



PRESBYTERIAN  
CHURCH OF  
VICTORIA

# SAFE CHURCH

**PRESBYTERIAN CHURCH OF VICTORIA**

## Policy, Procedure and Practice Manual

Issued 2020

[www.safechurchpcv.org.au](http://www.safechurchpcv.org.au)



## Contents

Disclaimer.....	1
What is Safe Church PCV? .....	2
The Safe Church Unit.....	3
National Safe Ministry Framework .....	5
The PCA National Register.....	6
Safe Church Concerns/Reports Process .....	7
External Disclosure Decision Tree .....	8
Victorian Reportable Conduct Scheme (RCS) – PCV Reports Process .....	9
The Safe Church Unit and Privacy .....	10
PCV Safe Church Unit Organisational Structure and Accountability .....	11
Safe Church Training .....	12
Congregational In-House Basic Training.....	14
Safe Church Representatives .....	15
Safe Church – PCV: POLICY STATEMENT .....	17
Safe Church – PCV: CODE OF CONDUCT .....	19
Relevant Victorian Legislation.....	22
Online and Smart Phone Usage Guidelines.....	27
Safe Church – Children .....	30
What is Child Abuse?.....	31
Signs of Abuse .....	33
What to do if a child discloses abuse .....	34
When to make a report.....	35
Contact Details for child related issues .....	38
Support and Referrals .....	39
Safe Church – Adults .....	40
What are adult-related Safe Church issues? .....	41
What must be reported?.....	42
What may be reported.....	44
The Role of the Safe Church Unit .....	45
Historical Complaints .....	46
Contact Details for adult-related issues .....	47
Volunteer and Paid workers in PCV ministry to children under 18 – process of approval.....	48
Safe Church Forms for Ministries to Children .....	52

Safe Church Audits of PCV congregations and organisations .....	54
Appendix A – Presbyterian Church of Australia National Safe Ministry Framework .....	55
References .....	70

## Disclaimer

**Safe Church Policy, Procedure and Practice Manual** is provided on the terms and understanding that the writer and the Presbyterian Church of Victoria is not responsible for the results of any action taken on the basis of information in this publication, nor for any error in, omission from, this publication. The author, the publisher, its employees or any other persons involved in the preparation of the **Safe Church Policy, Procedure and Practice Manual** expressly disclaim all and any liability and responsibility to any person, in respect of anything, and of the consequences of anything, done or omitted to be done, by any such person in reliance, whether wholly or partially, upon the whole or any part of this publication. Where a specific issue/incident arises, expert professional advice should always be sought.

The information and advice is made available in good faith, reflects current knowledge, literature, legislation, regulations and standards and is derived from sources believed to be accurate at the time of publication. **Safe Church Policy, Procedure and Practice Manual** should be read in conjunction with relevant legislation and is not a substitute for it. The content will require updating in line with amendments or additions, which may supersede those cited, later in time, after the publication of this document.

Information in this manual may be subject to change, due to legislative and other changes in Victoria. For the most updated information and other helpful resources visit the website at:

[www.safechurchpcv.org.au](http://www.safechurchpcv.org.au)



PRESBYTERIAN  
CHURCH OF  
VICTORIA

## What is Safe Church PCV?

In 2013 the General Assembly of the Presbyterian Church of Victoria (PCV) voted to replace the existing policy regarding abuse in the church, known as 'Breaking the Silence', with a new policy and code of conduct, known as 'Safe Church PCV' (from this point on, referred to as 'Safe Church' or 'Safe Church PCV'). The Safe Church Policy and Code of Conduct reflect the significant developments in child protection legislation, mandatory and protective reporting procedures, and government requirements surrounding child safety education in voluntary organisations such as churches.

In the ensuing period since the General Assembly enacted Breaking the Silence there have been two significant changes that have resulted in voluntary organisations altering their operations in this area:

- A greater **legal duty** placed on churches due to increased *compliance* levels and legislative requirements set by government
- A greater **public moral duty** placed on churches to *proactively prevent abuse* in churches rather than respond to the occurrence of abuse

The **highest duty** placed on the church is the duty required in all our thoughts, words and deeds by the Lord God.

Colossians 3:17 teaches: "And whatever you do, whether in word or deed, do it all in the name of the Lord Jesus, giving thanks to God the Father through him." In Luke 18:16 Jesus said "Let the little children come to me, and do not hinder them, for the kingdom of God belongs to such as these." (NIV, 1994)

These are but two of the scriptures that highlight the central Christian values of **love, mercy and justice**. The Lord Jesus Christ set the example for Christians and the church to model life upon. In the life of the PCV the church is committed to ensuring that **all of our churches and organisations are safe in every respect for everyone within them**. The Safe Church Policy, Code of Conduct, procedures and practice are the PCV's expression of this commitment.

Safe Church PCV applies to every individual, congregation and organisation within the PCV. Safe Church PCV complies with Victorian child safety legislation. Safe Church PCV also conforms so far as possible to the Presbyterian Church of Australia's National Safe Ministry Framework (NSMF). The NSMF aims to "advance God's glory, protect children from harm, help the Church to maintain a good relationship with outsiders, and guide potential offenders away from the destructive paths of sin." (Introduction, NSMF)

- Christians are required by the Lord God to think, speak and act in ways that are God-honouring, biblically obedient and motivated by the Christian values of love, mercy and justice
- The PCV is committed to ensuring that all churches and organisations within the denomination are safe places for everyone
- The Safe Church Policy, Code of Conduct, procedures and practice are the PCV's expression of this commitment
- Safe Church applies to all individuals, congregations and organisations in the PCV

## The Safe Church Unit

The Safe Church Unit (also referred to as 'SCU') is responsible for the implementation of the Safe Church Policy and Code of Conduct across the whole of the PCV.

Implementation includes providing the following services to the congregations, sessions, presbyteries, organisations and General Assembly of the PCV:

- assistance to congregations/organisations in matters of compliance
- education and training in Safe Church matters
- information and guidance in Safe Church procedures and practice
- website provision
- assisting and resourcing the Church in response to concerns/allegations and in compliance with the Victorian Reportable Conduct Scheme
- screening for those who work with children within the denomination
- Safe Church record keeping
- support, information, advice and referrals for Safe Church matters
- establishment of compliance auditing throughout the denomination
- best practice advice for safe ministry in the PCV
- liaison between the PCV and relevant state government authorities and agencies in regard to Safe Church matters

The SCU consists of the Safe Church Committee (a committee of the General Assembly), the Safe Church Panel of Reference (a sub-committee which consults with the Safe Church Facilitator in relation to cases), the Safe Church Supervisor, the Safe Church Facilitator and the Compliance & Administration Officer. The SCU is under the authority and oversight of the General Assembly of the PCV.

### **Safe Church Concerns/Reports Process (see also flowcharts on pages 7-8)**

*The following describes the likely process to be followed when a concern or report is raised. Specific steps may vary at the discretion of the SCU depending on the specifics of the case.*

When concerns or reports are made to the SCU:

1. The SCU establishes if the concern/report is within the terms of reference of the foundation General Assembly of Victoria documents, namely the Safe Church Policy and Code of Conduct and, if so, step 2 takes place.
2. The SCU then documents these concerns/reports. Any required external disclosures are made by SCU. This includes reporting within the requirements of the Victorian Reportable Conduct Scheme (RCS) with reference to the Head of Entity under the Scheme. Concerns/reports may be taken to the Safe Church Panel of Reference for them "to consult with the Safe Church Case Manager in reference to particular complaints and related procedure whenever required" (from the Panel regulations). The Panel then may instruct the Safe Church Facilitator and/or make recommendations for the consideration of the relevant leadership body. Where required, advice from external authorities and/or legal advice are sought. Any RCS matters are referred for investigation as per the requirements of the Scheme.
3. Finally, the SCU takes these concerns/reports, any RCS investigation report and recommendations, and any additional advice, to the leadership of the PCV congregation/presbytery/organisation where the person is either currently or most recently

located. Concerns/reports relating to ministers are taken to the presbytery with current jurisdiction over the minister. At this point the leadership receives the information and then makes decisions about how to respond, with the support and assistance of the SCU (including any Panel or RCS investigation recommendations or legal advice), as requested.

It is the responsibility of the relevant leadership body to decide how to proceed, acting within the code provisions of the Church, Safe Church Policy, Code of Conduct, the law of Victoria and legal advice, Panel of Reference and/or RCS investigation findings and recommendations.

Individual members of leadership bodies are further subject to relevant Victorian legislation which has penalties for individuals in relation to their action or inaction, having regard to the protection of children from abuse in organisations, for example, mandatory reporting and 'Failure to Protect'.

The SCU is not a Court of the Church and is not a place of jurisdiction. It is a place for directing of concerns and reports to the right place for resolution. Where a Court of the Church action a risk management plan in response to a Safe Church matter, this proceeds in compliance with the relevant Victorian state laws and with reference to the relevant provisions of the General Assembly of Australia Code of Discipline. The SCU assists and resources Courts of the Church in this, upon request of the relevant Court.

Complaints relating to SCU personnel (Supervisor, Facilitator and Compliance & Administration Officer) are to be directed to the Safe Church Committee. Complaints relating to Safe Church Committee or Panel of Reference members are handled under the Safe Church concerns/reports process above.

- The SCU serves and supports the congregations, sessions, presbyteries, organisations and General Assembly of the PCV in Safe Church matters
- The Safe Church Unit is located at

Heathmont House, 268 Canterbury Road, Heathmont Victoria 3135

**The Safe Church Facilitator, Mrs Fiona Bligh, can be reached by telephoning:  
0499 090 449**

Email: [safechurch@pcv.org.au](mailto:safechurch@pcv.org.au)

**The Safe Church Compliance & Administration Officer, Mr Ian Atkinson, can be reached by telephoning:**

**0435 417 283**

Email: [ian.atkinson@pcv.org.au](mailto:ian.atkinson@pcv.org.au)

[www.safechurchpcv.org.au](http://www.safechurchpcv.org.au)

- Please be prepared to leave a message should your call be diverted to voicemail

## **National Safe Ministry Framework**

In September 2019, the General Assembly of the Presbyterian Church of Australia adopted for itself the National Safe Ministry Framework (NSMF – see Appendix A). The NSMF is implemented in the PCV via the state-based church procedures of Safe Church PCV – hence the NSMF Principles, Policy and Procedures are included in this manual, to ensure that PCV Courts of the Church are cognisant of the NSMF.

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



## The PCA National Register

As a result of the adoption of the NSMF by the General Assembly of Australia, the Presbyterian Church of Australia (PCA) will establish a National Register, with specific reference to implementing Recommendation 16.58\* of the Royal Commission into Institutional Responses to Child Sexual Abuse, with the PCA.

Once established, all PCV Sessions, Presbyteries and the Assembly Committees which employ and/or appoint individuals to roles within the Church will be required to contact the PCV Safe Church Unit prior to employment/appointment, to gain clearance via the Register. The PCA National Register records information that assists the Church to identify and respond to any risks posed to children by people in ministry.

The names of all persons who:

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

will require a clearance via a check of the Church National Register by the Safe Church Unit before they may be admitted to any new role or ministry.

As per the NSMF, the National Register will include information about persons who have been involved in the life of the Church, and are or have been:

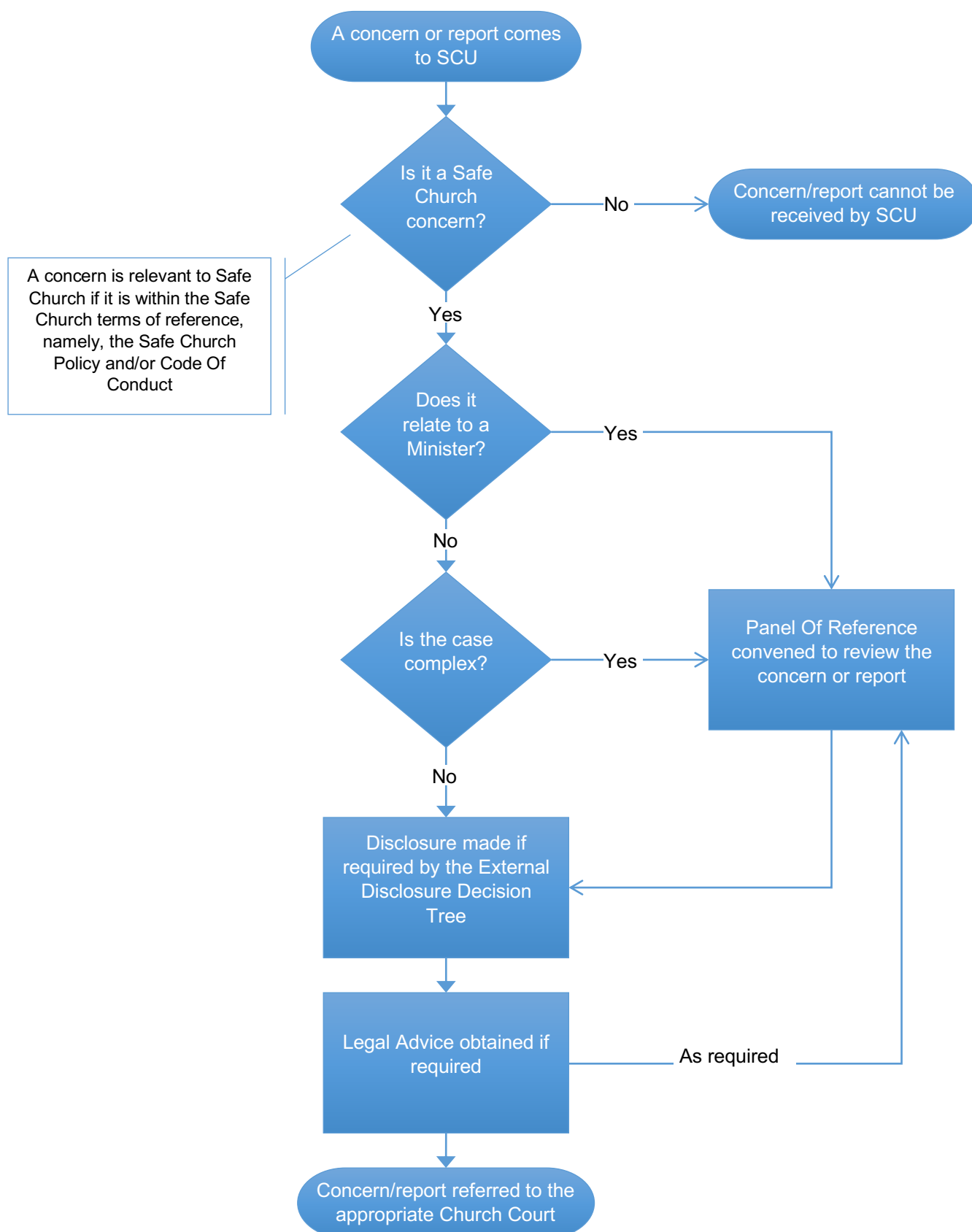
- Charged with or convicted of an offence or offences against the person – including sexual offences;
- Had a Working with Children Check (or equivalent) clearance withdrawn, suspended, barred or revoked;
- The subject of a substantiated complaint of child sexual abuse;
- Listed on the Sex Offenders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

Once established, the procedure for requesting and attaining clearances will be communicated to all Courts of the Church, Assembly Committees, PCV organisations and Safe Church Representatives.

\*The recommendations can be found at [www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au)

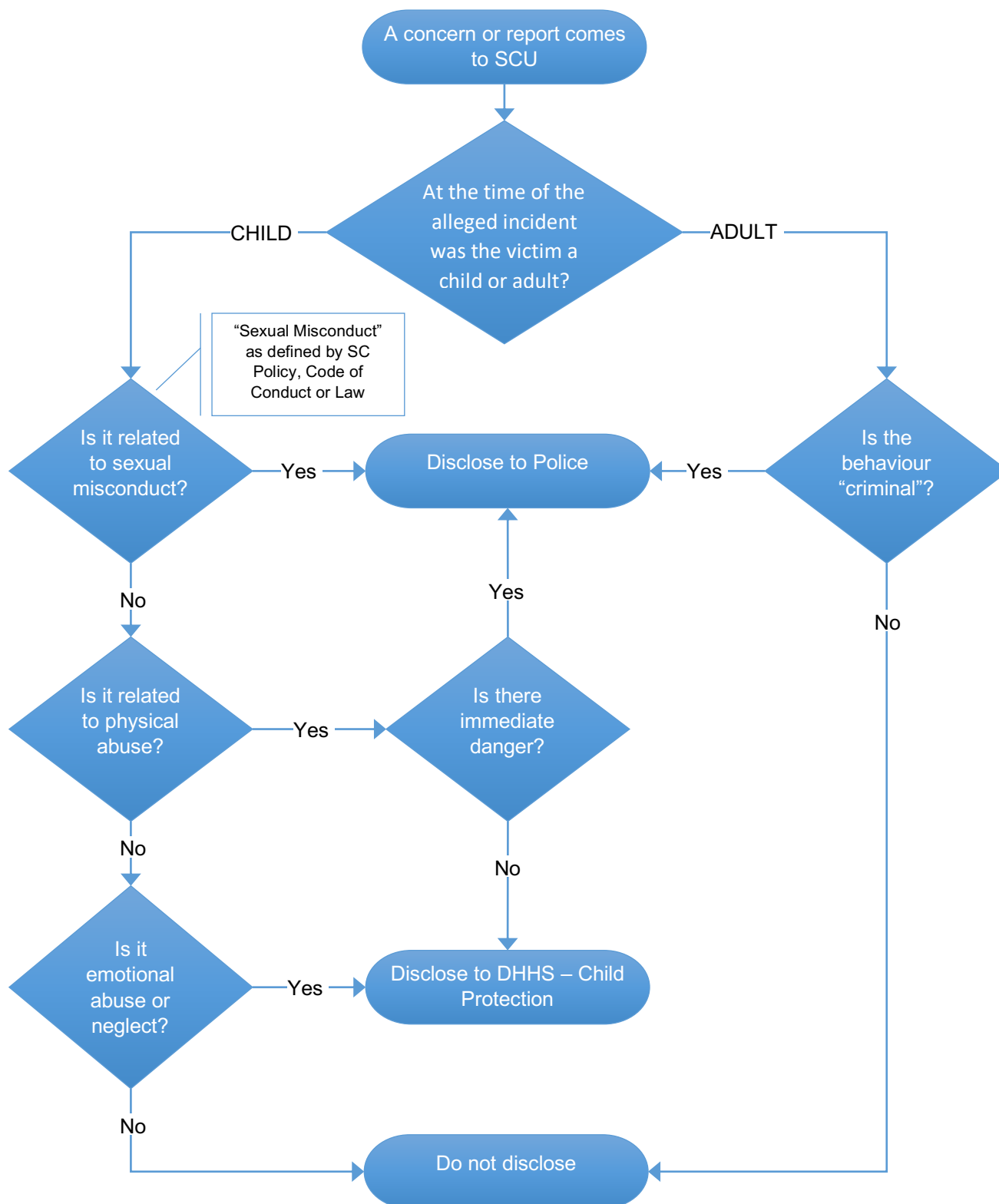
## Safe Church Concerns/Reports Process

The following diagram describes the likely process to be followed when a concern or report is raised. Specific steps may vary at the discretion of the SCU depending on the specifics of the case.



## External Disclosure Decision Tree

In addition to this process all concerns or reports that relate to the **Victorian Reportable Conduct Scheme** are reported to the Commission for Children and Young People in compliance with the requirements of the Scheme.



## Victorian Reportable Conduct Scheme (RCS) – PCV Reports Process

1. Upon receiving a report that is, has the appearance of, or, possibly is a RCS report, the Safe Church Facilitator (SCF) will contact the Commission for Children and Young People (CCYP) and confirm with CCYP that the matter is reportable under the RCS.
2. Once advised by CCYP that it is reportable the SCF will call the Head of Entity (HoE)\* and notify the HoE of the need to make the 3-Day RCS report and also provide detailed information in the phone call. The HoE has delegated the authority to report RCS matters to the CCYP, to the SCF. The SCF must keep the HoE informed of the matter as it progresses. The SCF will provide a copy of the 3-Day RCS report to the relevant court of the Church.
3. The SCF makes the RCS 3-Day Report and provides this report via email to the HoE and notifies the SCU Supervisor of the Report. The SCF makes the 30-Day Update Report and any subsequent additional updated reports in the same way. The SCF will provide a copy of the report to the relevant court of the Church.
4. Upon receipt of advice from the CCYP that the PCV must progress to a RCS investigation the SCF, in accordance with the Safe Church Committee regulations, will appoint a suitably qualified RCS investigator. The SCF will inform the relevant court of the Church.
5. The investigator conducts the RCS investigation. The SCF keeps the HoE informed of the status of the matter and SCF makes delegated HoE reports to the CCYP as per the legislative requirements, keeping the HoE and Supervisor informed at all times.
6. At the conclusion of the investigation, the investigation report will be provided to the HoE and the relevant court of the Church.
7. The court will address itself to the findings and recommendations of the investigation report and take any actions necessary.
8. Following any actions taken by the relevant court of the Church, a final update HoE report will be made to CCYP by the SCF, as delegated by the HoE. The SCF will keep the HoE and SCU Supervisor informed at all times. The SCF will inform the relevant court of the Church of the final report to CCYP and provide a copy to the court of the Church.

\* The Clerk of the General Assembly is the appointed Head of Entity for the purposes of implementation of and compliance with the Victorian Child Safe Standards and Reportable Conduct Scheme.

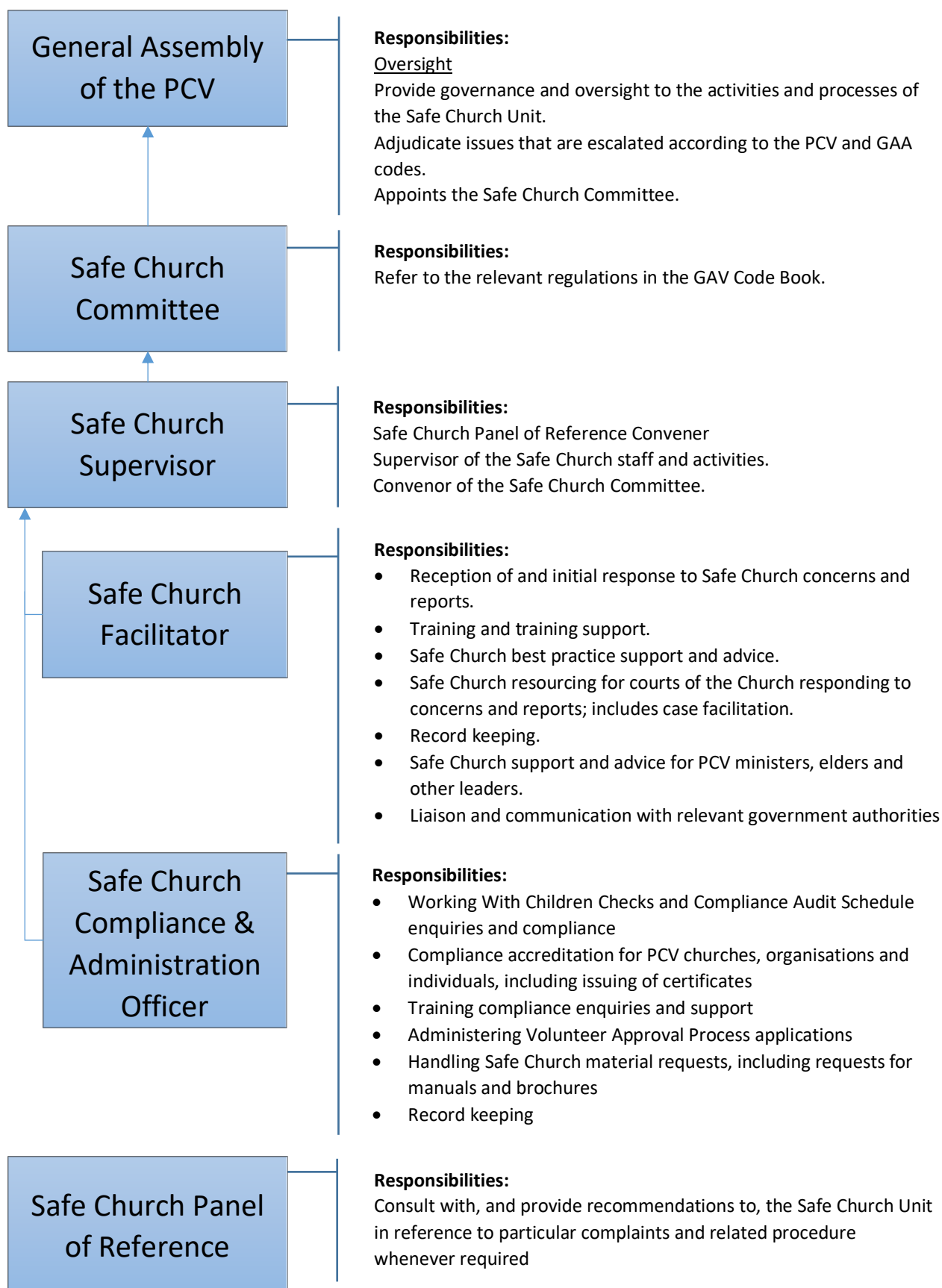
## The Safe Church Unit and Privacy

The Safe Church Unit complies with the PCV Privacy Policy and *The Privacy Act (1988)*, the federal law which regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personally identifiable and sensitive information.

The SCU collects personally identifiable and sensitive information in order to implement its function within the PCV and in accordance with the 'Australian Privacy Principles' as described in the Act.

- The SCU complies with the PCV Privacy Policy, *The Privacy Act (1988)* and the Australian Privacy Principles

## PCV Safe Church Unit Organisational Structure and Accountability



## Safe Church Training

Safe Church training is a key part of the commitment of the PCV to abuse prevention and response in the Church.

As part of the PCV's commitment to Safe Church all people who

- hold leadership/governance/board positions, or
- minister to children under 18, or
- are involved in pastoral care

in a PCV congregation or organisation are required to complete Safe Church Training appropriate to their role.

This includes the following mandated roles:

- Ministers
- Elders
- Deacons
- Bible Study Leaders
- Music Ministry Leaders
- Camp Committee Leaders
- All those who work with children under 18 (e.g. Mainly Music, playgroup, Sunday School, youth groups, kids' or holiday clubs, crèche and any other ministry to children under 18)
- Pastoral Carers
- Board Members

(Due to the commencement of the Victorian Child Safe Standards from 1 January 2017 Board Members are mandated to attend Safe Church Basic Training.)

There are 3 forms of Safe Church Training:

1. Basic Training (completed first and once only)
2. The Online Safe Church Refresher Course (a short online presentation to be viewed once every twelve months)
3. Advanced Training (for designated leaders only)

There is no cost for the individual for course participation.

### Other Recognised Basic Training

PCV Safe Church is a member of the National Council of Churches in Australia - *Safe Church Training Agreement* and as such, recognises other denominational/organisation Safe Church training where the denomination/organisation is a member of the Safe Church Training Agreement.

In order for the PCV to recognise this training, an individual who has:

- joined a PCV church from another denomination/organisation or
- joined a PCV church from an interstate Presbyterian Church of Australia congregation
- and completed child safe training within the last three years

must complete a *Safe Church Training Recognition Form* declaring that they:

- have read the *PCV Safe Church Policy, Code of Conduct and Policy, Procedure and Practice Manual*
- will abide by the *PCV Safe Church Policy and Code of Conduct*
- have viewed the *PCV Safe Church Refresher Course*
- and they have provided written documentation from the other denomination/organisation confirming the completion date and location of their Safe Church Training course

For any queries regarding the above please contact the Safe Church Unit.

### **Basic Training**

The Basic Training course covers the implementation, procedures and practice of the Safe Church Policy and Code of Conduct in all child-related ministries and operations within the denomination. Paid staff and volunteers will not be permitted to take part in any child related ministries without completing the Safe Church Basic Training. People commencing a leadership/governance/board, pastoral care or child-related role in the PCV for the first time must complete Basic Training within the first 12 months of taking on that role.

Basic Training is available via in-person training by the Safe Church Facilitator or via congregational in-house training.



## Congregational In-House Basic Training

Safe Church Basic Training is available online and can be run in congregations following the guidelines

1. Safe Church Basic Training can only be held as an official congregational event approved by the Session. To be Safe Church compliant the Session must approve the running of the training event and work with the Safe Church Representative to set the date(s) and location for the training
2. A person will not be compliant with the training requirement by merely watching the videos in their own time - the training must only be facilitated by the Safe Church Representative in an official congregational event with the above approval of the Session
3. The training event must be registered with the SCU prior to occurring to be Safe Church compliant
4. The Safe Church Representative uses the Safe Church Basic Training Kit to run the training event. The Basic Training videos are on the PCV Safe Church YouTube channel and an internet connection is required for these to be presented
5. After the training the SCU must be notified of the completion of the event and the names of attendees.

### For Safe Church Representatives

The Safe Church Basic Training Kit (including registration and notification forms, advice, instructions, material to print and links to the Basic Training videos) enables Safe Church Representatives to hold a training event and is available via the Safe Church website.

### Online Safe Church Refresher Course

As part of the PCV's commitment to Safe Church these same people listed on page 9 are required to complete the Safe Church Refresher Course every 12 months. The Safe Church Refresher Course is a brief online presentation available at the PCV Safe Church YouTube Channel, designed to ensure adherence to Safe Church policy, procedure and practice. An offline version of the Safe Church Refresher Course is available for those people without access to the internet - contact the Safe Church Unit to have this directly posted by mail.

Safe Church Representatives promote the Refresher Course in their congregation/organisation and direct all mandated people to view the presentation.

### Advanced Training

Advanced Training is more scenario-driven than Basic Training. It is delivered to designated leaders in congregations and organisations with particular responsibility for leading and delivering ministry in both general and specific areas. Advanced Training is delivered by the Safe Church Facilitator. See [www.safechurchpcv.org.au/training/#advanced](http://www.safechurchpcv.org.au/training/#advanced) for the leadership roles which are required to complete Advanced Training.

- The PCV and the SCU are committed to providing Safe Church related support, training and resources to congregations and organisations
- PCV mandated personnel must keep their training up to date by viewing the Refresher Course
- Designated leaders are mandated to complete Advanced Training

## Safe Church Representatives

For the PCV to effectively embrace and implement the Safe Church Policy and Code of Conduct, Safe Church Representatives are appointed in each congregation/organisation. Sessions and organisational leaders select and appoint a Safe Church Representative in their congregation/organisation.

The role of the Safe Church Representative is to support their own congregation/organisation in Safe Church matters, be responsible for working to ensure compliance and promote Safe Church Training. Safe Church Representatives do not receive or respond to Safe Church related concerns and reports – rather these are directed to the Safe Church Facilitator.

Safe Church Representatives ideally should be people

- with an interest and genuine loving concern to work towards making their own congregation/organisation a safe place for everyone within it
- of discretion and wise judgment
- able to kindly but firmly ensure compliance in areas such as Working With Children Checks and reference checking
- willing to be familiar with Safe Church PCV and champion safe ministry within their church community

While Safe Church Representatives need to be able to capably administer compliance within their congregation/organisation they must not act in an overly officious or “police-like” manner. Rather Safe Church Representatives need to view themselves as primarily being helpers.

Responsibilities of Safe Church Representatives:

- Ensure the Safe Church Policy is displayed prominently in their congregation/organisation building/s
- Keep records of all people in their congregation/organisation who work with children and who have Working With Children Checks and supply copies of these records to the SCU (contact SCU for the template to be used)
- Keep records of all people in their congregation/organisation who by virtue of holding positions of authority have Working With Children Checks and supply copies of these records to the SCU (contact SCU for the template to be used)
- Ensure the above records are kept up to date and notify SCU of any changes
- Ensure that when a new volunteer indicates that they wish to commence in ministry with children that they undergo the Volunteer Approval Process, as outlined in the ‘Volunteers’ page on this website (this information is also available in the section relating to volunteers in the Safe Church manual). This includes ensuring the required forms are completed and conducting and documenting the referee checks
- Ensure that when a person transfers from one PCV church to another and wishes to commence working with children in the new church that the PCV Church Transfer Registration Form process is completed before the person commences working with children in their new church
- Promote and attend Safe Church Training
- Promote and view the Safe Church Online Refresher Course

- Be responsible for completing the Compliance Audit Schedule and forwarding this document (keeping a copy for their own records) to the SCU.

Safe Church Representatives receive regular email updates and information from SCU.

- Safe Church Representatives have an important role in the implementation of Safe Church PCV
- Safe Church Representatives are given a pack with all relevant information to enable them to fulfil this role. Packs are available from the SCU and can be ordered via email or telephone. The relevant information is also available at [www.safechurchpcv.org.au/representatives](http://www.safechurchpcv.org.au/representatives)
- The SCU staff are available to assist the Safe Church Representatives and support them in their role
- Safe Church Representatives are encouraged to make use of the support available to them from SCU

## Safe Church – PCV: POLICY STATEMENT

- We commit ourselves to respect other people’s minds, emotions and bodies. We have established Safe Church - PCV as the public criteria according to which the community may judge the resolve of the church to address issues of abuse within the church.
- We acknowledge and accept the trust granted to us by those who are taking part in church activities, their families, and the wider community. We therefore commit ourselves to striving to ensure that all our actions are morally upright.
- We acknowledge that, as a church, our responses to victims in the past may have varied greatly. We express regret and sorrow for any hurt that may have been caused whenever the response appeared to be inappropriate or inadequate.
- We are committed to establishing a process that strives for truth and confidentiality. We will ensure as far as possible that a compassionate response is the first priority in all allegations, even at a time when it is not yet certain that the allegations are accurate, through offering assistance, protection and care without passing judgment or prejudicing the rights of the alleged offender. We acknowledge that concealing the truth is contrary to the character of God, unjust to victims and a disservice to offenders.
- We understand and value the need for support to all parties involved in an allegation, including the aggrieved person and the alleged offender, and we actively seek to provide this support.
- We acknowledge the personal and public difficulties that a false, misconceived, malicious or vexatious allegation can cause for the person accused. We will take whatever steps are possible to address these difficulties.
- We are willing to know the full extent of the problem of abuse and the causes of such behaviour within the church. We will strive to be aware of our legal responsibilities and obligations in relation to prevention, reporting and processing requirements and seek to meet them at all times.
- We acknowledge that we have had to make changes in the way that we relate to children and young people and others, as a result, some good things have been lost, however we will bear this loss to ensure as far as possible that the vulnerable are safe.
- We will ensure as far as possible that all people in positions of authority within the church and/or working with children and young people are aware of the appropriate standard of conduct and boundaries. We require those who work on behalf of the church to indicate their agreement with this policy statement and work towards providing an environment that prevents abuse.
- We believe that churches ought to be places of safety and refuge for children, young people and others, where they should be and feel safe from any threat when on church property or involved in activities operated by the church, or accessing services provided by the church. We believe that the church should be a place where people can disclose abuse and have it dealt with effectively.
- We will establish a prevention strategy that includes screening, sound recruitment and selection procedures, clear boundaries, risk identification and management, education, support, supervision and training.
- We acknowledge that the age of consent for sexual activity is determined by legislation. However, we are mindful that this must be read in the light of our moral and spiritual responsibility. All people in a position of authority within the church, be it real or perceived, paid or unpaid, have a moral and spiritual responsibility towards those over whom they have authority. In this situation it is never appropriate to take part in sexual activity of any kind,

regardless of the person's age. We affirm that sexual behaviour belongs in a marriage relationship only and that in this context it is a good gift of God.

- All allegations will be notified to the appropriate external authorities, overseen by the Safe Church Unit (SCU), investigated thoroughly and determined as described in Safe Church - PCV.
- Irrespective of any other action that may be taken by authorities outside the church, the church reserves the right to exercise its powers according to the Code of Discipline and Safe Church - PCV wherever this action is deemed necessary.

## Safe Church – PCV: CODE OF CONDUCT

The following constitutes the church's Code of Conduct for behaviour for a person in a position of authority within the church:

1. As a person in a position of authority within the church you must always be concerned about the integrity of your position, likely perceptions of the church and the wider community, and the need to acknowledge the real or perceived power given to you as a result of holding this position. You should avoid situations where you are vulnerable to temptation or where your conduct may be construed to be a breach of this Code of Conduct. You will make yourself familiar with the provisions of Safe Church - PCV.
2. You must not fail to take action to prevent to the best of your ability and report as required any of the following:
  - child abuse,
  - a child or young person at risk of significant harm,
  - reportable conduct,
  - sexual misconduct, and/or
  - conduct that breaches the Safe Church - PCV Code of Conduct.
3. Sexualised behaviour is any behaviour that may reasonably be perceived to be of a sexual nature according to the standards of the time by the person to whom it is directed. Sexualised behaviour is only permitted as set out in the Word of God. Except with one's own marriage partner, all sexualised behaviour is forbidden. If you are not married you must abstain from all sexual or sexualised behaviour.
4. You must not engage in or condone any behaviour that could be considered to be:
  - child abuse,
  - putting a child or young person at risk of significant harm,
  - reportable conduct, and/or
  - conduct that breaches this Safe Church - PCV Code of Conduct.
5. You must not engage in or condone any behaviour that could be considered to be sexual misconduct, understanding that sexual misconduct is contact or invitation, via any means, of a sexual nature which is inconsistent with the integrity of a person in a position of authority within the church. Sexual misconduct includes any behaviour that could be reasonably considered to be sexual assault, sexual exploitation, sexual harassment, coercion or grooming of an adult or a child or young person.
6. Sexual exploitation refers to any form of sexualised behaviour with an adult, child or young person, whether or not there is consent and regardless of who initiated the behaviour, where that behaviour is contrary to the Word of God. Therefore, you will not among other things engage in or condone any of the following:
  - behaviour or a pattern of behaviour aimed at the involvement of others in sexual acts, including but not limited to coercion or grooming behaviour,
  - sexualised behaviour with a person below the age of consent,
  - sexualised behaviour with a person with whom there is a supervisory, pastoral care, or counselling relationship,
  - the production, distribution, possession of or accessing of pornographic material of any kind,
  - taking advantage of the conscious or unconscious use of sexually provocative behaviour that some victims of abuse display,
  - engaging the services of a prostitute, or soliciting or providing such services,
  - visiting, without legitimate reason, a brothel or any place maintained for the abuse-of-sex industry,

- viewing or reading, in print or otherwise, material of a sexually explicit nature, except for a legitimate purpose,
  - participating in sexually explicit conversation via social media, chat rooms, gaming or any other means, and
  - asking, without legitimate reason, any questions about the intimate details of a person's sexual life or providing details of your own sexual life.
7. Sexual harassment means unwelcome sexualised behaviour, whether intended or not, in relation to an adult, child or young person where that person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. Therefore, you will not, among other things engage in or condone:
- implicit or explicit demands or suggestions for sexual activities,
  - making any gesture, action or comment of a sexual nature to a person or about a person in their presence,
  - making jokes containing sexual references or innuendo using any form of communication,
  - exposure to any form of sexually explicit or suggestive material, including but not limited to pornography of any kind,
  - physical contact that is inappropriate to the situation or uncomfortable or confusing for the receiver, including kissing, hugging, touching, pinching, patting or aggressive physical conduct,
  - touching any sexual part of the body, including the “only kidding” or accidental occasions of sexual touch,
  - generating or participating in inappropriate personal correspondence (including electronic communication) in respect of sexual or romantic feelings or in breach of the Code of Conduct,
  - inappropriate giving of gifts, including those of a sexual, suggestive or romantic nature that is in breach of the Code of Conduct,
  - inappropriate or unnecessary discussion of, or inquiry about, personal matters of a sexual nature,
  - inappropriate intrusion of personal space or physical privacy, including being alone in a bedroom or bathroom or allowing inappropriate exposure during activities that require dressing or changing clothes,
  - voyeurism, and
  - persistent following or stalking.
8. Coercion or grooming behaviour refers to physical or psychological actions intrinsic to initiating or hiding abusive behaviour, which involves the manipulative cultivation of relationships with vulnerable adults, children and/or young people, their carers and others in authority. You will not exhibit any behaviour that could be considered to be coercion or grooming behaviour.
9. With regard to children and young people:
- You will not visit a child or young person in their own home unless a parent is present or you visit with another person in a position of authority within the church with parental permission.
  - You will not conduct a camp or other activity involving overnight accommodation without appropriate “camp parents” (ideally a married couple over the age of 25 years, of known maturity and Christian commitment) approved by the supervising body.
  - You will not provide any form of accommodation for any reason where there is not strict segregation by sex, with the exception of married couples and families. Supervision of children and/or young people must be provided by a person of the same sex.
  - You will ensure that any activity involving children and/or young people is open to observation by parents and other adults with a legitimate interest
10. With regard to adults, children and young people:
- You will not condone or participate in bullying behaviour, where bullying is the repeated seeking out or targeting of an adult, child or young person to cause them distress and humiliation or to exploit them, including exclusion from a peer group, intimidation and extortion.

- You will not participate in or allow nude swimming or other such activities.
  - You will not participate in or allow initiations and secret ceremonies.
11. With regard to adults, children and young people, either the Presbytery or Session may make temporary variations in respect to the details of the following. These temporary variations will be formally recorded by the Presbytery or Session and will be made on a restricted basis for individuals in specific circumstances for a specific period of time. Where no temporary variation is formally recorded, the following will apply without change:
- You will take care to ensure an appropriate balance of transparency and confidentiality so that the private concerns of others are not disclosed or revealed improperly. In ordinary circumstances, when you are providing pastoral care to, or working with members of the opposite sex, you will strive to do so in an environment that allows visual surveillance and, where reasonable, have other people within hearing distance.
  - You will not allow a child to sleep in close proximity to an adult, other than a parent or guardian, unless there is a significant separation, and privacy of all parties is respected.
  - You will not allow an adult to share accommodation with one child or young person only unless they are a parent or guardian of that child or young person.
  - You will not drive a child or young person unaccompanied.

Where specified provisions cannot be followed in an emergency, the circumstances of the emergency and the actions taken should be reported to and approved by the supervising body. Where the actions taken are not approved they will be considered to be a breach of the Code of Conduct.

Any breaches of this Code of Conduct for any reason will be reported to the appropriate supervising body as soon as possible. The supervising body will then report the matter to the Safe Church Unit (SCU).



## Relevant Victorian Legislation

### **Mandatory Reporting - Children, Youth and Families Act (2005) Victoria**

The Victorian Parliament, on September 10<sup>th</sup> 2019, passed amendments to the *Children, Youth and Families Act*, which mean that people in religious ministries are added to the list of mandated reporters to Child Protection Services.

The legislation states that a:

*"person in religious ministry means a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution;"*

The law makes it mandatory for ministers and other appointed religious leaders to report child abuse, including when it is revealed to them during a confession. Under the law, ministers and religious leaders face up to three years' jail if they don't report child physical and sexual abuse allegations. This law was supported by both the Government and the Opposition.

Mandatory reporting refers to the legal requirement for nominated groups to report a reasonable belief of physical or sexual child abuse to authorities.

There is no significant change for the PCV brought about by this legislation as under 'Failure to Disclose' and the existing Safe Church PCV reporting protocols, PCV personnel have essentially operated as mandatory reporters regardless.

Any questions about this may be directed to the Safe Church Unit.

### **The Victorian Child Safe Standards - Child Wellbeing and Safety Act (2005) Victoria**

The Victorian Child Safe Standards are a direct result of the 'Betrayal of Trust' Victorian State Government Parliamentary Inquiry into the Handling of Child Abuse in Religious and Non-Government Organisations, held in 2012-13.

As a result of the Inquiry the State Government have introduced a number of new pieces of legislation, which have bipartisan support among all political parties in Victoria.

These standards are an excellent development in our community. The standards are intentionally designed to increase the safety of children in all organisations, religious or otherwise.

At the heart of the standards is the desire of our community to say "Never again" to the abuse of children within organisations in Victoria – this is a great thing and something the Christian Church absolutely aligns with. For churches and Christian organisations the Child Safe Standards provide further impetus to achieve best practice in protecting children now from harm and from the lifelong effects of child abuse. The standards are a great thing for children in Victoria and for the Christian Church.

The seven standards are as follows:

1. Embedding a culture of child safety through effective leadership.
2. Making a commitment to child safety with a policy or statement.
3. Having a clear code of conduct that establishes appropriate behaviour with children.
4. Screening, supervision and training for staff, to reduce the risk of child abuse.

5. Clear processes for responding to and reporting suspected child abuse.
6. Risk management and mitigation – in relation to risks of child abuse.
7. Empowering children to share their feedback and experiences about feeling safe.

The standards are designed to drive cultural change in organisations, so that protecting children from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers.

This will assist organisations to:

- Promote the safety of children
- Prevent child abuse
- Ensure effective processes are in place to respond to and report allegations of child abuse

### *Overarching principles*

In applying each standard, organisations must reflect and embed the following 3 key principles:

1. Cultural safety of Aboriginal children
2. Cultural safety of children from culturally and linguistically diverse backgrounds
3. Safety of children with disabilities

The PCV complies with the Victorian Child Safe Standards. For further detail please contact the Safe Church Unit.

See [www.cyp.vic.gov.au](http://www.cyp.vic.gov.au)

### **The Working With Children Check** - *The Working with Children Act (2005) Victoria*

All people working with children under 18 years old in the PCV are required to have a current Victorian Working With Children Check (WWC Check) OR, in the case of Victorian Institute of Teaching (VIT) registered teachers, notify Working With Children Check Victoria (via the website) of their role with the PCV. No person will be permitted to work with children under 18 in any PCV ministry or activity without a current WWC Check.

See [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

### **Other appointed church leaders**

In October 2014 the State Government of Victoria enacted changes to the Victorian Working With Children Check (WWC Check). For the purposes of the legislation a minister of religion is anyone ordained or appointed as a recognised religious leader in an organised religious institution or an appointed leader of a local religious organisation in an institution who has general authority over operations or some of the operations of the congregation in the institution.

Advice given to the Safe Church Unit during consultation with the State Government means that the broadened scope of the WWC Check will mean that the following people in the PCV require a WWC Check in addition to those already holding a WWC Check due to participation in child-related activities:

- Ministers - regardless of whether or not their congregation includes children
- Elders – this includes Presbytery and Assembly members

- Board Members
- Appointed leaders of any ministry in the congregation – this includes music leaders, Bible study leaders, and specific ministry leaders (for example women’s ministry or English teaching ministry leaders) - regardless of whether or not their ministry area includes ministry to children
- Supply Preachers

The legislation is broad in nature and on advice the PCV will err on the side of complete coverage. The message from government is that the WWC Check is the minimum standard and organisations should be careful to ensure that all appointed leaders have a WWC Check. The updated recommendation from the SCU is that all appointed leaders acquire a WWC Check regardless of whether or not their congregation has children attending. This is the most protective approach for leaders, the local church and the denomination.

If your role in the PCV involves participating in more than one congregation of the PCV (for example, preaching in more than one congregation on a regular basis or your role requires you to travel and serve in other PCV congregations) you must list the PCV as an organisation on your WWC Check details. Simply visit the Working With Children Check website to update your details and add the 'Presbyterian Church of Victoria' to your list of organisations.

The WWC Check application form is now only available online – see [www.workingwithchildren.vic.gov.au/individuals/applicants/how-to-apply](http://www.workingwithchildren.vic.gov.au/individuals/applicants/how-to-apply)

Please contact the Safe Church Unit via email or telephone with further queries or should any assistance be required. There is no government fee for the check for all volunteers in the PCV.

Ministers of PCV churches require an ‘Employee’ WWC Check rather than a ‘Volunteer’ check.

### **Why WWC Checks are required in appointed leadership roles that do not involve children**

The Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations and the Royal Commission into Institutional Responses to Child Sexual Abuse have revealed two key areas of concern that the broadening of the Victorian WWC Check seeks to address:

- The need to change culture from "Child sexual abuse could never happen in my church" to "Child sexual abuse can and does happen in churches and everyone needs to be mindful of preventing it and ready to report it".
- The need to remove "blocks" when a concern is raised with a leader in a church and that leader is either not mindful of the possibility of child sexual abuse occurring, perhaps even disbelieving about this or doesn't believe it is their responsibility to take the concern further.

By legislating that all appointed leaders in churches and organisations have WWC Checks the state government is seeking to both broaden awareness of child sexual abuse and assist individual leaders at all levels of church authority in taking responsibility to report concerns, suspicions or known child sexual abuse.

### **Interim negative notices and Withdrawal notices**

If an individual receives an Interim Negative Notice upon applying for a WWC Check this means that the Department of Justice and Community Safety (the Department) intends to reject the application and issue a Negative Notice. The Interim Negative Notice means that the Department has not yet made a final decision in the application and the individual may make a submission and explain why they believe they should be granted a WWC Check.

The PCV or the local church will receive a copy of the Interim Negative Notice. Under the legislation, the individual must notify the PCV or local church within 7 days of being given an Interim Negative Notice. If the local church (either the Safe Church Representative or the Session) receive notification that an individual in the congregation has received an Interim Negative Notice this information must be immediately disclosed to the Safe Church Unit. The relevant provisions of the NSMF also apply (see Appendix A).

Any employee or volunteer of the PCV who is issued with an Interim Negative Notice or Withdrawal Notice must cease working with children and/or stand aside from their role until the matter is resolved by the Department of Justice and Community Safety. This is to allow the PCV to fulfil its duty of care to children in the Church, as well as to the person to whom the Interim Negative Notice or Withdrawal Notice has been issued.

Post 1 August 2017 the legislation allows for “non-conviction” charges to be considered by the Department of Justice and Community Safety in terms of granting a WWC Check to individuals, including to those who are renewing their WWC Check. This means that some individuals who currently have a WWC Check may have their WWC Check withdrawn.

Further, the term “unsupervised work with children” has been removed, meaning the WWC Check applies to all contact with children, whether supervised or not.

### **The Victorian Reportable Conduct Scheme - (Part 5A) *Child Wellbeing and Safety Act (2005)***

Victoria

The Victorian Reportable Conduct Scheme legislation states at Part 2 16B (1) (a) that “the protection of children is the paramount consideration in the context of abuse or employee misconduct involving a child”. [“employee” is defined as both paid and volunteer workers in the organisation]

The RCS is further evidence of the seriousness with which the State and community of Victoria treat the safety of children from abuse. The RCS forms part of a concerted effort to build a culture of child safety in Victoria across all organisations that have children in them. The main emphasis of the RCS is to ensure that all organisations are clear about their reporting duties, risk assessment and risk management.

The PCV must comply with the Victorian Reportable Conduct Scheme (RCS). This means that any historical and current child abuse allegations relating to employees and volunteers who work for the Church must be reported by the Head of Entity (this is the Clerk of the General Assembly for the purposes of the RCS) to the Commission for Children and Young People.

**Any allegations of criminal conduct will be reported to Victoria Police as the first priority.**

The Church must also provide evidence to the Commission for Children and Young People of a legislative-compliant investigation and appropriate response to the allegation(s).

There are five types of 'reportable conduct':

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

The RCS requires Courts of the Church to **risk assess and risk manage known risks to children's safety from abuse in the PCV**. This legislative requirement aligns with the requirements of the Victorian Child Safe Standards.

For more details, please see the Commission for Children and Young People information sheet "What is reportable conduct?" – at [www.cyp.vic.gov.au/assets/resources/What-is-reportable-conduct.pdf](http://www.cyp.vic.gov.au/assets/resources/What-is-reportable-conduct.pdf)

Please contact the Safe Church Unit with any RCS enquiries, concerns or allegations – phone 0499 090 449.

Alternatively anyone may report directly to the Commission for Children and Young People - phone: (03) 8601 5281 – and then advise the Safe Church Unit of the report – phone 0499 090 449.

## Online and Smart Phone Usage Guidelines

The following guidelines (also available at [www.safechurchpcv.org.au/resources](http://www.safechurchpcv.org.au/resources)) are to assist all people who work with young people and all people who are in positions of authority within the PCV. Where the phrase “young person” or “young people” is used it is always defined as a person or people under 18 years of age. This advice provides useful general guidance in regards to online and smart phone communication (i.e. all electronic communication).

In cases where ministry outcomes are in part effected through the use of social media then it is recommended that particular practice guidelines pertaining to that ministry are developed and clearly communicated to the leaders. The SCU is available for assistance in establishing such particular guidelines.

### Safe Church

The Safe Church Code of Conduct states at point 1: “As a person in a position of authority within the church you must always be concerned about the integrity of your position, likely perceptions of the church and the wider community, and the need to acknowledge the real or perceived power given to you as a result of holding this position. You should avoid situations where you are vulnerable to temptation or where your conduct may be construed to be a breach of this Code of Conduct. You will make yourself familiar with the provisions of Safe Church - PCV.”

This point has application to your use of all electronic communications as a person of authority or person working with young people in the PCV.

### Basic Principles

There are three basic principles when having any type of conversation with a young person:

- 1) Remember God is listening:
  - The ‘God test’ – is this conversation honouring God?
  - The ‘parent test’ – if this young person’s parents were listening/reading this, would they feel comfortable with this conversation?
- 2) Seek transparency in conversations with young people and do not converse where you can’t be observed by others.
- 3) Don’t get in deeper than you can handle – if issues arise that are greater than your ability or in an area of your weakness refer the young person to others who are better equipped to deal with it. When in doubt, ask for help.

Online and smart phone communications can create an intense, relational situation because of the ease of access, the comfort of distance and its unobserved nature. A relationship can be developed far more quickly than was possible before online communication was common. Therefore, the church considers talking with young people online and via smart phone to be exactly the same as talking to them face to face. **The same code of conduct for leaders interacting with young people face to face applies to all types of online and smart phone communication.**

### Specific conduct guidelines:

#### Facebook/Twitter/Instagram/blogs/websites

If your church ministry or organisation establishes any of the above social media platforms as a method of communication within the group this is the best place for leaders to converse with members of the group as all conversations may be held in public. Ensure there is no option for private conversations to take place on this facility.

Best practice is for leaders not to be individual friends on social media with young people within the church or organisation. This is due to the risks inherent in private relationships which may develop over social media. These risks affect both young people and leaders.

However it is recognised that leaders may be individual friends on social media with young people where the relationship is pre-existing or established via other connections, for example they may be related or may have formed the friendship via knowing each other external to the leader/group member relationship. In circumstances where leaders are individual friends with young people on social media leaders are at all times to adhere to the basic principles above.

#### SMS Text messaging/emails

Best practice is to only use the above methods of communication as a “one-way” avenue for communicating within the group. Make it clear to all members of the group that while SMS texts/emails will be used for communication leaders will not reply individually to any response from group members, unless a matter of urgency arises and in every case, with a fellow leader copied in on the reply. Give parents the option of always being copied in on any communication from the ministry or organisation leaders and add those parents to the contacts list.

**When sending group emails always remember to send any email to yourself first and put all contacts into the blind copy (BCC) field to ensure you do not distribute email addresses without permission. Always copy in fellow leaders. Follow the same privacy protocols if using SMS texts to do mass communication within the group.**

#### Phone/Skype/FaceTime/Messaging Apps/In-game messaging

In the main seek to avoid where possible individual contact with young people via online and smart phone communication. Aim to have 100% of communication to young people via group communication. Should a need arise to use phone/Skype/FaceTime you should be accountable – always get parental permission **before** you talk with a young person over the phone and tell a co-leader that you are conversing with a young person by phone. If using Skype or FaceTime again always get parental permission **before** you talk with a young person using this facility. Ensure both you and the young person are using this form of communication in an open area where people can see you or there are others present, e.g. not alone in your room.

Do not use Messaging Apps or in-game messaging to communicate individually with children or people under your pastoral care in your Church role.

**In the case where an inappropriate message or image is sent to a leader by a child or a person under pastoral care/leadership via any online or smart phone communication, whether publicly or privately, the leader should not reply under any circumstances. Do not delete the image or message. The leader must immediately notify the ministry or organisation leader that this has occurred. The ministry or organisation leader may then contact the SCU for advice on how to proceed.**

#### Cyber bullying and image based abuse

Sadly, there is an increase in the prevalence of cyber bullying and image based abuse targeting both adults and children in Australia, mostly via social media. Both State and Federal parliaments have begun to address this societal problem through legislation and the provision of assistance to Australians via the Office of e-safety – [www.esafety.gov.au](http://www.esafety.gov.au)

If you become aware of cyber bullying or image based abuse within the church context visit [www.esafety.gov.au](http://www.esafety.gov.au) and contact SCU for assistance and reporting.

- Online and smart phone communication has significant potential risk involved for all users
- Adhering to these guidelines will help minimise risk
- Always seek transparency in online and smart phone activities
- Practice online and smart phone behaviour that demonstrates a true witness to the Christian faith
- As much as possible adopt an approach that uses electronic communication as a ‘broadcast’ communication tool to a group
- If a situation develops online that you need advice or guidance about **call the Safe Church Unit 0499 090 449**



## Safe Church – Children

The Safe Church Policy and Code of Conduct applies to all interactions between adults and children within the PCV. Within the Victorian legislative environment a child is always defined as a person under 18 years of age and the Safe Church Policy and Code of Conduct adhere to this definition. In this manual the following terms are interchangeably used to describe a person or persons under the age of 18 years: **child/children, young person/young people.**

The Safe Church Unit works to ensure that all PCV congregations and organisations are compliant with Victorian government child-related legislative requirements that are applied to voluntary organisations including churches.

In particular the SCU ensures the PCV is compliant with the Victorian Child Safe Standards and can demonstrate this to both the PCV and the Victorian Government.

See the following website for the information about the standards:

[www.chilsafestandards.org.au](http://www.chilsafestandards.org.au)

Contact SCU for further information about the PCV compliance with the Victorian Child Safe Standards.

## What is Child Abuse?

Child abuse is an act by a person or persons that endangers a child or young person's physical or emotional health or development. **In Victorian legislation and in the Safe Church Policy and Code of Conduct a child or young person is a person under 18 years of age.**

There are different kinds of child abuse:

### Neglect

Failure to provide the basic necessities of life, such as love and affection, safety, food, clothing, hygiene, medical care and education.

### Emotional Abuse

Depriving a child or young person of love and attention which can include but is not limited to constant criticism, isolation, excessive teasing or terrorising. These actions and others are used by a person in a position of power to make the child feel worthless. It may also include actions that cause serious mental anguish without any legitimate disciplinary purpose as judged by the standards of the time when the incidents occurred.

### Physical Abuse

All non-accidental physical injuries. This can include but is not limited to hitting, beating, burning, scalding or shaking, and actions that cause serious pain without any legitimate disciplinary purpose as judged by the standards of the time when the incidents occurred.

### Sexual Abuse

Sexual abuse includes involvement in sexual activities with anyone who is older, bigger, in authority or perceived authority or more powerful where a **child or young person** is unable to give informed consent. It also includes sexual activities with a person under 18 years of age (such as another child or sibling) where a **child or young person** is unable to give informed consent. These activities may be initiated by either party. This includes but is not limited to:

- touching in a sexual way
- masturbating
- flashing
- oral sex
- sexual intercourse
- eroding the sexual boundary between two people through sexual innuendo
- kissing
- unwanted or unnecessary touching
- overly long hugs
- online child exploitation (the grooming of children online to create online material that is sexually exploitative of a child)

It can involve apparently consensual intercourse or sexual activity but the validity of consent is negated by the power differential or the fact that one person has a moral and spiritual responsibility towards the other.

It also includes permitting another person to undertake these activities with your knowledge or in your presence. **It is not possible for a person under the age set by legislation (16 years) to legally consent to sexual activity.**

### **Domestic and Family Violence and Children under 18**

Statistics indicate that children who witness abuse are at least twice as likely to continue the cycle of domestic and family abuse into adulthood. In fact, witnessing abuse from one caregiver to another is the strongest risk factor for the transmission of violent behaviour from one generation to the other. Children who have been abused are also 15 times more likely to be abused by others.

These are just some of the many reasons why domestic and family abuse cannot be tolerated and must be acted upon. Child protection is everybody's business and we all have a responsibility to ensure that children are safe.

(Source: Jericho Road Tip Sheet 9 - See [www.jerichoroad.org.au/breaking-the-silence/domestic-violence](http://www.jerichoroad.org.au/breaking-the-silence/domestic-violence))

In Victoria reports are made to the Department of Health and Human Services - Child Protection (DHHS), where there is family violence in a home where there are children under 18. For further information, contact the Safe Church Unit.

While it can be emotionally tough for church leaders and pastoral carers to consider making a report under such circumstances it is essential to remember that family violence situations can escalate very quickly and children are at real risk of harm when left living with family violence. Children cannot change their own circumstances and are entirely vulnerable to the adults around them. That is why, even though it is difficult, and church leaders and pastoral carers can feel emotionally conflicted and torn, **a report must be made**. Making a report also assists in the provision of guidance and resourcing for the minister and any other person ministering in the situation.

- Child abuse is an act by a person or persons that endangers a child or young person's physical or emotional health or development
- It is imperative that all individuals and organisations in the PCV understand and recognise the different forms of child abuse
- Family violence involves violent, abusive or intimidating behaviour carried out by a partner, carer or family member to control, dominate or instil fear. This includes physical, emotional, psychological, sexual, financial or other types of abuse. If a person has an immediate concern that a child is exposed to or subject to family violence, an urgent report must be made
- Mandatory Reporting of child abuse applies
- Contact Safe Church Unit with any child abuse concerns or reports or to seek advice

## Signs of Abuse

The following chart gives **examples** of possible indicators of child abuse. Note it is not an exhaustive list - for a more detailed list of indicators see [www.safechurchpcv.org.au](http://www.safechurchpcv.org.au) or the **Safe Church Basic Training** booklet. Note that the presence or absence of any indicators listed does not necessarily mean the child is or is not experiencing abuse.

Form of Abuse	Possible Indicators
Sexual abuse	<b>Verbally reports or discloses sexual abuse</b> , aggressive, overt sexual behaviour, age-inappropriate knowledge of sexual acts, wary of physical contact (especially with an adult), physical signs of injuries (generally to the genital area), poor self-esteem, poor peer relations, inappropriate expressions of friendship between a child and an adult, self-harm, discloses online sexual behaviour as a result of online grooming or coercion
Physical abuse	<b>Verbally reports or discloses physical abuse</b> , unexplained welts, bruises, burns, fractures, lacerations, abrasions, head injuries, appears frightened of carer, seeks affection from any adult with no discrimination, extreme aggression or withdrawal or other behavioural extremes, complaints of soreness or injuries
Emotional Abuse	<b>Verbally reports or discloses emotional maltreatment</b> , speech disorders, lags in physical development or failure to thrive, attempted suicide, low self-esteem, toileting problems, apathetic, withdrawn, habit disorders (such as rocking, biting, sucking)
Neglect	<b>Verbally reports there is no carer/parent at home or a consistent lack of supervision</b> consistent hunger, poor hygiene, inappropriate dress, chronically unclean, unattended physical problems, medical or dental needs, underweight, developmental delays, begs or steals food

- Child abuse is not usually a single incident but rather takes place over time
- Individuals and organisations in the PCV must be aware of and look out for all forms and indicators of child abuse
- Online sexually exploitative abuse of children is growing exponentially in Australia due to the popularity of online activity and in particular, social media use by children. Always report online sexually exploitative abuse of children to police and SCU

## What to do if a child discloses abuse

It is possible for any person in the church, whether in a position of authority or not, to have a child disclose abuse. In such circumstances it is extremely important that the situation is not compromised in any way. The following advice is intended to assist if a child discloses abuse to someone in the church:

### What to do if a child discloses abuse

1. Listen, listen, listen...and do not add anything.
2. When listening to a child **remember**:
  - that children often talk about difficult or painful things in a roundabout way
  - that children need assurance from adults that it is OK to talk about upsetting things
  - children often feel ashamed and frightened and find it hard to find the right words to explain
  - being observant will help you pick up non-verbal clues about what is wrong
  - a child may drop hints when something is wrong, for example, "I don't like so and so. Do you like him/her?"
3. Tell the child, "You are not to blame".
4. Do not press the child for information or push the child to reveal the details of the abuse. Do not ask leading questions, rather listen carefully and if possible take notes of what the child states, including any dates, times or locations of the alleged abuse.
5. Reassure the child, "You are right to tell and I take what you say very seriously."
6. Tell the child that you and the church are there to help and you will be telling the Safe Church Unit what has been said so that the child can receive help.
7. Do not promise not to tell anyone else. Rather, say "There are people who can help you and I will tell them."
8. Finish on a positive note and tell the child "I am pleased you told me this. You are not alone."

**If you consider that the child is in immediate danger call the Victoria Police 000. Stay with the child and then call the SCU 0499 090 449.**

If there is no immediate danger then as soon as possible after the disclosure make handwritten notes of exactly what the child said and the date and time of the meeting. See *When to make a report (page 35)* for further details about the next step.

- Sometimes a child discloses abuse to a person who the child feels safe with or trusts. In this situation carefully **listen, reassure the child and tell them you will help them.**
- Make notes of exactly what the child has said and note the date and time
- Contact Victoria Police if you consider the child is in immediate danger and then contact the SCU
- If no immediate danger contact the SCU as soon as possible OR alternatively contact DHHS - Child Protection and then contact the SCU
- **Remember – Mandatory Reporting law applies. The SCU must be contacted in all cases of disclosure of abuse by a child. The SCU/PCV reports all child abuse disclosures to Child Protection or Victoria Police**

## When to make a report

A report to the SCU, Victoria Police or to Department of Health and Human Services (DHHS) Child Protection is to be made when an individual or organisation within the PCV **forms a belief on reasonable grounds that a child is in need of protection from abuse**. A separate report must be made to the Commission for Children and Young People in matters that fall under the Reportable Conduct Scheme. Contact SCU for assistance.

Here, the following guidelines from the DHHS Child Protection Practice manual apply:

### “Forming a Belief

To form a belief, the reporter must be aware of matters and hold any opinions in relation to those matters that lead them to reasonably believe a child is in need of protection (s.186 *Children, Youth and Families Act* Victoria).

### Reasonable Grounds

A belief on reasonable grounds is formed if a reasonable person in the same position would have formed the belief on the same grounds (s.184 (4) *Children, Youth and Families Act* Victoria).

For example, there may be reasonable grounds when:

- A child states that they have been physically or sexually abused
- A child states that they may know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- Someone who knows the child states that the child has been physically or sexually abused
- Signs of physical or sexual abuse leads to a belief that the child has been abused”

Other kinds of child abuse are also reportable – for example, neglect.

### Suspicious of Harm

Further to the above, suspicions of harm of children must be reported. Reporting is necessarily and intentionally victim-focused. Where a child’s welfare is at stake, it is always better to act and report than to fail to do so.

A suspicion of harm exists when someone has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering significant harm. The DHHS descriptions in the bullet points above also apply to determining whether there is a suspicion of harm. Any person who witnesses abuse of a child by an adult must also report this.

### The ‘Betrayal of Trust’ Laws

Three pieces of legislation relating to child protection issues have been added to the Victorian *Crimes Act (1958)* (the following information is extracted from the Department of Justice and Community Safety fact sheets for each offence):

#### Failure to Protect:

The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation

will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

A relevant child is a child who is, or may come, under the care, supervision or authority of a relevant organisation. The child does not need to be identified. This means that the risk is not that a particular child will become the victim of sexual abuse. Instead, the substantial risk could be posed to any child who is, or who may be in the future, under the organisation's care, supervision or authority.

The maximum penalty for failing to protect a child is five years' imprisonment for each individual who failed to protect children in the organisation from a known substantial risk to their safety from sexual abuse in the organisation.

#### Failure to Disclose:

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to Victoria Police or DHHS - Child Protection. Failure to disclose the information to the relevant authorities is a criminal offence.

The maximum penalty for failing to disclose child sexual abuse is three years' imprisonment.

*This law has in effect made every person aged over 18 years in Victoria a mandatory reporter of child sexual abuse.*

#### The 'Grooming' offence

The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.

The offence can be committed by a person aged 18 years or over.

The maximum penalty for grooming is ten years' imprisonment.

### **The Victorian Reportable Conduct Scheme**

There are five types of 'reportable conduct':

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

Please contact the Safe Church Unit with any RCS concerns or allegations -phone 0499 090 449.

Alternatively **anyone may report directly to the Commission for Children and Young People** - phone: (03) 8601 5281 – and then advise the Safe Church Unit of the report – phone 0499 090 449.

- **Mandatory Reporting laws apply in the PCV**
- Any individual or organisation in the PCV can make reports in the first instance to either the SCU or DHHS - Child Protection or Victoria Police. If uncertain report first to SCU.
- The SCU/PCV always discloses any child abuse concerns/reports to either DHHS - Child Protection, Child FIRST (an arm of DHHS), or Victoria Police
- The PCV complies with the Victorian Reportable Conduct Scheme
- When an individual or organisation within the PCV **forms a belief on reasonable grounds that a child is in need of protection from abuse** a report must be made to the SCU (in addition to any external reporting)
- **Disclosure** of abuse, **witnessing** of abuse or **concerns** of abuse **must** be reported to the SCU
- If there has been a breach of the Safe Church Code of Conduct in the operations of the congregation or organisation during activities involving children this **must** be reported to the SCU
- In circumstances where an individual or organisation within the PCV forms a belief that child is in **immediate danger** Victoria Police must be contacted and then the SCU **immediately informed**
- **The 'Betrayal of Trust' laws** are critically important



## Contact Details for child related issues

### Reporting

If a child is in immediate danger call Victoria Police 000

Then call the **SCU 0499 090 449**

In the case of allegations or suspected abuse there are two options:

- Call the **SCU 0499 090 449**. The SCU can then make the necessary contact with the Department of Health and Human Services - Child Protection or Victoria Police.

**OR**

- Call the Department of Health and Human Services - Child Protection. **Local Child Protection** numbers are listed below if calling within business hours OR if after hours call **Child Protection Emergency Services 131 278**. Then call the **SCU 0499 090 449** to notify that Child Protection have been contacted.

### Department of Human Services – Child Protection Contact Details for Reporting

<b>Regions of Victoria</b>	
<i>Intake Unit</i>	<i>Telephone</i>
Eastern	1300 360 391
North and West	1300 664 977
Southern	1300 655 795
Western Rural & Regional Only	1800 075 599
<b>After Hours Child Protection Emergency Services</b>	<b>131 278</b>

See [www.services.dhhs.vic.gov.au/child-protection-contacts](http://www.services.dhhs.vic.gov.au/child-protection-contacts)

### Victorian Reportable Conduct Scheme reports

Directly to **SCU 0499 090 449**

**OR**

Directly to the **Commission for Children and Young People** – [www.cyp.vic.gov/au](http://www.cyp.vic.gov/au)

## Support and Referrals

**Safe Church Unit:** 0499 090 449

**After Hours Child Protection Emergency Services:** 131 278

**Kids Helpline:** 1800 55 1800

- If there is immediate danger to a child call Victoria Police 000 and then call the SCU 0499 090 449
- In all situations where there is suspicion of child abuse always call the SCU 0499 090 449
- In non-urgent situations the reporter may choose to contact Child Protection first **before** contacting the SCU
- The PCV complies with the Victorian Reportable Conduct Scheme – call SCU 0499 090 449 to make a report OR contact the CCYP directly, before calling SCU to report
- If in doubt, wishing to discuss concerns or needing support please call the SCU for assistance

## **Safe Church – Adults**

The Safe Church Policy and Code of Conduct apply to all interactions between adults in the PCV. Everyone in the PCV has the right to feel safe as they worship God and fellowship with one another. Safe Church aims to ensure that PCV congregations and organisations are places of spiritual, emotional, mental and physical safety for everyone.

In the life of the church, however, issues and circumstances may occur where an adult feels unsafe in any one of these aspects through their interactions with other adults. Examples include where an adult may be a victim of sexual or indecent assault, or be harassed in the church environment. In these and other such situations adults in the PCV may choose to contact the SCU for information, support, advice or assistance. The SCU is a resource for the PCV in such matters.

## What are adult-related Safe Church issues?

The following list includes the sort of situations experienced by adults in the PCV that may be described as Safe Church issues. Note that this is not an exhaustive list but is indicative only. If uncertain about a particular circumstance contact the SCU for further clarification.

- Indecent assault
- Sexual harassment
- Sexual assault
- Disclosure and/or allegations of past sexually abusive behaviour
- Disclosure and/or reports of previous convictions for sex offences
- Disclosure and/or reports of being on the Sex Offender Register
- Rape
- Threatening behaviour
- Violent behaviour
- Assault
- Duress
- Fraud
- Domestic and Family Violence
- Grooming
- Online coercion behaviour towards children for the purposes of sexual exploitation
- Stalking
- Inappropriate relationships
- Bullying
- Possession or dissemination of pornography or child abuse material
- Illegal sexting (sexting between an adult and a child)
- Image based abuse of adults via digital communications

In the case of employees and volunteers who work for the PCV any conduct defined as 'Reportable Conduct' within the Victorian Reportable Conduct Scheme is also a Safe Church issue. Contact SCU for enquiries relating to this.

## What must be reported?

In the context of adult related Safe Church issues conduct or behaviour within the PCV that is classified as criminal under the Victorian *Crimes Act (1958)* or as misconduct under the Victorian Reportable Conduct Scheme must be reported. If a person is in immediate danger always contact Victoria Police and then contact the SCU to report. If there is no immediate danger but an allegation or evidence is brought that indicates a criminal act has occurred then contact Victoria Police and the SCU. If in doubt or unsure about contacting police then call the SCU in the first instance. The SCU can then follow up as necessary with reporting to police. All crime or reasonable beliefs that a crime has occurred are reported to Victoria Police.

The following **must be reported**:

- Indecent assault
- Sexual assault (including sex offences against children)
- Rape
- Threatening or enacting violence
- Assaults
- Stalking
- Grooming
- Illegal sexting (sexting between an adult and a child)
- Domestic and Family Violence
- 'Reportable Conduct' (as defined within the Victorian Reportable Conduct Scheme) by any employee or volunteer working for the PCV

Where there is uncertainty if a concern is reportable contact the SCU for advice.

### Disclosures of past abusive behaviour

If an adult in the church makes a disclosure that they have sexually abused a child in the past, whether they were under 18 years of age or not, and whether the abuse was familial or not, this is not information that the listener can keep to themselves. This kind of disclosure must be reported to SCU, as individuals with sexual abuse behaviour in their background are understood as individuals who carry risk to the safety of children.

*"There is a tendency to minimise or dismiss young people's sexually abusive behaviour as experimentation or play, or as a 'phase' that will pass with age...Such minimisation belies the seriousness of the abuse and the harm that is caused to the victims...[There are well-established] clear boundaries about what constitutes sexual abuse by young people - coercive or forceful sexual behaviour with children (or with peers) is always abusive, and should not be regarded as 'normal' adolescent behaviour."* ('Young People who sexually abuse: Key Issues' by Cameron Boyd and Leah Bromfield, 2006, Australian Institute of Family Studies)

When it comes to these kinds of disclosures it is no longer the case that church leaders can keep such information to themselves and take no action in the form of risk management measures. When church leaders know such things about people in the church and take no risk management measures churches

become places where children are at greater risk from sexual abuse. This approach led to thousands of children being sexually abused in churches across Australia. Further, legal duty of care and specific Victorian legislation make this approach such that the Church will be legally exposed.

It should be noted that disclosure and risk management are not inherently inconsistent with pastoral care and ministry if the process is handled well and with compassion.

### **Domestic and Family Violence**

The presence of Domestic or Family Violence in a marriage or a family falls short of the abundant life God promises us in Christ. It deprives victims of the peace, comfort, safety and joy that God intends for marriage and family.

Where it exists in the body of Christ it undermines the truth and love of the Gospel, with devastating effect on the victims, those who love and care for them and the witness of Christ in both the Church and the world.

The Presbyterian Church of Victoria is firmly opposed to all forms of Domestic and Family violence. Husbands are specifically told "...Love your wives, as Christ loved the church and gave himself up for her" (Eph.5:25) and are warned, to love their "...wives and not be harsh with them..." and to live with them "...in an understanding way" (Col. 3:19; 1Pet. 3:7).

Therefore, any attempt to twist the biblical teaching to tacitly sanction domestic violence or abuse is a gross perversion of the Bible's teaching. Domestic and Family Violence is repugnant to God and an anathema to the biblical model of sacrificial love and service. (The Presbyterian Church of Victoria has issued a statement on this subject – see [www.pcv.org.au](http://www.pcv.org.au) )

The *Victorian Family Violence Protection Act 2008* has the following explanation of family violence:

"Family violence is any behaviour that in any way controls or dominates a family member and causes them to feel fear for their own, or other family member's safety or well-being.

It can include physical, sexual, psychological, emotional or economic abuse and any behaviour that causes a child to hear, witness, or otherwise be exposed to the effects of that behaviour."

A violent family member may use several forms of abuse and violence over time. An ongoing pattern of control, intimidation and fear is the most usual pattern of family violence that police respond to.

Family violence where there are children in the household is child abuse. Abuse where there are children involved must follow child protection procedures as the priority is the protection of children and their need to live and grow in a safe home.

The Safe Church Unit assists the Church in responding to and preventing family violence in our denomination. The PCV Safe Church Domestic and Family Violence Response booklet is available from the Safe Church Unit. Contact the Safe Church Facilitator to **report any Domestic or Family Violence concern**.

## What may be reported

The following list gives examples of what kind of conduct and behaviour may be reported or be the subject of complaints to the SCU. Note this is not a definitive list but rather indicative. Contact the SCU for further clarification or to discuss any concerns or complaints.

Adult behaviour that may be reported:

- Bullying
- Inappropriate relationships
- Misuse or abuse of authority
- Professional misconduct
- Suspicion of grooming or stalking
- Spiritual abuse
- Sexual harassment
- Conduct, behaviour or speech that is sexually threatening or inappropriate

## The Role of the Safe Church Unit

The following information explains the role of the SCU in adult-related complaints:

- The SCU is an avenue for adults in the PCV to seek help in Safe Church Policy and Code of Conduct related issues
- Historical abuse may be reported by adults to the SCU
- The SCU's role is to ensure Safe Church concerns/reports are directed to the appropriate place(s) both within and externally to the PCV
- The SCU is the place in the PCV to take reports relating to employees and volunteers who work for the PCV, concerning 'Reportable Conduct' as defined by the Victorian Reportable Conduct Scheme
- While it is understood that any person in the PCV can directly bring a Safe Church concern/report to the Courts of the Church themselves, circumstances may arise where a person is unable or unwilling to do so and hence may approach the SCU for help and assistance
- The SCU is a resource for the PCV and as such can also be engaged to assist in cases that originate in sessions and presbyteries.

- The SCU is an avenue for adult-related Safe Church concerns/reports and can be contacted by any individual or group within the PCV
- The SCU ensures that Safe Church concerns/reports are funnelled to the appropriate place(s) for resolution – both within or externally to the PCV
- The SCU is a resource for sessions and presbyteries in adult Safe Church related matters
- Confession or disclosure of child abuse by an adult must be reported to the SCU and Victoria Police
- Domestic and Family Violence concerns must be reported to the SCU



## Historical Complaints

Historical complaints relating to **all** Presbyterian congregations and organisations may be brought to the PCV. Such historical complaints can be made to the SCU and may relate to any current or former PCV congregation or organisation.

Due to the formation of the Uniting Church in Australia in 1977 (known as “Union”) many former Presbyterian organisations and congregations are now the legal responsibility of the Uniting Church. As a result, historical complaints relating to such organisations will be referred to the Uniting Church.

However, regardless of whether or not such former bodies are now the legal responsibility of the Uniting Church, the PCV understands that the denomination has a moral responsibility in such historical cases and seeks to work with complainants towards resolution and healing.

Where the complainant wishes to report historical abuse but does not wish to proceed with any further action the SCU makes a confidential report to the relevant Court of the Church for their information. In such cases the complainant may wish to be referred to other support services, such as Christian counselling and the SCU can make recommendations/referrals.

- Historical complaints relating to current and former Presbyterian congregations and organisations may be brought to the PCV
- The PCV undertakes a moral responsibility to hear **all** historical complaints and seeks to work with complainants towards resolution and healing
- Some complaints will be referred to the Uniting Church in Australia due to the effects of Union in 1977
- Historical complaints can be made at any time by contacting the SCU

## Contact Details for adult-related issues

### Reporting

**Safe Church Unit:** 0499 090 449

In the case of immediate danger or criminal acts:

1. First call Victoria Police on 000
2. Then call SCU on 0499 090 449

### Victorian Reportable Conduct Scheme reports

Directly to **SCU 0499 090 449**

**OR**

Directly to the **Commission for Children and Young People** – [www.cryp.vic.gov/au](http://www.cryp.vic.gov/au)

### Support and Referrals

**Safe Church Unit:** 0499 090 449

**Lifeline:** 13 11 14

**1800 Respect [Expert Domestic and Family Violence Helpline]:** 1800 737 732

**Domestic Violence Resource Centre Victoria:** 1800 737 732

**Centre Against Sexual Assault - Sexual Assault Crisis Line:** 1800 806 292

## Volunteer and Paid workers in PCV ministry to children under 18 – process of approval

Volunteers are very important in sustaining the life and ministry of the church. It is critical, however, that volunteers abide by Safe Church PCV to ensure a safe ministry environment, especially for children. Further, paid workers with children under 18 in the PCV must also abide by Safe Church practice to ensure a safe ministry environment.

Best practice for appointing people in volunteer roles working with children under 18 years is to only appoint people who have been in the congregation or organisation for more than a year. By adhering to this practice congregations and organisations reduce vulnerability to being targeted by potential abusers as providing an avenue to groom and access potential victims. The SCU highly recommends that all PCV congregations and organisations embrace this practice as the standard approach to appointing volunteers in roles working with children under 18.

All people (paid and volunteer) wishing to work with children under 18 in the PCV must undergo the screening and approval process known as Volunteer Approval Process (see page 49) prior to commencing in such a role. The PCV established this process initially under the ‘Breaking the Silence’ protocols and continued it under Safe Church PCV – as a result the PCV is compliant with the relevant standard relating to screening of workers with children in organisations in Victoria under the Child Safe Standards.

The following guidelines apply to all persons who wish to work with children within PCV congregations and organisations:

- Only persons with a current Victorian **Working With Children Check** or VIT Registration (registered with Working With Children Check Victoria) are permitted to work with children within the PCV
- A Working With Children Check does not automatically entitle a person to work with children in the PCV as it is not a test of character or suitability, rather it is an instrument that prevents people with known serious convictions from working with children in Victoria. The PCV reserves the right to remove or refuse a person from any role working with children based on other criteria such as Safe Church related concerns/reports
- All PCV congregations and organisations are to ensure that **no new person** commences work with or ministers to children in their operations who has **not** undergone the VAP followed by screening and approval by the SCU
- Children who have grown up in a PCV church, including those who have served as a junior leader or helper in the church, must undergo the Volunteer Approval Process if they wish to work with children in the church after they have turned 18 (i.e. as an adult). There is no exemption under the law from this required process, even for these people.

### Exemptions for Teachers and Police volunteering in the PCV

Under Victorian legislation teachers and police are exempt from requiring a Working With Children Check. Current serving police and teachers holding a current registration with the Victorian Institute of Teaching are exempt from requiring a Working With Children Check within the PCV upon providing proof of their employment/registration. They are however required to complete all other steps in the Volunteer Approval Process.

If a person who is exempt from requiring a Working With Children Check is either suspended or dismissed from their employment they must inform their congregation or church organisation about this. This must take place to comply with sections 30 and 31 of the *Working With Children Act Victoria* (2005) - failure to do so results in police prosecution and a fine for the person who has failed to inform. Such a person is no longer exempt from the Working With Children Check and must apply for a check and discontinue in their role with the congregation or organisation while awaiting approval in the form of a current Working With Children Check.

### **VIT Registered Teachers and the Working With Children Check**

In September 2019 the Victorian Government and the Victorian Institute of Teaching (VIT) introduced a new requirement whereby people holding VIT Registration must also link their VIT Registration number to organisations outside of their employment, where they work with children - e.g. teachers who are also Youth Group leaders at their church.

VIT Registration holders are henceforth required to link the PCV to their VIT Registration. For further details see:

[www.vit.vic.edu.au/news/news/2019/changes-to-vits-teacher-registration-scheme](http://www.vit.vic.edu.au/news/news/2019/changes-to-vits-teacher-registration-scheme)

[www.service.vic.gov.au/services/teachers-notifications/](http://www.service.vic.gov.au/services/teachers-notifications/)

### **Adding the local church to an existing Working With Children Check**

Where a person applying already has a current Working With Children Check the person must add the congregation in which they are applying to volunteer in to their card record. This is done by visiting the Victorian Working With Children Check website and selecting 'Update my details' on the home page.

### **Visiting mission and ministry teams**

From time to time some congregations have visiting mission or ministry teams. These teams may come from another PCV congregation or from another Christian organisation entirely. For PCV congregational teams there is no need to fulfil any extra Safe Church requirements. For teams from Christian organisations outside the PCV there are Safe Church requirements which must be met. Contact the SCU for further details and to ensure your congregation is covered in such an instance.

### **Volunteer approval process (VAP)**

The following process must be followed when a new person volunteers to work with children under 18 years of age in the PCV in either a congregation or organisation **OR** where a person has been a leader in the church in the church in a role that did not involve direct children's ministry:

#### STEP 1:

A person wishes to join a ministry that works with children under the age of 18 years within a PCV congregation or organisation.

#### STEP 2:

The person must:

- Complete the 'Initial Registration' form, giving two referees and personal information details (name, address etc.), including proof of photographic identification. Referees should ideally be people who have known the person for a significant amount of time (years rather than months) and who are not relatives.
- Complete an application for the Victorian Working With Children Check or provide proof of holding a current Victorian Working With Children Check.
- Read and sign the 'Role Description' form
- Agree to attend Safe Church Basic Training

### STEP 3:

It is the responsibility of the Safe Church Representative of the congregation or organisation to

- contact the referees and complete the 'Confidential Record of Reference Checks' form
- document sighting proof of photographic identification, such as a current driver's license
- forward copies of all the forms to the SCU – copies must be kept by the Safe Church Representative of the congregation/organisation

The Safe Church Representative must treat as strictly confidential all applications and records of contacts with referees. Such information may only be accessed by the Safe Church Representative, the Session (if necessary) and the SCU. The information should be marked "confidential" and all personnel files should be kept in a secure facility (for both electronic and paper records) for purposes of confidentiality. Access is limited to those so authorised.

### STEP 4:

Upon receiving the forms the applicant is screened. If through screening the applicant is approved the person is then registered with the SCU database of persons who work with children under 18 in the PCV. The SCU notifies the Safe Church Representative of the congregation/organisation of the approval. The person must attend Safe Church Basic Training within the first 12 months of being approved.

If the applicant is not approved by the SCU OR fails to secure a Victorian Working With Children Check the person cannot minister or work with children under 18 in any PCV congregation or organisation. A person who has applied for a Victorian Working With Children Check must not commence in their role until the approval and number has arrived and been communicated to the local church and SCU (via the Safe Church Representative). The SCU notifies the Safe Church Representative of the congregation/organisation if the person is not approved.

### **Questions to ask referees**

When completing the "Conversation summary" section of the Confidential Record of Reference Checks Form, the following are recommended questions to ask each referee:

1. Are you related to the applicant? *(if the person answers yes, you cannot proceed with this referee check – another referee needs to be obtained from the applicant)*
2. In what capacity have you known the applicant and for what length of time?
3. How would you describe the applicant's reliability and competency to work with children under 18 years of age?
4. How would you describe the applicant's general maturity as a person?
5. Are there any physical, mental or spiritual concerns you may have with the applicant?
6. Do you have any reasons to believe that the applicant is not suitable to work with children and if so what are they?

Always inform referees that the information supplied by them will only be used for assessment of the applicant under the PCV Volunteer Approval Process and remains strictly confidential.

### Supporting material

Remember: to complete the process above a series of forms are to be completed and forwarded to the SCU when a new person applies to work with children 18. These forms should be collected and forwarded by the congregation/organisation, not the individual applying to work with children:

1. Initial Registration with the SCU form
2. Signed copy of the Role Description appropriately tailored for the role
3. Confidential Record of reference checks form
4. Evidence of holding a current Victorian Working With Children Check (ideally a photocopy of the Working With Children Check card)

### Privacy

All VAP documentation must be kept securely to ensure privacy for the applicant. Secure storage entails keeping the VAP documentation in a secure facility (for both electronic and paper records) that can only be accessed by the Safe Church Representative and other authorised persons.

- All people (paid staff and volunteers) who work with children in the PCV are required to have a current Victorian Working With Children Check
- The PCV and the SCU are committed to undertaking screening and reference checking of all people (paid staff and volunteers) who work with children in PCV congregations and organisations, through the means of the Volunteer Approval Process
- All PCV congregations and organisations are required to comply with the VAP requirements **prior** to allowing a person to commence in a role working with children
- All VAP documentation is to be forwarded to the Safe Church Compliance & Administration Officer
- The VAP information and forms are available at [www.safechurchpcv.org.au/volunteers](http://www.safechurchpcv.org.au/volunteers)

## Safe Church Forms for Ministries to Children

Within the PCV there are several different ministries to children undertaken by both congregations and organisations. The following forms are available from the SCU or via download from [www.safechurchpcv.org.au/forms](http://www.safechurchpcv.org.au/forms) to assist congregations and organisations with compliance with Victorian government requirements, Safe Church Policy and the Safe Church Code of Conduct:

### Initial Registration and Reference Checks Forms:

- Initial Registration with SCU as a person working with children under 18 years of age in the PCV (this form is to be used when any **new volunteer** applies for such a role within a congregation/organisation and does not need to be completed by existing volunteers)
- Confidential Record of reference checks
- Working With Children Check Victoria application. This is available via [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au) or via the link at [www.safechurchpcv.org.au](http://www.safechurchpcv.org.au)

### Children's Ministry Role Description Form for various ministries to children under 18 years of age:

The Children's Ministry Role Description form describes a role and the expected conduct and behaviour of the person undertaking the role. The person wishing to work or minister in the role is expected to complete and sign the Role Description form and return it to the congregation or organisation. The person is to be given a copy of the signed Role Description form. Individual churches may construct their own Role Descriptions in consultation with the SCU.

### PCV Church Transfer Registration Form

Sometimes a person moves from one PCV church to another and seeks to work with children in the new church. When this occurs the Safe Church Representative in the new church is to give the person a copy of the PCV Church Transfer Registration Form to complete and return to the Safe Church Representative. The form is available at [www.safechurchpcv.org.au/forms](http://www.safechurchpcv.org.au/forms) or contact the Safe Church Compliance & Administration Officer for a paper copy to be posted.

The Safe Church Representative then forwards this form via email or post to the SCU for completion of the transfer.

When the Safe Church Representative receives confirmation of the transfer completion from SCU, the Safe Church Representative updates the church Working With Children Check records, advises the person that the transfer is complete and also advises the relevant ministry leaders that the person can now commence working with children in their new church.

- Initial Registration and Record of reference checks forms are to be completed and sent to the SCU. Copies are to be kept by the PCV congregation or organisation where the person works or ministers to children under 18 years of age
- A Role Description form is to be completed, a copy given to the person undertaking the role and the original copy kept in the records of the congregation or organisation
- There is process for transferring from one PCV church to another requiring use of the PCV Church Transfer Registration Form
- Working With Children Check records for each congregation and organisation are to be updated and returned to the SCU every year by end of March



## Safe Church Audits of PCV congregations and organisations

In order to ensure compliance with Victorian government legislated requirements, Safe Church Policy and Code of Conduct, the SCU undertakes three-yearly audits of PCV congregations and organisations. Sessions and congregations are required to complete a Safe Church Compliance Audit form every three years and forward the completed form to the SCU, keeping a copy for their own records. The process of audit is:

- The Safe Church Compliance Audit form will be sent to all Safe Church Representatives for completion by the Safe Church Representative working with the session
- Session or the governing body of the organisation check practice within the congregation or organisation complies with the items listed on the form
- For help and guidance in audit-related matters contact the SCU
- Once the form is completed session or the governing body of the organisation must sign the declaration stating the congregation or organisation is compliant
- If there are outstanding items that need to be completed the session or the governing body of the organisation contacts the SCU to discuss these and come to an agreed timeframe within which these items will be completed
- A copy of the form is kept for session or organisational records. The signed original Compliance Audit form is forwarded to the SCU.
- A Safe Church compliant congregation must have appointed a Safe Church Representative, completed the Compliance Audit Schedule and Working With Children Checks records and returned these to SCU and have ensured mandated personnel have attended Safe Church training. Compliant congregations are issued certificates (commencing 2017).

- Compliance Audits are a crucial part of ensuring PCV organisations and congregations are compliant with Safe Church PCV and any relevant Victorian Government legislation, including the Child safe Standards
- Compliance Audits are undertaken every three years. The SCU provides assistance and guidance in completion of Safe Church Compliance Audits and can be contacted at any time for help
- Safe Church compliant congregations are issued with a Compliance Certificate

## **Appendix A – Presbyterian Church of Australia National Safe Ministry Framework**

*Notes in brackets [ ] below denote specific methods of implementation within Safe Church PCV.*

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

#### **Fundamental Conviction**

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

#### **Statement of Commitment**

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

The Presbyterian Church of Australia recognises its obligation to

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

#### **Values**

##### Love and compassion

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

##### Service to others

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

##### Humility

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

##### Gentleness

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

##### Nurture and protection

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

### Respect

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

### Christian faith and practice

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

### Consistency and integrity

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

### Accountability

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

## **Foundational Principles**

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

- Become familiar with and act in accordance with the National Safe Ministry Framework (including its Principles, Policy, and Procedures) and any Code of Conduct and specific Procedures established by the relevant State Church [implemented via Safe Church PCV training and this manual]
- Understand that perpetration of any physical, psychological or emotional harm or neglect, or sexual abuse or exploitation is unacceptable, that it will be treated seriously and sensitively, and that it must be reported in accordance with the Church's Mandatory Reporting Policy and Procedures [in Victoria mandatory reporting laws apply to religious ministers, elders, officers, employees and volunteers]
- In all aspects of personal life and relationships and at all times, strive to act according to the highest standards, demonstrating courtesy, consideration and good judgement
- Treat all people with respect and dignity regardless of age, culture, gender, religious affiliation, personal circumstances or any other point of differentiation
- Accept and exercise the duty of care appropriate for each and all participants

- In accord with Scripture, engage only in lawful activity and never assist persons engaged in illegal activities
- Strive to carry out all relevant roles in accordance with the doctrines and values of the Presbyterian Church of Australia
- Respect the authority of leaders and act in accordance with reasonable directions
- Only engage in actions and activities that are appropriate for children where ministry-related activities involve children
- Complete any and all training required by the Church in relation to ministry roles; and
- Create and maintain appropriate resources for use and training in ministry.

As the application of these National Principles in specific situations requires interpretation, those involved in ministry must seek advice if placed in a position of uncertainty. [In the PCV, seek advice from the Safe Church Unit]

## Part II: National Safe Ministry Policy

### Governance: Roles and Responsibilities

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

The GAA approves and adopts this Framework and encourages State Assemblies to adopt this statement of Principles, Policy and Procedures, and put in place safe ministry practices that are in line with this statement and with legislative requirements of the relevant State. [In the PCV this is implemented via Safe Church PCV]

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

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

[Within the Victorian legal context the above 10 Standards have been effectively already adopted by the Victorian Government, via the Victorian Child Safe Standards. The following information is from the Victorian Government website addressing this:

[www.justice.vic.gov.au/safer-communities/protecting-children-and-families/victorian-government-response-to-the-royal-0](http://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/victorian-government-response-to-the-royal-0)

“The Royal Commission identified ten child safe standards to guide institutions to achieve best practice in keeping children safe.

Victoria has already implemented the [Child Safe Standards](#) following the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, [Betrayal of Trust \(2013\)](#). Victoria’s Child Safe Standards, and their implementation and oversight, align broadly with the recommendations of the Royal Commission but cover all forms of child abuse, not just sexual abuse.”]

The Clerk of the GAA is responsible to oversee and co-ordinate the maintenance of a National Register which contains limited but sufficient information to assist affiliated institutions to identify and respond

to any risks to children that may be posed by people in ministry. The Clerk of the GAA is also responsible to ensure effective liaison between the State churches so that any risks that may be posed by people in ministry are identified and receive an appropriate response.

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

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

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

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

- Approval of proposed programs, activities, and the people authorised to lead them; and
- Their commitment to the Safe Ministry Framework, relevant secular legislation, and the Code of Conduct (if any) and statement of procedures established by the relevant State church. [i.e. Safe Church PCV]

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

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

Any body or person within the Church with responsibility for the employment or appointment of another person (the appointee) to a role that includes oversight or interaction with children is

responsible to ensure that all instructions of the Church are observed faithfully, regardless of whether the appointee's role is performed on a paid or voluntary basis.

### **Liberty to report**

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

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

### **Obligations of State Churches**

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

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

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

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

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

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



participation in any leadership roles within the Church including membership of any committee at any level of the Church's operation .

- Although the appropriate Court of the Church may instigate Disciplinary proceedings against a member under the provisions of the Code of Discipline at any time, rule 1.13(g) of the Code of Discipline requires that disciplinary proceedings must “not prejudice investigations and prosecution procedures under State law”.
- Where a Court of the Church becomes aware that any person attending any of its services or activities:
  - is the subject of a substantiated complaint of child sexual abuse,
  - has been convicted of an offence relating to child sexual abuse,
  - has been denied a positive *Working with Children Check* or equivalent, or whose *Positive Working with Children Check* or equivalent has been withdrawn, suspended, barred or revoked, or
  - poses a reasonably-known risk to children,
 the Court will assess the level of risk posed to children by that person's ongoing involvement in church activities and take appropriate steps to manage that risk, which may include the implementation of a behavioural agreement.

## Managing Breaches of the Safe Ministry Framework

### Overview

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

### Types of Breaches

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

### Action

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

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

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

- Immediate removal from Children's ministry (and, potentially, other ministries);
- Advice from a leader on the correct procedures;

- Further training;
- Working with a more experienced person;
- Restoration to a position of responsibility when the Session is satisfied that the person comprehends and demonstrates the standard of behaviour expected of people in ministry.

Seek the advice of the person or body appointed by the relevant State Church. [in the PCV report breaches to and seek advice from the Safe Church Unit]

#### Reporting Breaches

Any breach by a paid or volunteer employee is to be reported to the leader or coordinator of the relevant ministry or the Moderator of the relevant supervising body as soon as possible and to the person or body appointed by the relevant State church. [i.e. the PCV Safe Church Unit] The person or body appointed by the relevant State church will ensure that the breach is documented. [i.e. the PCV Safe Church Unit]

## **National Safe Ministry Procedures**

### **Purpose**

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

These Procedures apply throughout the PCA.

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

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

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

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

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

### **Delegations of Authority**

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

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

Due to the variance in State legislative requirements, State-based procedures apply to the recruitment of paid and volunteer employees working with children in the church. [in the PCV this is implemented

via the Volunteer Approval Process and via Safe Church Basic Training] The following elements must be implemented in State-based procedure and every applicant must:

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

### Interview Process

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

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

### National Register

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

The names of all persons who:

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

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

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

- Charged with or convicted of an offence or offences against the person – including sexual offences;

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

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

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

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

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

### **Training**

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

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

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

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

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

- A child telling a person they have been have harmed;

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

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

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

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

The person or body appointed by the relevant State church will ensure that the matter is documented. [i.e. the PCV Safe Church Unit]

### **Confidentiality**

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

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

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

### **Family Violence**

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

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

In the case of family violence against an adult where there are no children in the home, any mandatory reporting requirements in State/Territory legislation must be followed and the victim should be asked if he or she wants the Police notified (unless notification is already mandatory). Appropriate pastoral

care and support should be offered including encouragement to contact, and assistance if required to contact, welfare and support agencies such as shelters.

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

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

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

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

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

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

- Requiring the person to sign a behavioural agreement as a condition of their ongoing participation in the life and activities of the church;
- Allowing a person who refuses to sign a behavioural agreement to still participate in specific aspects of the church's life provided that they observe the conditions set out in the proposed agreement. The Session, with assistance from the person or body appointed by the relevant State church, will develop a management plan to monitor the person's conduct, with any unsatisfactory deviation from the plan result in the person being barred from participation in the life of the church, regardless of their membership status. Where a person who refuses to sign a behavioural agreement is a communicant or adherent member of the congregation, they will be informed of their rights under the Code of Discipline;
- Instructing a person who is neither a communicant nor an adherent member of the Church and who refuses to enter into a behavioural agreement to leave the Church and to stay away from it until they can credibly demonstrate their willingness to submit to the authority of the Session;
- Providing spiritual and pastoral care via direct ministry to the person, outside of church services and activities.

### **Retention and Disposal of Records and Privacy**

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

The Royal Commission into Institutional Responses to Child Sexual Abuse found that the average age of abuse was ten years for males and nine years for females and that victims took an average of 22

years to disclose the abuse to which they were subjected. For this reason, it is imperative that records are maintained of all leaders and participants in children's ministry.

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

### **Support**

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



## References

### Presbyterian Church documents:

*The Presbyterian Church of Australia Constitution, Procedure and Practice*, Code Committee of the General Assembly of Australia, 2018

*The Code and Regulations of the Presbyterian Church of Victoria*, 2016

Safe Church Policy

Safe Church Code of Conduct

PCV Privacy Policy

*Breaking the Silence Procedures for dealing with and preventing abuse within the church*, Conduct Protocol Unit, Presbyterian Church of NSW, July 2011

### Relevant legislation and legislated requirements:

*Child Wellbeing and Safety Act (2005)* Victoria

*The Working with Children Act (2005)* Victoria

*Children, Youth and Families Act (2005)* Victoria

*Crimes Act (1958)* Victoria

*Information Privacy Act (2000)* Victoria

*The Privacy Act (1988)* Commonwealth

*The Summary Offences Act (1966)* Victoria

The Victorian Child Safe Standards

The Victorian Reportable Conduct Scheme

### Other publications:

*A Guide for Creating a Child-safe Organisation (2006)* Victorian Government Office of the Child Safety Commissioner

*A step-by-step guide to making a report to Child Protection or Child First* State Government of Victoria, Department of Human Services – Child Protection

*Child Protection Practice Manual* State Government of Victoria, Department of Human Services

*Young people who sexually abuse: Key Issues (2006)* Cameron Boyd and Leah Bromfield, Australian Institute of Family Studies

[www.childsafestandards.org.au](http://www.childsafestandards.org.au)

[www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)

[www.esafety.gov.au](http://www.esafety.gov.au)

[www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)