KEEPING CHILDREN SAFE POLICY

Uniting Church in Australia Synod of Victoria and Tasmania

This document is in two parts:

The Keeping Children Safe Policy – page 1.

The Rationale –outlining why this policy was developed – page 9.

(The Templates to assist with implementation of this policy will be provided as separate documents and can be found at www.victas.uca.org.au/keepingchildrensafe)

POLICY

An overarching whole of church policy is essential to provide the leadership and framework to enhance the consistent provision of a safe environment for children across the whole church. This policy is a binding and public commitment to the provision of safety for children

Scope

It is the expectation of the Synod Standing Committee that this policy will be implemented by individuals and entities involved with or connected to the Uniting Church. This includes, but is not limited to, entity board/council members, employees, volunteers, children, parents engaged in children's programs, carers, presbytery members, church council members, congregation members and people in specified ministries of the Church. Entities of the church include but are not limited to congregations, presbyteries, agencies, early childhood services, schools, campsites and Synod programs. Ministers from other denominations serving in placement in the Uniting Church, having been assessed as "of good standing" by their current denomination, are also covered by this policy.

Definition of a child
For this policy, a child is defined as anyone under the age of 18. (eg: Children, Young Persons and their Families Act 1997, Tasmania; The Commission for Children and Young People Act 2012, Victoria) .

The abuse and neglect covered by this policy

The abuse covered in this policy includes both adult to child abuse and child to child abuse. Abuse and neglect includes but is not limited to:

• **Physical abuse** – when a person purposely injures or threatens to injure a child.

• **Emotional abuse** – an attack on a child's self-esteem such as bullying, name calling, threatening, ridiculing, harassing, intimidating or isolating the child.

• **Family violence** – when a family member, partner or ex-partner attempts to physically or psychologically dominate the other.

• **Sexual abuse** – any sexual act or sexual threat imposed on a child.

• **Grooming** – concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.

• **Neglect** – where a child is harmed by the failure to provide the basic physical and emotional necessities.

Overarching policy statement

All children who are involved in any of the Church's activities, events or programs have a right to feel and be safe. The Church is committed to provide safe environments where children are cared for, respected, nurtured and sustained.

Abuse thrives on secrecy. To prevent child abuse across the Church, we are committed to developing and maintaining an open and aware culture.

The Church commits itself to the creation and maintenance of a child safe culture to ensure the care, protection and safety of all children engaging with the Church in any of its entities. We will do all in our power to safeguard children from all forms of abuse. The Church clearly affirms that we are subject to upholding the same legislation and processes as prescribed by law. This includes the requirement to report abuse.

Keeping children safe: what we will do

Adapted from: *Creating a safe environment for children and vulnerable adults in our church: Children (April 2013, Culture of Safety, Synod of Victoria and Tasmania) and the Australian Children's Commissioners and Guardians jointly endorsed principles for child safe organisations (October 2013)*

The Church will provide a safe environment for children by ensuring that Church entities:

1. *Provide an open environment.*
   We will promote individual and collective responsibility for the safety and well-being of children. We will communicate openly and honestly. We will be open to external

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feedback and advice. We will be transparent and accountable. We will educate employees, volunteers, people in specified ministries and children to raise any concerns they have about children's safety through the creation of a child-friendly environment. In particular, this means listening to and believing children who raise concerns. We will have an accessible, responsive and fair complaints process in place.

2. Have clear *codes of conduct*.
We will adopt and implement codes of conduct for all adults who interact with children, including setting clear boundaries of behaviour between adults and children. We will provide guidance to children about expectations of their interactions with other children and be clear about what is unacceptable behaviour.

3. *Adopt clear procedures.*
Each Uniting Church entity must have child safe procedures in place appropriate to their setting. This will include processes for risk assessment and mitigation of identified risks.

4. *Recruit well.*
We will adopt and implement good practice standards in the recruitment and screening of employees and the engagement of volunteers and others who work with children. As a requirement of employment or volunteering with us, our recruitment practice includes conducting referee checks for all employees, volunteers and people in specified ministries. We will require Working with Children Checks. Where appropriate we will conduct National Criminal History Checks. Our statement of commitment to child safety will be included in all our employment advertisements and position descriptions.

5. *Provide orientation and training*.
Building a child-safe culture requires informed and supported individuals who understand their role in ensuring a safe environment for children. We will provide initial and ongoing training for staff, volunteers, people in specified ministries and children to:
   - raise awareness of child sexual abuse, grooming and reporting requirements;
   - raise awareness of appropriate/inappropriate behaviour;
   - ensure understanding of the process for handling complaints and/or allegations; and
   - ensure understanding of the requirements of a child safe environment.

6. *Undertake planning, supervision and record keeping.*
We will undertake careful planning and supervision of the programs involving children and the activities we provide for children. Screening of staff and volunteers is an ongoing process through continuing oversight and maintenance of current Working with Children Checks. We will document suspicious behaviour, complaints and expressed concerns.

7. *Provide Support.*
   We will support those who raise concerns about the safety of children and/or who are affected by child abuse within the Church. This includes children, families, staff, volunteers, people in specified ministries and congregational members. Appropriate support will also be provided to those against whom allegations have been made.

8. *Report.*
   Where a complaint of sexual abuse of a child becomes known it must be immediately reported to the authorities and steps taken to assess and minimise any risk or harm must be followed. The Church mandates any person who is aware of or suspects child sexual abuse to make a report to the authorities. We will support investigations into any concerns about children and/or allegations of abuse or harm towards children by the relevant authorities. We will clearly document all instances and action taken. If abuse is substantiated we will take disciplinary action against the perpetrator. We will act lawfully and support the relevant authority's investigations in any criminal or child protection investigations.

   While investigations are being conducted we will ensure child protection measures are in place.

   If abuse is substantiated, we will take immediate disciplinary action against the perpetrator. If a person is an employee of the Church and is found guilty of an act of abuse against a child, their employment will be immediately terminated.

9. *Review.*
   We will monitor the implementation of our child safe policies and procedures. We will review incidents and reports. We will introduce changes to procedures and this policy as required.

   This policy will be formally reviewed every two years.

Implementation: Resources to assist the Church to implement this policy
To implement this policy, Uniting Church entities will need to review existing procedures and adopt new procedures if they are not in place. It is acknowledged that some entities will be further advanced than others in the implementation of this policy.

To assist all entities, and drawing on good practice, template procedures have been provided and these set out the specific requirements. These templates are designed so they can be adapted to particular settings. There will be consistent components to the templates and they will be tailored to particular settings. It is intended that a number of these can be formally adopted, signed and dated.

These template procedures and guidelines will assist congregations, presbyteries, agencies, early childhood services, camps, Synod programs and schools tailor documents to suit local requirements. Where entities have existing policies and procedures, the attached suite of templates and guidelines may contribute to improvement measures.

The following are the areas these template procedures and guidelines cover:

1. Our Statement of Commitment
2. Code of Conduct
3. Recruitment and selection
4. Induction and training
5. Assessment of risk
6. How to respond to and report disclosures of abuse
7. How alleged offenders will be treated
8. Mechanisms for appeal

Glossary of relevant terms

Abuser: A person who mistreats and/or harms a child.

Abuse: The abuse covered in this policy includes both adult to child abuse and child to child abuse. Abuse and neglect includes but is not limited to:

- *Physical abuse* – when a person purposely injures or threatens to injure a child.
- *Emotional abuse* – an attack on a child's self-esteem such as bullying, name calling, threatening, ridiculing, harassing, intimidating or isolating the child.
- *Family violence* – when a family member, partner or ex-partner attempts to physically or psychologically dominate the other.
- *Sexual abuse* – any sexual act or sexual threat imposed on a child.
- *Grooming* – concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- *Neglect* – where a child is harmed by the failure to provide the basic physical and emotional necessities.

Allegation A claim or assertion, without definite proof, that a wrongdoing (abuse of a child or grooming behaviour) has happened or is likely to happen.

Child: For this policy, a child is defined as anyone under the age of 18. (eg: Children, Young Persons and their Families Act 1997, Tasmania; The Commission for Children and Young People Act 2012, Victoria.)

Child sex offender:
Someone who sexually abuses children.

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Child protection:

> The term used to describe the whole-of-community approach to the prevention of harm to children. It includes strategic action for early intervention, for the protection of those considered most vulnerable and for responses to all forms of abuse.

Child Protection Authority or Service (also referred to as Child Protection):

> The statutory child protection service provided by the Victorian Department of Health and Human Services and the Tasmanian Department of Health and Human Services to protect children and young people at risk of abuse and neglect.

Code of conduct:

> A set of rules or practices that establishes a standard of behaviour to be followed by individuals and organisations. A code of conduct defines how individuals should behave towards each other, and towards other organisations and individuals in the community

Disclosure: In the context of this policy, disclosure refers to a statement that a child makes to another person that describes or reveals abuse which has occurred or is likely to occur.

Duty of care: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury. In the context of this policy, duty of care refers to the responsibility to provide children with an adequate level of care and protection against foreseeable harm and injury.

Good practice: This will be measured against the good practice standards of the Child Safety Commissioner(s) and other relevant guidelines and recommendations from bodies promoting child safety.

Mandatory reporting:

> The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm.
>
> Those mandated must make a report to Child Protection as soon as is practicable after forming a belief, on reasonable grounds, that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents/guardians are unwilling or unable to protect the child. Mandatory reporters must report the abuse/neglect to:
>
> - *Child Protection services*, if you suspect, on reasonable grounds, that a child is suffering abuse or neglect, or wish to discuss your concerns about a child or young person. In Tasmania ring Child Protection Intake on 1300 737 639 or Gateway Services on 1800 171 233. In Victoria ring the

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relevant child protection intake unit in your area. (Details for Tasmania and Victoria are attached to the Reporting Template) or

- *Police.* In Victoria or Tasmania by calling 000, if the offence requires immediate police attention, or after hours in Victoria ring the Child Protection Crisis Line 131 278

Negligence: Doing, or failing to do something that a reasonable person would, or would not do in a certain situation, and which causes another person damage, injury or loss as a result.

Specified Ministries

The UCA Regulations (2.2) define specified ministries as including Ministers (of the Word and Deacons); Pastors; Lay Pastors; Lay Preachers; Youth Workers and Community Ministers. The ministries of Lay Pastor, Youth Worker and Community Ministers were closed for entry by Assembly on 31 December 2007. Anyone still operating in one those now closed ministries is covered by this policy.

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Uniting Church in Australia

Synod of Victoria and Tasmania

KEEPING CHILDREN SAFE

Provide an Open Environment

Have a Code of Conduct

Review

Report

Adopt Clear Procedures

Provide Support

Recruit Well

Undertake Planning and Supervision

Provide Orientation and Training

Approved June 2015

Uniting Church in Australia
Synod of Victoria and Tasmania

KEEPING CHILDREN SAFE

RATIONALE

1.   Why do we need this policy?

1.1   What we believe

The Uniting Church in Australia (the Church) believes that all people, including children, are made in the image of God. As a Christian community we believe that God reaches out to us in love and acceptance, and that our relationships with each other should express love, care and respect (*Safe Place Position Statement developed by the UCA Commission on Women and Men in 1997*.) Central to living out the gospel is to love God and to love others. As a community of faith, we are committed to providing safe environments for all people, including children, so that they may live life in all its fullness. We also acknowledge the rights of children as detailed in the *United Nations Convention on the Rights of the Child* that States shall protect children from physical or mental harm and neglect, including sexual abuse and exploitation.

It is important that children are welcomed and cared for responsibly and justly. The Gospel also directs us to listen to and learn from children. In "*On the Way Together (1998)*" it is affirmed that *"children in the Uniting Church in Australia are nurtured in Christian faith and discipleship, experiencing relationships which promote trust, cooperation, honesty, positive valuing of persons, responsibility and Christian service."* It adds that the church *"affirms the value and the rights of children as human beings as it listens to, guides, protects, advocates for, and empowers children within its own communities and the wider community."*

Unfortunately all children are not protected from harm. Within Australia, the most common forms of abuse are emotional (36%); Neglect (31%); Physical (21%) and Sexual (12%). (*Australian Institute of Health and Welfare 2014).* Drawing on a range of recent studies, the best current Australian estimates are that up to 8% of boys suffer penetrative abuse, and 16% are exposed to non-penetrative sexual abuse. Girls undergo child sexual abuse at far higher rates, with up to 12% suffering penetrative abuse, and up to 33.6% exposed to non-penetrative abuse. (*The prevalence of child abuse and neglect, Australian Institute of Family Studies Fact Sheet- July 2013).* This abuse occurs across all areas of society. Some adults will look to find opportunities to form special relationships with children which may become exploitative. Whilst children, parents and the church should be aware of "stranger danger",

most people who sexually abuse children are known to the victim through family, friends, school, sports groups, church and other community-based activities.

The Uniting Church abhors the crime of child abuse. To know that innocent and trusting children have been preyed upon within the church - which is devoted to the care, protection and well-being of the most vulnerable - is deeply distressing. We are committed to do everything within our control to achieve justice for those who have been abused and to create an environment where children can feel and be safe.

In our *Apology to the Forgotten Australians in 2004* we stated:
> *On behalf of the Uniting Church and our agencies, we apologise unreservedly for any physical, psychological or social harm that might have occurred.*
> *We deeply regret that some children were let down while in the care of the Uniting Church and former Methodist, Presbyterian and Congregational Churches.*
> *The recent Senate Inquiry into children in Institutional Care highlighted a number of cases where children suffered at the hands of caregivers.*
> *The inquiry painted a disturbing picture of life for many young people who lived in Institutional Care. The Uniting Church through its agencies managed a number of these facilities and we accept that sadly some did not provide the love, nurturing and care that the children in them so rightly deserved.*
> *The Inquiry highlighted the flaws in institutional care models and the need to ensure they are never repeated.*

The *Uniting Church Values Statement* issued by the Assembly Standing Committee (ASC) 2013 affirms that we:
> *will not hide from the truth, however painful it may be, and we will seek, with compassion and humility, to address whatever issues and challenges may emerge for us. We will say "sorry" to anyone who was neglected and abused when in our care and, in consultation with those so affected, actively seek ways to make amends for what happened in the past and identify how we can best offer support into the future.*

In April 2014, the Synod of Victoria and Tasmania Standing Committee resolved that the *"primary values of pastoral care, healing and restoration"* would be the basis of our approach to those affected and will inform our *"continued search for more just and caring ways of responding."*

It is important that we send a strong message to any person with predatory behaviour that we are very alert regarding potential abuse of children. In launching the new program for congregations, the *Safe Church Recognition Program,* at the Synod meeting in 2014 the Moderator, Dan Wootton, stated:
> *The Uniting Church is determined to make every effort to put in place procedures that maximise our ability to keep children safe. The Safe Church Recognition Program specifically intends to make congregations safer; this includes protecting our children from abuse and making sure that all child abuse allegations are reported.*

In 2015 the Assembly commenced the development of a *Preventing Child Sexual Abuse National Policy Framework 2015-2020.* Early indications are that it will include the need to

develop child friendly policies and procedures; educate all within the church about child sexual abuse and exploitation and how to respond; uphold the right of children to participate in decisions affecting them; enhance prevention strategies for child sexual abuse, and strengthen reporting processes.

1.2   Recent and current Inquiries

In addition to the increased focus in the media on instances of child sexual abuse as highlighted by high profile offenders, there have been a series of formal government inquiries which have placed a spotlight on this issue. These Inquiries have given voice to those who have been abused. Survivors have been able to tell of the appalling things they experienced and the immediate and long-term impacts on their lives. The recent Inquiries include the Reports on the *Stolen Generations (1997); the Child Migrants (2001); the Forgotten Australians (2004), and* the *2014 Victorian Inquiry Report: Betrayal of Trust.*

The Victorian Inquiry has resulted in new legislation for the state. **New criminal offences have been legislated in Victoria.** These are, in summary, the three criminal offences of:
•   grooming. This is predatory conduct undertaken to prepare a child for sexual activity at a later time,
•   adults' failure to report criminal child abuse to the police,
•   failure by those with responsibility within an organisation to remove or reduce a substantial risk that a child may be sexually abused.

In 2013 the Commonwealth established the *Royal Commission into Institutional Responses to Child Sexual Abuse.* In June 2014 the Commission issued its *Interim Report* which draws on what it has learnt so far from individual submissions, conversations, public hearings (into specific organisations) and research. What it has detailed so far with regard to developing Child Safe Organisations has informed the framing of this policy.

The Royal Commission advises that to achieve a child safe organisation it is critical to have competent and committed leadership and governance which develops and maintains a child safe culture. *(Interim Report 2014, Volume 1, p 141*). For such a policy to be effective it requires awareness and knowledge at all levels, from Boards through to volunteers and congregational members. It requires a commitment to shared personal responsibility to ensure children are protected. To achieve this, the policy needs to be clear and simple to understand.

The Royal Commission has seen from the individual cases presented to it, and the public hearings, that the major risks for the occurrence of child sexual abuse in institutions are:
•   Lack of awareness of the prevalence, nature and impact of sexual abuse
•   Lack of knowledge, leading to downplaying or dismissal of warning signs
•   Not knowing how to respond when abuse is detected or disclosed
•   Not fostering a child friendly environment which facilitates disclosures
•   Placing more value on reputation than safety of children
(*Interim Report 2014, Volume 1, P 141)*

The Australian Children's Commissioners and Guardians have jointly endorsed principles for child safe organisations. In summary, they outline that key features of a child safe organisation include:

- Taking preventative action, including having a child safe policy and ongoing review
- Proactively working to raise awareness and implementing policies and procedures which ameliorate risk
- Responding immediately where child safety concerns arise
- Empowering all, including children, to participate. Ensuring children know who to talk to and that they feel comfortable in discussing that they do not feel safe
- Fostering a culture of openness that supports all persons to safely disclose risks of harm to children
- Respecting diversity in cultures and child rearing principles while keeping child safety paramount
- Providing written guidance on appropriate conduct and behaviour towards children
- Engaging only the most suitable people to work with children and having high quality staff and volunteer supervision and professional development
- Reporting suspected abuse, neglect or mistreatment promptly to the appropriate authorities

1.3   Child abuse within the UCA in the Synod of Victoria and Tasmania

Some children in the care of this church have been subjected to a variety of forms of abuse. We know this through the experiences shared with us by those who have come forward in recent years and also through the experiences documented in the Senate inquiries into the treatment of Aboriginal children, children placed in children's homes and other forms of care. We also know this from shared experiences of child migrants who came to Australia from the United Kingdom. Abuse has occurred in agencies, schools, congregations and associated activities. Abuse can be by an adult to a child or by one child to another child. Some instances of abuse in our church in this Synod are outlined in Volume 2 of the Royal Commission Interim Report – they relate to a congregation (Angela p 213); a youth group (Vincent p 273); a school (Tracey pp 174-5) and to a children's home (Dian p 23).

The Uniting Church has strong theological foundations to its commitment not to tolerate child abuse and to address the injustice of this abuse. Redress of wrongs is captured in the *Basis of Union*, which states that *"The Uniting Church prays that through the gift of the Spirit, God will constantly correct that which is erroneous in its life" (Basis of Union, Para 18).*

The risk of child abuse within the church remains. Creating a child safe environment is the responsibility of individuals and entities involved with or connected to the Uniting Church including, but not limited to, board members, employees, volunteers, children, parents, carers, presbyteries, congregation members and people in specified ministries of the Church. Our leaders, in collaboration with all members, drive the development and maintenance of a child safe environment.

1.4   Current policies across the Synod

More than ever before, we are aware of the impact of abuse and issues of safety, our duty of care, the vulnerability of children and the possibility of abuse. The standards of care now expected as a matter of law and of community practice are higher than they were in the

past, and are rightly being enforced. We have a moral responsibility and duty of care to ensure that children are protected from harm.

With this heightened awareness of the priority to protect children, it has been important to review how we as a whole church are placed in implementing our commitment to being a child safe organisation across all our activities. An audit of past and present policies and procedures has been undertaken. This identified where there are sound policies and procedures in place (a number of these are referred to in the Church's submission to the Royal Commission on Issues Paper 3) and where there are gaps.

With regard to congregations and presbyteries, the Culture of Safety Unit has developed a suite of policies and training regarding children and vulnerable adults. Agencies and schools have mandated provisions under their accreditation and registration requirements. These examples provide a strong basis for a policy for the whole church.

2. Legislation, Policies, Reports and Resources informing this policy.

In addition to monitoring of case studies and statements from the Royal Commission and our own audit of policies conducted across the Synod and its entities, the following have informed the development of this policy:

2.1 Legislation
Victoria
The Crimes Amendment (Grooming) Act 2014
The Crimes Amendment (Protection of Children) Act 2014
The Working with Children Act 2005 as amended 2014
The Child Youth and Families Act (2005) as amended 2007
The Child Wellbeing and safety Act (2005)
Tasmania
The Registration to Work with Vulnerable People Act 2013 (Tas)
The Children Young Persons and their Families Act (1997)
New South Wales
Child Protection (Working with Children) Act 2012
The Children and Young Persons (Care and Protection) Act 1998

2.2 Royal Commission
Interim Report Volumes One and Two (June 2014) Royal Commission into Institutional Responses to Child Sexual Abuse

2.3 Government
Schedule 1 – Guidelines for Building the Capacity of Child Safe Organisations (2005) National Framework for Creating Child Safe Environments for Children: Organisations, Employees and Volunteers.
Inquiry into the Handling of Child Abuse by Religious and Other Organisations Report: Betrayal of Trust. (*2014)* Victorian Government

2.4 Uniting Church
Assembly

Member or Adherent Sexual Abuse and Sexual Misconduct Complaints Policy, Uniting Church in Australia (December 2014)

Response to Royal Commission Issues Paper 3 Child Safe Institutions (October 2013) Uniting Church in Australia

Uniting Church Values Statement in Relation to the Royal Commission into Child Sexual Abuse (2013) Uniting Church in Australia

Draft National Child Safe Policy Framework (May 2015) Uniting Church in Australia

Code of Ethics and Ministry Practice (January 2010) Uniting Church in Australia

A Safe Place for Children (1999) Uniting Church in Australia

On the Way Together (1998) Uniting Church in Australia

Synod of Victoria and Tasmania

Guide on the prevention of sexual grooming in the Church (2014) Culture of Safety, Synod of Victoria and Tasmania

The Safe Church Recognition Program – Nurturing a culture of safety in your congregation (2014) Culture of Safety, Synod of Victoria and Tasmania

Creating a safe environment for children and vulnerable adults in our Church: Children (April 2013) Culture of Safety, Synod of Victoria and Tasmania

Code of Conduct for the Prevention of Abuse (March 2013) Culture of Safety Synod of Victoria and Tasmania

Working with Children Policy (July 2012) Synod of Victoria and Tasmania

Bullying, Harassment and Sexual Harassment Policy (2014) Synod of Victoria and Tasmania

Apology to the Forgotten Australians (2004) Synod of Victoria and Tasmania

2.5 Other resources

Submission to Issues Paper 3 (October 2013) Centre for Excellence in Child and Family Welfare

Principles for Child Safety in Organisations Australian Children's Commissioners and Guardians

A Guide to Creating a Child-safe Organisation (July 2006) Child Safety Commissioner of Victoria

Choose With Care – 12 steps to a child safe organisation Child Wise

Wise up to sexual abuse – a guide for parents and carers Child Wise

Child Grooming Trisha Randhawa and Scott Jacobs Child Wise

Long Term Outcomes of Forgotten Australians Study. University of New South Wales. Study is currently in progress.