

CHILDREN AND YOUNG PEOPLE SAFETY POLICY

Purpose

The purpose of this policy is to establish systems to prevent, detect and respond to child abuse in line with the NSW Child Safe Standards set up for Faith-Based Organisations.

This policy will assist in to:

- work towards an organisational culture of child safety.
- ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
- provide guidance to staff, volunteers and church members as to action that should be taken where they suspect any abuse within or outside of the organisation.
- provide a clear statement to staff, volunteers and church members forbidding any such abuse.
- provide assurance that any and all suspected abuse will be reported and fully investigated.

“Learn to do good; seek justice, correct oppression; bring justice to the fatherless, plead the widow’s cause.”
Isaiah 1:17

“Give justice to the weak and the fatherless; maintain the right of the afflicted and the destitute. Rescue the weak and the needy; deliver them from the hand of the wicked.” Psalm 82:3-4

“But whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened around his neck and to be drowned in the depth of the sea.” Matthew 18:6

“See that you do not despise one of these little ones. For I tell you that in heaven their angels always see the face of my Father who is in heaven” Matthew 18:10

Policy

Living Hope Church is committed to embed child safety within its organisational leadership and governance structures by meeting the NSW Child Safety Standards¹. It is everyone's responsibility to ensure a child safe environment, including staff, management committee members, leadership, volunteers and families of children. Living Hope Church will ensure a culture of safety and continuous improvement is promoted through education and training, communication and encouraging participation from children in decisions that affect them.

Living Hope Church has zero tolerance to child abuse, harm and neglect and believe children when they raise a concern or make an allegation. which includes ensuring that children, families or employees who wish to report allegations of abuse or child safety concerns know how to report abuse allegations and are encouraged to do so. Living Hope Church takes every concern and allegation seriously, in line with the principles of procedural fairness – refer to *Complaints policy*.

Abuse often occurs in environments where trust is involved, where a person in a position of trust and/or authority misuses their position to harm another. Often the recipient of the abuse is vulnerable due to their personal circumstances or because the abuser is in a position of power or authority. Abuse is a serious concern and it is the responsibility of leaders within Living Hope Church and all those who work with children to do everything possible to prevent and/or minimise the risk of abuse.

Members of Living Hope Church must be mindful of diversity and the cultural norms and expectations that are within the group of people coming into contact with Living Hope Church. It is important to be educated about the specific diversity needs within Living Hope Church. Additional safeguards may be required to meet the needs of children with disability, children from culturally and linguistically diverse (CALD) backgrounds, Aboriginal and Torres Strait Islander children, children who live in out-of-home care or LGBTIQ+ children and young people.

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https://www.kidsguardian.nsw.gov.au/ArticleDocuments/838/CSS_ImplementationGuideFaithOrganisations.pdf.aspx?Embed=Y&utm_medium=email&utm_campaign=Update%20from%20your%20Faith%20Sector%20Coordinator&utm_content=Update%20from%20your%20Faith%20Sector%20Coordinator+CID_ce979719cf0989643bbf6dfa3fd17cd8&utm_source=ocg_edm&utm_term=Download%20here

Definitions:

Child: A person under the age of 18 (unless otherwise specified in relevant legislation).

Child abuse: All forms of physical, psychological, emotional and sexual abuse; neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power².

Child protection: Any measure taken to safeguard children from abuse or harm.

Employee: Under the Children's Guardian Act 2019 an employee is defined in a Faith based organisation as a staff member, volunteer or contractor who works with children.

Grooming: Any act with the aim of befriending, building rapport, and gaining the trust of a child for the purpose of subjecting them to abuse. Signs of grooming include giving gifts or special attention, or inappropriate touching such as tickling or wrestling with a child.

Neglect: Significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by—

- (a) a person with parental responsibility for the child, or
- (b) an authorised carer of the child, or
- (c) an employee, if the child is in the employee's care.

Examples of neglect—

- ¹ failing to protect a child from abuse
- ² exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing

Online grooming: Establishing a relationship with a child or young person online with the aim of meeting him/her in person for sexual activity. This can include online chat or sexting, and the abuser may lie about their age or identity.

Harm: Different states or territories may have differing definitions of harm in relation to child protection legislation, but in general it refers to any significant detrimental effect on a child's physical, psychological or emotional wellbeing.

Reasonable grounds for belief: 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.

² World Health Organization (2016), *Child abuse and neglect by parents and other caregivers*.

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.

Sexual abuse: Occurs when an adult or another child or young person uses power and authority to involve a child in sexual activity, and can be physical, verbal or emotional.

Physical abuse: includes physical punishment, such as pushing, shoving, punching, slapping and kicking, resulting in injury, burns, choking or bruising, as well as threatening to physically harm a child or causing danger to life.

Psychological abuse: Includes bullying, threatening and abusive language, intimidation, shaming and name-calling, ignoring and isolating a child, and exposure to domestic and family violence.

Procedures

Roles and responsibilities of Leadership, staff and volunteers

All members of the management committee, leadership teams, staff and volunteers must act in accordance with the Living Hope Church Code of Conduct as part of their induction into the organisation, to commit to keeping children safe within the organisation and act in their best interests at all times.

Management Committee

The Management Committee has ultimate responsibility for policies and procedures to be in place that are appropriate for the organisation, and for ensuring that all staff and volunteers abide by these to prevent and respond to child abuse. They must also be aware of their legal liability for failure to disclose abuse or failure to reasonably protect based on known risks.

Head to Entity

The Head of Entity is required to ensure specified systems are in place for preventing, detecting and responding to reportable allegations or conviction. They are required to notify the Office of the Children's Guardian of reportable allegations and convictions against any leader, staff or volunteers, investigate the allegation, and advise of the outcome and take appropriate action to prevent reportable conduct by employees. The Head of Entity for Living Hope Church is the Senior Pastor and may delegate day-to-day correspondence or enquiries to the Church Safety Officer.

Church Safety Officer

A Church Safety Officer is appointed to respond to any questions or concerns about child safety related issues and work with the Head of Entity and Children's Pastor, in the event of any incident or allegation coming to light regarding a child. The Church Safety Officer/Senior Pastor is the contact person for external bodies and will coordinate with the Children's Pastor to investigate any incidents or allegations of harm.

Leadership teams

All members of leadership including Children's Pastor and other ministry leaders should be aware of all mandatory reporting obligations which apply in the jurisdiction in which Living Hope Church operates.

Staff and Volunteers

Staff and volunteers have a responsibility to act in accordance with the Code of Conduct and be aware of and comply with their obligations relating to reporting concerns, allegations, and incidents of child abuse, including internal and external reporting.

Staff Recruitment, Supervision and Training

Advertising a position

When advertising a position that is child-related, a Statement of Commitment to child safety will be included in the advertisement. The position description will include the duty of care obligations of staff, Living Hope Church's zero tolerance policy to child abuse, and the requirement to undergo reference checks during the recruitment process.

Working With Children Check (WWCC)

All staff, Children's Church volunteers and management committee members, will require evidence of a valid WWCC.

Staff training and development

All new staff and volunteers will receive a copy of this Children and Young Person Safety Policy, Code of Conduct and Complaints Policy, and be guided through the application of these policies and procedures throughout the induction process. All children's church volunteers will also be guided through the Kids Induction Manual, which includes safety and wellbeing procedures.

Continuous development and training, and refresher training, around child safety topics should occur every quarter. Staff training should include reporting and duty of care obligations, how to identify and minimise risks of child abuse, organisational policies and procedures relating to child safety, how to protect children with disability from abuse, promoting the cultural safety of Aboriginal and Torres Strait Islander, CALD, LGBTIQ+ and other vulnerable children.

Identifying and managing child abuse risks

Child safety risks are included in the organisation's risk management policy and procedures. This includes risks in physical and online environments relevant to Living Hope Church, people in contact with children, and any specific vulnerabilities of the children.

All staff, volunteers and leaders will be trained in identifying, assessing and managing these risks, and detecting signs of abuse. Training should also include protective factors that reduce the risk of abuse, and ways to promote these protective factors in the context of the organisation. A risk management worksheet and safety and wellbeing procedures are used to identify and manage risks.

Where a risk is identified and not appropriately managed, the Management Committee and Head of Entity may be held legally liable, as this may constitute a 'failure to protect'.

Reporting, handling and investigating child abuse concerns, complaints and allegations

Living Hope Church takes seriously all concerns, complaints and allegations of abuse or suspected abuse against any child or young person. They will be handled sensitively, investigated in a timely manner, and with the safety of the child as the primary consideration.

If a complaint is made by a child (and is not subject to Police processes), the most important thing is to listen and tell the child that they are not to blame. Police may be notified if harmful risk is present for child else refer to the Child Safe Complaints Management policy on how to handle the complaint.

Mandatory reporting

Living Hope Church as a Faith Based organisation is considered as a Mandatory reporter and as such required by law to report suspected child abuse and neglect to government authorities.

In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (the Care Act) and mandatory reporters are guided by the NSW Mandatory Reporter Guide³.

If unsure whether something is reportable or not contact the Reportable Conduct Directorate Enquire Line on 8219 3800 or via email reportableconduct@ocg.nsw.gov.au

NSW Reportable Conduct Scheme

The NSW Reportable Conduct Scheme has been set up to report any allegations of child abuse in the workplace against any leader, staff or volunteer to an external authority. These obligations do not take the place of any mandatory reporting obligations. For details visit Office of the Children's Guardian website⁴

The Children's Guardian Act 2019 defines reportable conduct as:

- a sexual offence
- sexual misconduct
- ill-treatment of a child
- neglect of a child
- an assault against a child
- failure to protect or failure to report⁵
- behaviour that causes significant emotional or psychological harm to a child.
- Professional judgement should be used in deciding whether concerns about the safety, welfare or wellbeing of an unborn child or a young person warrant a report to the Child Protection Helpline

Conducting investigations

Where external authorities have been contacted about a concern, allegation or incidence of child abuse, they may undertake an investigation. All employees and volunteers must fully cooperate with any internal or external investigation that takes place.

Even when an external investigation is not required, it is recommended that an internal investigation is conducted to prevent future occurrences of similar incidents. Internal investigations will be conducted in accordance with the principles of natural justice and will remain confidential (however there may be a need to interview or consult other staff and church members during the investigation).

³ <https://reporter.childstory.nsw.gov.au/s/>

⁴ <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme>

⁵ An offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900

While an investigation is in progress, the leader, staff or volunteer against whom an allegation is made may be stood down until a decision is made about whether an offence has been committed. If the investigation concludes that an offence has been committed, or is likely to have been committed, disciplinary action will be taken proportionate to the severity of the offence.

Where a person is terminated from the organisation due to being found to have committed an offence, the Head of Entity has responsibility for notifying the relevant bodies for child protection and safety.

Internal and external communication about suspected or actual child abuse

The Management Committee will be notified if there has been a reportable incident/ suspected/ actual child abuse and what measures have been put in place. They will be communicated on the outcome of the investigation and if any new procedures need to be implemented and enforced. Records are to be kept in a register as per Living Hope Church reporting to governance procedures and accessible for review.

Procedures for review of this policy

This policy will be reviewed and updated if necessary, annually by the Church Safety Office and Children's Pastor and any changes made will be approved by the Head of Entity and Management Committee. The input of church member children, families, leadership and staff will be used in the review of this policy.

The policy will also be reviewed after any reportable incident, to ensure that it is up to date with current best practice in preventing and responding to child abuse incidents and allegations.

This policy will be communicated to all leaders, staff, volunteers and church members. All children and their families will be able to review changes to this policy at any time.

Contact information for reporting incidents

If a child is believed to be in non-immediate danger or someone has general concerns about the wellbeing of a child, the following helplines can be contacted:

- Safer Church National Helpline 1800 070 511
- Child Protection Helpline 13 21 11
- Kids Helpline 1800 55 1800

The National directory for reporting child abuse and neglect is:

<https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>

If a child is believed to be in immediate danger, contact the police on 000.

Living Hope Church has taken part in the National Redress Scheme. Anyone who has experienced child sexual abuse can call the National Redress Scheme line on 1800 737 377.

Legislation

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children's Guardian Act 2019
- Child Protection (Working with Children) Act 2012
- Crimes Act 1900 (NSW)
- Family Law Act 1975 (Cth)

Other Related Documents

- [NSW Child Safe Standards \(Government website link\)](#)
- Child Safe Complaints Management policy and procedures
- Code of Conduct
- Complaints Policy
- Known Sex Offender or Person of Concern Attending Church Services
- Privacy and Confidentiality policy
- Whistle-blower Policy
- WHS Policy

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