



# CHILD PROTECTION POLICIES

## MANUAL

## **Child Protection Policy**

All workers (Ministers, Pastors, employees and volunteers) of Westlakes Baptist Church who are involved in the ministry to children and/or youth are expected to comply with this policy and associated procedures.

These policies primarily relate to “Professional Standards” procedures and processes. For Work Health & Safety Policies refer to the relevant church/organisational Work Health & Safety Document (WHS).

This document has been produced in conjunction with:



CHILD ABUSE  
CONSULTANCY  
EDUCATION &  
TRAINING





**SECTION 1:  
CHILD PROTECTION POLICY**

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## 1. Definitions:

“WBC” and “Westlakes Baptist Church” are Westlakes Independent Baptist Church Inc. (Associations Act)

“**Child abuse**” is any significant conduct towards a child that is or may be detrimental to that child’s physical, mental or emotional wellbeing, and includes neglect of the child. (Refer to relevant state/territory mandatory reporting legislation)

“**Child**” or “**children**” are persons under the age of 18 years at the time of the alleged abuse.

“**CPL**” is the relevant state/territory children’s protection legislation

“**Employer church/organisation**” is a member of the relevant church/organisation which employs the worker.

“**Mandatory reporting**” is the relevant state/territory mandatory reporting/ notification legislation.

“**Member church/organisation**” is the relevant church/organisation.

“**Reasonable suspicion**” (and including related phrases) is a slight opinion based on some credible evidence which is more than speculation, but less than a positive belief.

“**Victim**” is a child who is reasonably suspected of being subject to child abuse.

“**Worker**” is a minister, pastor, employee of or volunteer of an employer church/ organisation who is involved in the ministry of that church/organisation to children.

“**WWCC**” - is the relevant state/territory Working with Children Check

## 2. Preamble

The objects of this policy are to protect as far as possible children from child abuse and to ensure their safety and wellbeing.

## 3. Protection for children

3.1 The safety and wellbeing of children is to be the paramount consideration insofar as it is within the power of the relevant church/organisation to promote it.

3.2 Children are to be protected from any form of child abuse.

3.3 In dealing with child abuse relevant church/organisation is to put the interests of victims and children generally above those of any church/organisation.

#### 4. Mandatory reporting

Workers are to comply fully with their obligations of mandatory reporting/ notification under the relevant CPL.

#### 5. Other cases of suspected child abuse

5.1 Where child abuse is not reportable under the CPL and:

- Is reasonably suspected in the course of the duties of a worker; and
- The victim and/or the suspected perpetrator are associated with
  - the worker's employer church/organisation,
  - another member church/organisation, but not the worker's employer church/organisation;

the worker, and the relevant church/organisation will act in the best interests of the victim and children generally.

5.2 In any other case where a worker reasonably suspects child abuse, that worker is to be encouraged to report it under the CPL and to act in the best interests of the victim and children generally.

#### 6. Involvement of child abusers in church/organisation activities

Where the **Westlakes Baptist Church** knows, believes or reasonably suspects that any person associated with the relevant church/organisation is or has been a perpetrator of child abuse, it will act to protect children from abuse by that person.

#### 7. Co-operation with authorities

**Westlakes Baptist Church** and workers will responsibly and reasonably co-operate with government law enforcement and child protection agencies.

#### 8. Interim measures pending determination of child abuse allegations.

Where a worker is reasonably suspected of child abuse, his or her continued employment with **Westlakes Baptist Church** during the period taken to make a final determination of whether that worker is guilty of any child abuse is to be determined by an independent committee.

## 9. Training

**Westlakes Baptist Church** will provide specialised and regular training for workers in child protection issues. Training records will be maintained.

## 10. Ministry/organisational covenants

All workers who do not have a current written employment contract are to enter into a ministry/organisational covenant dealing with their suitability to be workers and agreeing to these policies and child protection procedures.

## 11. Manual of procedures

**Westlakes Baptist Church** will publish a manual containing recommended procedures for implementing these child protection policies.

## 12. Review of policies

These policies will be subject to ongoing review.





## **SECTION 2: CHILD PROTECTION PROCEDURES MANUAL**

Part 'A'	What is child abuse?
Part 'B'	Child safety responsibilities
Part 'C'	Miscellaneous

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1. Preamble

This manual sets out recommended procedures to give effect to the Child Protection Policies of the **Westlakes Baptist Church**. Individual churches/organisations associated with **Westlakes Baptist Church** may adopt all or some of these procedures, but paragraph 4 on mandatory reporting cannot be modified and applies regardless of its adoption.

2. Definitions

Unless the context otherwise requires:

“**CARA.**” is the relevant child abuse reporting authority in line with state/territory reporting requirements

“**Child**” or “**children**” are persons under the age of 18 years at the time of the alleged abuse.

“**Child Abuse**” – see paragraph 3.

“**CPO**” (**Child Protection Officer**) is the person/s appointed to act as a focal point for children, young people, parents and church/organisational management/leadership

“**Current National Police Check**” is a National Police check that has been undertaken within the previous three (3) years

“**Working with children check**” is a check in accordance with the laws of some states and territories that are required as an additional part of the National Police Check

“**Employer Church/organisation**” means a member church/organisation of **Westlakes Baptist Church** which employs the worker.

“**Leader**” is any person (paid or voluntary) over the age of 18 years who is responsible for the control or management of persons placed in their care whilst holding a formal position in **Westlakes Baptist Church**

“**Manager/Pastor**” means a person who has been formally appointed or endorsed by a church, denomination or organisation to exercise ministry and management which involves the oversight of the church/organisation and appointed ministry and/or organisational management team.

“**Member Church/organisation**” means a church/organisation which is a member of **Westlakes Baptist Church** and which has adopted the applicable part of this manual.

Where the context so permits it, it includes **Westlakes Baptist Church** .

**\*\* (Where applicable) “POC Policy”** means the relevant ‘Person of Concern’ policy sometimes known as a ‘known sex offender’ policy. This policy will set out clear guidelines to churches/organisations in relation to the assessment and management of known sex offenders within churches/organisations. The objective of this policy is to ensure the highest levels of protection and accountability and the minimisation of risk in line with relevant state/territory church/organisational policies in this regard or those of the relevant insurer conditions and requirements.

“**Senior Pastor/manager**” is the senior pastor/manager in a Member Church and/or organisation which has multiple pastors/managers, but where a suspected perpetrator of

child abuse is the senior pastor, a manager/manager or someone closely associated with him or her.

“**Victim**” means a child who is, or is reasonably suspected of being, subject to child abuse or potentially subject to child abuse.

“**WHS**” is the relevant state/territory Work Health & Safety legislation.

“**Worker**” is a pastor, employee or volunteer, whether paid or unpaid, of an Employer Church/organisation who is involved in the ministry of that church/organisation with children.

#### PART ‘A’: WHAT IS CHILD ABUSE?

### 3. What is child abuse?

3.1 Abuse is a misuse of power by the abuser over the victim. An abuser is usually someone older and more mature than the victim, but an abuser can be another child. While most abusers are in a position of authority over the child, such as a parent, teacher or caregiver or the like, it can be anyone whose actions directly affect the child.

3.2 Abuse can take a variety of forms which include:

3.2.1 Physical abuse where victims suffer, or are likely to suffer, significant harm to their bodies.

3.2.2 Emotional abuse which is a chronic attack on the victim’s self-esteem including by exposure to a dysfunctional environment including domestic violence.

3.2.3 Sexual abuse where the abuser’s conduct towards the victim, viewed objectively, is for the sexual gratification of the abuser. It can include

- Fondling or inappropriate touching
- Oral sex
- Vaginal/Anal penetration
- Digital penetration
- Exposure/involvement of a child to/in pornographic material
- Involvement in child prostitution
- Child pornography

3.2.4 Neglect, which is the failure of a carer for a child to provide a child with the basic necessities of life, and which can occur by deliberate action or inaction, and can stem from an inability to understand and provide basic necessities such as food, clothing, shelter, hygiene, medical treatment and supervision.

### 4. Where reporting of child abuse to a CPO or senior pastor/manager is required

4.1 This obligation is placed on all workers by the relevant state/territory child protection act. It is a criminal offence not to comply with this obligation without a lawful excuse. No church or organisation can negate or modify this obligation (refer Appendix ‘A’).

4.2 If, but only if and where the relevant state/territory legislation requires it, each of A, B and C below is satisfied for an incident of suspected child abuse, the worker/suspects must notify the relevant state/territory CARA of that suspicion

as soon as practicable after he/she forms a reasonable suspicion (see paragraph 4.3 below) that:

- A. There is conduct in relation to a child which is:
  - (a) Sexual abuse (see paragraph 3.2.3 above); or
  - (b) Other abuse or neglect which causes, or is likely to cause, physical or emotional injury which is detrimental to the child's wellbeing or which puts the child's physical or psychological development in jeopardy. (Hence abuse, other than sexual abuse, which does not result in these consequences is not required to be reported under the CPL);
- B. Such conduct is reasonably suspected by the worker to have occurred, or to be occurring; and
- C. That reasonable suspicion is formed in the course of working for the **Westlakes Baptist Church**. (A suspicion based on what is seen or heard elsewhere may not have to be reported under the relevant state/territory act. Reports can be made regardless).

4.3 Reasonable suspicion for the purposes of 4.2B above is a slight opinion based on some credible evidence which is more than speculation, but less than a positive belief. It must be based on some, albeit slight, positive evidence of the conduct and, for other than sexual abuse, of the requisite consequences. However, if a worker positively disbelieves what he/she has been told there can be no reasonable suspicion. It does not require proof that any child abuse has or is to occur.

4.4 Reporting to CARA is done by telephoning/notifying the relevant state or territory Child Abuse Report Authority. On-line reporting is available in some jurisdictions.

4.5 Where a report is made under 4.1, but only if the child and/or the suspected perpetrator is associated with **Westlakes Baptist Church**, the worker must immediately inform the Senior Pastor/manager (as defined in paragraph 2) of that church/organisation of the incident. A written report in the form of **Appendix 'B'** is also to be given by the worker to the Senior Pastor/ manager as soon as practicable.

## 5. Reporting of other child abuse

If a worker reasonably suspects that child abuse has occurred involving either a child or a suspected perpetrator who is associated with **Westlakes Baptist Church**, but it does not satisfy all of 4.2A, B and C above, he or she as soon as practicable must inform the Senior Pastor/manager (as defined in paragraph 2) of **Westlakes Baptist Church** of it and consult with the Senior Pastor/manager on whether a voluntary report of it should be made to the relevant state/territory CARA

## 6. General provisions on all child abuse incidents

6.1 The CPO (or delegate) is available to provide crisis response and ongoing consultancy, support and direction to workers and **Westlakes Baptist Church** throughout the entire process. After-hours access to the CPO can be arranged through a Senior Pastor/manager and/or his or her delegate.

- 6.2 A worker is not to inform anyone else of the suspected child abuse without the permission of the Senior Pastor/manager. The Senior Pastor/manager in consultation with the CPO will determine who else should be informed of it. (There is a danger of defamation liability against the worker if ultimately the allegation cannot be proved).
- 6.3 Where a worker who reasonably suspects child abuse has occurred is under 18 years of age he or she is to be instructed to report such matters immediately to an adult supervisor in their ministry/organisational area who will then assist the worker to comply with the necessary procedures.
- 6.4 Where there has been a complaint of alleged child abuse against a worker and  
(1) it is a term of the worker's Employment Contract or Ministry / organisational Covenant; or  
(2) the parties otherwise so agree  
the continued employment of the worker by the Employer Church/organisation pending the final determination of the allegation of child abuse against him or her is to be decided by a Relevant Management Committee (RMC).
- 6.4.2 The functions of the RMC are administrative and not judicial.
- 6.4.3 The RMC may for the period until the final determination of the allegation of child abuse:
- 6.4.3.1 Suspend the worker with or without pay;
- 6.4.3.2 Modify the duties of the worker;
- 6.4.3.3 Impose conditions on any continued employment of the worker or on his or her involvement in the activities of the employer church/organisation;
- 6.4.3.4 Require that the worker not communicate with specified persons;
- 6.4.3.5 Temporarily suspend the employment of the worker while the RMC reaches other decisions; and/or
- 6.4.3.6 Revoke or modify any decision it has made.
- 6.5 In performing its functions the RMC:
- 6.5.1 Is not bound by the rules of evidence and may inform itself of relevant facts by proper means as it sees fit.
- 6.5.2 Is to permit the worker or his or her agent to address it.
- 6.5.3 Is to act with all reasonable expedition.
- 6.5.4 Is not to make conclusions about disputed facts relating to the alleged abuse.
- 6.5.5 Is as far as practicable to apply the Child Protection Policy of **Westlakes Baptist Church** and is not to allow the implementation of that Policy to be displaced by any presumption of the innocence of the worker.
- 6.6 **Westlakes Baptist Church** workers will responsibly and reasonably cooperate with law enforcement and child protection authorities in their investigation and any prosecution of child abuse.

6.7 No workers are to make any statement to the media about any child abuse encountered in the course of their employment by **Westlakes Baptist Church** and all inquiries about child abuse from the media are to be referred to the senior pastor or manager (see paragraph 3.4).

6.8 Workers are not to make any statements about child abuse encountered in the course of their employment by the **Westlakes Baptist Church** to any alleged perpetrator or anyone associated with or representing that alleged perpetrator.

6.9 Upon receiving any report about child abuse a Senior Pastor/manager is to consult immediately with the CPO about what steps should be taken in respect of it by the Employer Church/organisation.

6.10 The Senior Pastor/manager is to ensure that all appropriate pastoral care/professional support is made available to all persons associated with **Westlakes Baptist Church** who are impacted by the allegation, but only to the alleged perpetrator where he or she admits the allegation.

6.11 Workers are to be alert to any indicators of child abuse including

- When a child says that he/she has been abused;
- When a child or adult says that he/she knows of a child subject to abuse; or
- Observations of a child's behaviour, change in behaviour, emotional state and or injuries.

Indicators in many cases overlap and can interrelate to all forms of abuse and neglect.

An indicator in isolation does not automatically mean that a child is being abused. Workers should:

- Listen to the child/young person.
- Not ask leading questions.
- Reassure the child that you believe him/her. (If that be the case).
- Reassure the child that what has happened is not his/her fault.
- Reassure the child that telling you was the right thing to do.
- Document the child's disclosure as soon as possible.
- When documenting the disclosure use the same terminology as the child.
- Not make promises which cannot be kept, such as confidentiality.
- Reassure the child that there are people who can help to protect them.

A worker is not an investigator and does not have to do any detective work. Even if the child abuse that is disclosed has ceased, reporting it is still necessary to protect other children from the abuser.

6.12 Where a person 18 years or over discloses that he or she was subject to child abuse while he or she was a child these procedures do not apply, but the person should be encouraged to take appropriate steps about the matter.



## 7. Managing potential child abusers in churches/organisations

### 7.1 Where a person who

7.1.1 is the subject of an unresolved complaint of child abuse; or

7.1.2 is reasonably suspected by **Westlakes Baptist Church** of having at any time engaged in child abuse

attends at any function controlled by **Westlakes Baptist Church**, the church/organisation must ensure that that person does not have contact with, or communicate with, any child at that function without adequate supervision.

7.2 A known child abuser is not to be permitted to be present at any premises controlled by **Westlakes Baptist Church** or to take part in any activity controlled by it except in accordance with the terms of a formal agreement entered into between **Westlakes Baptist Church** and that person which ensures the safety and wellbeing of children as per the Person of Concern (POC) Policy as amended from time to time.

7.3 If a known child abuser does not comply with the terms of an agreement referred to in 7.2 **Westlakes Baptist Church** may exclude that person from all premises controlled by **Westlakes Baptist Church** and/or activities controlled by it.

## PART 'B': CHILD SAFETY RESPONSIBILITIES

### 8. Child Safety Responsibilities

8.1 **Westlakes Baptist Church** and its workers are to do everything reasonably available to them to promote the physical, emotional, mental and physical wellbeing and safety of the children who are involved in the life of **Westlakes Baptist Church** ("the duty of care"). What is reasonable in a particular situation depends on its particular circumstances including the nature of the risk of harm to children and the practicability of the steps needed to eliminate it.

8.2 No set of detailed rules can be devised which when applied to a particular situation will clearly show what is the applicable duty of care. Paragraphs 9 to 31 contain some rules which it is always prudent to observe unless there is good reason not to do so. They should only be departed from where a conscious and responsible decision has been made by **Westlakes Baptist Church** that what is to be done satisfies its duty of care.

8.3 While Part 'B' also applies generally to child abuse, that issue is dealt with specifically in Part 'A'.

### 9. Role of Workers

Any member in **Westlakes Baptist Church** working with children must:

- Be emotionally and spiritually suited to the role to be undertaken;
- Be properly trained; (Refer to Appendix 'C')
- Have been selected for their role in work with children after a proper investigation of their suitability for such work;
- Have their performance in such work periodically reviewed.

## 10. Care and supervision ratios of workers to children

10.1 There is no fixed ratio which (unless prescribed by state or territory legislation) will necessarily satisfy the duty of care in all situations. It will depend on all of the circumstances which will include:

- The age, needs and behavioural history of the children present;
- The skills and experience of the workers;
- The environment in which the children are placed;
- The nature of any risks to which the children may be exposed;
- The ready availability of backup if there are difficulties.

10.2 The following table is based on similar tables used in the child care industry and may be used as a rough 'rule of thumb', but even compliance with it may not be sufficient to satisfy the duty of care in all situations.

### RECOMMENDED MINIMUM SUPERVISION RATIOS:

Under two years of age:	1 approved worker to every 5 children.
Two years to school age:	1 approved worker to every 5 children.
Primary school age:	1 approved worker to every 5 children
Secondary school age Jnr:	1 approved worker to every 10 children
Secondary school age Snr:	1 approved worker to every 15 children

Notwithstanding these minimum ratios it is recommended that, for children of primary school age or younger, a minimum of two (2) workers be present at all times. If any lesser ratios are used, it should only be after a conscious and responsible decision by **Westlakes Baptist Church** that the supervision provided does satisfy its duty of care for the children.

## 11. Physical health and safety

The physical environment should always be such that the safety of children is paramount, e.g., any electrical equipment used is in safe working order, floors are kept free of slippery surfaces, food is handled with the utmost care to as far as possible avoid contamination. It is the role and responsibility of **Westlakes Baptist Church** to appoint a Work Health and Safety Officer (WHS) to be responsible for, and oversee all established state or territory WHS standards. Relevant, accredited training must be undertaken in order for the appointed officer to carry out his/her duties.

Any faulty equipment/plant which constitutes a hazard to the safety of a child should be immediately removed, where possible, and its condition should be reported to the WHS

Officer/Church/organisation office in writing, without delay. For specific WHS information refer to the **Westlakes Baptist Church** WHS document.

## 12. Transportation

When a young person is travelling in a vehicle driven by a worker, or designated person, the vehicle will be driven carefully, adhering to the legal speed limits and road laws at all times. At no time should there be more passengers in a car than the number of seat belts which are in working order and available for use. Cars must be registered and driven by licensed drivers, holding current licences relevant to the type and class of vehicle driven. In addition, motorcycles may be used by the registered owner, but the carrying of children and youth during official church activities as a pillion passenger without parental consent is prohibited. Hitch hiking is prohibited at all times.

In the event of an accident in which any person is injured, management, pastors, staff and parents must be informed as soon as possible. All state legislations regarding the reporting of an accident must be followed.

Negligent driving can have painful emotional and legal consequences. Anyone who cannot/does not drive responsibly must not transport children. In addition, drivers must take children directly to and from arranged venues and not spontaneously detour or make additional arrangements without parental/leadership consent.

If a child is travelling in a vehicle driven by a worker who possesses a learners permit or probationary licence, prior written consent must be obtained from a parent/guardian except in the case of a genuine emergency.

Alcohol must not be consumed eight hours prior to or during church/organisational children's or youth activities. The use of illegal drugs is not permitted at any time.

In addition, no driver may provide transport if there is any possibility that he/she may be driving under the influence of illegal drugs or alcohol, or under any condition that would inhibit their ability to safely control a motor vehicle. It is the responsibility of the driver to inform senior or key leaders of any situation that may inhibit their ability to safely be in charge of a motor vehicle.

## 13. Punctuality

Workers and designated helpers should stick to timetables to the best of their ability. If an activity is running significantly overtime, parents should be notified as soon as possible of the new anticipated time that their child/ren may arrive at the pre-determined point. If the activity is off-site and a delay has occurred, it may be appropriate to telephone one person who could inform all parents of the circumstances.

#### 14. Moral wellbeing

Workers must ensure that any television programmes, videos, music, magazines and/or displays shown or used as part of the group's activities are suitable in content and appropriate to the age group represented, with due regard to Christian values. Whilst official television and movie ratings should be observed, there will be situations where those in leadership will have the responsibility of approving the viewing of certain material.

Every worker is expected to maintain a high moral code. Foul, demeaning, bullying, racist or sexist language is not acceptable, and will not be tolerated by anyone working in ministry.

#### 15. Inappropriate behaviour of a worker

Any person who is concerned about the behaviour of any worker must refer the matter to a pastor and/or elder/manager of the church/organisation for consideration and intervention which is deemed appropriate.

#### 16. Bullying

Bullying is a form of persistent harassment which demeans, threatens, intimidates or humiliates a person. For any person in leadership to act in such a manner is unacceptable, and will not be tolerated.

#### 17. Meetings/Locations

To ensure that safety and integrity is maintained for all concerned, workers should always conduct one on one meetings in an area that is private but not isolated. It is not considered wise to meet with an individual child in a secluded/blind area. Where possible it is desirable that the room used for such meetings have glass inserts in doors which will maintain confidentiality, whilst eliminating a secluded or blind area. Where there is a perceived risk that a child might falsely allege inappropriate behaviour by a worker, a third person should be present.

#### 18. Pastoral Care/Support/Counselling

It is the responsibility of **Westlakes Baptist Church** to ensure that all workers are made aware of the difference between a qualified "counsellor", and a person providing "pastoral care" support. The term "counsellor" relates to a suitably qualified person.

Workers should at all times keep their senior pastor/manager informed of their ministry/organisational case load, who they are meeting with, and who they are providing direction or support to via an ongoing process of supervision and support.

Any form of touching in a secluded or blind area must be avoided at all times.

Workers must not visit children at home without obtaining parental/guardian permission.

Workers must not visit young people in the home or at isolated locations if no other person is present.

#### 19. Managing inappropriate behaviours in children

If a young child misbehaves within a **Westlakes Baptist Church** program or activity, firm but gentle verbal correction which is respectful and age-appropriate should be the first response. For a younger child a short period of "time out" may also be appropriate. A useful guide for determining the amount of time out is one minute for each year of the child's age. However, it is not appropriate to use a time out strategy for children under three years of age. Parents should be made aware of these practices and procedures when enrolling children into activities/programs.

When a child is unresponsive or responds unsatisfactorily to reasonable requests to comply with a standard of behaviour which is respectful to him/her, or other children, and/or those supervising, the matter must then be immediately reported to the parent/guardian.

In extreme cases, children may be precluded from activities for a period of time, until an undertaking is given, appropriate to age, to behave within acceptable limits. If this decision is made, the parent is to be informed and where possible included in the negotiations regarding management strategies and restoration to that activity.

At no time is physical punishment or verbal intimidation permissible, even with parental approval.

#### 20. Toileting small children

When a small child needs assistance in toileting, the following procedures should be observed:

Where practicable the parent should be responsible for attending to the child.

- If this is not practicable the child should be encouraged to manage him/herself to the fullest possible extent, according to ability.
- When crèche workers or designated helpers must assist a child, another adult worker should be informed upon leaving the activity and upon returning.
- Where possible, it may be useful to accompany more than one child to the toilet at any given time.

- Male leaders are not to assist in the toileting of girls.
- At no time should a child be allowed to enter a public toilet alone whilst placed in a 'kids' church/ crèche or other organisational related activity/program.

21. Crèche/Kids Program activities/programs

The issue of crèche/kids program workers with respect to 'Duty of Care' is a vexed one, since so much depends upon volunteers, often on a very casual and perhaps even spontaneous basis. While a basic Duty of Care exists whenever any worker undertakes to supervise children (i.e.: with respect to reasonable foreseeability and proximity), it is highly recommended that there be at least one worker who is cognisant of rudimentary Duty of Care, WHS and Child Protection requirements somewhere on site, and who could be available as a reference person/supervisor whenever such a program is functioning.

Where young children accompany their parents to Home Groups and other similar functions in private homes, arrangements which are made for the children's care and well-being and the nature of the activities in which they engage should be formally agreed upon and accepted by all the parents concerned, and the church advised in order to ensure that all standards are met. Any person/worker who specifically takes on the responsibility of the care of children should be expected to provide a level of care which fulfils Duty of Care standards including a National police clearance/working with children check. It is the responsibility of **Westlakes Baptist Church** to establish and promote such procedures.

22. Crèche and Junior Church/programs check in/out procedures

**Westlakes Baptist Church** should develop check in and out processes in relation to programs where children are placed into the supervision and care of those running a program, such as crèches, Sunday kids church or similar programs, including midweek activities.

For example: Children in junior programs (under 12 years of age) once checked into an activity must not be permitted to leave that activity or program unless collected by a parent or authorised person. A number of check in and out systems have been developed and successfully implemented. General medical/information forms (**Appendix 'D'**) should be completed and filed in relation to all children attending the above programs.

23. Worker identification

All workers whilst actively carrying out their appointed responsibilities should at all times be issued with and wear photo identification tags. This not only identifies accredited workers, but communicates a clear message of professionalism and accountability. Photo identification tags must be worn at all times when rostered.

24. Camping/Excursions/Activities

**Westlakes Baptist Church** leadership must approve of and endorse all camps and excursions as an official church/organisation activity and parental consent must be obtained at all times

for activities that are conducted off site. All standards previously identified in this document in terms of transportation, child/youth management and ethical standards apply.

Appropriate risk assessment, management and reporting should be undertaken (refer to Insurer for further detail).

In the case of camps and off site special events, parents/guardians must be supplied (in writing) specific information about the activity, including venue, contact details, all proposed activities as well as transport and sleeping arrangements, emergency/first aid arrangements and the names of designated leader/s. Special event medical/information forms (**Appendix 'E'**) and permission to attend special event form (**Appendix 'F'**) must be supplied to, completed by parents and maintained by the responsible program/ministry leader and workers.

Leaders who have the ultimate oversight and responsibility must be appointed and have undergone all relevant training and preparation for such events. All leaders and workers must have completed a **Westlakes Baptist Church** approved mandatory reporting/child protection awareness training programme as well as undergone a National Police clearance check and/or working with children check (where required by state/territory legislation).

For camps/overnight activities each person must have separate bedding and provision must be made for private changing and showering facilities.

Leaders and workers are not permitted share accommodation with one child/young person, unless they are a parent or guardian.

Other than married couples, leaders and workers are not permitted to share a bed together at any time.

Children should not (where possible) be permitted to sleep in close proximity to leaders or workers. If unavoidable, or for younger children requiring closer supervision, increased levels of supervision and monitoring procedures must be implemented. No less than two approved leaders should be present at all times. This also applies to children (boys and girls) sleeping in close proximity to each other.

No persons are permitted to shower together at any time.

At no time are leaders or workers permitted to provide, allow or consume alcohol or illegal drugs. If leaders are taking prescribed medication that would impair their ability to perform their role effectively, it is their responsibility to advise their designated leader.

In the case of camp fires, the leaders and workers in charge must follow all local statutory rules and regulations including total fire bans at all times and ensure that appropriate fire safety precautions are in place.

Activities where a degree of risk is involved, for example pioneering, boating, air activities, abseiling, bushwalking, rock climbing, water activities, including sailing, scuba diving, canoeing etc, such activities must only be undertaken under the direction and supervision of fully qualified persons. All laws, rules and regulations pertaining to these activities must be followed at all times.

Precautions must be taken by leaders and workers in relation to swimming/water activities. The safety of the swimming area must be thoroughly examined in relation to depth, currents and obstacles. A leader/worker must be appointed to oversee and supervise the activity at all times.

It is desirable to pair swimmers off (“Buddy System”) with each swimmer taking responsibility for keeping the other in view and immediately reporting any mishap or disappearance. At least one person with suitable life-saving and first aid qualifications should be on standby at all times.

Appropriate swimming attire must be worn by all persons at all times.

It is the responsibility of individual church/organisation leaderships to familiarise themselves with all legislative standards and safety procedures in relation to activities undertaken.

#### 25. Staff/Volunteer screening and selection processes

A major form of prevention relates to appropriate and stringent screening processes. Every worker engaged in child related ministries/organisations must be interviewed, screened and recommended by the leader who has ultimate oversight or management responsibility for that area of ministry or the organisation.

An important part of this process will involve:

- A planned and prepared interview process approved by leadership.
- Presentation of references.



- The follow up of references.
- Agreement to undergo a National Police check.
- Agreement to undergo a “working with children” check where required by state/territory legislation
- The completion of a ministry/organisational application form.
- Agreement by the applicant to meet with senior pastor/managers if required.

A written recommendation must then be prepared by the person who has management/oversight responsibility and be submitted to the Senior Pastor/manager for endorsement/approval. **Westlakes Baptist Church** may include a panel such as senior pastor/s, elders, managers/supervisors or with the CPO etc, as a part of an accountable recruitment, selection and appointment team.

Under normal circumstances no individual should be permitted to work in the areas of children’s ministries or organisational children’s programs until attending the church/organisation in which they seek to serve for a period of not less than one (1) year. Special circumstances may apply and include intimate knowledge of an applicant by people within the leadership/church/organisation or impeccable references from other churches/organisations. Even in these circumstances the applicant should operate under a supervised probationary period of not less than six months, with no key leadership responsibilities. It is recognised that long term and intimate knowledge of a person engaged in this area of ministry/children’s programs may reduce components of the above screening and interview process.

It is acknowledged that from time to time additional helpers are engaged to provide support in relation to special events/activities. This may include parents or other people within the church/organisation who generously volunteer their services in terms of additional transport, or supervision during special events. It is unrealistic to expect those who fall into this category on a random basis to undergo additional training except where required by relevant state/territory legislation however where possible, a National Police clearance check should be obtained. (This may alter pending future legislative changes) In these instances an authorised leader/worker must be in attendance and accompany an “unauthorised” person at all times. It is a good practice for **Westlakes Baptist Church** to think ahead and have a pool of “occasional” helpers suitably trained and police checked.

#### 26. Ministry Screening/Police/Working with children checks

Current National Police clearance checks are essential for all pastors, staff, elders, board members, governance team members as well as **ALL** (workers) who serve in the area of children’s ministry/children’s programs.

It is the responsibility of each church/organisation to identify and ensure that the above people undergo a National Police clearance check every three years and maintain appropriate records.

Some states/territories require by law that persons working with children undergo a “Working with children check”.

The Working with Children (WWC) Check helps protect children from physical and sexual harm. It does this by screening people’s criminal records and professional conduct and preventing those who pose an unjustifiable risk to children from working with or caring for them.

The WWC Check is just a starting point. It screens a person’s criminal records and any reports about professional conduct by certain bodies as listed in the relevant state/territory legislation.

The WWC Check does not assess a person’s suitability to work with or care for children in a particular role. It remains the responsibility of the church/organisation to assess if a worker is suitable to work with children and continue monitoring their behaviour around children.

Laws and procedures regarding all checks are subject to regular change. For current state/territory information, refer to:

#### New South Wales

The New South Wales WWC Check is administered by the NSW Commission for Children and Young People.

Phone: (02) 9286 7276

Email: [check@kids.nsw.gov.au](mailto:check@kids.nsw.gov.au)

Website: <http://www.kids.nsw.gov.au/Working-with-children>

Address: Level 2, 407 Elizabeth Street, Surry Hills, NSW 2010

#### Northern Territory

The Northern Territory WWC Check also known as an Ochre Card is carried out by SAFE NT, a unit of the Northern Territory Police.

Phone: 1800 SAFE NT (1800 72 33 68)

Email: [safent.police@pfes.nt.gov.au](mailto:safent.police@pfes.nt.gov.au)

Website: <http://www.workingwithchildren.nt.gov.au>

Address: PO Box 39764, Winnellie NT 0821

## Queensland

The Queensland WWC check also known as the Blue Card system is carried out by the Commissioner for Children and Young People and Child Guardian.

Phone: 07 3211 6999 or free call 1800 113 611

Email: [info@ccypcg.qld.gov.au](mailto:info@ccypcg.qld.gov.au)

Website: <http://www.ccypcg.qld.gov.au/bluecard>

Address: PO Box 12671, George Street, Brisbane QLD 4003

## Tasmania

The Tasmanian WWC registration check is to be phased in between 2015 and 2017. The checks will be carried out by the Tasmanian Department of Justice Working with Children Check Unit.

Phone: 1300 135513

Email: [workingwithchildren@justice.tas.gov.au](mailto:workingwithchildren@justice.tas.gov.au)

Website: [http://www.justice.tas.gov.au/working\\_with\\_children](http://www.justice.tas.gov.au/working_with_children)

Address: PO Box 56, Rosny Park, TAS 7018

## Victoria

The Victorian WWC check also known as a green card is carried out by the Victorian Department of Justice Working with Children Check Unit.

Phone: 1300 652 879

Email: [workingwithchildren@justice.vic.gov.au](mailto:workingwithchildren@justice.vic.gov.au)

Website: <http://www.workingwithchildren@justice.vic.gov.au>

Address: GPO Box 1915, Melbourne VIC 3001

## Western Australia

The Western Australian WWC Check is carried out by the Western Australian Working with Children Check Unit.

Phone: (08) 6217 8100 or free call 1800 883 979

Email: [checkquery@dcp.wa.gov.au](mailto:checkquery@dcp.wa.gov.au)

Website: <http://www.checkwwc.wa.gov.au>

Address: PO Box 1262, West Perth WA 6872

#### Australian Capital Territory

The Australian Capital Territory *Working with Vulnerable People (Background Checking) Act 2011* is administered by the Office of Regulatory Services, Justice and Community Safety Directorate

Phone: 02 6207 3000

Email: [wwvp@act.gov.au](mailto:wwvp@act.gov.au)

Website: <http://www.ors.act.gov.au>

Address: GPO Box 158, Canberra ACT 2601

#### South Australia

In South Australia, Child Safe Environments are the responsibility of the Department for Education and Child Development.

Phone: 1300 321 592

Email: [DECDChildSafe@sa.gov.au](mailto:DECDChildSafe@sa.gov.au)

Website: <http://www.families.sa.gov.au/pages/protectingchildren/CSEHome/>

Address: GPO Box 1152, Adelaide SA 5001

Working with children check application forms are available on-line at the respective state or territory website.

In relation to International Police checks or concerns, contact the Westlakes Baptist Church management.

If offences are identified and depending on the nature of the offence/s, it will remain the discretion of **Westlakes Baptist Church** to permit individuals to serve within the life and ministry of **Westlakes Baptist Church**. Depending on the nature of other offences, strict

conditions may be applied to an individual attending a **Westlakes Baptist Church** and/or associated church/organisation programs.

Sexual abuse related offences will preclude that person from having any contact with, or responsibilities involving children/youth. In some cases an offender may not be permitted to attend the church/organisation or any associated program under any circumstances.

If any worker or pending staff member refuses to undergo a National Police clearance check or WWC check, they must not be appointed to the position that requires them to undergo such a check.

Staff members and workers, who for whatever reason have not undergone a National Police check/WWC, are required to immediately do so.

Any person undertaking a ministry/organisational role either full/part time, paid/voluntary, who does not have a written employment contract must complete a ministry/organisation covenant form (Appendix 'G'). For those with an existing written employment contract the Supplementary Employment Contract (Appendix 'H') should be adopted.

#### 27. Screening processes / Police checks - Tradespeople

All tradespersons engaged to carry out work on church/organisation premises while children are present must produce a current National Police check document prior to being engaged/employed.

#### 28. Character Reference Requests

Where pastors, elders, managers, workers or representatives who are seen to be a **Westlakes Baptist Church** representative and are asked to provide a character reference for anyone charged with a criminal offence, management of **Westlakes Baptist Church** should be consulted. There can be severe consequences associated with the provision of references.

#### 29. Hiring out of Westlakes Baptist Church facilities to outside groups

Groups privately hiring or using **Westlakes Baptist Church** facilities where children will be a part of that program must provide proof that persons responsible for any program relating to the care and supervision of children, have a current National Police clearance check or WWC check.

#### 30. Internet Access

Internet access, email, social media and 'smart-phone' facilities are in most cases available for the purpose of communication, research and business purposes.

Workers hold positions of trust and leadership and are at all times prohibited from: sending, receiving, downloading, displaying, printing or otherwise disseminating material that is sexually explicit, obscene, profane, discriminating, fraudulent, offensive, defamatory or otherwise in any way unlawful.

#### 31. Initiation/secret ceremonies

Initiations and or secret ceremonies are prohibited.

PART 'C':       Miscellaneous

32.     Privacy

All information concerning children must be kept confidential and only disclosed to authorized persons. Procedures for storage of information concerning children associated with **Westlakes Baptist Church** should be arranged with the **Westlakes Baptist Church**. Refer to the **Westlakes Baptist Church** Privacy Policy as amended from time to time.

33.     Workers' awareness

Workers should be aware:

33.1    All state child protection legislation have laws that protects workers against civil and criminal liability for having reported suspected child abuse to CARA.

These sections provides that the identity of a notifier to CARA is not to be disclosed, but by the Ministry/organisational Covenant this does not prevent some officers of **Westlakes Baptist Church** being told of it.

33.2    Apart from a report to CARA a worker who informs another of suspected child abuse, which cannot ultimately be proved, can be liable for civil damages in defamation. Extreme care needs to be taken in making such an allegation to anyone other than CARA and the senior pastor/manager of **Westlakes Baptist Church**. A person acting as a worker for the church/organisation in making such an allegation is probably covered by **Westlakes Baptist Church** insurance against any damages which may be awarded for defamation.

33.3 If workers becomes liable in law to pay damages to any person who has suffered loss from any breach by them of their duties they are likely to be covered for such damages by **Westlakes Baptist Church** insurance.

33.4 State/territory legislation relieves a worker acting for **Westlakes Baptist Church** from civil liability for any breach of duty provided they have acted in good faith and without recklessness.

(The above is only a brief outline. If you wish to know more on these topics, you should seek further advice on them.)

#### 34. Media Management

As a part of the **Westlakes Baptist Church** commitment to open, accountable and professional responses, the persons authorised to make media comment concerning matters pertaining to alleged breaches of the Child Protection Policy are limited to:

(\*\*\*Insert relevant church/organisation persons)

#### 35. Breaches of Ethical/Professional Standards

A breach of Ethical, Professional Standards occurs when an individual

- Fails to comply with a policy or procedure of the **Westlakes Baptist Church**, and/or
- Engages in conduct that is likely to bring the **Westlakes Baptist Church** into disrepute or diminish public confidence therein, and/or
- Behaves or acts in any manner that is deemed to be disgraceful, improper or illegal.

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If in any doubt, seek legal advice on issues which could harm or bring disrepute to individuals, your organisation, its members or the community at large.

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Appendix 'A'

State/Territory Mandatory reporting/notification requirements

(\*Always check for currency of legislation)

## ACT

(\*current as at 01.12.2014)

Who is mandated to notify?

a person who is:

a doctor;

a dentist;

a nurse;

an enrolled nurse;

a midwife;

a teacher at a school;

a person providing education to a child or young person who is registered, or provisionally registered, for home education under the *Education Act 2004*;

a police officer;

a person employed to counsel children or young people at a school;

a person caring for a child at a childcare centre;

a person coordinating or monitoring home-based care for a family day care scheme proprietor;

a public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families;

the public advocate; an official visitor;

a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation

What is to be notified?

A belief, on reasonable grounds, that a child or young person has experienced or is experiencing

sexual abuse or non-accidental physical injury; and the belief arises from information obtained by the person during the course of, or because of, the person's work

Maltreatment types mandatory to report

Non-accidental physical abuse

sexual abuse

Confidentiality of identity/protection from liability

Section 874 Children and Young People Act 2008:

A person who gives information honestly and without recklessness under this section does not breach professional ethics and is protected from civil liability

Relevant act/regulations

Section 356 of the Children and Young People Act 2008 (ACT)

## New South Wales

(\*current as at 01.12.2014)

Who is mandated to notify?

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 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

What is to be notified?

Reasonable grounds that a child has been or is likely to be a victim of a sexual offence; or otherwise has suffered or is likely to suffer harm or exploitation \* the grounds arise during the course of or from the person's work

Maltreatment types mandatory to report

Physical abuse

Sexual abuse

Emotional/psychological abuse

Neglect

Exposure to family violence

Confidentiality of identity/protection from liability

Section 29 Children and Young Persons (Care and Protection) Act 1998:

**29(1)** If, in relation to a child or young person or to a class of children or young persons, a person makes a report in good faith to the Director-General or to a person who has the power or responsibility to protect the child or young person or the class of children or young persons:

- (a) the making of the report does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct, and
- (b) no liability for defamation is incurred because of the report, and
- (c) the making of the report does not constitute a ground for civil proceedings for malicious prosecution or for conspiracy

**29 (f)** the identity of the person who made the report or information from which the identity of that person could be deduced must not be disclosed by any person or body except with:

- i) the consent of the person who made the report or
- ii) the leave of a court or other body before which proceedings relating to the report are conducted

Relevant act/regulations

Sections 23 and 27 of the Children and Young Persons (Care and Protection) Act 1998

Who is mandated to notify?

Any person with reasonable grounds

Registered health professionals

What is to be notified?

Believes on reasonable grounds that a child has suffered or is likely to suffer harm or exploitation

Believes on reasonable grounds that a child aged less than 14 years has been or is likely to be a victim of sexual offence

Believes on reasonable grounds to that a child has been or is likely to be a victim of an offence under section 128 of the Criminal Code (sexual intercourse or gross indecency involving child over 16 years under special care)

\*Specific offence for health practitioner who believes on reasonable grounds that a child at least 14 years and less than 16 years has or is likely to be a victim of a sexual offence and the offender is more than 2 years older than the victim

Maltreatment types mandatory to report

Physical abuse

Sexual abuse

Emotional/psychological abuse

Neglect

Exposure to physical violence (for example a child witnessing violence between parents at home)

Sexual abuse

Confidentiality of identity/protection from liability

Section 27 Care and Protection of Children Act 2007:

(1) A person acting in good faith in making a report under section 26 is not civilly or criminally liable, or in breach of any professional code of conduct:

- (a) for making the report
- (b) for disclosing any information in the report

(2) In any proceedings before a court, except with the court's leave

Relevant act/regulations

Sections 15, 16 and 26 of the Care and Protection of Children Act 2007

## Queensland

(\*current as at 01.12.2014)

Who is mandated to notify?

A doctor or registered nurse;

An authorised officer;

A teacher

A police officer

An employee of Communities (child safety services);

A person employed in a departmental care service or licensed care service

Commissioner for Children and Young people

\*A staff member of a state school or a non-state school (Education (General provisions) Act 2006

What is to be notified?

Aware of or reasonably suspects a child has, or is likely to suffer harm

An awareness or reasonable suspicion of harm caused to a child placed in the care of an entity conducting a departmental care service or a licensee

A child who is in need of protection under S10 of the Child Protection Act (that is, has suffered or is an unacceptable risk of suffering harm and does not have a parent able and willing to protect them)

\* Reasonably suspects that a student under the age of 18 years attending the school or a persons with a disability is likely to be sexually abused by another person (Education (General provisions) Act 2006

Maltreatment types mandatory to report

Physical abuse

Sexual abuse or exploitation

Emotional/psychological abuse

Neglect

Sexual abuse only (Education (General provisions) Act 2006

Confidentiality of identity/protection from liability

Section 59Q of the Child Protection Act

- (1) This section applies if a person, acting honestly, gives information in compliance with this chapter.
- (2) The person is not liable, civilly, criminally or under an administrative process, for giving the information.
- (3) Also, merely because the person gives the information, the person cannot be held to have—
  - (a) breached any code of professional etiquette or ethics; or
  - (b) departed from accepted standards of professional conduct:

Relevant act/regulations

Chapter 5-Part 3 - Public Health Act 2005 (doctors and nurses) Also section 191

Section 148(6) of the Child Protection Act 1993

Sections 364-366A Education (General Provisions) Act 2006 (school staff only)

Part 1AA-Sections 13a and 13b Child Protection Reform Amendment Bill 2014

## South Australia

(\*current as at 01.12.2014)

Who is mandated to notify

Doctors;

Pharmacists

Registered or enrolled nurses;

Dentists;

Psychologists;

Police officers;

Community corrections officers;

Social workers;

Teachers;

Family day care providers;

Employees/volunteers in a government or non-government agency that provides health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children;

A person who holds a management position in the relevant organization the duties of which include direct responsibility for or the direct supervision of the provision of those services to children;

Ministers of religion (confessional exempt);

Employees or volunteers in an organisation formed for religious or spiritual purposes

What is to be notified?

12.1 (a) sexual abuse of a child or;

12.2 (b) physical or emotional abuse of the child, or neglect of the child to the extent that:

12.3 (i) the child has suffered, or is likely to suffer, physical or psychological injury

12.4 detrimental to the child's wellbeing; or

12.5 (ii) the child's physical or psychological development is in jeopardy



**\*\*and the suspicion is formed in the course of the person's work or carrying out official duties**

12.6 Section 6 (2) of the Act states that for the purposes of the Act, a child is at risk if-

12.7 (a) the child has been, or is being, abused or neglected; or

(aa) there is a significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing against which he or she should have, but does not have, proper protection; or

(b) a person with whom the child resides (whether a guardian or not)-

(i) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out; or

(ii) has killed, abused or neglected some other child or children and there is reasonable likelihood of the child in question being killed, abused or neglected by that person; or

(c) the guardians of the child-

(i) are unable to maintain the child or are unable to exercise adequate supervision and control over the child; or

(ii) are unwilling to maintain the child, or are unwilling to exercise adequate supervision and control over the child; or

(d) the child is of compulsory school age but has been persistently absent from school without satisfactory explanation of absence; or

(e) the child is under 15 years of age and is of no fixed address.

Maltreatment types mandatory to report

Physical abuse

Sexual abuse or exploitation

Emotional/psychological abuse

Neglect

Confidentiality of identity/protection from liability

Section 12 of the SA Children’s Protection Act:

A person who (whether voluntarily or pursuant to a requirement of this Act) notifies the Department of a suspicion that a child has been or is being abused or neglected or provides information to the Department in respect of a notification–

- (a) cannot, by virtue of doing so, be held to have breached any code of professional etiquette or ethics, or to have departed from any accepted form of professional conduct; and
- (b) insofar as he or she has acted in good faith, incurs no civil or criminal liability in respect of the notification or the provision of the information.

Section 13 of the SA Children’s Protection Act:

(2) Subject to this section, a person who receives a notification of child abuse or neglect from a notifier, or who otherwise becomes aware of the identity of a notifier, must not disclose the identity of the notifier to any person unless the disclosure:

- (a) is made in the course of official duties to another person acting in the course of official duties; or
- (b) is made with the consent of the notifier; or
- (c) is made by way of evidence adduced in accordance with subsections (3) and (4) For the purpose of this section, Additionally, section 6 (3) of the Act states that is immaterial that any of the abuse or neglect referred to previously that may prompt a person to make a report, took place wholly or partly outside South Australia.

**Relevant act/regulations**      Section 11 of the Children’s Protection Act 1993

#### **Changes to the South Australian Children’s Protection Act 2011 and “Compliance”**

As from January 2011, a number of amendments were made to the South Australian Children’s Protection Act. requiring organisations to be “compliant”. Of key importance are the amendments/inclusions to:

**Section 8B** – An organisation must ensure before a person is appointed to, or engaged to act in, a prescribed position (whether as an employee, volunteer, agent, contractor or subcontractor) in the organisation, an assessment of the person’s criminal history in accordance with the regulations. This can extend to a person who carries out or is to carry out as an indirect service provider, prescribed functions for an organisation for which the authority is responsible. There are a number of exemptions to this section.

**Section 8C** – certain organisations must have in place appropriate policies and procedures for ensuring that the appropriate reports of abuse and neglect are made under section 4 and that child safe environments are established and maintained within the organisation. A copy of the Child Safe Environments Compliance Statement must be lodged with the Department for Education and Child Development (Families SA). Penalty for non-compliance is \$10,000.

The compliance statement requires all South Australian organisations who come within the definition of “mandated reporters” to “comply” with 12 areas that create a “child safe environment”. This includes risk management strategies, child protection policies and procedures in place, staff/volunteer risk assessment & criminal history checks, adequate supervision of staff dealing with children and the provision of regular training and education for all employees and volunteers.

PLEASE NOTE – ALL ORGANISATIONS DEALING WITH CHILDREN AND YOUNG PEOPLE SHOULD THE HAVE DEVELOPED AND IMPLEMENTED A CHILD PROTECTION POLICY APPLICABLE TO ALL MEMBERS/STAFF

## Tasmania

(\*current as at 01.12.2014)

Who is mandated to notify

Registered medical practitioners;

Nurses;

Dentists;

Dental therapists and dental hygienists;

Registered psychologists;

Police officers;

Probation officers;

Principals and teachers in any educational institution;

Persons who provide childcare or child care services for fee or reward;

Persons concerned in the management of a child care service licensed under the Child Care Act 2001;

Any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in a government agency that provides health, welfare, education, child care or residential services wholly or partly for children;

An organisation that receives any funding from the Crown for the provision of such services;

And any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons

What is to be notified?

A belief, suspicion, reasonable grounds or knowledge that:

A child has been or is being abused or neglected or is an affected child within the meaning of the Family Violence Act 2004,

or

There is reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides

**\*\*and the suspicion is formed in the course of the person's work or carrying out official duties**

Maltreatment types mandatory to report

Physical abuse

Sexual abuse or exploitation

Psychological abuse

Neglect

Exposure to family violence

Confidentiality of identity/protection from liability

Section 14 (2) of the Children, Young Persons and Their Families Act 1997:

A person:

- (a) cannot by virtue of informing the Secretary or a Community Based Intake Service as specified in subsection 1 be held to have breached any code of professional etiquette or ethics, to have departed from any accepted standards of professional conduct or to have contravened any Act; and
- (b) to the extent that he or she has acted in good faith, incurs no civil or criminal liability in respect of informing the Secretary or a Community Based Intake Service as specified in subsection (1)

Section 16 (2) (of the Children, Young Persons and Their Families Act 1997:

- (2) Subject to this section, a person who receives a notification from a notifier, or who otherwise becomes aware of the identity of a notifier because he or she is engaged in the administration of this Act, must not disclose the identity of the notifier to any other person unless the disclosure –
  - (a) is made in the course of official duties under this Act to another person acting in the course of official duties; or
  - (b) is made with the consent of the notifier; or
  - (c) is made by way of evidence adduced with leave granted by a court under subsection (3)

Relevant act/regulations

Sections 3, 4, 14 & 16 of the Children, Young Persons and their Families Act 1997

## Victoria

(\*current as at 01.12.2014)

Who is mandated to notify?

Registered medical practitioners;

Registered nurses;

A midwife

A person registered under the Education, Training and Reform Act 2006 or teachers granted permission to teach under the act, principals of government or non-government schools;

Members of the police force

The proprietor of or a person with a post-secondary qualification in the care, education or minding of children who is employed by a child minding service to which the Children's Services Act 1996 applies

A person with a post-secondary qualification in youth, social or welfare work who works in the health, education or community or welfare services field

A person employed under Part 3 of the Public Administration Act 2004 to perform duties of a youth and child welfare worker

A registered psychologist

A youth justice officer

A youth parole officer

What is to be notified?

Belief on reasonable grounds that a child is in need of protection on a ground referred to in section 16 © or 162 (d) formed in the course of practicing his or her office, position or employment

Maltreatment types mandatory to report

- (a) the child has been abandoned by his or her parents and after reasonable inquiries—
  - (i) the parents cannot be found; and
  - (ii) no other suitable person can be found who is willing and able to care for the child;

- (b) the child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child;
- (c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury  
and the child's parents have not protected, or are unlikely to protect, the child from harm  
of that type;
- (d) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
- (e) the child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
- (f) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.

#### Confidentiality of identity/protection from liability

Section 189 of the Children, Youth and Families Act 2005:

The giving of information to a protective intervener in good faith during the course of the investigation of the subject matter of a protective intervention report—

- (a) does not for any purpose constitute unprofessional conduct or a breach of professional ethics on the part of the person by whom it is given; and
- (b) does not make the person by whom it is given subject to any liability in respect of it;

#### Relevant act/regulations

Sections 182 (1) a-e, 184, 192 and 162 c-d of the Children, Youth and Families Act 2005

Amendment proclaimed on 27.04.2014.

Crimes Act 1957 section 327. Failure to disclose sexual offence committed against a child under the age of 16 years.

On 27.04.2014, Victoria introduced a new criminal offence which:

- applies where any person aged 18 years or over has information that leads him or her to form a reasonable belief that a sexual offence has been committed in Victoria under the 16 by another adult.
- The person will be guilty of the offence if they fail to disclose that information to the police as soon as practicable, unless they have a reasonable excuse for not disclosing the information.
- There are specific exemptions to the offence (e.g. a person is not required to disclose information if they came into possession of that information when they were a child)

Refer to the Crimes Act section 327 for further details and explanation.

## Western Australia

(\*current as at 01.12.2014)

Who is mandated to notify

Western Australia Family Court Act 1997

Court personnel;

Family counsellors;

Family dispute resolution practitioners;

Arbitrators or legal practitioners representing child's interests

Legal practitioners representing a child's interests

Children and Community Services Act 2004

Doctors;

Nurses and midwives;

Teachers;



Police officers

What is to be notified?

Western Australia Family Court Act 1997

Reasonable grounds for suspecting that a child has been abused, ill-treated or at risk of being abused or ill-treated or exposed or subject to behaviour that psychologically harms the child

Allegations of abuse, neglect or assault including sexual assault or an enrolled child during a care session

\*\*Children and Community Services Act 2004

Belief on reasonable grounds that child sexual abuse has occurred or is occurring

Maltreatment types mandatory to report

Physical abuse;

Sexual abuse or exploitation;

Emotional/psychological abuse;

Neglect

\*\*Sexual abuse only;

Relevant act/regulations

Section 160 of the Western Australia Family Court Act 1997

Section 124B of the Children and Community Services Act 2004

Appendix 'B'

"CONFIDENTIAL"

CHILD ABUSE PRELIMINARY REPORT FORM (EXAMPLE)

**Date:**                      **Time:**

**Church/Organisation:**

Child's name:                      DOB/Age:

**Address:**

Has the State/Territory Child Abuse Report Authority (CARA) been notified?  
YES/NO (circle)

**CARA officer's name (if known) or intake no.**

Time/Date:

If not, reason?

**Name of person reporting:**

(if given, your name is protected by the relevant children's protection acts)

Any specific allegations made by the child/young persons? (dot point)

- 
- 
- 
- 

Name of person suspected?

Age or DOB if known:                      Church position: (if any)

Address: (if known)

**Please provide brief details on the behaviour observed or how the suspicions came to light. Record all details such as when, where, who, how and any other possible witnesses or persons involved or who could be affected. (Attach sheet if necessary)**

.....

How did the person making the report become aware of the situation?

Any further details: (attach additional sheets if necessary)

Appendix 'C'

Westlakes Baptist Church Child Protection Training requirements

TBA

## Appendix 'D'

### MEDICAL & HEALTH INFORMATION – GENERAL (EXAMPLE)

.....Westlakes Baptist Church

Name:

(Surname) (Christian names)

Home Address:

Next of kin for notification of any information:

Name

Relationship

Telephone (Home) (Work)

Do you give permission for medical intervention (including ambulance services) in the case of an emergency and you are not able to be contacted immediately? YES / NO

Is your child covered by a private medical benefits fund YES / NO

If yes, the name of the fund

Medicare number

Are there any other conditions which the Westlakes Baptist Church should be aware of regarding the health and well-being for your child? e.g. Asthma, allergies, convulsive seizures, diabetic YES / NO

If so, please indicate (or use a separate sheet, if appropriate)

Regular doctor's name and phone number

Has your child had a tetanus immunisation? YES / NO

If so, when?

Is your child allergic to any drug/medicine? YES / NO

If so, please give details

Are there major food allergies which we need to know about? YES/ NO

If so, please give details

**Any other  
comments**.....

.....

**(If more space required please add to the back of this form)**

## Appendix 'E'

### MEDICAL & HEALTH INFORMATION – SPECIAL EVENT (EXAMPLE)

.....Westlakes Baptist Church

**Name:**

(Surname) (Christian names)

**Is your child taking any regular or currently prescribed medication? YES / NO**

**If so, please name the medication and provide details of dosage and administration.**

**Your child's leader will administer medication to your child as directed by written instructions from you. Please clearly mark your child's name on all medication along with the dosage and administration procedures.**

**Is there anything about your child's health which means that s/he should engage in only limited physical activity? YES / NO**

**If so, please give details**

**Does your child require a special diet because of health problems? YES / NO**

**If so, please give details**

**Is there any other information which may help us care for your child? YES / NO**

**If so, please give details**

For emergency use only

In case of emergency, contact

Phone Number

Name of family doctor

Address of doctor phone

Name and address of any other medical specialist treating your child

Doctor phone

**Do you give permission for an ambulance to be called if deemed necessary (any costs being the parent's responsibility)? YES / NO**

Signed: date

(parent/caregiver)

Witnessed





**Witnessed:    date:.....**

**Appendix 'G'**

**MINISTRY/ORGANISATIONAL COVENANT**

Westlakes Baptist Church

I \_\_\_\_\_ of \_\_\_\_\_  
(name of worker) (address)

- 1. Declare that except as is stated below I have never
  - (1) been guilty of any sexual misconduct against any person;
  - (2) have never committed any criminal offence involving fraud, violence or drugs;
  - (3) have never committed any offence against road traffic laws (except parking offences);
  - (4) am of good character and suitable for ministry within **Westlakes Baptist Church** .
 (If exceptions to the above give details and if insufficient room place them in an attachment).

- 2. Acknowledge I have read and agreed to the Child Protection Policies of **Westlakes Baptist Church** and the Child Protection Manual of Procedures.
  - 3. Agree I will cooperate with the **Westlakes Baptist Church** in any investigation undertaken in relation to a **Westlakes Baptist Church**.
  - 4. Agree I will attend and take part in education courses to fit me for ministry with children.
  - 5. Acknowledge that by signing this covenant no legal contract is created between myself and my **Westlakes Baptist Church**, but accept that it acts as a consent for the operation of the Child Protection Policy and the Child Protection Procedure Manual and that legal consequences may follow if I have knowingly given false answers to any of the questions 1 – 4 above.

Signature: \_\_\_\_\_ Witness: \_\_\_\_\_

Full name: \_\_\_\_\_ Name: \_\_\_\_\_

Address:.....  
.....

Date:

**Appendix 'H'**

**SUPPLEMENTARY EMPLOYMENT CONTRACT**

Westlakes Baptist Church

I \_\_\_\_\_ of \_\_\_\_\_  
(name of worker) (address)

1. Agree that this document contains additional terms for my employment by the above church/organisation and my continued employment conditional upon my executing it.

2. Declare that except as is stated below I have never  
(1) been guilty of any sexual misconduct against any person;  
(2) have never committed any criminal offence involving violence or drugs;  
(3) have never committed any offence against road traffic laws (except parking offences);  
(4) am of good character and suitable for ministry within **Westlakes Baptist Church** .  
(If exceptions to the above give details and if insufficient room place them in an attachment).

3. Acknowledge I have read and agreed to the Child Protection Policies of **Westlakes Baptist Church** and the Child Protection Manual of Procedures.

13. **Agree that if any allegation of child abuse is made against me Westlakes Baptist Church is to have jurisdiction to determine whether, and on what conditions, my employment should be continued until the allegation is finally determined.**

14. **Agree I will attend and take part in education courses to fit me for ministry with children.**

Signature: \_\_\_\_\_ Witness: \_\_\_\_\_

Full name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: .....  
.....

Date: