



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

### POLICY IMPLEMENTATION

Version 2009.04 VIC

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

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

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

Review frequency: 12 monthly (or other \_\_\_\_\_)

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

# **VICTORIAN CONFERENCE**

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

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

This policy has been developed by Safe Place Services (2009) 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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# 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 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 and vulnerable people through: screening volunteers who work with children; approving child-related Church-sponsored activities; promoting its Code of Conduct and education.

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 and New Zealand Pacific Union Conference (2009) *Creating a Safe Place* Document.
- ❖ Local 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 vulnerable persons for the following reasons:

- Protecting the vulnerable is part of the Church’s God-given mission and purpose.
- Abuse of children and vulnerable 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 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 vulnerable 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.

## 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*.
- Maintaining a duty of care towards children and other vulnerable people.
- Educating adults and children about the *Child-Safe Policy*.
- Screening all volunteers who work with children.
- 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:
  - Statutory authorities including Police and Department of Human Services on 13 12 78.
  - Safe Place Services.
- Investigating complaints and allegations in a timely manner (through Safe Place Services).
- 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.

### 3.2 Supporting Documents

- ❖ Safe Place Services (2009) *Local Church Child-Safe Resource Kit*.
- ❖ Quick Reference Guide, *Our Local Church Child-Safe Policy*.
- ❖ Quick Reference Guide, *Our Local Church Code of Conduct*.
- ❖ Child Safe (2008) *Team Leader's Guide*, see [www.childsafe.org.au](http://www.childsafe.org.au)
- ❖ Relevant New Zealand 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, & sexually-related offences; child-protection processes and notification requirements; age of consent; and criminal history checking processes for employees and volunteers are:

- Crimes Act (1958)
- Sex Offenders Registration Act (2004)
- Sex Offenders Monitoring Act (2005)
- Child, Youth and Families Act (2005)
- Child Wellbeing and Safety Act (2005)
- Working with Children Act (2005)
- Evidence Act (1958)
- Victims of Crime Assistance Act (1996)
- Equal Opportunity Act (1995)
- Workplace Relations Act (Commonwealth, 1996)
- The Privacy Act (Commonwealth, 1988)

### 4.2 Supporting Documents

- ❖ Department of Human Services (DHS), Victoria [www.dhs.vic.gov.au](http://www.dhs.vic.gov.au)
- ❖ Business Victoria [www.business.vic.gov.au](http://www.business.vic.gov.au)
- ❖ Office of the Victorian Privacy Commissioner [www.privacy.vic.gov.au](http://www.privacy.vic.gov.au)
- ❖ Definitions in Section 13.2 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 vulnerable people believed to be at risk of or subject to child abuse or sexual misconduct.

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

- Notify *the Department of Human Services (DHS)* if a child is *suspected* of being at risk of, or the victim of, abuse or neglect, on 13 12 78 (24 hours).
- Report all *disclosures* from children alleging abuse, neglect, assault or sexual misconduct to Child Protection Services and Police.
- Report all suspicions of child abuse or neglect or disclosures of such, to *Safe Place Services*, on 1800 220 468.
- Encourage adults who disclose historical abuse (that occurred when they were a child), to report the alleged abuse to Police or a counsellor.
- Exclude (either temporarily or permanently) anyone (either an adult or a child), who poses a potential or real risk to the wellbeing and safety of children, from contact with and working with children.
- Respond to child-child bullying, harassment and other behaviour considered to be inappropriate.
- Seek advice from *Safe Place Services* on 02 9487 5833 or the Victorian Conference Safe Place Coordinator, and follow recommendations and advice received.
- Follow relevant procedures and guidelines as outlined in the *Local Church Child-Safe Resource Kit*.
- 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 available through the ChildSafe website.

### 5.2 Supporting Documents

- ❖ Quick Reference Guide (2008) *Responding to Kids at Risk*.
- ❖ Safe Place Services (2008) *Local Church Child-Safe Resource Kit*.
- ❖ Child Safe (2008) *Team Members Pocket Guide*, see [www.childsafe.org.au](http://www.childsafe.org.au)
- ❖ For details of identifying and reporting child abuse and neglect in Victoria see also Children Youth & Families, Victorian DHS, at [www.cyf.vic.gov.au/child-protection-family-services/home](http://www.cyf.vic.gov.au/child-protection-family-services/home)



## 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:

- Complete a Volunteer Application Form, including the provision of two referees.
- Sign a Declaration about the truth of information, provided on the Volunteer Application Form, as outlined in the Child-Safe Resource Kit.
- Complete a 'Working with Children Check' (WWCC). Application forms for the WWCC are available for collection and lodgement at Australia Post outlets throughout Victoria. The WWCC is *part* of the screening process and, in and of itself, is insufficient unless other screening procedures are adhered to as well.
- Sign a Volunteer Pledge that they have read and will follow, to the best of their ability, the Local Church *Child-Safe Policy* and *Code of Conduct*.
- Comply with any other background check or requirement that may be requested by the Local Church during its nominating and appointment processes, such as a check with the AUC National Child-Safe Data Base.
- Undertake orientation and training specific to the role, as available and required by either legislation, the Local Church, or Conference for volunteers in certain child-related positions.

■ The Local Church will:

- Undertake a 'Referee Check', that is provided on the volunteer application form, that is based on input from the two referees.
- Not confirm any appointments through the Local Church nominating or appointment process until the procedures outlined above are completed.
- Maintain a confidential log of persons who have completed the Church's screening requirements.

- Keep a log of ‘negative notices’ from WWCC applications. The Local Church will then forward the original ‘negative notice’ to the Victorian Conference Safe Place Coordinator who will oversee the appropriate storage of these documents.
- Maintain a confidential file of results from checks with the Child-Safe Data Base.

If an appointee (or someone proposed to be) has a conviction for an offence of a violent or sexual nature against a minor, contact *Safe Place Services* on 02 9487 5833. *Safe Place Services* can advise how this is relevant, or not relevant, to a decision about the person’s suitability to work with children.

## **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 already involved in such areas within their Local Church, have been screened by their Local Church.
- For Conference Events such as above, the Local Church *must not* nominate, recommend or otherwise appoint someone to help out whom they have not screened according to 6.1 in this policy.
- Where the Conference directly invites persons who are not recommended by a local church, the Conference will screen these persons according to section 6.1. This will be done by the relevant Departmental leader at the Conference office under whose area the particular program or event is being run, or the person delegated by the Conference to do this.

## **6.3 Supporting Documents**

- ❖ Department of Justice (Victoria) website [www.justice.vic.gov.au](http://www.justice.vic.gov.au)
- ❖ Quick Reference Guide (2009) *The WWCC in Victoria*.
- ❖ For information on Screening, see [www.childsafe.org.au](http://www.childsafe.org.au)
- ❖ Safe Place Services (2009) *Local Church Child-Safe Resource Kit*.
- ❖ 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 by adhering to the following actions:

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

The Local Church will endeavour to maintain safe environments for all children's programs, activities and events by:

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

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<sup>1</sup> The Local Church's Code of Conduct can be found outlined in the Quick Reference Guide (2009), *Our Local Church Code of Conduct*.

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

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

## **7.2 Supporting Documents**

- ❖ Quick Reference Guide (2009) *Our Local Church Code of Conduct*.
- ❖ Safe Place Services (2009) *Local Church Child-Safe Resource Kit*.
- ❖ AUC and NZPUC (2009) *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*.

## 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 Child Protection services and the Police.
- Advise all of the above allegations to Safe Place Services.
- Implement recommendations made to it by either the Police, Child Protection services, or Safe Place Services, in order to:
  - Manage real and potential risk to various parties.
  - Support an investigation process to take place in an unhampered.
  - 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 according to the principles of natural justice.
- The outcome of an Investigation and recommendations made to the Local Church by either: Safe Place Services; the Union Safe Place Adjudication Committee; or the Conference Safe Place Committee, may be accepted as *prima facie* proof of the facts of the allegation.

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

## **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*

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. The employing Church Body of the Respondent will be responsible to ensure that the Respondent to a complaint is not prejudiced or treated unfairly in the workplace whilst a complaint or allegation is being tested.

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

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

## 8.6 Supporting Documents

- ❖ Quick Reference Guide, *Safety Agreements*.
- ❖ Safe Place Services (2009) *Local Church Child-Safe Resource Kit*.
- ❖ AUC and NZPUC (2009) *Creating A Safe Place Policy*.
- ❖ AUC and NZPUC, *Creating a Safe Place Procedures* (various).
- ❖ The Local Conference (2009) *Safe Place Policy*.
- ❖ Employment Relations Act (Commonwealth, 1996).
- ❖ Privacy Act (Commonwealth, 1998).
- ❖ The Seventh-day Adventist Church (2005) *Church Manual*, 17<sup>th</sup> Edition.
- ❖ Commonwealth Law Enforcement Board (CLEG), *Investigation Competency Standards for the Non-Policing Sector*.

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

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

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

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

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

### **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 sexual offence against a minor or where a professional body, tribunal or Church-coordinated Complaint Inquiry/Investigation process upholds an allegation or complaint as being substantiated.



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

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

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

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

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

## **9.4 Responding to Grievances**

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

## 9.5 Supporting Documents

- ❖ Quick Reference Guide (2009) *Safety Agreements*.
- ❖ Safe Place Services (2009) *Local Church Child-Safe Resource Kit*.
- ❖ AUC and NZPUC (2009) *Creating A Safe Place Policy*.
- ❖ The Local Conference (2009) *Safe Place Policy*.

# 10. FAILURE TO IMPLEMENT RECOMMENDATIONS

## 10.1 Limits to Conference Indemnification

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

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

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

## 10.2 Supporting Documents

- ❖ The Local Conference (2009) *Safe Place Policy*.
- ❖ AUC and NZPUC (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 the Victim Support Agency (Victoria) does not cover the cost of counselling in a particular case, Safe Place Services will assist parties involved in a church-conducted investigation to find suitable and appropriate counsellors. In some cases, a subsidy to cover the cost of a limited number of sessions is available (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 Victim Support Agency (Victoria)**

In Victoria, a range of services for can be accessed through the Victim Support Agency for eligible applicants who are victims of certain crime. Eligible applicants can be provided with crisis counselling or short-term/long-term counselling through the Victims of Crime Assistance Tribunal (VOCAT). The Victims of Crime Helpline can be reached on 1800 819 817 to gain information about eligibility and how to access these services. See [www.justice.vic.gov.au](http://www.justice.vic.gov.au) for further details.

### **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, promotional materials and Resource Kit.
- Assist with Policy adherence.
- Coordinate Screening.
- Ensure notifications are made when appropriate.
- Assist the Conference with implementing Safety Agreements.
- Identify and organise training with the Local Church.

#### ■ **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

### 12.2 Supporting Documentation

- ❖ Safe Place Services (2009) *Local Church Child-Safe Resource Kit*.
- ❖ 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) (and follow links to NZ content).

## 13. DEFINITIONS

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

**Age of Consent:** In Victoria 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.

**Child/ren:** Means anyone who is under 18 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 at 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.

**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.

**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, 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.

**Local Conference Safe Place Committee:** Means a committee appointed by the Conference Executive Committee / Board of Directors, as applicable. 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.

In the Victorian Conference, a Safe Place Coordinator has been appointed who is authorised to assist with these roles.

**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.

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

**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 Tribunal of the Church 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 Church in Australia and New Zealand 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 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 South Pacific Division (SPD) 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.

**Union (AUC and NZPUC):** Refers to either the Seventh-day Adventist Church (Australian Union Conference) Limited or the New Zealand Pacific Union Conference (NZPUC) of the Seventh-day Adventist Church, or both.

**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). The term “victim” is used throughout this Policy although it is acknowledged that victims may move through a journey of healing and recovery.

**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**

- **Department of Human Services** (Victorian Government) – **13 12 78**.
- **Safe Place Services** (Australian Union Conference) – **1800 220 468** (Free call). Calls not answered immediately are returned ASAP and every effort is made to do this within 24 hours.
- **Victim Support Agency** – **1800 819 817**. Access to support services in Victoria.
- **Victorian Conference Safe Places Coordinator** – **03 9264 7704**.