



***LOCAL CHURCH CHILD-SAFE POLICY***  
**Greater Sydney Conference**

POLICY IMPLEMENTATION

Version 2010.02 GSC

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

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

### **Greater Sydney Conference**

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

This policy has been developed by Safe Place Services (2010) for the use and customisation of the Seventh-day Adventist Church within the Local Conference. The following are acknowledged for contributing to the development of this policy:

- Safe Place Services Management Committee, and various AUC and NZPUC representatives
- Dr David Rankin, Senior Government Adviser and Policy Writer, New Zealand
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- Geoff Kelly, ESPC Services Pty Ltd, Australia and New Zealand

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# **1. PURPOSE**

## **1.1 Policy Statement**

The local Church is opposed to child abuse and sexual misconduct by Church workers, volunteers and attendees. Such conduct is a breach of trust; a misuse of power; and often involves criminal conduct. It is contrary to the behaviour and conduct advocated by Christ of His followers.

The local Church is committed to responding to child abuse, neglect and sexual misconduct when it occurs and proactively establishing and maintaining a safe environment for children who participate in the life and activities of the local Church.

The local Church will respond to child abuse, neglect and sexual misconduct in ways that reflect nationally-established standards and protocols and adhere to applicable legislation.

The local Church is committed to proactively creating a safe environment for children through: complying with the Working with Children Check (WWCC) requirements as outlined in NSW legislation (see Appendix A); promoting a Code of Conduct (see Appendix C); offering training; and ensuring safe environments for outdoor and at-risk activities for children and young people (see Appendix D).

The local Church is committed to: the investigation of allegations and complaints of child abuse and sexual assault, sexual exploitation and sexually inappropriate behaviour in relation to children and sexual misconduct by Church workers, volunteers and attendees.

The local Church is committed to introducing Safety Agreements as a means to manage risk.

## **1.2 Policy Scope**

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

## **1.3 Supporting Documents**

- ❖ Australian Union Conference (2009) *Creating a Safe Place Policy*.
- ❖ Greater Sydney Conference (2009) *Safe Place Policy*.
- ❖ The Seventh-day Adventist Church (2005) *Church Manual*, 17<sup>th</sup> Edition.

## **2. RATIONALE**

### **2.1 Policy Rationale**

The local Church is committed to the protection of children and young people for the following reasons:

- Protecting the vulnerable is part of the Church's God-given mission and purpose.
- Abuse of children and young people is a transgression of the morality, values and behaviour promoted throughout Scripture for God's people.
- Scripture establishes the inherent value of each child or young person as important to God and deserving of nurture and protection.
- The local Church is not immune from incidents of child abuse and sexual misconduct occurring.
- The local Church has a duty of care to ensure the wellbeing and safety of all children and young people who participate in Church and Church-sponsored activities.
- Maintaining a duty of care towards all who participate in the life of the Local Church assists in building trust and accountability within the Church and with the broader community and society.
- The local Church has a legal obligation to comply with legislation and a moral obligation to adhere to principles of good practice in areas such as the selection and appointment of volunteers to work with children; reporting child abuse and neglect to relevant authorities; and investigating complaints and allegations of child abuse, neglect and sexual misconduct allegedly committed or believed to have been committed within the Church.

- The local Church has an obligation to perform a risk assessment prior to off-site, overnight, and at-risk outdoor activities (e.g. bon fires; outdoor hikes; Pathfinder and church camps) before granting permission for the activity to proceed (see Appendix D).

## 3. PRINCIPLES

### 3.1 Policy Principles

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

- Adopting and promoting a *Code of Conduct* (see Appendix C).
  - Maintaining a duty of care towards children and young people.
  - Educating adults and children about the *Child-Safe Policy*.
  - Screening all volunteers who work with children (section 6 & Appendix A).
  - Providing adequate planning and supervision of children's programs and activities.
  - Offering ongoing training opportunities for volunteers and leaders in child-safe practices.
  - Reporting incidents of suspected and disclosed child abuse and neglect to:
    - The NSW Government Community Services (child protection department) helpline on 13 21 11. Note: A disclosure of child abuse or neglect may also be reported to Police and Police should be contacted in any situation that is an emergency.
- AND
- Safe Place Services on 1800 220 468.
  - Supporting the investigation of complaints and allegations in a timely manner with regard to the principles of natural justice, as carried out by Safe Place Services (see Appendix E).<sup>1</sup>
  - Introducing safeguards where a situation of risk has or may be identified such as before, during or after an investigation.
  - Implementing recommendations from the Conference Safe Place Committee or Safe Place Services, as applicable.
  - Ensuring adequate insurance of equipment and cover for special events.
  - Complying with the requirements of applicable legislation including work-place Occupational Health and Safety requirements (see Appendix D).

### 3.2 Supporting Documents

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<sup>1</sup> The Australian Union Conference document (2009) *Framework for Investigations* outlines this process.

- ❖ Appendix A, C and D.
- ❖ Appendix E, Investigation Flow-Chart.
- ❖ Quick Reference Guide (2009) *Our Local Church Child-Safe Policy*.
- ❖ Quick Reference Guide (2009) *Our Local Church Code of Conduct*.
- ❖ AUC (2009) *Creating a Safe Place Policy*.
- ❖ Relevant NSW child-safe or child protection legislation.

## **4. LEGAL FRAMEWORK**

### **4.1 Principles and Legislative Framework**

The local Church recognises that it has a responsibility to adhere to guiding principles enshrined in legislation (Acts of Parliament) and established tort and civil law (cases based on precedent rulings). A summary of these principles are provided and defined in section 13.2 of this policy.

The main Acts that provide: definitions of child abuse, neglect and sexually-related offences; child-protection processes and notification requirements; age of consent; and criminal-history checking processes for employees and volunteers are:

- Crimes Act (1900)
- Crimes Amendment (Sexual Procurement of Grooming of Children) Bill (2007)
- Child Protection (Offenders Registration) Act (2000)
- Child and Young Persons (Care and Protection) Act (1998)
- Child Protection (Prohibited Employment) Act (1998)
- Commission for Children and Young People Act (1998)
- The Ombudsman Act (1974)
- Privacy Act (Commonwealth, 1998)
- Family Law Act (Commonwealth, 1975)
- Occupational Health and Safety Act (Commonwealth, 2000) and Regulations (2001)

### **4.2 Supporting Documents**

- ❖ National Child Protection Clearing House (resources), see [www.aifs.gov.au/nch](http://www.aifs.gov.au/nch)
- ❖ NSW Ombudsman website, see [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)
- ❖ See also [www.privacy.gov.au](http://www.privacy.gov.au)

- ❖ Definitions in Section 13 of this Policy.

## 5. RESPONDING TO CHILDREN AT RISK

### 5.1 Standards and Requirements of Responding

The local Church is committed to responding to children and young people believed to be at risk of or subject to child abuse or sexual misconduct.

This policy requires all employees, duly appointed leaders, office-holders and volunteers who work with children or in child-related areas, to take actions (either directly or via the channels outlined below) such as:

- Contact the NSW Government child-protection Helpline if a child or young person is *suspected* of being at risk of abuse or neglect, or discloses this, on 13 21 11 (24 hours).<sup>2</sup> In an emergency the Police should also be contacted.
- Seek advice from *Safe Place Services* on concerns about a child's wellbeing or any disclosure from a child or young person alleging abuse or neglect (1800 220 468).
- All suspicions and disclosures of child abuse or neglect that potentially implicate a Church worker (employee), volunteer or attendee in carrying out the alleged abuse/neglect, must be reported to *Safe Place Services*.
- Encourage adults who disclose historical abuse (that occurred when they were a child), to report the alleged abuse to Police or a counsellor.
- Respond to child-child bullying, harassment and other behaviour considered to be inappropriate.
- Follow the reasonable advice from organisations and service such as: *Human Services Community Services*; Police; the Conference Safe Place Committee; and *Safe Place Services*.
- Undertake training in child-protection and maintaining safe environments with children, as available and as required by the local Church, for volunteers and leaders in child-related roles and other designated positions. This may include on-line courses and webinars.

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<sup>2</sup> The Helpline is run by *Human Services Community Services*, formerly known as *DoCS (NSW Department of Community Services)*.

## 5.2 Supporting Documents

- ❖ Quick Reference Guide (2009) *Responding to Kids at Risk*.
- ❖ Quick Reference Guide (2009) *Grooming*.
- ❖ Child Safe (2008) *Team Members Pocket Guide*, see [www.childsafe.org.au](http://www.childsafe.org.au)
- ❖ See [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au) for information on the Child Protection Helpline and responding to children at risk.

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

## 6.1 Screening Children's Workers

The local Church is committed to the appointment of suitable volunteers (in terms of skills, ability, qualifications, aptitude) to work with children. The local Church requires the following procedures in the recruitment and appointment of all volunteers to child-related roles:

- The applicant or appointee will:
  - Show a commitment to the mission and values of the relevant children's ministries or youth program of the local Church for a period of not less than 6 months.
  - Complete the Prohibited Employment Declaration Form (Appendix A) in compliance with the NSW Working with Children Check (WWCC).
  - Submit a Volunteer Service Form, if volunteering for the first time OR in order to keep contact details up-to-date (Appendix B).
  - Undertake orientation and training specific to the position or role of working with children, as available and required by the local Church or as mandated by legislation (for working with children).

NOTE: Harsh penalties may be enforced within NSW if a person who is prohibited from working with children makes a false declaration or otherwise applies for or undertakes work (paid or voluntary) with children.

- The local Church will:
  - Select and appoint suitable persons to work with children and young people who have complied with the WWCC requirements in NSW.

- Maintain a confidential log of persons who have complied with the WWCC.
- Store all Prohibited Employment Declaration Forms in a secure manner for 2-years after the volunteer ceases working with children, as required by WWCC guidelines.
- Prohibit anyone with a Court-conviction or prison sentence (including a suspended sentence) for a sexual, violent or pornographic offense against a minor(s) from remaining in proximity to children's rooms, venues and facilities.
- Require all volunteers who work with children and young people to adhere to the Code of Conduct (Appendix C).

## 6.2 Screening Volunteers for Conference Events

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

This means that:

- For Conference Events such as 'Big Camp', Regional Meetings, and Children's Ministry, Pathfinder and Youth events, the Conference will assume that personnel, who are appointed from their local Church, have been screened by the local Church.
- For Conference Events (such as those listed above), the local Church *must not* nominate, recommend or otherwise appoint someone to help out whom they have not first screened according to 6.1 in this policy.
- Where the Conference directly invites persons to volunteer who are not nominated, recommended or appointed by the local Church, the Conference shall be responsible to ascertain if the proposed volunteer has complied with the process outlined in 6.1 and, if not, will be responsible to screen such applicants according to this process. This will be done by the relevant Departmental leader at the Conference office under whose area the particular program or event is being run, or a person delegated or appointed by the Conference to do this.
- The Conference shall be responsible for registering as an employing agency with the *Commission for Children and Young People* to enable the local Church and Conference-affiliated Departments, Entities, and Authorities to comply with the NSW WWCC as required for certain Church workers (employees) and certain volunteers working with children.

## 6.3 Supporting Documents

- ❖ Appendix A, *Prohibited Person Declaration Form* and Appendix B, *Volunteer Service Form*.
- ❖ For information on the WWCC, see [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)
- ❖ Local Conference (2009) *Safe Place Policy*.
- ❖ AUC and NZPUC (2009) *Child-Safe Data Base Policy*.

## **7. MAINTAINING CHILD-SAFE ENVIRONMENTS AND ACTIVITIES**

### **7.1 Standards and Requirements**

The local Church will endeavour to create a safe, positive, child-focused environment for children and young people by adhering to the following actions:

- Promoting a Code of Conduct for all people to abide by in all interaction with children and young people (see Appendix C).<sup>3</sup>
- Holding all people accountable to the Code of Conduct, and other reasonable expectations of behaviour in relation to children and young people.

The local Church will endeavour to maintain safe environments for all children's and youth activities by:

- Providing adequate levels of supervision for all children's activities, with a higher ratio of volunteers for younger and/or special-needs children.
- Requiring that at least two adults be present when working with children and young people.
- Ensuring that children's activities are conducted in easily monitored places that are open to external view. This means that children's and youth activity rooms will have windows or doors that allow for easy external visibility and activities are not undertaken in confined or concealed areas.

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<sup>3</sup> The local Church's Code of Conduct can also be found outlined in the easy-read Quick Reference Guide (2009), *Child-Safe Code of Conduct*.

- Responding to bullying and other inappropriate behaviour between children and young people.
- Requiring children’s workers to adhere to standards of conduct regarding appropriate communication (including via electronic means) and interaction with children and young people.
- Ensuring that adults in their interactions with minors avoid favouritism of an individual child or young person.
- Prohibiting workers from using physical discipline on children or young people.

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

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

## **7.2 Supporting Documents**

- ❖ Appendix C *Code of Conduct*.
- ❖ Quick Reference Guide (2009) *Child-Safe Code of Conduct*.
- ❖ Appendix D *Risk Assessment*.
- ❖ AUC (2010) *Child-Safe Data Base Policy*.
- ❖ Child Safe (2008) *Team Leaders Guide* and *Coordinators Guide*, see [www.childsafe.org.au](http://www.childsafe.org.au)
- ❖ Local Conference (2009) *Safe Place Policy*.
- ❖ QLD Commission for Children and Young People and Child Guardian (2007) *Safe Environments for Young People – Child Protection: Managing the Risks Resource Book*.
- ❖ See the NSW Commission for Children and Young People (22 June 2009) publication *Built for Kids*, available in PDF from [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au) . From the homepage, click on the link to “resources” then “publications and reports”.

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

### **8.1 Commitment to Respond**

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

### **8.2 Responding to a Situation**

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

- Refer all allegations of child abuse or sexual misconduct toward a child to the Child Protection Helpline, Police, or Safe Place Services as outlined in section 5 of this Policy.
- Implement reasonable recommendations made by either the Police, a Child Protection services, Safe Place Services, or a counsellor, investigator or other relevant professional in order to:
  - Manage real and potential risk to various parties.
  - Support an investigation process to take place in an unhampered manner.
  - Implement outcomes that emerge as a result of an investigation.
- Provide support to all parties involved in the allegation, to the best of its ability, including the complainant(s) and the person subject of allegation (PSOA).

### 8.3 The Church's Liability

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

The Conference indemnifies the local Church and its members for any liability that may arise in terms of negligence, breach of privacy or defamation, if they have acted in accordance with this policy and/or were following recommendations made by Safe Place Services, the Union Safe Place Adjudication Committee or the Conference Safe Place Committee.

### 8.4 Responding to Allegations about a Church Worker

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

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

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

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

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

## **8.5 Disclosure of Complaints**

Where a local Church member, volunteer or attendee is also a Church Worker (employee), it may be considered necessary to disclose the fact of an investigation/outcome of a risk assessment to the Respondent's employing entity in order for the local Church to fulfil a duty of care. In most situations this disclosure will be made indirectly on behalf of the local Church by Safe Place Services or the Local Conference Safe Place Committee. Likewise, in some instances, it may be considered necessary for the local Church to publicise the fact or outcome of an investigation/risk assessment to the wider congregation in order to allay fears, correct misinformation, gossip or hearsay and to fulfil its duty of care.

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

## **8.6 NSW Ombudsman Requirements**

Within NSW, some organisations are required to notify the Ombudsman when they begin an investigation into a "reportable allegation" of misconduct allegedly committed against a minor (using a form known as Part A). After the investigation, the organisation is required to advise the outcome of the investigation (e.g. allegation sustained; not proved etc) to the Ombudsman (using a form known as Part B). In cases where this requirement is applicable to a case that emerges in the Local Church, Safe Place Services will ensure that forms Part A and Part B are completed and submitted to the Ombudsman if/as required.

## 8.7 Supporting Documents

- ❖ Quick Reference Guide (2009) *Safety Agreements*.
- ❖ AUC (2009) *Creating a Safe Place Policy*.
- ❖ AUC (2009) *Framework for Investigations*.
- ❖ The Local Conference (2009) *Safe Place Policy*.
- ❖ Relevant workplace legislation applicable in NSW.
- ❖ NSW Ombudsman guidelines, see [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)
- ❖ NSW Ombudsman (2004), *Child Protection in the Workplace: Responding to Allegations against Employees*, 3<sup>rd</sup> Edition.
- ❖ The Seventh-day Adventist Church (2005) *Church Manual*, 17<sup>th</sup> Edition.

## 9. USING SAFETY AGREEMENTS

### 9.1 Commitment to the Use of Safety Agreements

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

- After an allegation of child abuse or neglect has been made.
- During an investigation by the Church or any other statutory or accrediting or registering body.
- Following an investigation such as the above.
- After a historical Court-conviction or other positive finding from a Church investigation, statutory body, or accrediting or registering body, comes to light.

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

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

### 9.2 The Use of Temporary Safety Agreements

A temporary Safety Agreement may be introduced during an investigation. A temporary Safety Agreement requires at least two persons to act as support monitors. The support monitors are not required to undergo specific training other than being briefed about their role by either Safe Place Services or the Conference Safe Place Committee.

### 9.3 The Use of Ongoing Safety Agreements

An ongoing Safety Agreement will be used in situations where the applicant has a conviction for a sexually-related offence against a child or where a statutory, accrediting, or professional-registration body, tribunal or Church-conducted investigation, sustains an allegation or complaint after applying the ‘balance of probabilities’ test to the evidence.

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

Ongoing Safety Agreements are introduced based on a Risk Assessment. This Risk Assessment is undertaken by the Conference Safe Place Committee in conjunction with Safe Place Services. The Risk Assessment considers the Applicant’s personal likelihood of re-offending, as well as the overall context and Church setting where it is proposed that they attend and participate. The Risk Assessment may utilize the following types of information:

- Any personal risk assessment that has been carried out by an appropriate psychologist or social worker, which assesses the Applicant’s likelihood of reoffending.
- A progress report from a recognized group-based treatment program, which Safe Place Services considers adequate in terms of providing relevant information about the Applicant’s personal risk factors.
- A report or other submission from the local Church about their capacity to introduce, monitor and review a Safety Agreement.

Ongoing Safety Agreements will only be used when the Conference Safe Place Committee’s Risk Assessment indicates that a low-range risk exists (rather than a medium or high-range risk) and that such risk can be adequately managed with

available strategies. If a particular Applicant is considered to be a low-risk, but the proposed local Church setting and circumstances are not conducive to a Safety Agreement, then the Conference Safe Place Committee will try to negotiate for the Applicant to attend at another local Church.

An ongoing Safety Agreement will require the local Church to provide at least three people to act as support-monitors for the Applicant. These monitors must be willing to undergo specific training developed by Safe Place Services (this training is arranged by the Conference Safe Place Committee).

## **9.4 Responding to Grievances**

The local Church does not bear responsibility for responding to grievances about a recommendation it implements. Rather, the local Church should refer all grievances to the Chairperson of the Conference Safe Place Committee.

The Conference Safe Place Committee, which meets periodically, and the Conference Board of Directors, shall respond to grievances.

Where a Risk Assessment establishes that a medium to high risk exists, this will result in the Applicant not being permitted to attend Church or Church-sponsored activities where children are present until the risk can be assessed as low. The Conference Safe Place Committee, with advice from Safe Place Services, will negotiate a restoration plan with the Applicant in such cases.

In situations where an Applicant is not permitted to attend Church for a period of time, due to the Risk Assessment assessing that a medium to high-range risk exists, the Applicant may still attend groups and meetings where only adults are in attendance.

## **9.5 Supporting Documents**

- ❖ Quick Reference Guide (2009) *Safety Agreements*.
- ❖ AUC (2009) *Creating A Safe Place Policy*.
- ❖ The Local Conference (2009) *Safe Place Policy*.
- ❖ Limited Release Document by Safe Place Services (2009) *Assessment of 'Applicant Risk' for Safety Agreements: Guidelines for Conference Safe Place Committees*.

## 10. FAILURE TO IMPLEMENT RECOMMENDATIONS

### 10.1 Limits to Conference Indemnification

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

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

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

### 10.2 Supporting Documents

- ❖ The Local Conference (2009) *Safe Place Policy*.
- ❖ AUC (2009) *Creating A Safe Place Policy*.

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

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

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

Where an approved counselling scheme does not cover the cost of providing counselling in a particular case, Safe Place Services will assist parties who are involved in a church-conducted investigation to find suitable and appropriate counsellors. In some cases, a subsidy to cover the cost of a limited number of sessions is available (capped at 7 sessions).

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

### **11.2 Victims Service – NSW Attorney General's Department**

**APPROVED COUNSELLING SCHEME:** In NSW, victims of crime – including child sexual assault and abuse – may be eligible for free face-to-face counselling with an approved counsellor such as a social worker, psychologist, or psychiatrist. Initially, a person applies for 2-hours of counselling. This application can be posted, faxed, or lodged on-line at [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs). If the counsellor believes that further counselling is recommended, they will complete a report recommending this for approval. Victim Services can be contacted on 1800 069 054 for further details.

COMPENSATION: Victims of sexual assault and other violent crime in NSW may be eligible for compensation of up to \$50,000 towards expenses such as costs related to specific injuries and non-Medicare/WorkCover/insurance recoverable medical expenses. Phone Victim Services on 1800 069 054 for information.

### **11.3 Local Counselling and Support Services**

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

## **12. TASKS OF THE LOCAL CHURCH**

### **12.1 Policy Implementation and Compliance**

To implement the Child-Safe Policy, the local Church will undertake the following:

#### **■ Appoint a Child-Safe Coordinator (or Committee)**

The role of the Child-Safe Coordinator (or Committee) will cover the following:

- Disseminate the Policy and promotional materials.
- Assist with Policy adherence.
- Coordinate Screening and disseminate forms (e.g. Appendix A).
- Ensure reports are made to Police and the Child Protection Helpline in accord with this Policy.
- Assist the Conference with implementing Safety Agreements.
- Promote training with the local Church and identify training needs to the Conference Safe Place Committee.
- Request the Board to review this Policy and the Code of Conduct at regular intervals or when required.

#### **■ Clarify the authority and responsibility of the Child-Safe Coordinator (or Committee) in relation to other Local Church officers and committees**

The local Church may need to clarify authority and responsibility between the Child-Safe Coordinator (or Committee) and other officers and committees, such as:

- The local Church Board
- Selection and Nominating Committees
- Church Clerk
- Risk Management Officer

## 12.2 Supporting Documentation

- ❖ The Seventh-day Adventist Church (2005) *Church Manual*, 17<sup>th</sup> Edition.
- ❖ Quick Reference Guide (2009) *Our Local Church Child-Safe Policy*.
- ❖ Quick Reference Guide (2009) *Child-Safe Code of Conduct*.
- ❖ Child Safe (2008) *Team Members Pocket Guide*, *Team Leaders Guide*, and *Coordinators Guide*, see [www.childsafe.org.au](http://www.childsafe.org.au) .

## 13. DEFINITIONS

### 13.1 Definitions of Terms Used in this Policy:

**Age of Consent:** In NSW the legal age of consent is 16 years.

**Allegation or Complaint:** An allegation or complaint is a statement by a victim or a non-victim complainant that alleges a Church Worker, Volunteer or attendee has or is believed to have engaged in child abuse or sexual misconduct. The alleged conduct might involve behaviour that is reportable to Child Protection authorities, or Police, or it might be behaviour that the Church has a responsibility to examine and respond to.

**Applicant:** Means a person who is either the subject of a Safety Agreement or proposed to be the subject of a Safety Agreement.

**Attendee:** Means any person who attends a Seventh-day Adventist Church or Church-sponsored activity.

**Board of Directors:** Means a meeting of the Directors of the Seventh-day Adventist Church (Greater Sydney Conference) Limited.

**Child/ren:** Means anyone who is under 18 years of age. Within this document, 'child' may be read as any person up to and including 15-years of age and 'young person' or 'youth' may be read as any person 16 or 17 years of age.

**Child Abuse:** Child abuse includes: (a) emotional abuse; or (b) neglect; or (c) physical abuse; or (d) sexual abuse; or (e) spiritual abuse.

**Child Protection Service/Authority:** A Government service or Department for responding to notifications and incidents about children at risk of child abuse or neglect, or believed to be as risk of such.

**Church:** Means the Seventh-day Adventist Church in Australia and New Zealand.

**Church Authority:** Means the person or body having administrative authority of or in a Church body to appoint, authorise, dismiss or suspend a Church Worker.

**Church Body:** Includes a Department; Division; Union; Conference; Local Church; School; any Body Corporate, Organization or Association that exercises ministry or functions within or on behalf of, or with the endorsement of, the Church.

**Church Worker:** Means a person who is or who at the relevant time was: (a) a minister (includes an intern, licensed or credentialed minister, ordained pastor, chaplain or bi-vocational minister; or (b) a teacher or other employee of a Church school or educational institution; or (c) a person employed by a Church body or Affiliated Entity; or (d) a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body, other than: (i) a person appointed by a Local Church; or (ii) a volunteer serving on an official committee or sub-committee of the Church such as a Conference, Union or Division Executive, Nominating or Appointment Committee of a Delegate of a session of such; or (iii) a volunteer serving on a Departmental Committee, sub-committee or taskforce of a Church Department or Church body.

**Complainant:** Refers to a person, Church body, or Affiliated Entity that lodges a complaint or otherwise makes an allegation about a Church Worker, Volunteer or Attendee.

**Conference Safe Place Committee:** Means a committee appointed by the Greater Sydney Conference Board of Directors. The Conference Safe Place Committee is authorised by the Conference to fulfil roles including:

- Assisting Local Churches to implement their Child-Safe Policy.
- Offering advice to the Conference, Local Church and/or its companies and Affiliated Entities, on matters of risk and safe practices.
- Making recommendations regarding Risk Assessments and implementing strategies to manage real and potential risk.
- Providing advice and strategies for establishing child-safe environments.
- Managing risks to children for Conference-sponsored events and activities.
- Making findings on cases referred to it according to the Church's policies and procedures on investigating complaints and allegations, as outlined in *Framework for Investigations, SPAC Terms of Reference and Local Conference Safe Place Policy*, particularly Section 6.

A part-time role has been established by GSC to assist the Conference with these tasks and with promoting the Policy to local Churches and Church Boards.

***Criminal History Record Check:*** Refers to the local applicable process for conducting a background check on a person's offending history for child-related sexual and other offences (in NSW the Working with Children Check applies).

***Emotional Abuse:*** Means acts or omissions in relation to a child where the child has suffered or is likely to suffer, significant harm to his or her wellbeing or development.

***Investigation:*** An investigation is the process whereby the Church: utilises an external investigator to gather and evaluate evidence relevant to establishing the facts of an allegation about a Church Worker, Volunteer or (in some cases) an attendee; makes a decision about whether an allegation or complaint about a PSOA is sustained or not sustained; provides information and recommendations applicable to any relevant Church Authority, Church Body, Affiliated Entity or a Division, Union, Conference, Local Church or Department of the Church. The investigative process reaches a decision about whether an allegation is sustained, or not sustained, on the balance of probabilities. A high level of evidence might be required in a Church investigation in order to arrive at a finding. Care will be taken to ensure that an investigation by the Church adheres to the principles of natural justice. Situations under investigations are also responded to on the principles of risk assessment and management. Therefore a Risk Assessment is often undertaken, as a separate and parallel process to an investigation. The implementation of strategies to manage risk, during an investigation, in no way means that the Church has prejudged or otherwise formed an opinion on the validity of an allegation.

***Limited Confidentiality:*** Refers to the status afforded most documents kept by Safe Place Services. Subject to relevant privacy legislation, a legal request, or action to adhere to natural justice requirements when conducting an investigation, no guarantee of absolute Confidentiality is made.

***Local Church:*** Means the local church according to the common use and understanding of Seventh-day Adventists.

***Local Conference:*** Means the Conference according to common usage and understanding of Seventh-day Adventists. The term 'Conference' shall include the Conference and all its Affiliated Entities and Departments.

***Member:*** Means a person who has been accepted into membership of a Local Church or company of Seventh-day Adventists or whose name is otherwise on a Conference list of members.

***Natural Justice:*** The process of ensuring that fairness is afforded to all people who are party to an allegation or complaint. Natural justice aims to ensure that all persons are treated: fairly; without bias or conflict of interest; and afforded opportunity to set forth and respond to allegations in a fully informed manner that

is impartial and transparent. Natural justice also establishes that the roles of investigation; support; decision-making about the validity of an allegation; and implementation of recommendations that emerge from an investigation, should be clearly identified and separated.

***Neglect:*** Means the neglect of a child where the child has suffered or is likely to suffer, significant harm to his or her wellbeing or development.

***PSOA:*** Refers to a “person subject of an allegation” of child abuse or sexual misconduct.

***Physical Abuse:*** Means the physical assault of a child other than lawful discipline by a parent or guardian.

***Respondent:*** Refers to someone under Investigation when it is deemed there is an allegation(s) for them to respond to. In some situations the definition of PSOA and Respondent might both apply. In certain sections of this document, the more commonly used term PSOA might be used for consistency of sentences and paragraphs, rather than the term Respondent, although this latter term might be more precise.

***Safe Place Adjudication Committee (SPAC):*** Refers to a duly-appointed committee of the Australian Union Conference for making findings and recommendations on cases referred to it in line with the Church’s policies and procedures for investigating complaints and allegations. The role of the SPAC is further outlined in the document *Safe Place Adjudication Committee: Terms of Reference*.

***SPAC Reviewer:*** Means the person duly appointed to review a finding of the SPAC if an appeal against a finding is granted in line with policy and relevant procedures.

***Safe Place Services (SPS):*** The service authorised by the Australian Union Conference to assist the Church become a safer place for children and vulnerable people. Services include: providing information; answering inquiries; developing educational materials; providing training; developing policy; investigating complaints and allegations against Church Workers, volunteers and attendees; and providing support to all parties during an Investigation by the Church. Safe Place Services reports to the SPS Management Committee.

***Safety Agreement:*** Refers to a set of guidelines or safeguards that an Applicant and the Local Conference agree to abide by as a condition of the person’s attendance at a specified local Church and their involvement in other various aspects of Church life.

**Sexual Assault:** Means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against a person without their consent.

**Sexual Abuse:** Means the sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour.

**Sexual Exploitation:** Refers to any form of sexual contact or invitation to sexual contact with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include sexual contact or invitation within a marriage.

**Sexual Harassment:** Means unwelcomed conduct of a sexual nature, whether intended or not, where the person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time.

**Sexually Inappropriate Behaviour:** Means sexual behaviour which would be regarded by right-thinking members of the Church as being inconsistent with the standards of sexual behaviour to be observed by Church Workers and volunteers.

**Sexual Misconduct:** Means sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour in relation to an adult.

**South Pacific Division (SPD):** Refers to the SDA Church (South Pacific Division) Limited or 'the Division' of the Seventh-day Adventist Church according to the usual meaning and usage of the title by Seventh-day Adventists. The Division is responsible for the operation and coordination of Departmental work across the Unions, Missions, several institutions and Conferences within the South Pacific region.

**Spiritual Abuse:** Means the mistreatment of a child by actions or threats when justified by an appeal to God, faith, religion or authoritative religious writings, where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development.

**Support Monitor:** Means a person appointed by the Local Church to monitor a Safety Agreement *OR* a person appointed by a Local Conference Safe Place Committee to supervise an Applicant at a Conference-sponsored activity.

**Union (AUC):** Refers to the Seventh-day Adventist Church (Australian Union Conference) Limited.

**Victim:** Refers to a person who discloses or alleges they are a victim; or is reported and believed by someone else to be a victim or target of child abuse or sexual misconduct (e.g. a child need not know and understand that they are a

victim to be defined as a victim within this Policy). A victim may move through a journey of healing and recovery and may identify themselves as a ‘survivor’.

**Volunteer:** Means anyone who holds church office by way of appointment to a position by the Local Church’s usual nominating processes (as outlined in the *Church Manual*), or who has accepted a request (either formally or informally) to be a leader, helper or assistant in any Local Church, Conference, Union or Division program or a Church-sponsored activity.

**Vulnerable Person:** Certain people in the Church, in addition to children, may be considered to be susceptible to abuse or exploitation based on factor such as their health status (mental or physical), age, grief, social isolation or financial hardship.

## 13.2 Legal Principles

The Church accepts that it has a responsibility to adhere to the following legal principles and standards:

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

## 13.3 Supporting Documents

- ❖ NSW Ombudsman (2004), *Child Protection in the Workplace: Responding to Allegations against Employees*, 3<sup>rd</sup> Edition.
- ❖ Any Letter of Appointment, Position Profile or Job Description, or other relevant ministerial or other employee documents such as the Ministerial Handbook.
- ❖ Any applicable Professional or Ministerial *Code of Conduct* or *Code of Ethics*.

## 14. CONTACT NUMBERS

- **Community Services** (NSW Government body) Child Protection Helpline – **132 111** (available 24 hours for advice and for making reports of children at risk of or the subject of abuse or neglect).
- **Safe Place Services** (Adventist Church) – **1800 220 468** (Free call). Calls not answered immediately are returned ASAP and every effort is made to do this within 24 hours.
- **Victim Services** (operated by the NSW Attorney General's Department) – **1800 069 054** (24 hours, 7 days).
- **Commission for Children and Young People** (NSW screening Authority for religious organisations who utilize volunteers or employees who work with children) – **02 9286 7201** (FAX) or **02 9286 7219** (TEL).
- **Greater Sydney Conference Safe Place Committee** – For the Committee Chairperson/Coordinator, contact the Greater Sydney Conference Office on telephone 02 9868 6522. Alternatively, email Dr Alex Currie and type "Attn Safe Place Committee" in the subject field. The current email address for Dr Currie is [alexcurrie@adventist.org.au](mailto:alexcurrie@adventist.org.au)
- **Greater Sydney Conference Safe Place Coordinator** – Suzanne Hadfield on [Suzannehadfield@adventist.org.au](mailto:Suzannehadfield@adventist.org.au)

