

91A

PRESBYTERIAN CHURCH OF QUEENSLAND Ref: 91A
PROTECTION POLICY (Children and Young People)

Minute:

The Presbyterian Church of Queensland (the Church) is aware of its duty of care and responsibility for the welfare and well-being of children and young people within the church. The Church recognizes the need to protect them from all manner of abuse by members of the church and the wider community and to manage risk in its activities and programmes involving children and young people. Wherever the words "child" and "children" occur throughout this document hereafter, they are inclusive of the words "young person" and "young people" respectively.

This Policy applies to all persons, whether paid or unpaid, who are involved in a child-related activity, whether permanently or temporarily. Such persons will consider themselves to be mandatory reporters of Reportable Conduct, because all reportable conduct is unacceptable.

The purpose of this Policy is:

- to provide written processes about the appropriate conduct of staff, volunteers, and children within the church that accord with legislation in Queensland about the care and protection of children;
- to promote and strive to provide a safe, supportive and ethical environment within the Church;
- to provide a mandatory process for reporting and managing allegations within the Church, which is clear and consistent;
- to respond to allegations of Abuse made under this Protocol in a manner which is sensitive to the dignity, respect and confidentiality of all involved, including the alleged perpetrator;
- to manage allegations in a fair and timely manner;
- to provide a document which proclaims through a clear and complete explanation the attitudes and accepted accountabilities and responses of the Church in relation to Abuse.

PRINCIPLES

The Church will be guided in respect of issues of Abuse and Risk by the example of the love and compassion of Jesus Christ and will uphold the following principles under this Policy.

1. Staff and volunteers within the Church must ensure that their behaviour towards, and relationships with, children reflects proper standards of care for children, and is not unlawful.
2. Members of the Church communities must not, under any circumstances, Abuse a child.
3. Abusive acts are a breach of trust and when perpetrated by paid staff are regarded as matters of professional misconduct.
4. Because of the authority that exists between a staff member or volunteer within the Church and a child, that child cannot "consent" to Abuse.
5. Abuse may result in criminal proceedings as well as disciplinary action, including dismissal in the case of staff members, whilst in the case of children, abuse may result, where appropriate, in relocation to another centre or programme.
6. Sexual Acts by an employee or volunteer, with a child, will always be Sexual Abuse.
7. The Church recognises that people who are subjected to Abuse are harmed by it.
8. In every preventative or protective action relating to harm to a child, the welfare and best interests of the child will always be a primary consideration.
9. The Church expects children within the Church to show respect to staff and volunteers within the Church and to comply with safe practices.
10. The Church will respond diligently to a report of suspected or actual harm, or risk of harm to a child.

11. The Church will not tolerate reprisals against children or others making a complaint.
12. Within the Church, practices relating to the management of children will be administered with respect and in a manner which maintains the dignity of the children.
13. The Church will act fairly and reasonably towards an employee or volunteer within the Church who is the subject of allegations of improper conduct.
14. The Church will support an employee or volunteer within the Church who is the subject of a proven false allegation of causing harm to a child.
15. The Church will take disciplinary action against employees and volunteers within the Church who harm others.
16. The Church will not permit people to work in a position within the Church if the Church believes on the basis of all information available that, if the allegations against them were wholly or partly true, there would be an unacceptable risk that others might be harmed.
17. The Church may accept a moral obligation to help people who have been Abused where there is no legal obligation to do so. This obligation may extend to others affected by the Abuse such as family, close friends, other members of the Church, and Church Workers.
18. The Church will co-operate with state authorities in resolving allegations of harm.
19. The Church will publish this Protocol widely and require people to use it.
20. Persons receiving information about Abuse or suspected Abuse should explain to the informant that the information supplied will be confidential to the extent that this is possible, given the need to investigate allegations and requirements of the law.
21. Victimisation of the informant will not be tolerated.
22. In order to reduce the chance of Abuse occurring, the Church will ensure that:
 - within the Church, sexual abuse is discussed openly;
 - each staff member and volunteer within the Church understands and fulfills their obligations under this Policy;
 - there is an acceptable reference from their previous employer for each staff member within the Church and an acceptable reference from someone of good standing and known Christian commitment who has been a communicant member of a congregation for at least six months for each volunteer engaged since the commencement of this protocol (See Definitions) at 22nd March 2006;
 - each staff member and volunteer within the Church who has contact with children has a current positive prescribed notice issued by the Commissioner for Children and Young People and Child Guardian under the Commission for Children and Young People and Child Guardian Act 2000. It may be a requirement of any staff member that the Church shall be authorised to confirm the validity of the positive suitability notice (i.e. Blue Card).
23. The Church will ensure that all staff and volunteers undergo training with respect to Abuse/Harm through the ChildSafe Organisation's <http://www.childsafe.org.au> training modules.

GUIDELINES

In complying with these principles, the Church will be guided by the following:

Procedural Fairness

The principles of Procedural Fairness will apply to decisions to be made under this Policy. The two fundamental principles of Procedural Fairness are:

- that those making a decision are not biased;
- that nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard.

Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. The Church is unable to promise absolute confidentiality since its polices will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence about actions under the Policy and to produce documents.

Defamation

A person providing information about harm in good faith to a person who needs to know that information is generally excused from liability for defamation.

Promptness

All steps under this Policy should be carried out promptly. The Church will keep the alleged victim and the alleged perpetrator informed of progress.

Public Relations

The Church will ensure that it is able to react quickly to allegations of harm so that accurate and relevant information is available for staff members, children and their families within the Church and/or the media.

Church Disciplinary Procedure And Police Action

- (1) It will not be necessary to wait until the police have decided whether to charge an alleged sexual abuser before taking any internal disciplinary or administrative action. In the case of:-
 - (a) a Church Office-holder, the Church must immediately suspend the alleged abuser acting under its powers contained in The Code Of Discipline of the Presbyterian Church of Australia and set forth in Rule 3.12 (Suspension) viz. If an allegation is made against a person who holds office in the Church, including a minister of a parish, which concerns inappropriate behaviour with young people, including child molestation, then having regard to the need to protect children the Court may at any time suspend the accused person from office even though the Court has not at the time resolved to proceed to judicial process as referred to in Rule 5.01.

In the case of any such suspension the provisions of Rule 5.01(a) shall apply as though the suspension had occurred after the decision to proceed by judicial process. If the Court subsequently resolves to proceed by judicial process it may either continue or discontinue the suspension and may in any event discontinue the suspension at any time.
 - (b) a Volunteer, the Church must immediately stand down the alleged abuser from all activities of the Church involving children and young people
- (2) The police are not required to inform the Church about their investigation. Some of their material may possibly be acquired under a Freedom of Information request when their work (and any court proceedings) on the case has been completed

Insurer

The Church will keep its insurer informed about developments.

Review

The Church will ensure that this Policy is reviewed at least once every year.

REPORTING ABUSE/HARM

1. Anyone who witnesses Abuse/Harm must report it immediately to a Person in Authority within the Church.
2. Anyone who becomes aware or reasonably suspects that Abuse/Harm has been caused by anyone to a child should report it immediately to a Person in Authority and keep a written record of the actions taken. If the subject of the allegations falls into one of the categories of people designated in the definition "Person in Authority", the report should be made to someone in one of the other categories.
3. On receipt of a report of Abuse/Harm other than the suspected Sexual Abuse of a child as set out in paragraph 8, the Person in Authority will carry out a preliminary assessment to determine whether that Person in Authority reasonably suspects that the Abuse/Harm has occurred.
4. There will be two Persons in Authority present at interviews, where practical. In cases of allegations of serious Abuse/Harm, it is best not to interview a child unless a properly qualified person conducts the interview.
5. If as a result of the preliminary assessment in paragraph 3, the Person in Authority reasonably suspects Abuse/Harm to have been caused, that Person in Authority should report it to the police or the Department of Child Safety, and keep a written record of the actions taken, which should be forwarded to the ChildSafe Risk Management Officer.
6. Any staff member or volunteer within the Church who becomes aware or who reasonably suspects that a child has been Sexually Abused should immediately give a written report about the Sexual Abuse or suspected Sexual Abuse to a Person in Authority within the Church.
7. A child who wishes to report behaviour by a staff member or volunteer considered by that child to be inappropriate should report the behaviour to a Person in Authority.
8. A child who wishes to report sexual abuse by a staff member or volunteer should report the sexual abuse to a Person in Authority.
9. The Person in Authority, upon receiving a report of sexual abuse from a child, staff member or volunteer who is aware or reasonably suspects that a child has been Sexually Abused should immediately give a copy of the report to a police officer, and provide a copy of that report to the ChildSafe Risk Management Officer.
10. The report must contain the following particulars:
 - the name of the person giving the report (the "first person");
 - the child's name and sex;
 - details of the basis for the first person becoming aware, or reasonably suspecting, that the child has been Sexually Abused by an employee or volunteer within the Church;
 - details of the Sexual Abuse or suspected Sexual Abuse;
 - any of the following information of which the first person is aware –
 - (i) the child's age;
 - (ii) the identity of the employee or volunteer within the Church or other person who has Sexually Abused, or is suspected to have Sexually Abused, the child;
 - (iii) the identity of anyone else who may have information about the Sexual Abuse or suspected Sexual Abuse.
11. The Person in Authority will ensure that the child is supported by:
 - offering pastoral support;
 - offering to arrange professional counseling, if circumstances warrant it, even if any allegation is not yet proved or disproved;
 - treating the child with respect and dignity;
 - being sensitive to the child's needs, feelings and concerns; and
 - maintaining confidentiality, to the degree possible in the circumstances.

12. The Person in Authority will, if the accused person is from within the Church:
 - ensure that pastoral support is offered;
 - ensure that the accused person is treated with respect and dignity;
 - ensure that professional counseling is arranged if it is requested, until the matter has been resolved.
13. The Person in Authority will, in respect of a presbytery inducted or appointed person, report the matter to the Clerk of Presbytery and the Presbytery, after a duly convened meeting, will stand down any member of staff who is a presbytery inducted or appointed person.
14. The Person in Authority will, in respect of volunteers and congregational employees, report the matter to the Session Clerk and the Session, after a duly appointed meeting, will stand down the volunteer or congregational employee from their position.
15. When a police prosecution relating to the information is completed or if there is no police prosecution, the Person in Authority will investigate the information to recommend whether:
 - redress should be offered to the child;
 - outstanding disciplinary action should be taken.

The Person in Authority may involve independent professionals in the investigation.
16. If the Person in Authority believes disciplinary action must be taken against the accused person, the Person in Authority will initiate that action and ensure that the principles of Procedural Fairness are observed (see under **GUIDELINES** in this Policy).
17. If the Person in Authority believes redress should be offered, that Person in Authority will recommend which of the following forms the redress will take:
 - (a) provision of minor costs e.g. transport to attend hearings and the like;
 - (b) provision of ongoing professional support and counseling;
 - (c) a simple apology;
 - (d) financial restitution, legal and other associated costs or compensation.

Where redress involves (a), (b), or (c) the Session will determine how this is to be provided but where redress involves (d), the matter will be referred to the insurance underwriter, the Trustees and appropriate legal advisors for resolution.

18. A Person in Authority must, upon becoming aware of all allegations of pedophilia, immediately refer them in writing to the police, including those from the past, except where the alleged perpetrator is deceased.
19. A Person in Authority must, upon becoming aware of a circumstance concerning child exploitation material, refer the situation to the ChildSafe Risk Management Officer who will determine the nature of action to be taken including that of referring the situation to the police when the laws of the Commonwealth of Australia or State Legislation require disclosure.

RISK MANAGEMENT

The Church is committed to safe practices and environments and will ensure that all staff and volunteers undergo training with respect to Risk Management through the ChildSafe Organisation's <http://www.childsafe.org.au> training modules applicable to their responsibilities within the Church, and that risk management plans and strategies are put in place for all activities and programmes involving children according to the procedures set forth in the training modules, resources, and reporting components.

DEFINITIONS

"Abuse/Harm" means activity or deliberate or careless inactivity which causes significant harm, that is to say, any detrimental effect of a significant nature on a person's physical, psychological or emotional wellbeing. The harm can be caused by:

- physical, psychological or emotional Abuse;
- Sexual Abuse or exploitation.
- neglecting to assess risk to provide safe activities

"Child" means a person under 18 years of age.

"ChildSafe Risk Management Officer" means the person appointed to the position by the General Assembly of the Presbyterian Church of Queensland.

"Minister" means a person officially ordained into the ministry by the Presbyterian Church of Australia.

"The Church" means The Presbyterian Church of Australia.

"Pastoral Care" or "Pastoral Support"

The provision of care, counsel and education to persons who seek the support of the Church including:

- guiding to make decisions concerning spiritual matters by means of Biblical readings;
- prayer;
- provision of practical support, such as medical care or counseling;
- reconciling someone to God and/or other people;
- spiritual guidance;
- sustaining through a period of hardship and/or crisis.

"Person in authority" means the ChildSafe Risk Management Officer, Clerk of the Assembly, Ministers, Home Missionaries, and Licentiates.

"Reportable Conduct" is anything which an individual, an institution or a process does or fails to do which directly or indirectly harms a child. All reportable conduct is unacceptable. It includes:

- **"Abuse"** as defined above
- use of pornography depicting children;
- neglect i.e. chronic failure to provide the basic necessities of life such as love and affection, safety, food, clothing, hygiene, medical care and education.

"Sexual Abuse" means any actions with a child for the sexual gratification of the perpetrator.

"Staff" includes employees (for example "Persons in Authority" as defined, administration people and grounds staff) and volunteers (for example leaders and camp parents).

POLICY DISSEMINATION

This Policy will be made available to children and parents of children within the church via a church website and will be on display on at least one noticeboard in each church, always. The attention of children and parents of children within the church will be drawn to the Policy at least twice a year via church newsletters. The Minister of each church will ensure that a copy of this Policy is always available in the foyer of each church. The Policy will be directed to the attention of all new staff and volunteers within the church at the time of their appointment and to all within the church via church handbooks and newsletters. All staff and volunteers within the church will be provided with appropriate training on child protection issues on an annual basis, such training to be approved by the Assembly or its Commission.

(BB 2006 Min. 56.3, COA August 2006 Min. 06/98)

STATEMENT OF COMMITMENT

The Presbyterian Church of Queensland is committed to the safety and holistic wellbeing of all children and young people involved in our events. To ensure that children and young people are

kept safe from harm, our staff and volunteers are required to possess a current blue card; agree to adhere to a code of conduct when working with children; and undergo training in child safety. The Presbyterian Church of Queensland takes child protection and safety seriously and consequently has policies and procedures in place to ensure that your child has the best possible experience with us.
(BB 2006 Min. 56.13)