist and orientation*)

1.2 St Kilda/Elsternwick Baptist Church constitution requires that a new Deacon will have been a congregational member and regularly attending SKEB for no less than 6 months unless otherwise agreed by the Deacons.

1.3 Adequate supervision and training for leaders.

We commit to ongoing leadership training, supervision and support for leaders.

All leaders must agree to follow our *Code of Conduct – part A & B* (see appendix A).

All leaders are to attend a Safe Church workshop, or any Safe Church Training endorsed by the National Council of Churches in Australia within their first year of ministry and attend a refresher workshop every 3 years.

We expect all leaders to attend additional ministry-specific training as required by the Baptist Union of Victoria, Pastors or Diaconate.

1.4 Breach of Code of Conduct

If you breach this code of Conduct you will face disciplinary action, including and up to termination of employment or cessation of engagement with the organization.

2. Responding to allegations of risk of harm (abuse) or serious ministry misconduct.

Anyone involved in our church who has reasonable belief that a child or other person is experiencing or is at significant risk of experiencing abuse – physical, sexual, emotional, spiritual, neglect, exploitation or grooming – should report their experience or concerns to one or more of the following:

- A Pastor of the church or Chair of Deacons.
- The Safe Church Concerns Person - SKEBCSafeChurch@gmail.com or 9525 4620
- The Baptist Union of Victoria's *Professional Standards Worker* - via www.buv.com.au or (03) 9880 6100. This is especially appropriate if the abuse is believed to have been perpetrated by a pastor or leader of the church.
- The *Child Protection Unit* (for major concerns) or *Child FIRST* (for low to moderate concerns) of the Victorian Department of Health and Human Services – via www.dhhs.vic.gov.au.
- The *Victorian Police* if the allegations involve criminal offences including but not limited to sexual offences, sexual exploitation, grooming, failure to disclose or failure to protect. These offences are explained more fully in the factsheets attached to this document.



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2.1 Leaders will take seriously and report all disclosures or suspicions of child abuse (see Appendix D *Safe church concern anecdotal report*). A person to whom an allegation of abuse is disclosed will not try to first investigate, evaluate or assess the truth of the allegations themselves. They should listen sensitively and ask no more than open ended questions necessary to establish whether or not there is reasonable belief of harm or risk. Upon receiving a report of alleged abuse, church leaders will as soon as possible:

- a. Inform the victim and the person passing on the report know that the information will be acted on and that other people will need to be informed.
- b. Report the disclosure or suspicion to the Safe Church Concerns person, a Pastor or Chair of Deacons.
- c. Alert the police if the allegation involves any of the following criminal offences:
 - The physical or sexual abuse of children
 - Grooming for sexual conduct with a child under the age of 16 years (see the attached fact sheet for further information)
 - Failure to disclose a reasonable belief that a sexual offence has been committed against a child under 16 years of age (see attached factsheet for further information).
 - Failure to protect a child under the age of 16 from a known substantial risk that the child would become the victim of a sexual offence committed by an adult associated with the church or another organization with responsibility for the care, supervision or authority of the child (see attached factsheet for further information).

2.2 The Chair of Deacons will activate the process required under the *Victorian Reportable Conduct Scheme* (see attached factsheet for further details) beginning with notifying the *Commission for Children and Young People* within three days, either directly or through the Baptist Union of Victoria's Professional Standards Worker, if the allegation involves any of the following *reportable conduct* (see attached factsheet for further details):

- Sexual offences (against, with or in the presence of a child)
- Sexual misconduct (against, with or in the presence of a child)
- Physical violence (against, with or in the presence of a child)
- Behavior that is likely to cause significant emotional or psychological harm to a child
- Significant neglect of a child.

Refer to Appendix E, *Risk of Significant Harm form*.

3. Grievance Procedure

Anyone who believes a pastor or other church leader has behaved in a way that is inappropriate, unethical, abusive or criminal is urged to report their concerns to one or more of the following:



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- A pastor of the church
- The chair of deacons or member of the diaconate
- The Baptist Union of Victoria's Professional Standards Worker
- The Police (if the complaint involves criminal behavior).

Refer to Appendix E, *Risk of Significant Harm form*.

3.1 St Kilda Elsternwick Baptist Church affirms the Baptist Union of Victoria's *Complaints Procedure* for the handling of any issues raised by church members or members of the public about the conduct of leaders and/or pastors. The *BUV Complaint's Procedure* can be found at www.buv.com.au/resources/professional-standards or (03) 9880 6100.

3.2 The *Safe Church Concerns person* will document and record all complaints, disclosures or breaches of this *Safe Church Policy*, especially those that relate to the safety of children or vulnerable adults. The records will be stored safely in the church office with due regard to upholding privacy principles. (See Appendix E, *Risk of Significant Harm*)

3.3 St Kilda Elsternwick Baptist Church will affirm the victim for helping the church become a safer place for all. And is committed to assisting the victim (where appropriate) and their family to access appropriate support, such as counselling and pastoral care.

3.4 A flowchart outlining the process for reporting concerns about the safety of children or vulnerable persons can be found as appendix F of this document and is displayed on a noticeboard inside the church building and on the church's website.

3.5 The person responsible for the reporting of allegations of abuse is the St Kilda/Elsternwick Baptist Church chair of Deacons. If the appointed chair is not available (due to travel, illness, leave) the deacons will appoint an 'acting chair of deacons' who will be responsible for the oversight of the reportable conduct process (see attached factsheets.)

4. Safe environments in our ministry programs.

- St Kilda Elsternwick Baptist Church acknowledges with respect the Yalukit Willum (people of the river) of the Boon Wurrung language group of the Greater Kulin Nation as the First Peoples of the land on which we gather. Our church recognizes and celebrates the gift and diversity of God's creation and we strive to honour and welcome all who participate in the life of the church community.
- We will serve participants as servants of Christ, committed to the good news of Jesus and strive to lead in spiritually non-abusive ways.



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- We require that all parents/carers/guardians of children involved in our children's ministries have completed and signed a *Children's Indemnity Form* (see Appendix I) These forms will be kept in the church office and available on our website.
- We will offer participants a say in the programs and the activities in which they participate by fostering and valuing their ideas and encouraging participation.
- We will obtain appropriate information relating to the program participants, including children's health and family situation, to ensure that we are able to care for their physical and emotional needs.
- All leaders will follow this *Safe Church Policy* and will discharge their duty of care through the use of forms, checklists and templates as outlined here or by pastors or deacons.
- A Safety Officer will be appointed to establish and maintain health and safety procedures and documentation that includes: work health and safety, fire safety, building safety, first aid, food safety, safe transport, incident and emergency procedures.
- The St Kilda Elsternwick Baptist Church office administrator will maintain all Working with Children Checks and ensure they are current and safely file police checks and indemnity forms for various ministries and programs of the church.
- Ministry leaders are to complete a written *Ministry Approval Form* (see Appendix G) and a *Church Risk Assessment* (Appendix H) annually and submit them to the Diaconate who will approve the event/program/ministry to take place in the church's name.

5. Ensuring online and social media, photo and video safety and privacy

- We acknowledge that our church website and social media pages provide a means by which people find out who we are, what we do and whether or not they would like to participate. We appreciate the many advantages that come from having a social media presence but also recognize that it can pose risks to safety and privacy.
- We are committed to ensuring an online culture of love, dignity and respect keeping in mind that any member of the public can engage with us via social media without understanding the history and current context of our common life. We are aware that other people will judge our church by the culture of our online presence.
- We will not post online photos or videos with full names or other identifying information unless permission has been granted. This includes tagging photos on Facebook.
- We will only post photos or videos of minors with their parent or legal guardian's written permission.
- We will not knowingly post anything that would be embarrassing, objectionable or hurtful to anyone in the photo.
- People who do not wish to have their photos, or photos of their children, used by the church can opt-out by informing a pastor or deacon or indicating their wish on the church's *SKEB Directory Consent form*.

6. Policy Review

This policy is reviewed every two (2) years and following every reportable incident to assess whether the SKEB Church's child protection policies or procedures require modifications to better protect the children under the Church's care.



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SOME HELPFUL DEFINITIONS:

Child: a person aged 0-18 years.

Safe Church Concerns person: A trusted member of the church who is designated to receive all complaints, concerns and queries about abuse or misconduct, and is the first point of response.

Safe Environment: an environment where leaders have taken steps to keep everyone present safe spiritually, physically, sexually, and emotionally.

Diaconate: a group of volunteer members appointed by the church members to work with Pastors and staff to guide the ministry and actions of the church particularly in the areas of governance, administration and finance.

Vulnerable People: all persons susceptible to abuse or exploitation based on factors such as their health status (mental or physical), age, grief, social isolation or financial hardship.

Child Abuse: means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Reasonable grounds for belief: is a belief based on reasonable grounds (see below) that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed.

Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) the child is in need of protection,
- (b) the child has suffered or is likely to suffer “significant harm as a result of physical injury,” or
- (c) the parents are unable or unwilling to protect the child.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof but is more than mere rumour or speculation. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a ‘reasonable belief’ might be formed if:

- a) a child states that they have been physically or sexually abused;
- b) a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) someone who knows a child states that the child has been physically or sexually abused;
- d) professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e) signs of abuse lead to a belief that the child has been physically or sexually abused.



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APPENDICES

APPENDIX A:

LEADERS CODE OF CONDUCT – Part A

Baptist Union of Victoria Extract – Keeping the Balance Leaders Conduct Covenant

We who participate in the common life and activities of St Kilda Elsternwick Baptist Church are all responsible for promoting the safety and wellbeing of all. We commit to this by:

A: We minister out of a relationship with God.

Maintain a healthy relationship with God by:

- joining regularly in the life and ministry of the Church.
- studying the Scriptures in private and in community.
- praying regularly in private and in fellowship with and for the people and ministry of the Church.
- giving of our time and finances to the work of the Church, as an expression of your gratitude to God.

B: We serve others in the context of healthy relationships

We will engage in healthy friendships with those to whom we minister by:

- loving and caring for our families; paying attention to the effect of ministry on them.
- treating others with respect; teach and exercise authority respectfully.
- upholding confidential information; do not disclose to anyone (including spouse), any confidential information without the consent of the person providing the information. (There is an exception where there is a legal obligation or a duty of care issue.)
- being a team player; cooperating with other ministry leaders, there will be areas that overlap and someone else may have the advice that you need.
- using words that build up; do not ridicule or embarrass people.
- avoiding a professional service beyond the scope of the pastoral role.
- making alternative arrangements for pastoral ministry for any person if you begin to develop a romantic relationship with them.

C: As recognized leaders of St Kilda Elsternwick Baptist Church we will:

- be accountable to our team
- watch out for each other and protect each other's integrity, e.g. when ministering to children have a buddy system in place (never alone with one child) and adhere to the Safe Church Policy.
- obey the law, other than any law that is contrary to the Scriptures.
- not take property belonging to others, including intellectual property (copyright) and knowingly making false, misleading or deceptive statements.
- not engage in bullying, emotional abuse, harassment, physical abuse, sexual abuse or spiritual abuse of any person, including your family.
- not act violently or intentionally provoke violence when engaged in civil disobedience.
- be responsible in our use of addictive substances and services (e.g. prescriptions/ alcohol).
- not use any prohibited substance.
- act with sexual purity.
- act with financial integrity and not seek personal advantage or financial gain from your position, other than in wages, recognized allowances and deduction.



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- disclose to the church leadership if we are or have been investigated for any criminal offence

Leaders Code of conduct – Part B

Adults interacting with children

We who participate in the common life and activities of St Kilda Elsternwick Baptist Church are all responsible for promoting the safety and wellbeing of children and young people by:

1. Adhering to our Safe Church Policy, and other relevant policies.
2. Taking all reasonable steps to protect children from abuse adhering to the Church Safe Policy.
3. Welcoming all children and their families and carers, without discrimination.
4. Modelling appropriate adult behaviour, grounded and formed in the teachings and example of Jesus.
5. Listening to children and responding to them appropriately.
6. Providing a safe and comforting environment in which children are encouraged to speak about their concerns and fears.
7. Including children in discussions about the life of the church as it affects them and their activities.
8. Working with children in an open and transparent way, ensuring that the parents and other responsible adults always know about the contact we have and the work we are doing with children.
9. Never singling out individual children for 'special' relationships or showing favouritism in the provision of gifts or attention in secretive or otherwise inappropriate ways.
10. Avoiding contact with children or young people online or by phone, except to convey necessary information about events or activities, unless their parents are aware of the interaction. In particular, no one over the age of eighteen should 'friend' or have contact with anyone under the age of eighteen online (e.g. via Facebook).
11. Respecting the privacy of children and their families, and only disclosing confidential information to people who have a need to know.
12. Never using children to meet our own needs in any way.
13. Reporting and acting on any complaints, concerns, or breaches of this Code of Conduct or other parts of our Safe Church Policy.
14. Taking seriously and reporting any concerns, suspicions or disclosures of child abuse as soon as possible.
15. Avoiding prejudice, oppressive behaviour or discriminatory language with or in the presence of children.
16. Never initiating unnecessary physical contact with children or doing things of a personal nature that children can do for themselves, such as toileting or changing clothes.



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I have read this Code of Conduct and agree to abide by it.

Name:

Witness Name:

Signature:

Witness Signature:

Date:

Date:



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APPENDIX B

SAFE MINISTRY CHECK QUESTIONNAIRE

(SCREENING QUESTIONNAIRE FOR VOLUNTEERS)

PERSONAL DETAILS CONSENT:

I consent to the information contained in this application including the subsequent pages to be kept by our church. I understand that this information will be kept in a confidential file and used only for screening and disciplinary purposes.

Name: _____ Signature: _____ Date: _____

Please circle either “YES” or “NO” for each question. If the answer to any of the following questions is “yes”, please give details on a separate page.

NOTE: A “yes” answer will not automatically rule an applicant out of selection.

1. Do you have any health problem(s) which may affect you volunteering for the church?	YES	NO
2. Have you ever been convicted of a criminal offence?	YES	NO
3. Have you ever been charged with a criminal offence?	YES	NO
4. Have you ever had permission to undertake paid or voluntary work with children or other vulnerable people refused, suspended or withdrawn in Australia or any other country?	YES	NO
5. Have you ever engaged in any of the following conduct, even though never having been charged? <ul style="list-style-type: none"> • Sexual contact with someone under your care other than your spouse (such as parishioner, client, patient, student, employee or subordinate) • Sexual contact with a person under the age of consent • Illegal use, production, sale or distribution of pornographic materials • Conduct likely to cause harm to people, or to put them at risk of harm. 	YES	NO
6. Has your driver’s license ever been revoked or suspended?	YES	NO
7. Have you ever had an apprehended violence order, order for protection or the like issued against you as a result of allegations of violence, abuse, likely harm, harassment, stalking etc.?	YES	NO
8. Has a child or dependent young person in your care (as a parent or in any other capacity) ever been removed from your care, or been the subject of a risk assessment by the authorities?	YES	NO



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9. Have you done anything in the past or present that may result in allegations being made against you of child abuse? Abuse means: bullying, emotional abuse, harassment: neglect; physical abuse; or sexual abuse.	YES	NO
10. Have you ever done anything in the past or present that may result in allegations being made against you of bullying or any form of harassment of adults?	YES	NO
11. To your knowledge, have you ever been the subject of an allegation of sexual abuse or sexual misconduct?	YES	NO
12. Have you a history of alcohol abuse or a history of substance abuse including prescription, over-the-counter, recreational or illegal drugs?	YES	NO

CHURCH MEMBERSHIP

List church organisations, churches, congregations of which you have been a member:

Name of Church	Position	When Month/Year

CONSENT TO CRIMINAL HISTORY CHECK AND/OR WORKING WITH CHILDREN CHECK

I hereby consent to provide an Australian Federal Police Check if I have resided in another country. I also consent to provide a Criminal Background Check and/or a Working with Children Check.

Name: _____

Signature: _____

Date: _____



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DECLARATION

I, (applicant's name) _____ of
(address) _____ do solemnly and
sincerely declare that:

(1) The information I have provided in this application and the information contained in any document accompanying this application are true and correct to the best of my knowledge and belief.

(2) I understand that any material misstatement in or omission from this questionnaire may render me unfit to hold a particular or any office in the Church.

Applicant's signature _____

Declared this day _____ Month _____ Year

CHARACTER REFERENCE:

Please provide two (2) referees. Referees must be over eighteen years of age and able to give a report (by telephone only) on your good character and suitability for ministry.

Referee 1: Name: _____

Contact number: _____

Applicants Check was made by phone by:

Name: _____

Title/Office held: _____

Signature: _____

Date: _____

Referee 2: Name: _____

Contact number: _____

Applicants Check was made by phone by:

Name: _____

Title/Office held: _____

Signature: _____

Date: _____

Note: Please seek legal advice if you are uncertain about signing this document



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Appendix C

St Kilda Community Kitchen

Checklist and orientation

St Kilda Community Kitchen aims to provide a safe place where all people are welcome. Everyone is invited to help prepare and share a delicious home cooked meal together. In the spirit of community and to ensure that this place remains safe and welcoming for all please respect the following:

- Respect one another
- Respect the rights of others to express their individual options, views and attitudes.
- Abusive language and behavior will not be tolerated.
- No alcohol or drug use will be permitted on the premises. People under the influence of either will be asked to leave.
- Treat other people the way you would like to be treated.

(created by the friends of Community Kitchen 2014)

St Kilda Community Kitchen (CK) Volunteers:

CK volunteers' commitments include:

- Initial expression of interest with the CK coordinator or church leader and attending as an observer
- Working as part of a team
- meal preparation
- encouraging and supporting community members attending the Monday night meals and events.

The screening for Community Kitchen volunteers involves:

1. Must be 18 years or older or supervised by a parent/guardian
2. Ensure they hold a current *Working With Children's Check* and *Police Check*
3. Meeting with the CK Coordinator (or delegate) and completing a *Safe Ministry Check Questionnaire* (see Appendix B) and *Safe Church Policy* (Appendix A – parts A & B)
4. Orientation by CK Coordinator (or delegate) about safe food practices and handling
5. Complete basic food handling training (if they will be involved with food handling at all.
Refer to www2.health.vic.gov.au/public-health/food-safety/food-businesses/food-safety-training-skills-knowledge/food-handler-training for a 1-hour online course)
6. Attend the BUV safe church training in the first year, and every three years as required by the SKEB *Safe Church Policy*.



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Community Kitchen - casual kitchen help:

Sometimes church members or community kitchen attendees help in the kitchen without any personal support responsibilities or leadership role. These helpers must be supervised by the Community Kitchen volunteer team and read through the safe food handling information sheet with a Community Kitchen volunteer before handling and/or serving food.

Declaration:

I have read and understood the information provided and commit to ensuring the safe handling and service of food.

Name: _____ Date: _____

Signature: _____

Witness Name: _____ Date: _____

Signature: _____



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APPENDIX D

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SAFE CHURCH CONCERN ANECDOTAL RECORD

To be completed by a leader who wishes to report a Safe Church concern. The completed form should be given to the Safe Church Concerns Person (SKEBCSafeChurch@gmail.com OR 9525 4620). This document will be kept in a secure church office filing cabinet.

Name of organisation (church): _____

Safe Church Concerns Person: _____

Name and contact number of person filling in this form:

Age of person report is concerning: _____

Relationship to the person:

Describe your concerns, what was observed or what was said. It is important to provide as much information as possible, basing your information on facts and observations, without making assumptions or jumping to conclusions or making "value" judgments.

Time and date of the incident or recording Signed:

Date: _____ Time: _____



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APPENDIX E:

Risk of Significant Harm Form St Kilda Elsternwick Baptist Church

To be completed by the person who hears a disclosure or wishes to report a child, young person or vulnerable person at risk of significant harm. The completed form should be given **only** to the Safe Church Concerns Person

(SKEBCSafeChurch@gmail.com OR 9525 4620). and then kept in a secure filing cabinet.
The information will be used for reporting to the Government Child Protection Agency.

Name of Organisation (Church):.....

Safe Church Concerns Person:.....

DETAILS OF PERSON REPORTING ALLEGED ABUSE/ RISK OF HARM

Name of reporter:.....

Relationship to alleged victim:.....

Nature of alleged abuse: physical emotional sexual
 neglect witness domestic violence

Is this report due to a direct **disclosure** or **reasonable grounds**? (circle)

State immediate safety concerns:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....



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If Disclosure: Date: Time:

Describe why you have 'reasonable grounds' for this report (add pages if needed). Include, when and how you became aware of the information, names of other witnesses, description of any injuries, description of the behaviour of the child, the carer's attitude regarding incident (if known). **Where disclosure has occurred provide a first person report in this space.**

Record the child's actual words (attach transcript).

DETAILS OF ALLEGED ABUSE VICTIM

Name: Age: Male Female

Address:

Phone: Parent/Guardian:

Names of siblings

.....

Names of known support people to the child and family

.....

Have the parents/guardians of the victim been notified? Yes No

If yes, person(s) spoken to: Date:

What were they told?



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DETAILS OF ALLEGED PERPETRATOR OF THE ABUSE (IF KNOWN)

Name: Age: Male Female

Address:..... Phone:

Does the alleged perpetrator know about the report? Yes No

If yes, who spoke to him/her? Date:

What was he/she told?
.....

CHURCH'S RESPONSE TO ALLEGED ABUSE/RISK OF HARM

Child Protection Officer notified? Yes No Date:

Reported by whom?

Name of Govt Service call centre worker:.....

Reference Number:

Have the police been notified? Yes No Date:.....

Name of officer and station: Date:

Advice given by police officer:
.....
.....
.....
.....

Signed: **Date:**

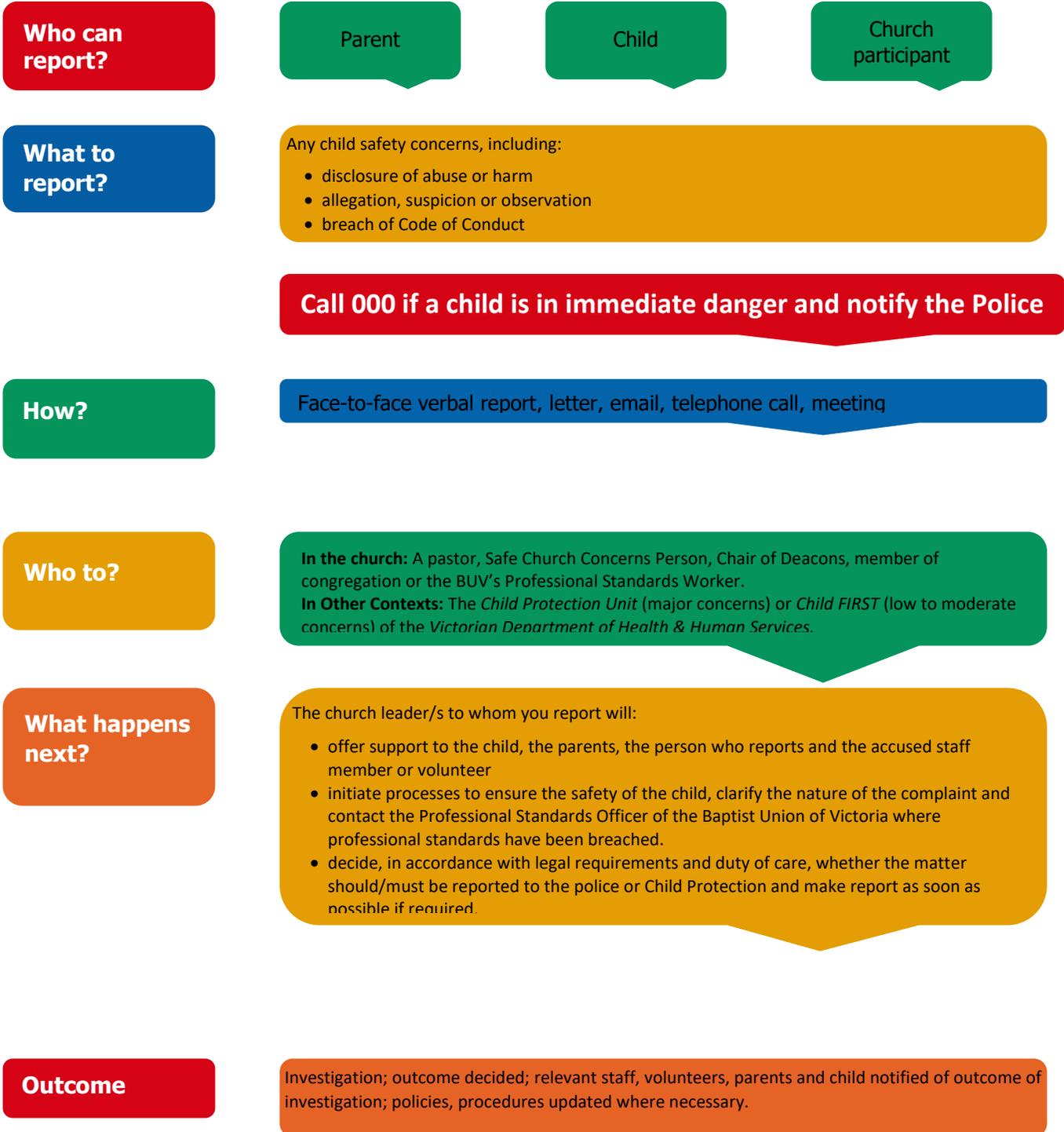


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APPENDIX F:

Flowchart: CHILD SAFETY REPORTING PROCESS

For more information on the Child Safe Standards visit <http://www.ccyp.vic.gov.au/>





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APPENDIX G

Approval for Ministry Form

This is a written accountability tool for ensuring that you have done your risk management and are ready to run your program for the year/semester/ or event.

Please complete this form and a *Church Risk Assessment* (Appendix H) and return to the pastor or deacons.

Church Name:

Name of Program:

Where the program / event takes place:

Time of program:

Program leader/s Name: _____

Contact Ph: _____

Names and contact number for each ministry team member:

Program First Aid person:

Emergency Numbers: _____

Ambulance: _____



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Local Fire brigade: _____

Local Police: _____

St Kilda Elsternwick Baptist Church Safe Church Concerns Person:

Complete (and attach where appropriate) the following:

- Team list (team is large enough to safely run the program)
- Team have been trained or will attend Safe church training this year.
- Team have been recruited & forms filed at church
- Housekeeping Risk Assessment Checklist completed
- The individual program risks have been assessed and negated or minimised. Complete the *Churches Risk Assessment Activity* (Appendix G)
- Participant information gathered (age appropriate information)
- All notes for permission prepared &/or collected as necessary (particularly for under 18 years old).
- Term program attached if appropriate.

Approved by Deacons:.....

Date:.....



St Kilda / Elsternwick Baptist Church

APPENDIX H

Church Risk Assessment Tool

To be completed by the ministry/team leader alongside the *Approval for Ministry Form* (Appendix F) and submitted to the deacons.

Click on this link to download and print the *Church Risk Assessment Tool*

APPENDIX I

Adapted from the Baptist Union of Victoria

**St Kilda / Elsternwick Baptist Church
Children's Indemnity & Permission Form**

Church/Group: St Kilda/Elsternwick Baptist Church Peace Place

Child's details

Name:

Date of birth:/...../.....

Address:
.....

Phone: (H) Email:

Alternate emergency contact:

Name: Relationship to child:

Phone:(H)(w)(M)

Please give details of a) any person/s not permitted to contact or collect your child/ren while in the care of the above named group and b) any Court order related to such:

.....

I consent to my child becoming a member of (name of group)

I will encourage my child to attend and participate regularly and to cooperate with the leaders and other children.

I authorize the leader in charge of the above mentioned group to arrange for my child to receive such first aid, medical or surgical treatment as the leader may deem necessary at any time during the activities of youth group and Sunday school. I further authorize the use of Ambulance and/or anaesthetic by a qualified medical practitioner if in his/her judgment it is necessary. I accept responsibility for payment of all expenses associated with such treatment.

I agree to indemnify and hold harmless the Baptist Union of Victoria and the St.Kilda/Elsternwick Baptist Church against all claims, demands, suits and liability of whatever nature and howsoever arising out of the injury to the child, and the relevant activity being undertaken.

There may be occasions when it is necessary to transport children or to walk to nearby facilities.

I DO/DO NOT give permission for my child (as above named) to participate in activities outside of the normal meeting complex.

I DO/DO NOT give permission for my child to be transported in private cars arranged by the leaders of the above named group.

SIGNATURE OF PARENT/GUARDIAN:

Name: Date:/...../.....

CONFIDENTIAL MEDICAL REPORT

The information below is requested to assist in case of any illness or accident and will be held in confidence.

a) Please tick if your child suffers from any of the following:

- heart condition sleepwalking
- blackouts migraines
- asthma travel sickness
- other (*please specify*)

b) Are you/your child presently taking medication? If yes, please state the name of the medication, dosage, etc.

.....

c) Please tick if you/your child is allergic to any of the following:

Penicillin Bee Stings

other drugs (*please specify*)

d) Last tetanus immunization:

e) Medicare No:

Medical/Hospital Fund:

Contribution No:

f) Name of family Doctor: Phone:

g) Name of Dentist: Phone:

Please list any physical or special needs: (eg. Dietary requirements, food allergies)

.....

Please complete and return to:

by/...../.....

BETRAYAL OF TRUST: FACTSHEET

The 'grooming' offence

The *Crimes Amendment (Grooming) Act 2014*, which commenced in Victoria on 9 April 2014, introduced the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

The Betrayal of Trust report recommended the grooming offence, given the way in which many sex offenders target their victims. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse could occur. For this reason, parents, carers or other family members who have been targeted by perpetrators in order to gain access to a child are also victims.

The *Victim's Charter Act 2006* was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

GROOMING IS NOW A CRIMINAL OFFENCE

1. What is grooming?

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.

2. Who can commit the offence?

The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

BETRAYAL OF TRUST: FACTSHEET

3. What age are the children who are protected by the offence?

The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.

4. What are the key differences between the Victorian grooming offence and the grooming offences that have been implemented in New South Wales and by the Commonwealth?

The New South Wales grooming offence is confined to circumstances in which an adult engages in conduct that exposes a child to indecent material or provides the child with an intoxicating substance with the intention of making it easier to procure the child for sexual activity. The Victorian offence is broader than this and prohibits an adult from engaging in any form of communication with the intention of facilitating sexual conduct. This is not limited to exposing the child to indecent material or providing them with an intoxicating substance and may include such acts as inappropriately giving them gifts or favours with the intention of engaging in later sexual activity.

The offence is similar to the Commonwealth grooming offence. The key distinction is that the Commonwealth offence is limited to grooming via a communication transmitted through a carriage service. The Victorian offence applies to any form of communication between the adult and child, including communication that occurs in person.

5. What is the purpose of amending the *Victim's Charter Act 2006*?

Amending the *Victim's Charter Act 2006* to expressly include a family member of the child as a victim of a grooming offence (e.g. the child's parents) entitles the parents, or another family member, to provide a victim impact statement to the court.

6. What is the penalty for grooming?

The maximum penalty is 10 years imprisonment.

The new ‘failure to disclose’ offence

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

1. What is a ‘reasonable belief’?

A ‘reasonable belief’ is not the same as having proof. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a ‘reasonable belief’ might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

2. Are there any excuses for not reporting child sexual abuse to police?

A person will not be guilty of the offence if he or she has a **reasonable excuse** for not disclosing the information. A reasonable excuse includes:

- fear for safety
- where the information has already been disclosed.

➤ Fear for safety

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances.

This defence may apply, for example, if a mother decides not to disclose information about her partner sexually abusing her child due to fear of violence to her or her child.

The person’s fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that the person in question is best placed to judge whether their safety is in danger.

The court or jury will consider whether it was reasonable for the person not to report in the circumstances. ➤ **Where the information has already been disclosed**

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.

An important example of this exception is where the person has already made a report under the mandatory reporting obligation specified in the *Children, Youth and Families Act 2005*. This obligation requires teachers, doctors and other professionals to report concerns about child welfare to child protection authorities within the Department of Human Services (DHS).

Under the existing mandatory reporting system, DHS already passes on all allegations of child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DHS or reasonably believes a report has been made to DHS. This ensures that people are not required to make multiple reports to different agencies.

3. What is not a reasonable excuse?

A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or any organisation. 'Perceived interests' includes reputation, legal liability or financial status.

For example, a principal's concern for the reputation of a school, or a clergyman's concern for the reputation of a church where the abuse happened will not be regarded as a reasonable excuse.

4. Are there any other exemptions to the offence?

There are a number of other exemptions, which include:

- the victim requests confidentiality
- the person is a child when they formed a reasonable belief
- the information would be privileged
- the information is confidential communication
- the information is in the public domain
- where police officers are acting in the course of their duty.

➤ The victim requests confidentiality

The new offence respects the position of a victim who does not want the offending disclosed and who is sufficiently mature to make that judgment. The obligation to report therefore does not apply where the information comes from a person aged 16 or over and this person requests that the offence not be reported. The law recognises that a child under 16 is not able to make this kind of decision and sometimes lacks the capacity to fully understand the effects of sexual abuse. A person will still be required to disclose information to police if:

- the victim who requested confidentiality has an intellectual disability, and
- the victim does not have the capacity to make an informed decision about a disclosure, and
- the person who received the information is aware or should be reasonably aware of those facts.

➤ **The person is a child when they formed a reasonable belief**

If a person was under the age of 18 when they formed a reasonable belief, they will not be obliged to make a disclosure when they turn 18. This protects children from the burden of knowing that they will have to disclose to police when they turn 18.

➤ **The information would be privileged**

People will not be required to disclose where the information would be privileged. This includes:

- client legal privilege
- journalist privilege
- religious confessions.

For example, if a priest obtains information made in good faith through a rite of confession (as long as the admission is not given for a criminal purpose), the priest is exempt from disclosing. ➤ **The information is confidential communication**

A registered medical practitioner or counsellor is not required to disclose information to police if the information is obtained from a child whilst providing treatment and assistance to that child in relation to sexual abuse. However, under the mandatory reporting obligations, a registered medical practitioner would still be required to report to DHS if they form a reasonable belief that a child has been sexually abused and is in need of protection. This exemption is not designed to prevent the reporting of child sexual abuse, but rather to protect the registered medical practitioner or counsellor from criminal liability.

If an adult provides information to a medical practitioner or counsellor regarding the sexual abuse of a child, the medical practitioner or counsellor would be required to disclose that information to police unless another exemption applies.

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

A person does not have to disclose to police if they get the information through the public domain, or form the belief solely from information in the public domain such as television or radio reports. ➤

Where police officers are acting in the course of their duties

A police officer acting in the course of their duty in respect of a victim of child sexual abuse is exempt from the offence.

5. If it is going to be compulsory for everyone to report child sexual abuse, why are there exemptions?

We need to ensure that in creating this legal obligation, we do not put children and their families at even greater risk of harm, especially those who may be experiencing family violence.

6. Won't child sexual abuse continue to occur if exemptions are allowed?

There is currently no requirement for people to report child sexual abuse to police, so introducing this new legal obligation is a big step towards preventing child sexual abuse in our community and ensuring people understand that it is a community-wide responsibility.

Certain exemptions are required to avoid any unintended consequences of this new obligation. It is not intended, for example, that this offence criminalise victims of family violence who don't report due to fear for their own or someone else's safety.

For example, women in family violence situations may have a reasonable fear for the safety of their child or another family member, especially in cases where threats have already been made. They may fear that making a report to police will escalate the situation, putting their child or another family member at even greater risk of harm – or even death.

Preventing the sexual abuse of children is a community responsibility. Other people connected with the child will still be required to make a report, unless they have a reasonable excuse not to do so.

7. Won't this offence discourage people from seeking help where they have experienced child sexual abuse?

The law will not require a medical practitioner or counsellor to disclose information to police when it has been obtained from a victim during treatment for sexual abuse.

Disclosures for the purpose of obtaining legal advice will also be protected by client legal privilege. There are also other exemptions which have been listed above.

8. The offence requires 'any adult' to report suspected child sexual abuse. Isn't this too broad? Won't it lead to people reporting unfounded suspicions?

The offence requires a person to report to police where they have information that leads them to form a 'reasonable belief' that a sexual offence has been committed against a child under 16. Under the offence, people will not be expected to disclose unfounded suspicions as a suspicion does not constitute a 'reasonable belief'.

The failure to disclose offence is a big step towards preventing child sexual abuse in our community and ensuring people understand that protecting children and preventing sexual abuse is a community-wide responsibility.

9. How will I be protected if I make a disclosure to police?

Your identity will remain confidential unless:

- you disclose it yourself or you consent in writing to your identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

10. Will any person who knows of child sexual abuse happening in the past be required to report?

A person who knows of child sexual abuse having occurred in the past will not have to report to police unless the victim is still a child when the offence comes into effect.

11. What is the penalty for failing to disclose child sexual abuse?

The maximum penalty is three years imprisonment.

12. When will the failure to disclose offence take effect?

27 October 2014.

13. How do I contact Victoria Police to make a report?

If you want to report a child in immediate risk or danger of sexual abuse please call [Triple Zero \(000\)](#)
Alternatively, you can [contact your local police station](#).

If you or someone you know has experienced child sexual abuse in an institutional context, we encourage you to contact Victoria Police's Sano Taskforce via email at sanotaskforce@police.vic.gov.au

BETRAYAL OF TRUST: FACTSHEET

The new 'failure to protect' offence

Failure to protect a child from abuse – organisations

A new criminal offence has been created in Victoria for failing to protect a child under the age of 16 from criminal sexual abuse. The offence will apply where there is a substantial risk that a child under the care, supervision or authority of an organisation will become a victim of a sexual offence by an adult associated with that organisation. The person in a position of authority will be guilty if they knew of the risk of abuse and had the authority to reduce or remove the risk, but negligently failed to do so.

1. What is the offence of failing to protect a child from sexual abuse?

If a person in authority knows that someone within their organisation poses a risk of committing a sexual offence against a child and they fail to remove that person who poses the risk, they will themselves be guilty of a criminal offence.

As soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk.

2. Will this criminalise mistakes made by organisations who are working to protect children?

An individual who falls short of the standard of care that a reasonable person would exercise in the circumstances will be found guilty of the offence.

For example, a person in authority who knows someone poses a risk to children and moves them from one location in an organisation to another location where they still have contact with children would be committing an offence.

It will not apply where a person takes reasonable steps to protect a child from the risk of abuse, for example, where the allegation is reported and the person removed from any child-related role pending an investigation.

3. Will the offence criminalise individuals who fail to protect a child from abuse, for example, a non-offending parent?

No. The failure to protect offence is limited to people in positions of authority within organisations that exercise care, supervision or authority over children. This includes churches, schools, child-care centres and residential care homes. It does not apply to parents or other individuals.

The separate offence, the new failure to disclose offence, will apply to any individual with information about the criminal abuse of a child who fails to report their knowledge to police.

4. What is the penalty for failing to protect a child?

The maximum penalty is five years' imprisonment.

5. When will the failure to protect offence take effect?

This offence will commence by 1 July 2015 but may come into effect sooner.

The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the *Child Wellbeing and Safety Act 2005* (the Act).

The Commission for Children and Young People is responsible for administering the scheme. Our role includes:

- supporting and guiding organisations that receive allegations in order to promote fair, effective, timely and appropriate responses
- independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations.



The Reportable Conduct Scheme has been designed to ensure that the Commission will be aware of every allegation of certain types of misconduct involving children in relevant organisations that exercise care, supervision and authority over children.

The Commission will also be able to share information where appropriate, including with the Working with Children Check Unit, relevant regulators and Victoria Police, to better prevent and protect children from abuse.

Importantly, a finding that a person has engaged in reportable conduct can trigger an assessment of whether that person is suitable to continue to work or volunteer with children. In turn, this may lead the Working with Children Check Unit to revoke a person's Working with Children Check card.

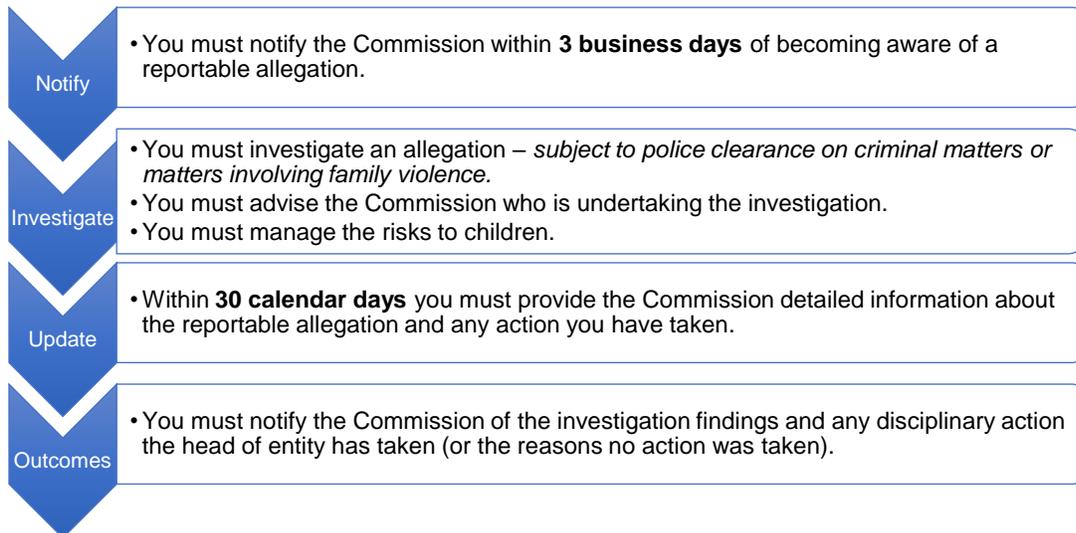
Requirements of heads of organisations

The Reportable Conduct Scheme imposes new obligations on heads of organisations that are within the scheme. This includes requirements to:

- have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the Commission is notified and given updates on the organisation's response to an allegation.

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.

A snapshot of a head of organisation's obligations under reportable conduct



What does the Commission do with the allegations it receives?

The Commission will carefully consider each allegation that it receives under the Reportable Conduct Scheme. Based on the information available, the Commission may decide to:

- give the organisation responding to the allegation support and guidance
- check that the organisation is handling the allegation in a timely manner
- refer a substantiated allegation to Working With Children Check or a professional accreditation body.

Who can an allegation be made about under the scheme?

A reportable allegation can be made about certain workers or volunteers over 18 years of age who are or were:

- an employee of an organisation covered by the scheme
- a minister of religion, religious leader or officer of a religious body
- a foster or kinship carer
- a volunteer, contractor, office holder, officer or other position directly engaged by an organisation covered by the scheme to provide services.

A reportable allegation can only be made against a volunteer if they have been *engaged* by an organisation covered by the scheme. To 'engage' a volunteer means to enter into an agreement, either verbally or in writing, for a person to provide a service without that person (the volunteer) receiving financial gain. There is no minimum period for the engagement. For example, the following would be considered volunteers under the scheme:

- a community member who volunteers at a hospital for half a day each week, after submitting an application to the hospital, passing the screening requirements and undertaking an induction

- a parent who volunteers in a school canteen at lunch time once a month for a term, after responding to an email from the school calling out for helpers
- a university foreign language student who volunteers from time to time for a student exchange program by completing a monthly roster prepared and collected by the provider
- a parishioner who volunteers by assisting with one Sunday school activity at their church, after verbally offering the priest their help.

You should also consider the agreed duration of the volunteer’s engagement. For example, did the volunteer and the entity reach an agreement that the volunteer would:

- perform services regularly for a year (in which case the volunteer would be ‘engaged’ for 12 months), or
- perform services for one day (in which case the volunteer would only be ‘engaged’ for that day).

An organisation is not required to notify the Commission about an allegation involving a volunteer who performed services without the organisation’s knowledge.

People who are not employed or engaged by an organisation covered by the scheme may not be within scope of the scheme. You should take particular care when considering whether a reportable allegation can be made about a person who performs services for your organisation under a labour-hire arrangement, as an agency worker, a secondment agreement or as a subcontractor. This is because those people may be employed or directly engaged by a third party rather than your organisation.

Allegations must be reported about the conduct of the people described above, even if:

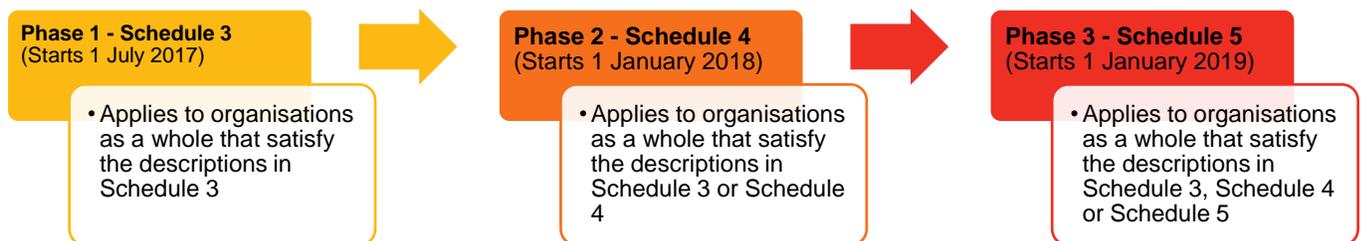
- they do not have direct contact with children
- the conduct occurred outside of their work.

If you are unclear whether a reportable allegation can be made about a person, please do not hesitate to contact the Commission.

Which organisations are covered by the scheme?

Organisations in scope are required to comply with the scheme in one of three phases over an 18 month period from 1 July 2017. The first phase focuses on organisations that operate schools and provide government services.

The following diagram shows how the phases work, as set out in Schedule 3, Schedule 4 and Schedule 5 of the *Child Wellbeing and Safety Act 2005* and the *Child Wellbeing and Safety Regulations 2017*:



Phase 1: 1 July 2017 (Schedule 3)

- An organisation that operates a registered government or non-government school
- An organisation that is registered in respect of an accredited senior secondary course or registered senior secondary qualification
- An organisation that is approved to:
 - provide certain courses to students from overseas
 - operate an overseas student exchange program
- An organisation that is:
 - a disability service provider that provides residential services for children with a disability
 - a mental health service provider with in-patient beds
- An organisation that receives State Government funding and:
 - is a drug or alcohol treatment service with in-patient beds
 - is a housing service or other assistance to homeless persons with overnight beds for children and young people
 - provides child protection services
- An organisation that is an out-of-home care service
- Victorian Government departments

Phase 2: 1 January 2018 (Schedule 4)

- Religious bodies
- An organisation that:
 - operates a residential facility for a boarding school
 - provides overnight camps for children as part of its primary activity (except certain youth organisations)
 - is a public or denominational hospital or operates a private hospital
 - is a public health service¹
- An organisation that provides disability services, including but not limited to, registered disability service providers

¹ Child Wellbeing and Safety Regulations 2017

Phase 3: 1 January 2019 (Schedule 5)

- approved education and care services (e.g. kindergartens, after hours care services)
- children's services (e.g. occasional care providers)
- certain prescribed art centres, libraries, museums, zoos, parks and gardens

An organisation may provide services or activities that put it in more than one phase of the Reportable Conduct Scheme. If your organisation falls into more than one phase, your organisation **as a whole** is within the scheme from the earliest phase relevant to your organisation.

This means that once part of your organisation is within the scheme, all of your organisation is within the scheme, and you must notify the Commission and investigate reportable allegations across your whole organisation.

If you are unsure about whether or when your organisation is or will be within the Reportable Conduct Scheme, you can call us or email for further advice.

When must an allegation be reported to the Commission under the scheme?

Once the scheme applies to an organisation, the head of the organisation must notify the Commission of any reportable allegations made against their workers or volunteers within **three business days** of becoming aware of the allegation.

Heads of organisations are not required to notify the Commission of all reportable allegations that they were aware of before the scheme applied to their organisation, except if:

- a person communicates or conveys a reportable allegation again after the scheme applies to an organisation, or
- the head of an organisation becomes aware of new information that causes them to form a reasonable belief that reportable conduct has been committed.

The head of an organisation is required to notify the Commission of a reportable allegation made against one of their *current* workers or volunteers, regardless of whether the alleged conduct occurred before, during, or outside the worker or volunteer's role with the organisation.

The head of an organisation may notify the Commission about a reportable allegation they become aware of after the worker or volunteer has ceased employment or engagement with the organisation. However, they would only be required to notify the Commission of an allegation if it concerned conduct by the former worker or volunteer when they were employed or engaged by the organisation.

Our regulatory approach

The Commission is focused on providing information, guidance and support to organisations to help them meet their obligations under the Reportable Conduct Scheme.

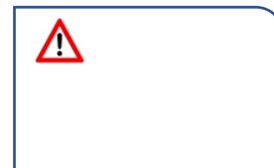
In the initial stages of the Reportable Conduct Scheme, the Commission expects that organisations will use their best endeavours to meet the requirements of the scheme. During this time the Commission's approach will focus on working with organisations to ensure they understand their obligations to report and investigate reportable allegations.

Where to get help

Organisations covered by the Reportable Conduct Scheme should contact the Commission for clarification and guidance, and to talk through any issues of concern.

- Telephone: 8601 5281
- Email: childsafestandards@ccyp.vic.gov.au

Further information is also available on the Commission for Children and Young People's website at www.ccyp.vic.gov.au



Other relevant services and support

- Family Safety Victoria <http://www.vic.gov.au/familyviolence.html>
- Domestic Violence Victoria <http://dvvic.org.au/>

What types of conduct are reportable?

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

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

A short description of the types of reportable conduct is provided below.

What are sexual offences?

In Victoria, it is an offence to engage in certain sexual behaviours against, with or in front of, a child. Many of these behaviours are reportable conduct under the Reportable Conduct Scheme. This includes:

- sexual assault
- indecent acts
- possession of child abuse material
- 'grooming' a child in order to commit a sexual offence.

A full list of the relevant sexual offences is set out in clause 1 of Schedule 1 to the *Sentencing Act 1991*.

A worker or volunteer does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be reportable conduct.

The terms *worker* and *volunteer* are used to cover a range of people subject to the scheme. Further details are provided in Information Sheet 1 – About the Victorian Reportable Conduct Scheme, under the heading Who can a reportable allegation be made about under the scheme?

What is sexual misconduct?

‘Sexual misconduct’ captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal.

Sexual misconduct refers to conduct that:

- amounts to misconduct
- is of a sexual nature, and
- occurred against, with, or in the presence of, a child.

Please refer to [Information Sheet 9 – Sexual misconduct](#) for further guidance.

What is physical violence?

Physical violence committed against, with or in the presence of a child can fall into two categories. Physical violence can be either:

- actual physical violence - a worker or volunteer intentionally or recklessly uses physical force against, with, or in the presence of a child without a lawful reason, which has the ability to cause injury or harm to the child. Actual physical violence can include hitting, punching, kicking, pushing or throwing something that strikes a child or another person.
- apprehended physical violence - a worker or volunteer intentionally or recklessly engages in conduct or behaviour against, with, or in the presence of a child that is capable of causing a child to think that physical force is about to be used against them or another person. This could include words, gestures or actions that cause a child to believe physical force is about to be used against them, regardless of whether or not the worker or volunteer actually intended that any physical force would be applied.

Please refer to [Information Sheet 10 – Physical violence](#) for further guidance.

What is behaviour that causes emotional or psychological harm to a child?

You should consider each allegation carefully, keeping in mind the context in which the behaviour occurred and the child's circumstances.

To be reportable under this category:

- the allegation must concern the worker's or volunteer's behaviour
- there must be a clear link between the worker's or volunteer's alleged behaviour and the harm suffered by the child
- the harm must be significant.

Identifying the behaviour

A child can be significantly emotionally or psychologically harmed by behaviour, such as sexual offences, sexual misconduct, physical violence and significant neglect. However, other types of behaviours can also cause significant emotional and psychological harm to a child, for example, severe or sustained instances of:

- verbal abuse
- coercive or manipulative behaviour
- hostility towards, or rejection of, a child
- humiliation, belittling or scapegoating.

There must be a clear link between the behaviour and the harm

There must be a clear link between the alleged behaviour and the emotional or psychological harm. In deciding whether there is a clear link, it may be helpful to consider the likelihood that the child would have been harmed if the alleged behaviour had not occurred.

Emotional or psychological harm may also be caused where an existing mental health disorder, such as anxiety or depression, has been exacerbated.

A child may display physical or behavioural signs that suggest they may have experienced behaviour which has caused them significant emotional or psychological harm. These signs may include:

- suicidal action, suicidal ideation or self-harm
- patterns of out-of-character, self-destructive, antisocial, or anxious behaviour

- ongoing sleep disturbance, nightmares or bedwetting
- regression in behaviour.

The harm must be ‘significant’

Allegations that are reportable under this category must concern *significant* emotional or psychological harm. To be considered significant under the scheme, the alleged harm must be more than *trivial* or *temporary*.

We encourage organisations to consult with us if you need assistance to determine if the allegation involves significant emotional or psychological harm.

A professional psychological or medical assessment of the child may assist to determine whether they have suffered significant emotional or psychological harm. However, a clinical diagnosis will not be required in every case, for example where:

- the alleged behaviour is so serious and/or occurred over such a sustained period, that it can be reasonably inferred that the child has been harmed, or
- assessment may unreasonably re-traumatise or otherwise further harm the child.

Exceptions

An allegation will not be reportable if:

- the worker or volunteer has taken reasonable steps to protect a child from immediate harm
- the worker or volunteer has responsibility for discipline and has taken lawful and reasonable disciplinary action, such as sending a child to sit in ‘time out’ for a period of time, in line with organisational policy
- the worker or volunteer is an appropriately qualified worker or volunteer who has given medical treatment in good faith, such as a senior first aid officer administering first aid.

What is neglect?

Neglect occurs when a worker or volunteer does not meet their obligations and responsibilities to keep a child safe and well.

Examples of different types of neglect include:

- supervisory neglect, which is the absence or inattention of a worker or volunteer which places the child at risk of physical harm or injury, sexual abuse, or allows other criminal behaviour towards the child
- physical neglect, which is the failure to provide basic physical necessities for a child, such as adequate food, clothing and housing.

‘Significant’ neglect

Allegations that are reportable under this category must concern *significant* neglect. To be considered significant under the scheme, the allegation must be about harm that is more than *trivial* or *temporary*.

We encourage organisations to consult with the Commission for Children and Young People if they need assistance to determine if the alleged conduct meets the level required to make a reportable allegation report.

What is a reasonable belief?

A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that *may* involve reportable conduct. This includes where a reportable allegation is made against the head of the organisation.

A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty.

For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves
- heard directly from a child that the conduct occurred
- received information from another credible source (including another witness).

Heads of entity do not need to agree with or share the belief that the alleged conduct has occurred. However, they do not need to notify the Commission about the allegation if it is plainly wrong or has no basis at all in reality.

Where to get help

Organisations covered by the Reportable Conduct Scheme should contact the Commission for clarification and guidance, and to talk through any issues of concern.

- Telephone: 8601 5281
- Email: contact@ccyp.vic.gov.au

Further information is also available on the Commission for Children and Young People's website at www.ccyp.vic.gov.au

Who is the ‘head of an organisation’?

The head of an organisation is the person who is primarily responsible for an organisation’s compliance with the Reportable Conduct Scheme. Depending on the particular structure or type of organisation, the head of the organisation may be:

- the Chief Executive Officer (CEO), principal officer or equivalent
- the Secretary of a Victorian Government department.

Determining who is the principal officer depends on each organisation’s structure, governance arrangements and legal obligations. Some organisations may wish to obtain legal advice to identify their principal officer to ensure they fulfil their obligations under the scheme.

If the organisation does not have a CEO, principal officer or equivalent, they can nominate one. This can be done through a form available on our website. <https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations/#TOC-1>

While heads of organisations are responsible for ensuring their organisations comply with the Scheme, the Commission does not expect heads to carry out their responsibilities alone. Heads of organisations can get help from other people within their organisation to fulfil their obligations under the Scheme. This may include creating and developing systems, sending approved notifications to the Commission, and conducting investigations on their behalf. While heads of organisations can seek internal support and assistance from within their organisations, it is ultimately their responsibility to ensure the Commission is notified of any reportable allegations they become aware of.

What does the head of an organisation need to have in place?

Section 16K of the *Children Wellbeing and Safety Act 2005* requires the head of an organisation to:

- | | |
|--|---|
| <ul style="list-style-type: none">• Take a preventative approach to keeping children safe | <p>This includes acknowledging children are vulnerable to abuse and taking steps to reduce this risk in their organisation.</p> <p>An organisation’s response to meeting their obligations under Child Safe Standards will help the organisation take a preventative approach to child safety.</p> |
| <ul style="list-style-type: none">• Have systems in place to enable anyone to notify their concern or allegation that conduct in line with reportable conduct may have occurred | <p>This includes having clear and well communicated systems to facilitate and support the reporting of concerns.</p> <p>Your organisation’s work to meet Child Safe Standard 5 – Processes for responding to and reporting suspected child abuse will mean you will have internal reporting processes in place to notify allegations.</p> |
| <ul style="list-style-type: none">• Have systems in place to allow other people to report to the Commission if the reportable allegation concerns the head of the organisation | <p>As there may be instances in which the actions of concern are alleged to have been taken by the head of your organisation, organisations must have policies and systems that enable other people in your organisation to notify the Commission of alleged reportable conduct.</p> |
| <ul style="list-style-type: none">• Have investigation processes clearly defined and developed | <p>Once an allegation has been made, organisations must have processes in place to investigate the matter.</p> <p>In meeting Child Safe Standard 5 – Processes for responding to and reporting suspected child abuse, your organisation should have</p> |

developed systems and processes to respond to allegations and report the matter internally, to Victoria Police and other relevant authorities as required.

What the head of an organisation must report to the Commission

Section 16M requires the head of an organisation to initially notify the Commission of a reportable allegation within three business days and update the Commission of progress within 30 calendar days. They must also investigate the reportable allegation and provide the findings of the investigation to the Commission. The Commission will seek the following information at various milestones.

Three business day notification	30 calendar day update	Advice on investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none">• Name of the worker or volunteer• Date of birth• Police report• Organisation contact details• Head of organisation's name• Initial advice on the nature of the allegation	<ul style="list-style-type: none">• Details of the allegation• Details of your response to the allegation• Details about any disciplinary or other action proposed• Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other	<ul style="list-style-type: none">• Name of investigator• Contact details• As soon as practicable	<ul style="list-style-type: none">• Copy of findings and reasons for the findings• Details about any disciplinary or other action proposed• Reasons for taking or not taking action• As soon as practicable	<ul style="list-style-type: none">• The Commission may request further documents from the head of the organisation



It is an offence to fail to notify and update the Commission about reportable allegations.

The Commission will also publish *Investigation Standards* to help guide the approach of organisations. An organisation's regulator or government funder may also have investigation requirements and supports.

The head of the organisation must provide information to the Commission about any of these systems described above, if the Commission requests this in writing.

The Commission may make recommendations to the organisation to improve their practices and processes.

Where to get help

Organisations covered by the Scheme should contact the Commission for clarification and guidance, and to talk through any issues of concern.

- Telephone: 8601 5281
- Email: childsafestandards@ccyp.vic.gov.au

Further information is also available on the Commission for Children and Young People's website at www.ccyp.vic.gov.au