



## PRESBYTERIAN CHURCH OF AUSTRALIA

### NATIONAL SAFE MINISTRY FRAMEWORK

*(Adopted by the General Assembly of Australia, September 2019.*

*Pursuant to GAA 2019, Min. 43(4), this text has been enumerated to “simplify navigation, reference and communication.”)*

#### **Preamble**

*This document is a national Statement of approach – in principles, policies, practices and procedures – that seeks to achieve so far as possible the uniform protection against abuse of children by or within the Church’s organisations. It is to be read as working within, subject to, interpreted by, and administered in accordance with, the laws of the relevant State or Territory of the Commonwealth and the laws of the Church. It is not itself a law of the Church and does not of its own force override or modify the laws of the Church or laws of the relevant State or Territory in which it is being administered. Church organisations must be familiar with and act in accordance with those relevant secular and Church laws including the Church’s national Code of*

*Discipline (which itself is subject to secular laws). Church organisations in each State and Territory undertake to conform so far as possible to this statement in their particular principles, policies and practices and procedures, taking into account differences in secular and Church law in different States and Territories.*

*Some State churches cover in their jurisdiction one or more of the Territories of the Commonwealth. Although a reference to Territory is not specifically mentioned each time secular law of a State is referred to, those State churches will need to be careful in the appropriate presbyteries or charges of the Church to abide by Territory law if it differs from that of the State. There may in due course be Commonwealth secular law that needs to be followed as well.*

#### **Introduction**

The Presbyterian Church of Australia (PCA) is a national church formed by the federation of six formerly colonial churches in 1901. The national church was given powers legislative, administrative and judicial. These were supreme in relation to specified matters including doctrine, worship and discipline. Otherwise, they were concurrent with the State assemblies’ powers.

The maintenance of safe ministry practices rests, generally, with the State churches but behaviour that is contrary to the Standards of the Church or an obligation imposed on a minister or member of the Church by the word of God or a law of the Church is also subject to consideration under the Code of Discipline. Careful management of these overlapping domains is as necessary as it is challenging. It is expressly recognised in rule 1.13(b) of the Code of Discipline that child protection policies are congruent with the ends of discipline expressed in rule 1.02. This is because putting in place proper measures to protect children and to forestall an alleged offender against his or her alleged propensity is for “the glory of God, the purity of the Church and the spiritual good of the alleged offender”.

Additionally, Commonwealth and State governments are entitled to, and do, enact legislation that impacts on the Church in various ways, including in the area of child protection. It is therefore necessary for the State churches to be cognisant of legislation and regulations applicable in their State, and to determine particular procedures to ensure compliance with their State-specific obligations.

To assist the Church in its attention to these matters, it is both desirable and necessary that a uniform and consistent approach to the protection of children be adopted within the PCA and across all of the State churches. At the request of the GAA, the persons appointed to manage these matters by the State Assemblies in New South Wales, Queensland and Victoria have worked with Assembly Officers to prepare this Framework which is offered to the Church with the prayer that it might advance God’s glory, protect children

from harm, help the Church to maintain a good reputation with outsiders, and guide potential offenders away from the destructive paths of sin.

This Safe Ministry Framework is presented in three parts: principles, policy and procedures. The Safe Ministry Principles are the high-level ideals to which the PCA is committed. The Safe Ministry Policy particularises the Church's commitments and sets out the mechanism by which the Church's pursuit of its principles is governed. The Safe Ministry Procedures then set out specific steps and actions to be taken in the implementation of the Safe Ministry Policy. All three parts belong together and none can be separated from the others.

## **Part I: National Safe Ministry Principles**

### **1.1 Fundamental Conviction**

We remember at all times that we are representing the Lord Jesus Christ in all our conduct and we will, accordingly, strive to refrain from any action that is contrary to Scripture or a law of the land consistent with Scripture or which violates the requirements of biblical ethics, striving to ensure that all our conduct is motivated by love for God and a desire to commend him and to promote his glory.

### **1.2 Statement of Commitment**

The Presbyterian Church of Australia (PCA) is committed to ensuring that a safe environment is established and maintained for all persons associated with the Church and for those accessing its services, especially children. The Church requires all paid employees and all volunteers serving within it to create an environment that will help people flourish and cause no harm particularly harm arising from emotional, physical, or sexual abuse; or neglect.

The Presbyterian Church of Australia recognises its obligation to

1. Ensure the safety and wellbeing of all children (being persons under the age of 18) involved in its activities.
2. Implement policies and procedures to safeguard children from child abuse or harm including emotional, physical, or sexual abuse, or neglect.
3. Refuse to tolerate any behaviour that might result in child abuse or harm.

### **1.3 Values**

**1.3.1 Love and compassion** The Presbyterian Church of Australia, and its State Churches, is bound by the example of the love and compassion of Jesus Christ in his ministry.

**1.3.2 Service to others** The unique nature of servanthood, which Jesus Christ demonstrated to his disciples and which they then encouraged Christians to display, is the foundation of the Safe Ministry Principles.

**1.3.3 Humility** Jesus spoke of himself as being a servant of others and not one who came to be served. Paul, in his letter to the Philippians, encourages us not to live with a selfish purpose, but with humility, thinking of others as better than ourselves. As people chosen by God to serve him in obedience, we are to live as those who watch out for what is good for others rather than watching out for our own good.

**1.3.4 Gentleness** Paul urges the early Church to let their gentleness show in their treatment of all people.

**1.3.5 Nurture and protection** As a Church we are to nurture and protect children. This responsibility rests on everyone involved in church life.

**1.3.6 Respect** The Safe Ministry Principles seek to inform the Church and create a culture which promotes respectful relationships and maintains an ongoing safe environment free of abuse of children. Whilst this responsibility rests immediately with leaders and those involved in ministry to children, it is also a shared responsibility of the whole Church.

**1.3.7 Christian faith and practice** Those serving in leadership and working directly with children and young people, accept a position of trust which places on them a commitment to carry out their role in accord with the Doctrine and Christian values of the Church.

**1.3.8 Consistency and integrity** Breaches of the Safe Ministry Protocols by any person, regardless of position, are taken seriously and may result in the questioning of that persons' capacity to continue to serve, as well as the implementation of boundaries deemed necessary to protect children.

**1.3.9 Accountability** The Church can be one of the few places where an Offender or Person of Concern, as a recipient of God's love and grace, can find a Christian welcome, Scriptural teaching and encouragement to grow in Christ. However, participation in the life of a Christian church or organisation is not a guarantee of Christlike behaviour nor a guarantee against repeating past sinful behaviour that has been abusive and caused harm. Therefore, the Church must communicate clear expectations and firm boundaries with transparency and accountability in relation to an Offender or Person of Concern who participates in the life of the Church. This helps to ensure that the Church is safe for children.

#### **1.3.10 Foundational Principles**

In our aim to create a safe environment and in our quest to ensure that children are protected from abuse and harm, the following principles must guide the behaviour expected of all persons involved in ministry-related activities:

- Become familiar with and act in accordance with the National Safe Ministry Framework (including its Principles, Policy, and Procedures) and any Code of Conduct and specific Procedures established by the relevant State Church
- Understand that perpetration of any physical, psychological or emotional harm or neglect, or sexual abuse or exploitation is unacceptable, that it will be treated seriously and sensitively, and that it must be reported in accordance with the Church's Mandatory Reporting Policy and Procedures
- In all aspects of personal life and relationships and at all times, strive to act according to the highest standards, demonstrating courtesy, consideration and good judgement
- Treat all people with respect and dignity regardless of age, culture, gender, religious affiliation, personal circumstances or any other point of differentiation
- Accept and exercise the duty of care appropriate for each and all participants
- In accord with Scripture, engage only in lawful activity and never assist persons engaged in illegal activities
- Strive to carry out all relevant roles in accordance with the doctrines and values of the Presbyterian Church of Australia
- Respect the authority of leaders and act in accordance with reasonable directions
- Only engage in actions and activities that are appropriate for children where ministry-related activities involve children
- Complete any and all training required by the Church in relation to ministry roles; and
- Create and maintain appropriate resources for use and training in ministry.

As the application of these National Principles in specific situations requires interpretation, those involved in ministry must seek advice if placed in a position of uncertainty.

## **Part II: National Safe Ministry Policy**

### **2.1 Governance: Roles and Responsibilities**

The General Assembly of the Presbyterian Church of Australia (GAA) has supreme authority within all parts of the Church in matters covered by Article 2.1 of the Articles of Agreement. Its responsibility in relation to discipline (Article 2.1((c)) obligates it to seek the fullest possible uniformity between Church-based policies and procedures in the several States, and secular laws applying in the relevant State.

The GAA approves and adopts this Framework and encourages State Assemblies to adopt this statement of Principles, Policy and Procedures, and put in place safe ministry practices that are in line with this statement and with legislative requirements of the relevant State.

The GAA affirms the adoption across the PCA of the Child Safe Standards identified by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) as follows:

1. Child safety is embedded in institutional leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child-focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe.

The Clerk of the GAA is responsible to oversee and co-ordinate the maintenance of a National Register which contains limited but sufficient information to assist affiliated institutions to identify and respond to any risks to children that may be posed by people in ministry. The Clerk of the GAA is also responsible to ensure effective liaison between the State churches so that any risks that may be posed by people in ministry are identified and receive an appropriate response.

Within its area of jurisdiction, each State Assembly is responsible for:

- Governing the implementation of this Policy and associated procedures and Code of Conduct for interacting with children;
- Initiating, developing and amending child protection procedures under their State structures which must accord with any mandatory specific requirements of secular State legislation and any associated requirements applicable in their State.
- Ensuring that appropriate information, training, instruction, supervision, monitoring, auditing and resourcing is available to maintain an environment that is safe for all persons, particularly children;
- Ensuring that an appropriate person or body is appointed to oversee the implementation of this Policy and associated procedures including the Code of Conduct (if any) enacted by the State Assembly; and procedures mandated within secular law applicable within its area of jurisdiction;
- Ensuring that all ministers, licentiates, deaconesses and other ministry workers remain compliant with State-based Working with Children Check or equivalent legislation;
- Establishing a mechanism by which the State church ensures that it is reliably informed on issues of child sexual abuse and child safety including prevention, policies and procedures and complaint handling; and
- Providing mechanisms whereby all allegations of child sexual abuse will be referred to the person or body appointed by the State Assembly to provide oversight of any such allegation and any perceived or real conflicts of interest that may arise from individuals responding to complaints of child sexual abuse in the investigative, judicial or pastoral processes.

Within their bounds, Presbyteries have oversight of Sessions and must strive to ensure that each and every Session is compliant with the Safe Ministry Framework, relevant secular legislation, and the Code of Conduct (if any) and statement of procedures established by the relevant State church.

Sessions have oversight of all ministries operated within their congregations and must annually review all ministries conducted within the Charge and, without limiting their responsibility, minute:

- Approval of proposed programs, activities, and the people authorised to lead them; and

- Their commitment to the Safe Ministry Framework, relevant secular legislation, and the Code of Conduct (if any) and statement of procedures established by the relevant State church.

Assembly Committees with oversight of children’s ministry and activities are considered to have the same responsibilities as Sessions.

## **2.2 All instructions of the Church to be faithfully observed**

Any body or person within the Church with responsibility for the employment or appointment of another person (the appointee) to a role that includes oversight or interaction with children is responsible to ensure that all instructions of the Church are observed faithfully, regardless of whether the appointee’s role is performed on a paid or voluntary basis.

## **2.3 Liberty to report**

Any person has the liberty to report directly to external agencies and supervising bodies within the Church any allegations or matters of suspicion of risk of sexual abuse or harm, noting that the purpose of reporting to the Church is to ensure that the Church can take action promptly to protect children.

An adult who claims to have been a victim of child sexual abuse but who does not want to press charges or to be involved in a criminal complaint will be advised that the person or body appointed by the relevant State Church to receive such allegations will report the matter to State Police for information without disclosing that adult’s name. If the State Police advise that the matter will not proceed, the person or body appointed by the relevant State Church to receive such allegations will initiate action to determine the plausibility of the allegation always in accordance with procedural fairness and to take such action as may be necessary to protect children from harm.

## **2.4 Obligations of State Churches**

Within its area of jurisdiction, and in the provision of children’s ministry, each State church will demonstrate commitment to, capability for, and consistency in:

- Adhering to this Policy governing the interaction of adults with children;
- Implementing State-based procedures in accordance with this Policy in pursuit of the highest levels of safety and care;
- Educating and training all those involved in ministry in their duties and responsibilities in a determined endeavour to ensure that all persons involved in children’s ministry are familiar with this Policy and any State-based procedures made in accordance with this Policy, whether those persons are engaged on a paid or voluntary basis;
- Selecting, recruiting, training and managing persons engaged or to be engaged in children’s ministry within the Church;
- Supporting those involved in ministry as they carry out their roles;
- Providing management systems to ensure compliance with:
  - the relevant State’s laws and its Working with Children Check or equivalent,
  - this Policy and
  - any State-based procedures established in accordance with this Policy;
- Requiring all Ministers, Elders, Managers, employees and children’s ministry volunteers to hold a current Working with Children Check or equivalent clearance and to agree to adhere to this Policy and any State-based procedures established in accordance with this Policy, and to undertake Safe Ministry training before working with children within the Church and at such other times as may be required by the responsible body.
- Overseeing risk management of activities and implementing management plans for high-risk activities and special events to ensure the safety of children;
- Implementing appropriate steps to manage persons known to pose a risk to children, in order to create an abuse-prevention and response framework which prioritizes the safety of children;
- Offering pastoral care and support to victims of sexual abuse and those impacted by that abuse;

- Offering pastoral care and support to any member of the Church known or alleged to have offended against a child; and
- Adequately insuring approved programs, events and activities to the extent such insurance is reasonably available.

## **2.5 Disclosure, investigation and responsible action**

To ensure effective disclosure and investigation of suspicions of abuse and harm, and consistency in the management of breaches of this Policy, the following obligations are established throughout the Church:

- Any allegation, or reasonable suspicion of risk of harm of a child, is to be referred to the person or body appointed by the relevant State church to receive such allegations or suspicions in order to facilitate consultation with the State Police Service or Child Protection Agency without delay and to take appropriate steps to manage the risk to children.
- Any allegation of sexual abuse made against a person involved in ministry or leadership within the Church (being ministers, elders, managers, or other roles whether paid or unpaid), is to be reported immediately to the person or body appointed by the relevant State church to receive such allegations in order to facilitate consultation with the State Police Service or Child Protection Agency without delay and to obtain guidance therefrom concerning investigative needs, and (in accordance with the Code of Discipline), the appropriate Court of the Church will promptly consider and determine whether the person concerned should be suspended from working with children and any other ministry or leadership function until the matter has been investigated by Police.
- If, in respect of an inducted minister, a positive Working with Children Check or equivalent is withdrawn, suspended, barred or revoked, the fact must be reported without delay to the relevant Presbytery and the Presbytery will urgently consider the need to sever the pastoral tie as an administrative action separate from the Code of Discipline or to take other action to remove the minister from child-related activities and will monitor whether such action remains sufficient and take further administrative action as required. Subsequent action may be taken under the Code of Discipline.
- If, in respect of an employee of the Church, a positive Working with Children Check or equivalent is withdrawn, suspended, barred or revoked, the fact must be reported without delay to the relevant employer and the employer will urgently consider the need to terminate that person's employment as an administrative action separate from the Code of Discipline or to take other action (if possible) such as removal from child-related activities and will monitor whether such action remains sufficient and take further administrative action as required. Subsequent action may be taken under the Code of Discipline.
- If a minister is the subject of a substantiated complaint of child sexual abuse or is convicted of child sexual abuse, the censure to be applied by the Presbytery in accordance with the Code of Discipline will be deposition from the ministry or the censure under the Code of Discipline appropriate to the nature of the offence found.
- If an elder is the subject of a substantiated complaint of child sexual abuse or is convicted of child sexual abuse, the censure to be applied by the Session in accordance with the Code of Discipline will be deposition from the eldership or the censure under the Code of Discipline appropriate to the nature of the offence found.
- If any other person is the subject of a substantiated complaint of child sexual abuse, or is convicted of child sexual abuse, or their Working with Children Check or equivalent is withdrawn, suspended, barred or revoked, the fact must be reported without delay to the body holding jurisdiction within the Church and that body will urgently consider the need to remove that person forthwith from the exercise of all or some ministry functions and from participation in any leadership roles within the Church including membership of any committee at any level of the Church's operation .
- Although the appropriate Court of the Church may instigate Disciplinary proceedings against a member under the provisions of the Code of Discipline at any time, rule 1.13(g) of the Code of

Discipline requires that disciplinary proceedings must “not prejudice investigations and prosecution procedures under State law”.

- Where a Court of the Church becomes aware that any person attending any of its services or activities:
  - is the subject of a substantiated complaint of child sexual abuse,
  - has been convicted of an offence relating to child sexual abuse,
  - has been denied a positive *Working with Children Check* or equivalent, or whose *Positive Working with Children Check* or equivalent has been withdrawn, suspended, barred or revoked, or
  - poses a reasonably-known risk to children,the Court will assess the level of risk posed to children by that person’s ongoing involvement in church activities and take appropriate steps to manage that risk, which may include the implementation of a behavioural agreement.

## 2.6 Managing Breaches of the Safe Ministry Framework

**Overview** All people are sinners and breaches of the Safe Ministry Framework, secular and Church law and procedures will occur, whether by mistake or deliberate intent. Managing breaches requires a high level of judgement and discernment in order to maintain the safety of children and restore the person committing the breach to the expected standard of behaviour, if possible. The overriding consideration must always be the safety of children and the risk to them of an ongoing or repeated breach.

**Types of Breaches** Breaches might be non-criminal behaviours which do not meet the standards to be maintained by people working with children. Breaches may also be criminal behaviours. As breaches may differ, so do their consequences. Some may require no more than guidance on correct procedure. Some may require immediate removal from ministry (paid or unpaid).

**Action** Action in response to a perceived breach is taken in accord with secular and Church law including the Code of Discipline if applicable and will involve the following steps:

1. **Recognise** the perceived breach
2. **Report** the perceived breach
3. **Record** the perceived breach
4. **Remedy** the perceived breach

Options for responding to a person who is perceived to have breached the Safe Ministry Framework include (without limitation):

- Immediate removal from Children’s ministry (and, potentially, other ministries);
- Advice from a leader on the correct procedures;
- Further training;
- Working with a more experienced person;
- Restoration to a position of responsibility when the Session is satisfied that the person comprehends and demonstrates the standard of behaviour expected of people in ministry.

Seek the advice of the person or body appointed by the relevant State Church.

**Reporting Breaches** Any breach by a paid or volunteer employee is to be reported to the leader or coordinator of the relevant ministry or the Moderator of the relevant supervising body as soon as possible and to the person or body appointed by the relevant State church. The person or body appointed by the relevant State church will ensure that the breach is documented.

## Part III: National Safe Ministry Procedures

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Support

### **3.2 Purpose**

The purpose of these national procedures is to guide decision makers and those involved in ministry as they provide and develop a safe environment and ensure compliance with legislation protecting children from harm and abuse.

These Procedures apply throughout the PCA.

### **3.3 Application of the National Procedures within State churches**

To allow for differences between legislative frameworks within the several States of Australia, State churches may establish Codes of Conduct and additional procedures to prevent the abuse of children. State-based decisions and provisions must respect and adhere to all relevant State legislation or other enactments as also to the procedures set forth in this document as augmented or amended from time to time by the GAA or the relevant State Assembly. In the event that there is any inconsistency between procedures determined within the Church and particular State legislation, then State legislation prevails and must be followed.

### **3.4 State churches to define additional procedures for Safe Ministry with Children**

State-based procedures will include procedure for conducting Safe Ministry with Children including but not limited to, the following ministry practices:

- Recruitment and management of paid and volunteer employees working with children
- Transport
- Food safety and allergies
- Camps and off-site activities
- Consent to take and use images of people in church
- Toileting children
- Physical contact in ministry
- Child-leader ratios
- Electronic communications including via smart phone and online – particularly in relation to children

### **3.5 Delegation of Authority**

Each state Assembly will delegate authority for implementation of the Safe Ministry Framework and any Code of Conduct and statement of procedures established by the relevant State church to the person or body appointed by the relevant State church.

### **3.6 Recruitment and Management of Paid and Volunteer Employees working with children**

Due to the variance in State legislative requirements, State-based procedures apply to the recruitment of paid and volunteer employees working with children in the church. The following elements must be implemented in State-based procedure and every applicant must:

- Hold a Positive Working with Children Check (or equivalent)

- Undertake an interview
- Answer screening questions relating to past behaviour via completion of a form
- Supply referees as required
- Sign their agreement to adhere to the Safe Ministry with Children Policy, National Principles and Procedures and State-based legislation and procedures (including the applicable State-based Code of Conduct, if any).
- Be provided with a role description
- Complete Safe ministry with Children training within the State-based training procedure.

### **3.7 Interview Process**

All persons desirous of undertaking Children’s ministry must undergo an interview to determine their suitability. The most appropriate time for this to occur is during the verification of details at the time of completing a Working with Children Check (or equivalent) Application when warnings are required under legislation. The interview or conversation should be structured to focus on behaviour traits and values. A suggested approach is to explore:

- The person’s reason for wishing to be engaged in Children’s ministry;
- Their experience in working with children;
- Value based/behaviour questions (e.g. what they consider to be inappropriate actions or conduct with a child);
- Their willingness to comply with the expectations, reasonable directions and decisions of the Session or Committee or higher Court of the Church in regards to their ongoing suitability to work with children in the Church.

### **3.8 National Register**

The PCA National Register records information that assists the Church to identify and respond to any risks posed to children by people in ministry. Information is provided for the register by the person or body appointed by the relevant State church.

The names of all persons who:

- apply for a Working with Children Check (or equivalent),
- are Ministers,
- are missionaries endorsed by APWM, or
- are paid employees or volunteer ministry workers of the Church,

require a clearance via a check of the Church National Register by the relevant State-based Safe Ministry with Children Unit before they may be admitted to any new role or ministry.

The National Register includes information about persons who have been involved in the life of the Church, and are or have been:

- Charged with or convicted of an offence or offences against the person – including sexual offences;
- Had a Working with Children Check (or equivalent) clearance withdrawn, suspended, barred or revoked;
- The subject of a substantiated complaint of child sexual abuse;
- Listed on the Sex Offenders Register; and
- Subject to a risk management plan or party to a relevant behavioural agreement under the authority of a relevant Court of the Church.

### **3.9 The Working with Children Check (or equivalent)**

Ministers and elders (and, in some States, managers) are required by secular legislation and/or Church decisions to hold a positive Working with Children Check (or equivalent) to qualify for their role within the congregation.

No minister, elder or (where required) manager may commence work in a new role until they hold a positive Working with Children Check (or equivalent) according to the requirements of the State in which they work or seek to work.

State-based procedure enabling compliance with the relevant Working with Children (or equivalent) legislation must be adhered to by each Court of the Church and all Committees at all levels of the Church's operation.

### **3.10 Training**

All people involved in ministry must undergo State-based Safe Ministry with Children training. As a minimum, state-based training must educate participants to:

- Champion a culture that prioritises the safety of children from abuse and harm in the Church;
- Understand their responsibilities and obligations under Commonwealth, State or Territory legislation, the Church's laws including the Code of Discipline, the State or Territory Code of Conduct, and this Safe Ministry Framework;
- Recognise physical and behavioural indicators of child sexual abuse and harm;
- Identify, assess and minimise risks of harm to children;
- Manage disclosures or suspicions of child sexual abuse, harm, and inappropriate behaviour in relation to both children;
- Follow reporting procedure;
- Conduct ministry with children that is safe for leaders and participants;
- Understand the necessity to undertake risk management in relation to both ministry and people;
- Understand and conform to the behaviour expected of team members;
- Understand and protect their personal safety.

### **3.11 Handling disclosures or suspicions of harm**

The Church requires the immediate reporting of all disclosures of child sexual abuse or suspicions of harm of children and is intentionally victim-focused.

A suspicion of harm exists when someone has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering significant harm. A suspicion of harm can arise from:

- A child telling a person they have been have harmed;
- Someone else, for example another child, a parent, employee or volunteer telling a person that harm has or is likely to occur;
- A child telling a person that they know someone who has been harmed;
- A person is concerned about significant changes in the behaviour of a child, or the presence of unexplained injuries; or
- A person sees harm happening.

If a disclosure of child sexual abuse or suspicion of harm relates to a person whom the concerned person would normally report the matter to, the matter is to be reported according to state-based reporting procedure.

In all instances involving disclosures of child sexual abuse or suspicion of harm to a child the parent is to be advised, unless the parent is the person to whom the disclosure relates. This advice is to occur according to the relevant State-based procedures.

The relevant sections of the Safe Ministry Framework must be adhered to in regards to reporting, in addition to any State-based procedures.

The person or body appointed by the relevant State church will ensure that the matter is documented.

### **3.12 Confidentiality**

All disclosures of child sexual abuse or suspicions of harm are to remain confidential between the parties required under State-based procedures for reporting the matter.

### **3.13 Child-Focussed Complaints Handling**

The Church does not inform the person against whom an allegation of child sexual abuse or suspicion of harm has been made until advised to do so by Police and/or the responding governmental agency or as required by secular law. The manner and content of such advice and the taking of steps such as suspension from ministry involving contact with children will be governed by State or Territory-based procedures and where applicable the Code of Discipline and other Church law and in consultation with Police and/or the responding governmental agency.

### **3.14 Family Violence**

Family violence involves violent, abusive or intimidating behaviour carried out by a partner, carer or family member to control, dominate or instil fear. This includes physical, emotional, psychological, sexual, financial or other types of abuse.

If a person has an immediate concern that a child is exposed to or subject to family violence, an urgent report must be made to the Police and the State or Territory child protection agency and State/Territory-based reporting procedure must then be followed.

In the case of family violence against an adult where there are no children in the home, any mandatory reporting requirements in State/Territory legislation must be followed and the victim should be asked if he or she wants the Police notified (unless notification is already mandatory). Appropriate pastoral care and support should be offered including encouragement to contact, and assistance if required to contact, welfare and support agencies such as shelters.

### **3.15 Offenders and Persons of Concern**

When dealing with an Offender or a person who has been properly designated as a Person of Concern, the Session (having due regard to the Code of Discipline 1.13(f)) will implement a management plan which must incorporate the following elements:

- Pastoral support for the Offender or Person of Concern;
- Accountability for the Offender or Person of Concern via regular, consistent and direct supervision;
- Clear boundaries for the participation of the Person of Concern;
- Prioritization of the safety of children in the church.

The boundaries may include, without limitation, that the person must not:

- be alone with children;
- engage with children by electronic, digital or social media platforms;
- be offered any leadership role involving contact with children;
- participate in any activity or groups directed mainly toward children.

In accordance with the obligation of the Session (and all other courts of the Church) to prioritise the safety of children in the Church, the Session may enact a management plan via means including but not limited to:

- Requiring the person to sign a behavioural agreement as a condition of their ongoing participation in the life and activities of the church;
- Allowing a person who refuses to sign a behavioural agreement to still participate in specific aspects of the church's life provided that they observe the conditions set out in the proposed agreement. The Session, with assistance from the person or body appointed by the relevant State church, will develop a management plan to monitor the person's conduct, with any unsatisfactory deviation from the plan result in the person being barred from participation in the life of the church, regardless of their membership status. Where a person who refuses to

sign a behavioural agreement is a communicant or adherent member of the congregation, they will be informed of their rights under the Code of Discipline;

- Instructing a person who is neither a communicant nor an adherent member of the Church and who refuses to enter into a behavioural agreement to leave the Church and to stay away from it until they can credibly demonstrate their willingness to submit to the authority of the Session;
- Providing spiritual and pastoral care via direct ministry to the person, outside of church services and activities.

### 3.16 Retention and Disposal of Records and Privacy

Each State Church has an approved Privacy Policy which is to be followed by those involved in ministry.

The Royal Commission into Institutional Responses to Child Sexual Abuse found that the average age of abuse was ten years for males and nine years for females and that victims took an average of 22 years to disclose the abuse to which they were subjected. For this reason, it is imperative that records are maintained of all leaders and participants in children’s ministry.

All records pertaining to children’s ministry are to be retained, including parental permissions, children’s information and the names of those involved in children’s ministry programs, activities and events. Records may be maintained in paper or digital format. Records must be maintained for a period of 50 years or as otherwise determined by State-based procedure regarding location and retention of records.

### 3.17 Support

The person or body appointed by the relevant State church resources the State church in Safe Ministry with children and offers support and assistance to those involved in ministry on child protection concerns and disclosures, behaviour management issues, breaches of the Safe Ministry Framework, secular legislation and procedures established by that State church, risk management and safe standards when conducting ministry.

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