

NATIONAL CHILD SAFE POLICY FRAMEWORK



Uniting Church in Australia

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Acknowledgements

The Synod of Victoria and Tasmania, *Keeping Children Safe Policy* (2015)

UnitingCare Queensland, *Child Safety Risk Management Framework 2015*

Australian Children's Commissioners and Guardians, *Submission in response to Royal Commission into Institutional Responses to Child Sexual Abuse, Issues Paper 3 – Child Safe Institutions* (2013)

Purpose

This document provides a framework within which child safe policies within Uniting Church entities are to be developed. It takes into account the findings of recent inquiries (refer to Appendix 1: Background for details).

The Royal Commission into Institutional Responses to Child Sexual Abuse advises that to achieve a child safe organisation it is critical to have competent and committed leadership and governance which develops and maintains a child safe culture (*Interim Report 2014, Volume 1, p 141*). For this policy framework to be effective it requires awareness and knowledge at all levels, from Boards through to volunteers and congregational members. It requires a commitment to shared personal responsibility to ensure children are protected.

What we believe

The Uniting Church in Australia (The Church) believes that all people, including children, are made in the image of God. As a Christian community we believe that God reaches out to us in love and acceptance, and that our relationships with each other should express love, care and respect (*Safe Place Position Statement* developed by the UCA Commission on Women and Men in 1997). Central to living out the gospel is to love God and to love others. As a community of faith, we are committed to providing safe environments for all people, including children, so that they may live life in all its fullness. We also acknowledge the rights of children as detailed in the *Convention on the Rights of the Child* (United Nations, 1990, article 49) that States shall protect children from physical or mental harm and neglect, including sexual abuse and exploitation.

Children are gifts of God to be received, welcomed and to be cared for responsibly and justly. The Gospel also directs us to listen to and learn from children. In *On the Way Together* (1998) it is affirmed that “children in the Uniting Church in Australia are nurtured in Christian faith and discipleship, experiencing relationships which promote trust, cooperation, honesty, positive valuing of persons, responsibility and Christian service.” It adds that the church “affirms the value and the rights of children as human beings as it listens to, guides, protects, advocates for, and empowers children within its own communities and the wider community.”

Unfortunately not all children are protected from harm. Abuse occurs across all areas of society. Some adults will look to find opportunities to form special relationships with children which may become exploitative. Whilst children, parents and the Church should be aware of ‘stranger danger’, most people who sexually abuse children are known to the victim through family, friends, school, sports groups, church and other community-based activities.

The Uniting Church abhors the crime of child abuse. To know that innocent and trusting children have been preyed upon within the Church - which is devoted to the care, protection and well-being of the most vulnerable - is deeply distressing. We are committed to do everything we can to achieve justice for those who have been abused and to create an environment where children are safe.

Some children in the care of the Church have been subjected to a variety of forms of abuse. Abuse can be by an adult to a child or by one child to another child. We know this through the experiences shared with us by those who have come forward in recent years and also through the experiences documented in the Senate inquiries into the treatment of Aboriginal children, children placed in children's homes and other forms of care. We also know this from shared experiences of child migrants who came to Australia from the United Kingdom. We know this through the work of the Royal Commission and other state based inquiries. Abuse has occurred in agencies, schools,

congregations and associated activities.

In our *Apology to the Forgotten Australians* (2004) we stated:

On behalf of the Uniting Church and our agencies, we apologise unreservedly for any physical, psychological or social harm that might have occurred. We deeply regret that some children were let down while in the care of the Uniting Church and former Methodist, Presbyterian and Congregational Churches. The recent Senate Inquiry into children in Institutional Care highlighted a number of cases where children suffered at the hands of caregivers. The inquiry painted a disturbing picture of life for many young people who lived in institutional care. The Uniting Church through its agencies managed a number of these facilities and we accept that sadly some did not provide the love, nurturing and care that the children in them so rightly deserved. The Inquiry highlighted the flaws in institutional care models and the need to ensure they are never repeated.

The *Uniting Church Values Statement* issued by the Assembly Standing Committee (2013) affirms that we:

will not hide from the truth, however painful it may be, and we will seek, with compassion and humility, to address whatever issues and challenges may emerge for us. We will say "sorry" to anyone who was neglected and abused when in our care and, in consultation with those so affected, actively seek for ways to make amends for what happened in the past and identify how we can best offer support into the future.

The Uniting Church has strong theological foundations to its commitment not to tolerate child abuse and to address the injustice of this abuse. Acknowledgement of wrongs is captured in the *Basis of Union*, which states that "The Uniting Church prays that through the gift of the Spirit, God will constantly correct that which is erroneous in its life" (*Basis of Union*, para.18).

Our values

The Uniting Church's values which apply to the care and protection of children include:

Compassion	We will deal with children compassionately and with an understanding of their vulnerabilities.
Respect	We respect the boundaries of professional relationships and respect the rights of every person to feel safe while in contact with our services.
Justice	We will seek justice for those who have been harmed.
Working together	We will work together to create a culture of individual and collective responsibility for the safety and wellbeing of children and to create friendly, welcoming spaces for children.
Leading through learning	We will be leaders by undertaking a continuous improvement approach to the protection of children and to offering child friendly services.

Policy statement

All children who are involved in any of the Uniting Church's activities, services, events or programs have a right to feel and be safe. The Church is committed to provide safe environments where

children are cared for, respected, nurtured and sustained.

Abuse thrives on secrecy. To prevent child abuse across the Church, we are committed to developing and maintaining an open and aware culture.

The Church commits itself to the creation and maintenance of a child safe culture to ensure the care, protection and safety of all children engaging with the Church in any of its entities.

We will do all in our power to safeguard children from all forms of abuse. The Church clearly affirms its commitment to upholding the law. This includes the requirement to report abuse.

Definitions

'Child' refers to anyone under the age of 18 years.

'Abuse' refers to both adult to child abuse and child to child abuse. Abuse and neglect includes but is not limited to:

- Physical abuse – when a person purposely injures or threatens to injure a child or young person.
- Emotional abuse – an attack on a child or young person's self-esteem such as bullying, name calling, threatening, ridiculing, harassing, intimidating or isolating the child or young person.
- Family violence – when a family member, partner or ex-partner attempts to physically or psychologically dominate the other.
- Sexual abuse – any sexual act or sexual threat imposed on a child.
- Grooming – predatory conduct undertaken to prepare a child for sexual activity.
- Neglect – where a child is harmed by the failure to provide the basic physical and emotional necessities.

'Staff and volunteers' refers to all relevant (according to the context in which it appears) persons, and may include board/council members, employees, volunteers, parents, carers, presbytery members, Church council members, elders, congregation members, people in the specified ministries of the Church, and any other person with responsibility for the care of children.

Scope

This policy framework applies to all entities and individuals associated with the Uniting Church in Australia who engage in child related services or activities. Entities of the Church include but are not limited to congregations, presbyteries, Synods, the Assembly, agencies and schools. The framework will also be implemented by specific groups that are established to deliver programs which involve children. It will be implemented by board/council members, employees, volunteers, children, parents, carers, presbytery members, Church council members, elders, congregation members, people in the specified ministries of the Church, and any other person with responsibility for the care of children.

Our commitment

The Uniting Church embraces the Australian Children's Commissioners and Guardians jointly endorsed principles for child safe organisations. In summary, they outline that key features of a child safe organisation include:

- Taking preventative action, including having a child safe policy and ongoing review;
- Proactively working to raise awareness and implementing policies and procedures which ameliorate risk;

- Responding immediately where child safety concerns arise;
- Empowering all, including children, to participate. Ensuring children know who to talk to and that they feel comfortable in discussing that they do not feel safe;
- Fostering a culture of openness that supports all persons to safely disclose risks of harm to children;
- Respecting diversity in cultures and child rearing principles while keeping child safety paramount;
- Providing written guidance on appropriate conduct and behaviour towards children;
- Engaging only the most suitable people to work with children and having high quality staff and volunteer supervision and professional development; and
- Reporting suspected abuse, neglect or mistreatment promptly to the appropriate authorities, including police and other statutory authorities.

Therefore we will provide a safe environment for children by ensuring that we:

1. Provide an open environment

We will promote individual and collective responsibility for the safety and wellbeing of children. We will communicate openly and honestly. We will be open to external feedback and advice. We will be transparent and accountable. We will educate staff, volunteers and children to raise any concerns they have about children's safety through the creation of a child-friendly environment. In particular, this means listening to and believing children who raise concerns. We will have an accessible, responsive and fair complaints process in place.

2. Have clear codes of conduct

We will adopt and implement codes of conduct for all adults who interact with children, including setting clear boundaries of behaviour between adults and children. We will provide guidance to children about expectations of their interactions with other children and be clear about what is unacceptable behaviour.

3. Adopt clear procedures

Each Uniting Church entity will have child safe procedures in place appropriate to their setting. These will include procedures for risk assessment and plans for mitigation using evidence based good practice.

4. Recruit well

We will adopt practices of recruitment and screening of staff and volunteers in child-related roles that enhance the possibility of a child safe environment. We will adopt and implement evidence-based practice standards in the recruitment and screening of employees and the engagement of volunteers and others who work with children. As a requirement of employment or volunteering with the Church in child-related roles, our recruitment practice includes conducting referee checks and working with children checks for all employees and volunteers. Where appropriate we will conduct national criminal history checks. A statement of our commitment to child safety will be included in all our child-related employment advertisements and position descriptions. We will communicate to prospective staff and volunteers our values and expectations, including around child safety, and ensure that they display willingness to work within the values and practices of the organisation.

5. Provide orientation and training

Building a child-safe culture requires informed and supported individuals who understand their role in ensuring a safe environment for children. We will provide initial and ongoing training for staff, volunteers, and others engaged in the care of children to:

- Raise awareness of child sexual abuse, grooming and mandatory reporting;

- Raise awareness of appropriate/inappropriate behaviour;
- Ensure understanding of the process for handling complaints and/or allegations; and
- Ensure understanding of the requirements of a child safe environment.

6. Undertake strong planning and supervision

We will undertake careful planning and supervision of the programs involving children and activities we provide to children. Screening of staff and volunteers who work with children is an ongoing process through continuing oversight and maintenance of current working with children check and national criminal history records. We will document suspicious behaviour, complaints and expressed concerns. We will provide supervision of staff and volunteers that includes disciplinary action where they do not adhere to the organisation's policies and practices.

7. Provide support

We will not tolerate harm to children. We will support those who raise concerns about the safety of children and/or who are affected by child abuse within the Church. This includes children, families, staff, volunteers, people in specified ministries and congregational members.

Appropriate support will also be provided to those against whom allegations have been made.

8. Support, investigation and reporting

We will have a clear process for responding to those who have been harmed or potentially harmed. Where a complaint of abuse of a child becomes known it will be immediately reported to the authorities, including police and other statutory authorities, and steps must immediately be taken to assess and minimise any risk or harm. The Church mandates any person who is aware of or suspects child abuse to make a report to the authorities. We will support relevant authorities' investigations into any concerns about children and/or allegations of abuse or harm towards children. We will clearly document all instances and action taken. While investigations are being conducted we will ensure child protection measures are in place. In cooperation with police and other authorities, we will conduct our own inquiries in order to identify opportunities for child safe practice improvements.

9. Review

We will monitor the implementation of our child safe policies and procedures. We will review incidents and reports. We will review and continuously improve our policies and procedures, introducing changes as required.

10. Keep good records

We will keep consistent, full, accurate, up-to-date records and use the information from those records to identify trends, identify and manage risks, and improve our child safe policies and practices. We will observe legislative requirements regarding privacy and confidentiality and respect the need to preserve the integrity of police and other investigations.

Implementation

Each Synod is expected to develop suites of policies, practices, auditing programs and training modules regarding children and vulnerable adults in line with this framework. In addition, some agencies and schools have mandated provisions under their accreditation and registration requirements.

It is expected that all Uniting Church entities will develop and regularly review appropriate policies and processes which are consistent with this framework.

Councils of the Church with oversight responsibilities should ensure that this framework is implemented by bodies within their oversight.

Version control

Version number	Developed by	Approved by	Date	Review date
1	Royal Commission National Task Group working group	Assembly Standing Committee	August 2015	August 2017

Appendix 1: Background

In addition to the increased focus in the media on instances of child sexual abuse as highlighted by high profile offenders, over the past couple of decades there has been a series of formal government inquiries which have placed a spotlight on this issue. These Inquiries have given voice to those who have been abused. They have been able to tell of the appalling things they experienced and the immediate and long-term impacts on their lives. The recent Inquiries include the Reports on the *Stolen Generations (1997)*; *the Child Migrants (2001)*; *the Forgotten Australians (2004)*, and the *2014 Victorian Inquiry Report: Betrayal of Trust*; the *Commission of Inquiry into Abuse of Children in Queensland Institutions (1998-1999)* (Forde Inquiry); and the *Commission of Inquiry into Children in State Care 2004-2008* (Mulligan Inquiry).

The Victorian Inquiry has resulted in new legislation for the state. New criminal offences have been legislated in Victoria. These are, in summary, the three criminal offences of:

- Grooming, which is predatory conduct undertaken to prepare a child for sexual activity at a later time;
- Adults' failure to report criminal child abuse to the police; and
- Failure by those with responsibility within an organisation to remove or reduce a substantial risk that a child may be sexually abused.

Such legislation may well be enacted in other jurisdictions in the foreseeable future.

In 2013 the Commonwealth established the *Royal Commission into Institutional Responses to Child Sexual Abuse*. In June 2014 the Commission issued its *Interim Report* which draws on what it has learnt so far from individual submissions conversations, public hearings (into specific organisations) and research. What it has detailed so far with regard to developing Child Safe Organisations has informed the framing of this policy.

The Royal Commission has seen from the private and public hearings that the major risks for the occurrence of child sexual abuse in institutions are:

- Lack of awareness of the prevalence, nature and impact of sexual abuse
- Lack of knowledge, leading to downplaying or dismissal of warning signs
- Not knowing how to respond when abuse is suspected, detected or disclosed
- Not fostering a child friendly environment which facilitates disclosures
- Placing more value on reputation than safety of children

(Interim Report 2014, Volume 1, p.141).

Appendix 2: Legislation, policies, reports, resources

The following underpin this policy framework.

Legislation

Australian Capital Territory

Children and Young People Act 2008 (ACT)

Crimes (Child Sex Offenders) Act 2005

New South Wales

Children and Young Persons (Care and Protection) Act 1998

Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)

Children and Young Persons (Care and Protection) Amendment Bill 2009

Child Protection (Offenders Registration) Act 2000 (NSW)

Crimes Act 1900 (NSW)

Commission for Children and Young People Act 1998 (NSW)

The Ombudsman Act 1974 (NSW)

Child Protection (Offenders Registration) Act 2000

Northern Territory

Care and Protection of Children Act 2007 (NT)

Child Protection (Offender Reporting and Registration) Act 2004

Queensland

Public Guardian Act 2014 (Qld)

Child Protection Act 1999 (Qld)

Working with Children (Risk Management and Screening) Act 2000

South Australia

Children's Protection Act 1993 (SA)

Child Sex Offenders Registration Act 2006

Tasmania

The Registration to Work with Vulnerable People Act 2013 (Tas)

The Children Young Persons and their Families Act (1997)

Victoria

The Crimes Amendment (Grooming) Act 2014

The Crimes Amendment (Protection of Children) Act 2014

The Working with Children Act 2005 as amended 2014

The Child Youth and Families Act (2005) as amended 2007

The Child Wellbeing and safety Act (2005)

Sex Offenders Registration Act 2004

Western Australia

Children and Community Services Act 2004 (WA)

Working with Children (Criminal Record Checking) Act 2004 (WA)

Child Care Services Act 2007

Community Protection (Offender Reporting) Act 2004

Royal Commission

Interim Report Volumes One and Two (June 2014) Royal Commission into Institutional Responses to Child Sexual Abuse

Government

Schedule 1 – Guidelines for Building the Capacity of Child Safe Organisations (2005) National Framework for Creating Child Safe Environments for Children: Organisations, Employees and Volunteers

Inquiry into the Handling of Child Abuse by Religious and Other Organisations Report: Betrayal of Trust (2014) Victorian Government

Uniting Church

Member or Adherent Sexual Abuse and Sexual Misconduct Complaints Policy, Uniting Church in Australia (December 2014)

Response to Royal Commission *Issues Paper 3 Child Safe Institutions* (October 2013) Uniting Church in Australia

Uniting Church 'Values Statement' in Relation to the Royal Commission into Child Sexual Abuse (2013) Uniting Church in Australia

Code of Ethics and Ministry Practice (January 2010) Uniting Church in Australia

A Safe Place for Children (1999) Uniting Church in Australia

On the Way Together (1998) Uniting Church in Australia

Creating a safe environment for children and vulnerable adults in our Church: Children (April 2013)

Congregational Policy: *National Criminal History Checks* Synod of Victoria and Tasmania

Congregational Policy: *Volunteers*

Other resources

Submission to *Issues Paper 3* (October 2013) Centre for Excellence in Child and Family Welfare

Principles for Child Safety in Organisations Australian Children's Commissioners and Guardians

A Guide to Creating a Child-safe Organisation (July 2006) Child Safety Commissioner of Victoria

Choose With Care – 12 steps to a child safe organisation Child Wise

Wise up to sexual abuse – a guide for parents and carers Child Wise

Child Grooming Trisha Randhawa and Scott Jacobs Child Wise