

## **PRESBYTERIAN CHURCH OF QUEENSLAND**

### **CHILD PROTECTION POLICY**

The Presbyterian Church of Queensland is aware of its duty of care and responsibility for the welfare and well-being of children within the church, and recognises the need to protect children from Abuse by members of the church and wider community.

This Policy applies to all persons holding a position of authority within the Church, 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 to 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 Presbyterian Church of Queensland ("the Church") will be guided in respect of issues of Abuse 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 by a person in authority of a person under that authority are a breach of trust and are 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 adult 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 within the Church who harm others, and appropriate action against 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; and
  - victimisation of the informant will not be tolerated.

21. The Church will ensure that the following are undertaken in order to reduce the chance of Abuse occurring:

- ensure that within the Church, sexual abuse is discussed openly;
- ensure that each staff member and volunteer within the Church understands and fulfils their obligations under this Policy;
- ensure that 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 Appendix );
- ensure that each staff member and volunteer within the Church who has contact with children has a current positive suitability 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*.

## **GUIDELINES**

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

### **Natural Justice**

The principles of Natural Justice will apply to decisions to be made under this Policy. The two fundamental principles of Natural Justice 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 policies 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.

**Police Action**

It will usually be necessary to wait until the police have decided whether to charge the respondent before taking any internal disciplinary proceedings. If the police do charge the respondent, it will be necessary to wait until the charges have been dealt with in the courts before commencing internal enquiries or disciplinary proceedings. This does not preclude the Church from seeking advice from police regarding the duty of care to other children which may involve the standing down of a staff member during an investigation. The police are not required to inform the Church about their investigation. Some of their material may be acquired under a Freedom of Information request when their work on the case is finished.

**Insurer**

The Church will keep its insurer informed about developments.

**Review**

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

**PROCEDURES FOR REPORTING ABUSE/HARM**

1. Anyone who witnesses Abuse must report it immediately to a Person in Authority within the Church.
2. Anyone who becomes aware or reasonably suspects that 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, or alternatively, to the Clerk of Assembly.

Note: Under s 76KC of the Health Act 1937 and s 191 of the Public Health Act 2005, doctors and registered nurses, have an obligation to give notice of harm or likely harm immediately to the Chief Executive, Department of Child Safety, if:

- (a) they become aware, or reasonably suspect, during the practice of their profession, that a child has been, is being, or is likely to be, harmed; and
- (b) as far as they are aware, no other doctor or nurse has notified the Chief Executive under the section about the harm or likely harm.

This notice can be given orally, by fax, by e-mail or by similar means and must then be followed up with written notice within seven days. The notice must include:

- the child's name
- the child's date of birth
- the place or places where the child lives;
- the names of the child's parents
- the place or places where the parents live or may be contacted;
- details of the harm or likely harm of which the professional is aware or that the doctor or nurse suspects; and
- the doctor or nurse's name, address and telephone number.

The doctor or nurse may seek further information about harm or likely harm to a child before forming a reasonable suspicion about the matter, for example, by consulting with a colleague.

The church may require a doctor or nurse employed by the church to provide to the church information about abuse obtained in the course of their work as an employee.

A person who becomes aware of the identity of a person who has notified authorities about harm must not disclose the identity of that person except in the circumstances set out in s 186(2) of the Child Protection Act 1999.

3. On receipt of a report of Abuse 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 has occurred.
4. There will be two Persons in Authority present at interviews, where practical. In cases of allegations of serious 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 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
6. 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.
7. That Person in Authority, or the Clerk of Assembly, upon receiving a report by a child of inappropriate behaviour of a staff member or volunteer, should interview the child, the staff member or volunteer named in the report and any other person who may be able to provide useful information. That Person in Authority should report the findings to a Minister with a recommendation for action to be taken.

A Minister should take action on the basis of the report, and provide a copy of that report to the Clerk of Assembly.

8. 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, ultimately a Minister.
9. The Minister, upon receiving a report from a 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 Clerk of Assembly.
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 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 Minister will ensure that the child is supported by:

- offering pastoral support;
- offering to arrange professional counselling, 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 Minister will:

- if the respondent is from within the Church, ensure that pastoral support is offered;
- ensure that the respondent is treated with respect and dignity;
- ensure that professional counselling is arranged if it is requested, until the matter has been resolved.

13. The Minister will report the matter to the Clerk of Presbytery and Presbytery, after a properly convened meeting, will stand down any member of staff if there is unacceptable risk in leaving the member of staff in their position.

14. The Minister will, in respect of volunteers, report the matter to the Session for appropriate action if there is unacceptable risk of leaving the volunteer in their position.

15. When a police prosecution relating to the information is completed or if there is no police prosecution, the Minister will investigate the information to determine whether:

- redress should be offered to the child;
- disciplinary action should be taken.

The Minister may involve independent professionals in the investigation.

16. If the Minister believes disciplinary action should be taken against the respondent, the Minister will initiate that action and ensure that the principles of Natural Justice are observed (see under **GUIDELINES** in this Policy).

17. If the Minister believes redress should be offered, that Minister will determine 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 counselling;
- (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. The Minister must, upon becoming aware of all allegations of paedophilia, immediately refer them in writing to the police, including those from the past, except where the alleged perpetrator is deceased.

## **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.

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

"**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 counselling;
- reconciling someone to God and/or other people;
- spiritual guidance;
- sustaining through a period of hardship and/or crisis.

**“Person in authority”** means Ministers, Home Missionaries, Licentiates, Deaconesses, Private Appointments, Candidates for the Ministry or Pastoral Care Workers.

**“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
- pornography showing children;
- neglect i.e. chronic failure to provide the basic necessities of life such a 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).

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 at 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.