



Procedure for Responding to Child Protection Concerns

Adopted by Southern Illawarra Church of Christ Board on 23.10.2022

Purpose

The ***Procedure for Responding to Child Protection Concerns*** (*the Procedure*) sets out a procedure to follow when a complaint or information about any form of child protection concern is received. In NSW this includes a Child Abuse Offence, Child Sexual Abuse, Sexual Misconduct involving a Child, or that a child is at Risk of Significant Harm.

The Church and its staff and volunteers have legal obligations to report certain information to government authorities, this includes duties under the *Crimes Act 1900* (NSW), *Ombudsman Act 1974* (NSW), *Children and Young Persons (Care and Protection) Act 1998* (NSW) and the *Children's Guardian Act 2019*.

Some of these duties apply to the church as an organisation or to church leaders, some of the duties apply to individuals. In some circumstances, failing to report knowledge of child abuse incidents to NSW Police may be a criminal offence. This *Procedure* has been developed to address all relevant duties in a way that is both thorough and practical.

Scope

This Procedure applies to all staff and volunteers of the Church.

If you have any doubt as to whether a complaint or information would fall within the scope of this Procedure, or about any of the steps set out in this Procedure, contact the Churches of Christ NSW / ACT Safe Ministry Practices Leader on (02) 8573 6000.

The Procedure should be read in conjunction with the Safe Church Policy and:

- *Procedure for Handling Complaints Against Staff and Volunteers*
- *Safe Church Concerns Form*

1. Safe Church Team and Team Leader

The Safe Church Team within SiCoC will assist the Senior Minister and Leadership Board to comply with child protection screening requirements; as per the Safe Church Team Role Description.

2. Receiving a complaint or identifying a child protection concern

A child protection concern may include concerns regarding:

- a child at Risk of Significant Harm,
- a Child Abuse Offence,
- Child Sexual Abuse,
- Sexual Misconduct involving a child,
- Physical abuse of a child,
- Serious neglect of a child,
- Behaviour which may psychologically harm the child,
- Inappropriately personal or intimate communication and/or behaviours which may constitute grooming,
- Exposure of a child to Domestic and Family Violence, or
- Any other reason for concern.

A child protection concern may be received:

- from a child who has been directly involved;
- from an adult who has been directly involved (including personal disclosures of wrongdoing);
- from another person with information about a child or adult;
- from another organisation with information about a child or adult;
- from staff or volunteers who have concerns based on their observations and interactions with one or more children or adults.

If someone raises a concern or reports an allegation:

- DON'T promise not to report the information
- DON'T ask leading questions
- DON'T attempt to assess the validity of the concern, or seek to investigate any allegation yourself
- DO clarify information reported to you if appropriate (for example, 'Can you tell me more about that?')
- DO assure the person that appropriate action will be taken
- if a child, DO reassure them that they are not at fault and that they will not be in trouble for sharing this information

If a staff member or volunteer has a concern about a child's wellbeing but have not received any specific information, they may report the concern using the *Safe Church Concerns Form*.

3. Consider whether there is an immediate danger to a child

Where there is an **immediate** danger to a child

- contact the Police immediately on (131 444 or 000) and report the information;
- follow any instructions given by the Police;
- address any immediate safety needs of others present; and
- organise support for the person who has disclosed the complaint or information.

4. Internal Reporting

4.1 Complete Safe Church Concern Form

If a staff member or volunteer has or is notified of a child protection concern, they should complete a *Safe Church Concerns Form* as soon as possible. This form should include relevant details of the concern, contact information, and the signature of the person completing the form.

a) Notify the Safe Church Team

- i. If a staff member or volunteer has or is notified of a child protection concern they must inform the Safe Church Team as soon as possible. The Safe Church Team is responsible for ensuring the church fulfils its legal obligations and ensuring that all concerns are managed appropriately.
- ii. If there is any delay before the Safe Church Team can be contacted, the individual should consider whether it is necessary to report their concerns to external government agencies as outlined in step 4 below. They may contact the Fresh Hope Safe Ministry Practices Leader on (02) 8573 6000 for advice.
- iii. Staff and volunteers should ensure they do not discuss any concerns raised with the accused person at this point in time. Doing so may impede future investigation processes.
- iv. If the concern raised would create a conflict of interest for a member of the Safe Church Team consider contacting the Fresh Hope Safe Ministry Practices Leader on (02) 8573 6000 for advice.

5. External Reporting to Government Agencies

a) Safe Church Team responsibilities

The Safe Church Team should

- ensure all necessary reports are made. Reports to different government agencies is required for different purposes and therefore multiple reports may be required.
- keep detailed contemporaneous notes of all information and steps taken.
- should also follow all relevant steps outlined in *the Procedures for Handling Complaints Against Staff and Volunteers*.

b) Report Risk of Significant Harm to Department of Communities and Justice (formerly known as FACS or DOCS)

- If the Safe Church Team determine that there is a child at Risk of Significant Harm then they are to make a report as soon as possible to the NSW Child Protection Helpline via 132 111 or an e-report.
- If there is any doubt whether a concern would be considered a Risk of Significant Harm then the Safe Church Team should complete the Mandatory Reporter Guide (MRG) at <https://reporter.childstory.nsw.gov.au/s/mrg>.
- If the MRG results in 'Immediate Report to the Child Protection Helpline', make a report as soon as possible via 132 111 or an e-report.
- The MRG result may suggest other actions be taken. Please contact the Fresh Hope Safe Ministry Practices Leader on (02) 8573 6000 if any assistance is required.
- The Safe Church Team should keep a copy of the MRG report for their records.

Children and Young Persons (Care and Protection) Act 1998 (NSW)

27 Mandatory reporting

(1) This section applies to—

- (a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and
- (b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.
- (c) a person in religious ministry, or a person providing religion-based activities to children, and
- (d) a registered psychologist providing a professional service as a psychologist.

(2) If—

- (a) a person to whom this section applies has reasonable grounds to suspect that a child is at risk of significant harm, and
 - (b) those grounds arise during the course of or from the person's work,
- it is the duty of the person to report, as soon as practicable, to the Secretary the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

23 Child or young person at risk of significant harm

(1) For the purposes of this Part and Part 3, a child or young person is at risk of significant harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances—

- (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- (b1) in the case of a child or young person who is required to attend school in accordance with the Education Act 1990—the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- (d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- (e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- (f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

(2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

c) Report Child Abuse Offences to Police

- If the Safe Church Team considers that a Child Abuse Offence may have been committed, they must report this to the NSW Police regardless of whether the victim of the alleged abuse wants this report to be made.
- The requirement to report to NSW Police includes both recent incidents and allegations of historic abuse. The Safe Church Team should notify the Church Leadership Board, Fresh Hope Safe Ministry Practices Leader on (02) 8573 6000 of any allegations of a Child Abuse Offence.
- Failing to Report a Child Abuse Offence to NSW Police without a reasonable excuse may be considered a Concealing Child Abuse Offence which is punishable by up to two years imprisonment.

Concealing Child Abuse (Failure to Report) Offence

If an adult fails to report a Child Abuse Offence to the NSW Police this may constitute a Concealing Child Abuse Offence under s316A of the Crimes Act if they:

- believe, know or reasonably ought to know that a Child Abuse Offence has been committed against another person; and
- believe, know or reasonably ought to know that they have information that might be of material assistance to the NSW Police in securing the apprehension, prosecution or conviction of the person who has committed that offence; and
- do not have a 'reasonable excuse' not to report the information.

Reasonable excuses for not reporting to Police may include

- If you believe (on reasonable grounds) that the information is already known to Police;
- If you have made a Report/ to another government body such as Department of Communities and Justice, Ombudsman or the Office of the Children's Guardian
- If the alleged victim is no longer a child and you have reasonable grounds to believe that the person does not want the information reported to Police;
- If you have reasonable grounds to fear for the safety of the alleged victim or any other person (other than the offender) if the information is reported to Police

d) Report Allegations of Reportable Conduct to the Office of Children's Guardian

Under section 66(2) of the *Children's Guardian Act 2019*, for the purposes of the Reportable Conduct Scheme, the Church Leadership Board may choose to delegate responsibilities under the Reportable Conduct Legislation to the Safe Church Team.

In the event of receiving any allegations that any staff or volunteer who is required to hold a Working With Children Check has engaged in Reportable Conduct, the Church Leadership Board, or delegate must:

- notify the Reportable Conduct Scheme (administered by the Office of the Children's Guardian) as soon as practicable, but within a maximum of 7 business days from receiving the complaint or information (see Section 2.2 of the *Procedures for Handling Complaints Against Staff and Volunteers*).
- As soon as practicable, conduct an investigation or appoint a suitable person to conduct an investigation regarding the reportable allegation (see Section 6 of the *Procedures for Handling Complaints Against Staff and Volunteers*).
- Provide a written Interim Report to the Reportable Conduct Scheme within 30 days of receiving information about the Reportable Allegation (see Section 11 of the *Procedures for Handling Complaints Against Staff and Volunteers*).

Children's Guardian Act 2019

20 Meaning of "reportable conduct"

Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded—

- a) a sexual offence,
- b) sexual misconduct,
- c) ill-treatment of a child,
- d) neglect of a child,
- e) an assault against a child,
- f) an offence under section 43B or 316A of the Crimes Act 1900,
- g) behaviour that causes significant emotional or psychological harm to a child.

6. Accountability Measures

a) Report back to person making initial notification

- As soon as is practicable (no longer than 48 hours after notification), the Safe Church Team must inform the person completing the initial *Safe Church Concerns Form* of what action they have taken including any reports made and the 'report number' for reports to NSW Police or the NSW Child Protection Helpline.
- If the Safe Church Team determines that it is not necessary to make a report to NSW Police, or the NSW Child Protection Helpline, the person who completed the initial *Safe Church Concerns Form* may choose to make a report to NSW Police, or the NSW Child Protection Helpline themselves in order to ensure that they have not breached s316A of the *Crimes Act 1900* (NSW), or obligations under the Mandatory Reporting legislation.

b) Report to Fresh Hope

If a Child Protection Concern has been reported to any government agency the Safe Church Team should advise the Fresh Hope Safe Ministry Practices Leader via email on admin@freshhope.org.au of the matter for filing in Fresh Hope's confidential records, and to seek confirmation that the matter has been managed appropriately.

7. Recordkeeping

The Safe Church Concerns Form, Mandatory Reporters Guide report (if completed) and detailed notes of action taken in relation to any Child Protection Concern must be kept secure for a minimum of 45 years.

8. Advice and Support

If you have questions about whether a report should be made, please contact the Fresh Hope Safe Ministry Practices Leader on (02) 8573 6000 for advice, guidance and support.

9. Abuse: Definitions and Indicators

Regarding indicators of abuse, a one-off indicator is rarely sufficient to establish abuse. Usually there will be a number of signs observed over a period of time. It is important to avoid jumping to conclusions.

9.1 Physical Abuse

9.1.1 Definition

Physical abuse refers to non-accidental injury to a child by a parent, caregiver or another person responsible for the child. It includes injuries which are caused by excessive discipline, severe beatings or shakings, bruising, lacerations or welts, burns, fractures or dislocation, female genital mutilation, attempted suffocation or strangulation and death.

9.1.2 Indicators of Physical Abuse

- Facial, head and neck bruising and other injuries
- Lacerations and welts from excessive discipline or physical restraint
- Explanation offered by the child is inconsistent with the injury
- Other bruising and marks which may show the shape of the object that caused it (eg. hand print, buckle)
- Bite marks and scratches where the bruise may show a print of teeth
- Multiple injuries or bruises
- Ingestion of poisonous substances, alcohol or other harmful drugs
- Dislocations, sprains, twisting
- Burns and scalds
- Reluctance to be involved in sport or other physical activities when previously interested
- Difficulties with toileting
- Reluctance to be seen in clothing that may reveal abuse (eg. swimming costume)

9.2 Emotional Abuse

9.2.1 Definition

Emotional abuse encompasses a range of behaviours that harm a child. It is behaviour by a parent or caregiver that can destroy the confidence of a child resulting in significant emotional deprivation or trauma. It involves impairment of a child's social, emotional, cognitive and intellectual development and/or a disturbance of a child's behaviour.

9.2.2 Indicators of Emotional Abuse

- Feelings of worthlessness about life and themselves
- Inability to value others
- Lack of trust in people and expectations
- Lack of interpersonal skills necessary for adequate functioning
- Extreme attention seeking behaviour
- Other behavioural disorders, such as disruptiveness, aggressiveness, bullying

9.3 Sexual Abuse and Misconduct

9.3.1 Definition

Sexual abuse or misconduct includes:

- Any form of unwanted sexual behaviour, whether by acts or words, including sexual harassment,
- Any form of sexual behaviour involving a child or young person
- Under some circumstances, sexual behaviour which appears to be consensual, if that behaviour takes place in the context of a pastoral relationship or a church worker's activities of a non-pastoral nature.

9.3.2 Indicators of Sexual Abuse

A child:

- Describes sexual acts
- Gives direct or indirect disclosures
- Exhibits age-inappropriate behaviour and/or persistent sexual behaviour
- Exhibits self-destructive behaviour, drug dependency, suicide attempts, self-mutilation
- Goes to bed fully clothed
- Has injuries such as tears or bruising to the genitalia, anus or perineal region
- Has indications of trauma to the breasts, buttocks, lower abdomen or thighs.

9.4 Neglect

9.4.1 Definition

Neglect is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

9.4.2 Indicators of Neglect

- Poor hygiene or health
- Inappropriate dress for weather conditions
- Extended stays at other people's houses or at church premises after event has finished
- extreme longing for adult affection
- Self-comforting behaviour eg rocking, thumb sucking
- Delays in developmental milestones
- Low weight for age and/or failure to thrive and develop
- Untreated physical/medical problems
- Extreme anxiety about being abandoned
- Inadequate supervision at home for their age
- Scavenging or stealing food