Churches of Christ in Western Australia Inc

Duty of Care for Responsible Leadership

As endorsed by the Executive Committee of Churches of Christ in Western Australia Inc. on 20 March 2013

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Evaluation, Review and Update

The 'Duty of Care for Responsible Leadership' document will be reviewed regularly. This document is clearly marked with the date of endorsement by the Executive Committee of Churches of Christ in Western Australia Inc.

Evaluation of 'Duty of Care for Responsible Leadership' will take place regularly with a view to making revisions or a decision about their usefulness. More regular revision may take place if required. The COCWA Executive Committee will provide opportunity for ministers or members of Affiliated churches to contribute to the review of this document.

1. Introduction

1.1 Preamble

The purpose of this document is to inform and guide affiliated churches and agencies of Churches of Christ in Western Australia (COCWA) in developing policies and procedures which will help to create safe environments particularly for children, youth and other groups of vulnerable people within our society.

Healthy policies and procedures help create healthy leadership and places where people feel safe. This document is primarily to ensure that our ministries are provided in a safe, loving and ethical environment and will, when followed, prevent unhealthy practice and the consequences associated.

This document has been developed to provide churches with a structure and framework to develop their own policies and procedures to suit their unique context without compromising the need for uniformity and safety. It is important for all church leadership and administration personnel to work through process together and formulate their own policies.

The COCWA Executive encourages that this document should be read in detail by all church leaders and that the recommendations and processes contained in it may be implemented, with each church designing a plan to ensure implementation amongst all volunteers.

This is a recommendation from COCWA, endorsed by the COCWA Executive Committee on 22 March 2013 for use in Western Australia.

Churches and Agencies affiliated with COCWA are encouraged to accept and implement this Duty of Care document. This will be done on the basis of their unique governance structures. For example, a Church Board may adopt this document as policy and its families ministry committee may adopt processes for orientation, training and implementation.

1.2 Availability

A copy of this document should be made available to each person appointed as a ministry team leader. Other copies of this document should be available upon request from the local church and COCWA Ministry Resource Centre. It is available on the COCWA website[1].

1.3 Review

The COCWA Executive Committee will review this document at least every two years, to ensure it continues to fulfil its purposes. The review will include feedback from local settings about the documents's effectiveness.

1.3 Disclaimer

The information contained in this document has been compiled as a guide. COCWA does not warrant that it is complete, comprehensive or accurate. The information contained in this document is intended solely for the use of COCWA members.

1 http://www.cocwa.com.au/

2. What is Duty of Care?

A duty of care is a duty to take reasonable care of a person or group of persons. Where it exists, the Duty of Care is the moral, spiritual and often legal responsibility that we have, both as individuals and corporately, towards all those that we come in contact with in the various ministries of our churches and their related organizations.

Our Duty of Care is to act in a manner that will protect people with whom we come in contact, from injury or distress. This injury or distress may be due to:

- Our intentional acts
- Our negligence
- Naivety
- Culture of complacency
- Poor leader screening
- Having no policy or guidelines

A Duty of Care may arise:

- In our ownership and occupation of land and buildings
- In our use of electrical and other equipment in the course of our activities
- In our employment of paid employees and voluntary workers
- In our activities involving people of all ages, but especially in activities involving children and young people
- In our handling of Church finances
- In our handling of food

Different ministry groups bring about different duty of care responsibilities and requirements.

The question for those working with children and young people: Given what a person in my position should know or could reasonably foresee, what steps can I put in place to ensure that those under my care are being afforded an environment which is as safe and respectful as I can reasonably provide?

The following key points need to be addressed:

…in my position I should know

- Taking on a role of leadership means you automatically take on a responsibility
- You need to ensure you are informed

…reasonably foresee

- What are the things that are likely to cause harm or distress in your given ministry area?

- What precautions do other people in my position generally take in like circumstances? If you don't know, ask people who do!
- What other precautions would a wise person take?

…what steps can I put in place

- What are the things that can be done in the immediate future?
- Not everything can be done at once, but it must begin somewhere
- Who will be accountable for the steps required to make your church a safe place?

… safe and respectful

It is not just physical safety that must be considered

It is also emotional, spiritual and developmental.

… reasonably

While there are no predetermined answers to questions about whether or not an action is reasonable, there are a number of factors which must be considered each time a decision is made.

All factors will need to be considered together to determine what is reasonable. A duty of care is breached if a person behaves unreasonably. Failure to act can also be unreasonable in a particular situation. A duty of care can be breached either by action or inaction.

3. Safe Leaders

3.1 The Leadership Role

Those appointed to a leadership position in the church are being entrusted with the authority to influence other people. This influence carries with it great power and the ability to lead others and guide, teach and encourage.

Leaders in the Church need to have a clear understanding of their role and work; to make this clear all leaders should be given a document that clearly indicates the expectations of the church and outlines the requirements of the leadership role. A leader should not be appointed without following a pre-set policy of screening and training. All leaders need to undergo initial and ongoing training to ensure that they are aware of the responsibilities that come from taking on a leadership role and agree to submit to the guidelines set out in this document as they pertain to their ministry area.

3.2 Power in Leadership

Leaders also need to clearly understand that even while they may be dealing with those who are their peers in terms of age, maturity, profession, etc., the nature of the relationship is not simply that of a peer. The moment that a person has taken on a position of leadership, s/he has also taken on the inherent responsibility for those who will look to him/her for that leadership. This also means that, if there is an indiscretion of any kind between an adult leader and a member of the group which s/he is leading, it is the leader who will always be regarded as the more culpable, because of the nature of the trust relationship which has been bestowed upon the leader. Given that the nature of leadership involves authority and power, equal responsibility (and therefore equal culpability) for the crossing of boundaries in relationships with other people does not exist.

All leaders, both paid and voluntary, must recognize that they are placed in a position of trust and responsibility. Every person under our care and ministry is entitled to be safe and feel safe at all times. Leaders should therefore make every reasonable effort to avoid acting, or failing to act, in a way that is likely to frighten or intimidate another person, or compromise another's sense of physical, emotional or spiritual safety and well-being. It is very important for church leaders to provide clear guidelines and boundaries through a code of conduct and leadership policies and procedures which include expectations of leadership. Leaders are therefore exhorted to be guided by, and apply, the policies and procedures as set out by the Church leadership and at the least, those presented in this document. These will help to ensure the safety of the people who place themselves into the church's care, and at the same time will assist leaders to lead well, and in a way that is protective of their own integrity and personal well-being.

It is recommended that policies and processes be developed to guide leaders in exercising healthy boundaries in a range of situations. One situation that must not be overlooked is the event of a leader in the church developing personal feelings towards or wishing to pursue the development of a romantic relationship with someone whom they minister with, especially in the event where they have pastoral responsibilities to that person. The expectations of the leader in this situation must be clearly set out and communicated. In these situations considerable care and diligence must be taken to ensure the safety and well-being of all concerned as well as for the ministry. It is recommended that in these situations, the more senior leader will be the most responsible and therefore ought to first discuss the possibility with a supervisor or ministry leader to explore the possibility of the other person being vulnerable or at risk of exploitation. It is highly recommended that in this event, complete transparency be continued with the supervisor or ministry leader and establishment of a high level of supervision, mentoring or spiritual direction to provide an opportunity for facilitated reflection on the power and attractional dynamics of the relationship and to ensure that an appropriate developing relationship will be open and have healthy boundaries.

3.3 Abuse and Positional Power

In all relationships there is a power balance between the parties in the relationship. Relationships are either equal in power, i.e. relationships in which two or more parties have the same amount of power or there is a power imbalance, as is the case between adults and young people.

In relationships where a person's position gives them power over another in order that the less powerful person might be protected or educated (e.g. teachers and pupils), it is inappropriate to change the balance of power. Positions where one is charged with upholding the law of the land or an organisation's structure, or positions where a person's health is being attended to, are also positions of power where the power imbalance is appropriate. The power balance can be impacted by a number of factors – size, experience, knowledge and position.

It is the responsibility of the more powerful person to consider how their actions will empower and impact the less powerful person. Abuse occurs when one person misuses the power they have in relationship with a less powerful person.

In a church context, positions of leadership also hold power to influence others for God. In the eyes of those under their authority, leaders may be seen as representing God's authority and in some cases, God's will for their lives. Therefore, those in positions of power must have a sound understanding of, and must uphold, appropriate relationship boundaries so as to protect the less powerful person.

Abuse is in essence a violation of 'personhood'; the 'robbing' of a person's rights. Abuse results in a robbing of personal 'power' to act in healthy, life-enriching ways. Those who abuse their position of power may have done so either because they have failed to understand boundaries, or because they enjoyed the feeling of crossing the boundary.

These descriptions may be helpful when exploring spiritual, financial, physical, emotional, language, sexual and other social boundaries:

NON-OFFENDER (BOUNDARY RESPECTER)
Discovers that a boundary is approaching, or that they have overstepped a boundary and makes a deliberate correction.

WANDERER (BOUNDARY RIDER)
Approaches a boundary and engages in inappropriate behaviour without boundary awareness. (Education can achieve good results with first time wanderers - repeat offenders require a more definitive approach).

PREDATOR (BOUNDARY VIOLATOR)
Heads straight for a boundary and crosses it without hesitation. Their aim is to break down the person's boundaries.

The existence of positional power in church leadership makes a code of conduct for leaders important. To the wanderer it is helpful in clearly defining behavioural expectations. To the predator it says 'you will not be able to act that way as a leader of our program'. Churches need to ensure that all those given position of power and authority exercise leadership appropriately.

Refer:
Professional and Ethical Standards of Ministry Applicable to Ministers of Churches of Christ
Procedure for Investigating Complaints of Serious Misconduct

Both these Ministry Ethics documents are available for download from the COCWA website on the Resources page.[2]

3.4 Recruitment Procedures & Screening for Leadership

In any local church it is important that there are some protective mechanisms in place to ensure that people are well cared for and being influenced in a positive way. For this reason it is imperative that every Church develop objective leadership standards, which are used to assist in the recruitment and appointment of leaders with which any person occupying the privileged position of leadership in the Church needs to comply.

Whilst it is important to recruit skilful leaders with appropriate training for ministry, from a Biblical perspective leadership emphasises character more than anything else. Leadership and leadership ability are not primarily questions about skill. They are questions of heart and character of a person.

Churches must ensure that other measures are in place to assess a person's suitability for Church Leadership, including interviews, thorough reference checks, a code of conduct, vigilant supervision and regular training.

Every leader whether or not they are required to work directly with children or youth, will be in some way or another involved in working with those who are vulnerable and therefore every effort must be made in order to determine the suitability of a leader, whether paid or volunteer. While the Working with Children Check (WWC Check) and Police Checks must be complied with, it cannot solely be relied upon to determine the suitability of a worker or volunteer. The WWC Checks and Police Checks form part of a strategy that churches must establish to ensure that people appointed to the role of church leadership are suitable to do so. It is also important to note that the Churches of Christ Public Liability insurance policy may not cover legal liability in the event of any claim relating to abuse if the church leadership involved either knew or ought reasonably to have known the perpetrator had previously

2 http://www.cocwa.com.au/resources

been a known offender. Please refer to the section '*Known Offenders Molestation/Sexual Abuse'* in this document.

Skilful screening requires training of interviewers and those recruiting, providing them with information and tools to recognise high-risk responses on applications, reference checks or during an interview. Risk indicators might disqualify an applicant for service or instigate follow-up questions to rule out risk. However, skilled and rigorous interview techniques may encourage a high-risk applicant to opt-out of the process.

As a minimum, any person being considered for any leadership position within the church, particularly roles that have significant contact with any vulnerable people including children, young people, disabled and elderly (apart from staff positions usually filled externally), should have been a regular member of the worshipping community of that church for at least six (6) months.

It is important that the following areas are addressed when recruiting leaders within the church, but it is absolutely vital that these questions be addressed when staff or volunteer leaders are being selected to work with any vulnerable people:

- Who will be responsible for selecting staff and other leaders?
- What process will be followed for the selection?
- What are the requirements of the position and is there a written position description?
- Is the position subject to a trial or probationary period?
- What qualities are desired in the person filling the position?
- How are the applicants screened - references, police check etc? (at least 2 references should be supplied)
- Who will be responsible for the supervision of the staff and leaders following their appointment?
- What training and pastoral support is available for staff and leaders?

Depending on the responsibility of the position, the degree of supervision and the opportunity to gain the trust and confidence of children, written references may need to be followed up by face to face or telephone conversation. These discussions should, as a minimum, address the following points:

- The referees identity and whether they are willing to name someone to vouch for their credibility
- How long have they known the applicant and in what capacity?
- How do they rate the applicant's ability to care for the group they are applying to work with?
- Whether or not they would recommend the applicant for the position

These precautions must be taken regardless of the applicant's reputation and length of time in fellowship within the church community. It is also highly recommended that an approval for ministry process be in place and that the decision to approve a person for ministry rests with more than one person.

3.5 Reporting structure, Authority and Accountability

It is important in any organisation for everyone involved to know and understand the organisational

structure to provide a clear line of authority, approval and communication. Ultimately it is the decision makers of the church, whether that being the Church Board; Senior Minister, Associate Minister or other duly appointed Ministry Leader, who will be held accountable in the event of a serious duty of care matter. Therefore it is important to have a clear structure of responsibility and accountability.

Is it clear to everyone planning events and programs when approval to proceed must be sought and to whom it must be sought from? For example, is the youth pastor/minister the person who is responsible for approving a beach night event or is it expected that a high risk event such as this requires another level of approval? Is it ok for a youth leader to organize a beach night event for his/her group without the knowledge and approval of the youth pastor/minister or church leadership?

A safe church develops clearly defined expectations which include areas of responsibility and authority. These must then be clearly communicated and included in staff and volunteer training. The church may also consider adopting an approval process which enables the church leadership to have confidence that the activities being held are safe, appropriate and have gone through a risk management assessment. The aim of developing safe practices, policies and processes is to keep people safe from avoidable harm and as such the key principle is that the leadership of the church knows about and has approved activities and leaders as safe and appropriate.

3.6 Accountability, Training and Disciplinary Process of Leaders

It is generally expected that people will work relationally, enjoying friendships with those they work or volunteer with. However there is also a responsibility to uphold standards and take action when required.

Once the leader has made a commitment to the role, it is expected that undertakings given to perform certain duties will be properly met. Leadership of a ministry requires balance when it comes to the issue of care in situations where a leaders conduct or character is under question. There is need to care for individual people, individual circumstances, and individual experiences of life. There is also a need to care for the ministry as a whole. When the integrity of church leadership comes into question it may have a direct influence on the perception some will have of God and the Church.

The best preventative measures we can put into place is thorough and ongoing training. It is therefore extremely important that every leader be trained for the role they are to take responsibility for and for training to be continuous and ongoing. Leaders must have a clear understanding of the expectations of their behaviour, their responsibilities and boundaries, and they must also have a clear line of authority and reporting structure.

Leaders also need to be aware of the danger of working in isolation, or without giving recognition to the collective wisdom of others. There is also a need for leaders in ministry to have in place some form of supervision and performance accountability. This may be through peer group or leaders' meetings, through private arrangements, or in some other form, but it is vital that some system of personal accountability and quality control is in place.

It is also equally important that every church, as part of the duty of care policy, develop and clearly communicate a set of behaviours that could potentially have a significant effect on the integrity of the ministry, church and the leader, which may have quite direct and specific consequences. A set of processes of how such a situation will be followed up and dealt with is also required. More significant issues require a proportionally significant response. (Refer: Professional and Ethical Standards of Ministry Applicable to Ministers of Churches of Christ).

Scenarios which represent a serious breach in leadership expectations result in the leader immediately being relieved of their position of leadership.

In another scenario the church leadership may deem it appropriate that there will be no warning but

a conversation about how best to finish the role of the leader, and put in place the best possible care for the leader, and the best opportunity to change ways. This action is redemptive in its intent, and there may be the possibility of return should there be a sustained change in behaviour.

There are less serious issues that while not demanding direct action from the Leadership, will be the kind of behaviours that would result in the leader receiving a warning from the appropriate leader with assistance and the opportunity to change their ways.

The most important point being that it is very important for the church leadership to have the process in place and clearly communicated, before the situation arises.

3.7 Initial and Ongoing Leadership Development

Developing leaders is another way to ensure healthy teams and healthy ministry. It is recommended that churches commit to providing initial training for every leader ensuring that there is a clear understanding of:

- the vision, mission and values of the ministry
- the specific role and their responsibilities
- clearly set out expectations of their behaviour (Refer: Sample Code of Conduct for Church Leaders – in Appendices)
- clearly set outline of authority and reporting structure
- duty of care policies and procedures

It is also recommended that ongoing leadership development be provided by way of regular team meetings, praying together, sharing meals together and planning together. It is important to invest in leadership teams by providing opportunities to meet together as well as more formal training events which will include regular updates and refreshers on the initial training.

3.8 Ministering within Competency and Qualifications

Any leaders taking on the role of Pastoral care need to be very wary of purporting to be what they are not with respect to counselling. Unless formal counselling training has been undertaken, those who offer pastoral care would be unwise to call themselves counsellors or take on the role of counsellors and certainly unwise to presume that they are able to operate with the training and expertise of a professional counsellor. From a Duty of Care perspective, it needs to be understood that anyone who claims to be a counsellor would be judged according to professional industry standards of a qualified counsellor should any investigation be undertaken. In any event, any person who undertakes any counselling role should be very aware of his or her own limitations and expertise and be very conscientious about referring people on as soon as it is necessary.

3.9 Pastoral Care in Ministry

The topic of pastoral care is a vexed one, in terms of protecting the recipient and the carer, especially when the issue of the individual's right to confidentiality is taken into consideration.

There are recognized difficulties in the 'private' nature of the pastoral relationship. It is an issue that faces health professionals every day they work. The questions of whether or not to provide pastoral care to a member of the opposite sex, whether or not to meet alone or only where someone else is able to see what is transpiring in the session, etc., are very complicated. Those requiring pastoral care are often in a vulnerable state and may be very sensitive at the thought that they cannot speak

with someone else privately. There are also occasions when anonymity is vital to the disclosing of information (such as sexual abuse of a child). Carers should determine, in conjunction with the church leadership, what the internal policy with respect to pastoral care ought to be.

Best practice would suggest that, at the very least, anyone who undertakes a pastoral care role should keep a written record of the session, including the name of the recipient, the date and place of meeting, and some brief indication of the nature of the interaction. It is not appropriate that any personal opinions of the carer be recorded, nor should any diagnosed label be attached, unless the carer is professionally qualified to make such a diagnosis. All such information should then be kept in a secure place where confidentiality will not be compromised.

If, in a pastoral care session, there is a felt need to involve a third person in the session, it must be clearly understood that whether that occurs, and if it does, the choice of whom that third person might be, should be the right of the recipient in the first instance, or should be determined at the very least by mutual agreement. If such agreement cannot be attained, it may be more appropriate for someone else to undertake the role of the pastoral carer.

Anyone who undertakes a pastoral care role should desist from engaging in intensive personal and long term involvement with any recipient, and should guard against spending unnecessary or overly long periods of time alone with another person. Such pastoral carers should also be extremely cautious about any level of self-disclosure in the relationship, especially given that the most reliable predictor of crossing sexual and emotional boundaries is inappropriate self-disclosure by the pastoral carer.

4. Privacy and Confidentiality

Privacy and confidentiality must be respected. It is important to ensure that all leaders are trained not to collect any information unduly and to respect the right to privacy and confidentiality for everyone involved within their area of ministry and the Church. All records and information must be stored and disposed of in a manner that preserves security and confidentiality and all communications must be treated in a confidential and respectful way. The things that are shared in confidence are not to be shared or disclosed, except where there is a concern for the safety and wellbeing of the person concerned.

Every Church is required to have a privacy policy which is communicated and adhered to. This policy must be freely available to anyone who is interested in how the church manages privacy and confidentiality

Refer: Sample Privacy Policy - in the appendices

5. Emergency and Non-emergency Incidents

5.1 Incidents and First Aid

Every effort is required to create and maintain safe environments and programs. Appropriate preparation and planning are often the best prevention of accidents and emergencies. However, we must accept that people do have accidents and there are times of emergencies and therefore, Leaders should always be trained and prepared to deal with such occasions.

An accident or emergency is usually a time when someone has been harmed or is at risk of harm. At these times the health and safety of the injured is of paramount concern.

It is best to have people who are appropriately qualified in First Aid available at key events and services and certainly in children and youth activities and events.

5.2 First Aid Kits

Every Church must have suitable, up-to-date and accessible first aid kit that meets some guidelines and is available at all times that there is an activity running at the church. Remember, a first aid kit is no use to people if it is locked away in a cupboard and is inaccessible. Churches should have a first aid kit that is regularly updated and complies with Australian Standards. It may be necessary to supplement the standard kit depending on the programs or activities and numbers of people involved in them. The Australian Red Cross Society or St John's Ambulance are able to provide advice on the items required in a first aid kit.

Please note that only those qualified to administer first aid should do so.

5.3 Dealing with an Incident or Emergency

In an emergency, all leaders of the church have a duty of care. Common sense dictates that in an emergency, whilst leaders should not act beyond their capabilities and qualifications, they are expected to do what they can to take appropriate action, including being aware of the action plans and emergency instructions and following them.

When an accident or emergency occurs, medical advice should be sought regardless of the apparent degree of the injury. It is important that relevant family members are notified.

Where accidents requiring first aid occur involving a child, the parent of the child that is present should be responsible for the first aid, with the clear understanding that leaders are there to support the parent in the administering of the first aid.

The church should have some clear procedures that need to be followed in the event of an accident or emergency. They should make clear the responsibilities that various leaders may have in an emergency. The procedures should include details of the nearest medical services and how and when they can be contacted.

As a minimum the procedures should include details of:

- Who will look after the injured person?
- Who will supervise any uninjured children?
- Who will administer any required first aid? (a trained person where practical)
- Who will notify the appropriate authorities?
- Who will notify family members?
- Who will review the planned activity and make alternate arrangements if necessary?
- Who will fill out the Incident Report form?

5.4 Incident Report Forms

Any incident that causes injury, illness or damage to property should have an Incident Report Form completed.

The form should be completed by the leader or other adult involved with the co-operation of the person who has been injured/affected and as soon as practical, reported to the Occupational Health and Safety officer.

The purpose of the forms is to:

- Prevent a re-occurrence of a similar incident
- Provide concise information to insurers (if this is required)
- Identify and record any corrective action that is required
- Provide follow up pastoral care

Refer: Sample Incident Report Form - in Appendices

6. Respect and Care of Children and Youth

6.1 Age of Majority

Comparable to other international legal systems and in line with the United Nations Convention on the Rights of the Child, in Australia, the age of majority is 18 for most purposes including sitting on a jury, voting, standing as a candidate, marriage, and purchasing alcohol and tobacco products. A person under 18 is defined as a minor or a child. The age of majority refers to being of full age when minors cease to legally be considered children and assume control over their persons, actions, and decisions, thereby terminating the legal control and legal responsibilities of their parents or guardian over and for them.

6.2 Children and Young People in our Churches

In order to provide the best possible environment for the under 18's in the Church's care, the following are suggested as a policy framework for your church.

These are some wonderful statements that comment on the church and children:

- Children and youth are equal partners with adults in the life of the church, for they represent the ongoing nature of the church
- Christian Worship, all of it, is for children, youth and adults
- The call to evangelism comes to all of God's people, regardless of age
- The discovery and development of gifts in children and young people is a key function of the church
- The concept of the 'priesthood of all believers' includes children and youth

The Bible teaches us that each church community must take responsibility, along with the family, in nurturing children and youth in life and faith. God's ongoing care and concern is demonstrated in the Bible and we are called to follow its leading and teaching:

- The ministry of teaching our young ones is a command given to the Israelites in Deuteronomy 11:18-19
- Jesus gave us His example in welcoming and loving children in Mark 10:13-16

COCWA is committed to the protection, guidance, empowerment of and advocacy for children and youth within our church communities. We strongly believe they should not be those without a voice.

We are called to nurture children in their personal faith as part of God's command to each of us. We are called to ensure everyone is safe, in particular those under the age of 18.

7. Safe Environments

It is important that the physical spaces used for ministry to children and youth be checked for appropriateness of the program and planned activities and the safety and wellbeing of everyone involved. This will include, at the very least, checking and considering the following:

- Is the room/space and equipment clean? It is important to maintain the highest possible standard of hygiene.
- Is the room/space large enough to for the number of children/youth/leaders and the activities planned?
- Does the area have appropriately monitored entry and exits to ensure that children and young people do not leave unsupervised and that only authorised leaders enter the area?
- Does the area have designated toilets? If not, is there a safety plan in place?
- Has the room been checked for physical dangers?
- Has the equipment been checked for safety and is it in good working order?
- In case of an emergency, how will leaders seek help? Is there a telephone available for use and do all leaders have access to that phone? Do all leaders know about the emergency communication plan?
- Is there a properly equipped and maintained First Aid Kit? Who can access it and do all leaders aware of it?
- Is the area to be used fitted with smoke alarms and fire extinguishers?
- If activities are at all unusual is the program sufficiently covered by insurance?
- Is there an appropriate level of adult supervision for the activities planned?
- Are all exits from the area labelled appropriately?

8. Safe Practices

8.1 Signing in and out

A very important aspect of leading or supervising children and youth is to actually know who is present at the activity. This will also clarify who is responsible for each individual and when this responsibility begins and ends. At no time is it acceptable for children or youth to find their own way in or out of a program without appropriate supervision. A signing in/out system will need to prevent a child or youth from leaving the program unaccompanied by an adult or being collected by an inappropriate person. For this reason we suggest that all children and youth activities consider using a sign in/sign out system. Sign in/out documents and lists can also be used in case of emergency evacuation to ensure that all in attendance are present and accounted for.

Today there are a number of electronic forms of recording attendance which include a variety of sign in/out electronic features. Systems, whether manual or electronic should include the following information:

- Emergency contact numbers for the duration of the activity
- Date and time of arrival & initials of the parent / carer
- Details of any other people permitted to collect the child
- Date and time of collection & initials of the parent / carer

8.2 Identifying Leaders

Being able to easily identify leaders and those authorised to work with children and youth during a program or activity is extremely important in providing safe environments. All regular workers in the children's programs should wear prominent, unique name tags that display their name, the children's ministry/program logo, and if possible, a photo.

All visitors should wear unique ID Badges identifying them as VISITORS to ensure that children do not get confused. This includes older siblings and parents of children participating in the program. In this way, it is very easy for anyone to know who is allowed to be visiting or working with the children and who is not. If possible, wearing t-shirts for regular leaders will also help you, the children and parents more easily identify the leaders in the crowd.

8.3 Registration and indemnity forms

When a child or youth is involved in a church program, the church should have current family contact details and relevant information regarding the child's medical history and current health situation. This information must be kept confidential and be accessible only to those people who need to use it. It is important to ensure that Indemnity & Permission Forms are received for every young person to ensure that consent is given for ministry and in case a child requires urgent medical attention.

Refer: Sample Enrolment Form and Sample Indemnity Form – in Appendices

8.4 Physical Touch

It is inappropriate to initiate physical contact with children and youth, as some may not be comfortable with the contact. Another reason is that the contact can be misunderstood, either by the child/youth or by others around. It is important to not give constant contact to one child/youth over others.

Appropriate touching would come as an expression of affirmation such as a non-demanding, gentle touch on the shoulders, hands, arms, head or back. Also there are some circumstances where physical contact may be necessary, especially for younger children (preschool age), such as times when they are upset and in need of comfort. Otherwise, the only time that physical is appropriate is when protecting them from harm.

Examples of inappropriate touching would be kissing, demanding kisses or hugs as this is completely unacceptable. Touching of any kind needs to be done with caution and it is totally inappropriate to touch any part of the body other than from the knees down and the arms and hands. Piggy back rides sitting on knees/lap must be avoided.

Training is needed to assist leaders in dealing with situations and appropriate physical touch. For example, extra care and awareness is needed when sitting on the floor as children will often lean or 'drape' themselves over a leader. This is to be discouraged sensitively and the child encouraged to

sit beside the leader on the floor or be seated in a chair next to them. No child of any age may sit between leaders' legs. Should a child initiate a hug the leader should respond with a side hug or form a pyramid to keep the lower half of the body well away.

8.5 Managing Inappropriate Behaviour in Children and Youth

When it comes to managing difficult or challenging behaviour in children and youth it is best to prevent the behaviour from occurring rather than having to deal with it. Plan the program carefully ensuring that it is engaging and age-appropriate. It is also wise to have clearly and consistently communicated guidelines for children/youth on what is and isn't acceptable when it comes to behaviour. It is very helpful to put in place systems that reward and encourage the right behaviour than constantly having to deal with the unwanted behaviour. Times of transition in programs when a group are moving from one activity to another and free time are usually the most likely to attract difficult behaviour so it is best to minimise these times and put some plans in place to avoid it.

Still, despite our best efforts, there may be times when children/youth behave in ways that are unacceptable and require some correction. If so, the following points are worth noting:

- Never correct a child without one other leader present, preferably a senior leader
- Use verbal correction – with a respectful and calm tone and manner. Make it clear what behaviour is inappropriate
- If the behaviour is repeated or continues repeat the process and where possible involve a higher authority (children's/youth minister)
- Withdrawal from program / event may be necessary especially if others are being impacted by the behaviour or there is an element of risk.
- At no time is shouting or physical punishment or the threat thereof, permissible.

8.6 Bullying

Bullying is a form of persistent harassment which demeans, threatens, intimidates or humiliates a person. For any person in leadership to act in such a manner or fail to act in the case of known bullying is completely unacceptable.

A working definition of bullying: perceived acts of verbal or nonverbal, overt or covert behaviour, where one or more persons attempts to or succeeds in manipulating circumstances or decisions of others for their own gratification and demonstration of power. A "repeated aggression, verbal, psychological or physical act, conducted by an individual or group against others." The purpose is to make those who exhibit bullying behaviour feel powerful by exploiting the vulnerabilities of their targets (Lynd, Sand A. 1998, and Maryknoll, Orbis, in Arbuckle, G, 2003).

Bullying may result in emotional or psychological abuse and in extreme cases may need to be reported to the government authorities. In a church context, bullying must not be tolerated. Instead of being laughed at or with, it should be reported to the ministry coordinator. Targets need to be loved, valued, respected and restored as appropriate to the situation. Those who demonstrate bullying behaviours must be called to account in a loving way.

In a children's ministry or youth ministry context this is most likely to be seen through name-calling, physical wrestling and jostling which may on the surface seem like fun but in actual fact may be 2-3 constantly picking on and berating one child. This can also take the place of friendship group bullying where one child is being excluded or ignored within a friendship group. Ministry team leaders must develop a culture where bullying, name-calling, berating or demeaning others is completely

unacceptable and dealt with immediately. An effective strategy for developing a healthy culture is to be constantly raising awareness and developing effective preventative measures as well as decisively dealing with any known bullying. Parents of children involved in bullying need to be informed, consulted with and included in decisions relating to their child.

8.7 Cyber-bullying, social networking and grooming on the internet

The explosion of electronic communications such as text messages on mobile phones, social networking internet sites and internet chat rooms, have seen a sharp increase in the number of internet-based and telecommunications-based allegations of abuse and bullying. It involves the perpetrator using any form of telecommunication, or electronic communication to: sexually groom, bully, suggest an inappropriate relationship be formed, or engage a child in sexual language or behaviours. In some cases these interactions have led to people being charged with sexual abuse and/or sexual grooming of a minor.

It is recommended that those working with children, young people or other vulnerable persons develop a set of protocols for the way in which leaders will communicate electronically with program participants, to ensure the safe use of electronic and telecommunication devices (See social networking section contained herein.)

8.8 Toileting of children

The best practice for toileting of small children or children who need assistance is to call the parent. It is recommended that this be adopted as a set protocol and communicated to all leaders, workers and parents. However, in the event when this is not possible, the following guidelines should be observed:

- If it is not possible for the parent to assist, the child should be encouraged to manage him/herself to the fullest possible extent, according to ability.
- When crèche workers or designated helpers must assist a child, another adult worker should be informed upon leaving the activity and upon returning and where possible two workers must be present.
- Male leaders are not to assist in the toileting of girls and female leaders are not to assist the toileting of boys.
- At no time should a child be allowed to enter a public toilet alone whilst placed in a 'kids' church/crèche related activity/program.
- Toilets must be checked by leaders/workers to ensure there is no one in the toilet and that it is clear of hazards and safe before allowing a child in.

8.9 Water Sport and High Risk Activities

For activities and events for older children and young people that are off-site, it is highly recommended that these activities are organised through venues which are accredited for such activities and provide fully qualified staff to ensure all safety precautions are adhered to.

It is recommended that all persons involved in such activities should have a signed liability release form from each parent/guardian. However, it is important to note that a liability release form does not actually indemnify against an accident. Rather, we must ensure we discharge our duty of care. An individual leader is protected where all due care has been taken, but a church may still be deemed liable, where duty of care failures are proven.

Activities may involve the use of the services of other agencies or private companies. In such cases, it is recommended that care must be taken not to sign indemnities, disclaimers or other documents provided by the agencies or companies which absolve them from liability for their own negligent acts or omissions.

When seeking out service providers or venue operators it is the church's responsibility to ensure the suitability of the external provider. The following information may be helpful to make this assessment:

- recent experience (including maintained logbooks);
- peak body organisation accreditation;
- commercial operator's permit;
- other licences and permits required by statutory authorities and land owners;
- current qualifications, accreditation and any other relevant training of instructors;
- appropriate level of public liability insurance (please note that some high-risk injuries may be excluded
- from the church liability cover)

It remains the responsibility of the church and the responsible leader/worker to make an adequate risk assessment taking into consideration the environment and characteristics of the venue; activities to be undertaken; age, experience and capabilities of the children/youth's capacity; activities to be conducted; skills of the supervisor/supervisory team; involvement of external providers and the role of church leaders as supervisors.

Please note: Not all high risk activities are covered under the churches general liability policy. If you have any doubts, please contact Churches of Christ Insurance.

Resources recommended for further reading and consideration:

Websites:

http://www.royallifesaving.com.au

http://www.sls.com.au/

Safety Publications:

Lifeguarding Services Australia, Guidelines for Safe Aquatic Events:
http://www.lifeguarding.com.au/Guidelines%20for%20safe%20aquatic%20events.pdf

SLSS Policy Statement includes supervision ratios and a risk management model:
www.slsa.com.au/elements/FileDownload.aspx?id=289

8.10 Holding, publishing and storing images

Publishing photos, images and videos without permission is highly sensitive, particularly when it involves children and youth under the age of 18. It is highly recommended that Churches insert disclaimer or waiver statements if images or videos are being recorded. General disclaimers may be used in registration forms for youth and children's ministry and event promotional material or signs may be used for adult or general services. The disclaimer or waiver may simply state that the Church may from time to time record video or images of services and activities for promotional, teaching and information purposes and that by attending these services and activities consent is given to the

church taking the video and images and using and disclosing them for such purposes.

- As a general rule any photos of children and youth activities must only be taken by a specifically appointed person.
- Do not allow children and youth to take photos or keep photos on phones etc of church leaders/workers.
- Leaders/workers must not take or keep photos of children and youth on personal phones
- Only use photos or images for church use and promotions if the permission/disclaimer has been signed by the parents.
- Photography must only be taken of activities or groups, not of individuals

8.11 Social Networking

- The Facebook minimum age of joining is 13+ and therefore church leaders/workers ought not to accept requests from those who are underage
- Church leaders and workers must be aware of the power of influence in leadership and are required to be very careful about their interactions and posts on social network sites
- Church leaders and workers must use a high level of discernment and caution when interacting with young people on social network sites, keeping all interactions broad in nature and being very careful to protect the identity and private details of young people
- It is recommended that each church formulate a policy and develop guidelines to provide leaders with guidelines to follow. This policy must then be communicated church-wide to ensure its effectiveness to providing safety for young people and leaders alike.

8.12 Other Forms of Electronic Communication

Safe practice in electronic communication requires all interactions to be for groups and not individuals and focussed on communicating events and activities rather than private conversations.

Church leaders and workers must, where possible and practical, use church equipment and facilities to make calls and electronic contact and always with knowledge of co-leaders and supervisors. The use of personal mobile phones ought to be discouraged so as to maintain transparency and accountability as well as maintain safe boundaries.

8.13 Driving and Transport

It is best to avoid leaders driving children and youth as it raises many duty of care issues unnecessarily. If it is absolutely essential then ensure there is a clear policy for doing so. The policy may include:

- Leaders must not drive a child/youth home alone.
- The driver must be fully licensed and fully insured.
- The driver will observe all speed limits and road laws.
- Seat belts are to be in working order and available for each person and the car road worthy.

- Permission is obtained from the child's parents.
- The Driver must take children/youth directly to/from the venue as arranged, with no additional stop offs.
- Children's/Youth Minister or equivalent must be informed prior to the occasion.

8.14 Appropriate Supervision of Children and Youth

8.14.1 During Church Gatherings

Within the setting of a busy church there are often times where it is unclear who is actually supervising children. When there are no formal activities/programs for children and youth such as after church, at the church picnic then the parents/guardians are responsible. Best practice would assert that regular communication is helpful in clarifying the responsibility of parents during these times. It would also be helpful to alert parents of dangers around the building such as a kitchen, rooms with stacked chairs and electrical equipment.

8.14.2 During Children and Youth Events/Programs

It is most important to expect that children and youth will be supervised at all times. No child/youth should ever be alone.

It is not possible to make prescriptive comments about the most appropriate ratio of leaders to children/youth as these will differ depending on many factors, some of which are listed below:

- Experience and training of the leaders
- Age of the children
- Any special needs of the program
- Type of activity
- Nature of the area to be used
- Requirements for leaders of both genders to be present

It should be noted that it is never appropriate for teenage/apprentice leaders to be in charge of activities or events involving children in the absence of an adult or adults. All persons under the age of 18 years assigned to function as teenage or apprentice leaders must be supervised at all times.

8.14.3 The Two Leader Rule

It is very important that at least 2 leaders should be with children/youth at all times. This allows for any emergencies as well as accountability. One should have experience and at least one should be 18 or over.

9. Safe Environments

Children and youth learn as much from what leaders do as from what they say. Behaviour, attitudes and language are as important as what is taught during a program. It is important therefore, to use language and ways of relating that affirm worth, dignity and significance.

How leaders talk to each other is also very important. Negative nicknames, put downs and sexist language reinforce behaviour that children and young people see all too often.

Avoid behaviour that gives the impression of favouritism or encourages 'special' relationships with individual children and young people. Every effort must be made to ensure that programs and language are culturally and ethnically appropriate and sensitive. Leaders must not make statements about other religions and cultures that reflect ignorance, bias or ridicule.

Leaders must at all times present themselves in a caring manner that demonstrates the positive values of the Christian faith.

In communicating with each other, children and young people, adults will act and speak appropriately using positive language and tone. At no time should there be any remarks, threats, innuendos, comments, name calling or any verbal or physical expression of any intention to intimidate, frighten or degrade someone or jeopardise a child's physical or psychological safety.

9.1 Allergy and Anaphylaxis

Anaphylaxis is a life-threatening allergic reaction. Up to five per cent of children are at risk. Young children may not be able to express the symptoms of anaphylaxis. Young children are also at risk because they may react to something that they have not previously been exposed to and therefore have no pre-existing diagnosis. A reaction can develop within minutes of exposure to the allergen, but with planning and training, a reaction can be treated effectively by using an adrenaline auto-injector called an EpiPen®.

Anaphylaxis is a severe and sudden allergic reaction when a person is exposed to an allergen. The most common allergens in children are eggs, peanuts, tree nuts (e.g. cashews), cow's milk, fish and shellfish, wheat, soy, certain insect stings and medications.

Anaphylaxis is a serious health issue for a percentage of the population and the key to prevention of anaphylaxis is knowledge, awareness and planning. It is very important to know and understand the risks involved for children and youth who are left in the care of church ministries. This is important information to obtain through registration and enrolment forms and to communicate this information to leaders in direct care of children/youth with allergies and anaphylaxis. It is also extremely important to make sure that a policy is in place and communicated.

No church environment can claim to be risk free or totally free of allergens. It is therefore important for all churches to minimize the risk of an anaphylactic reaction occurring while the child is in the care of the church and to ensure that the church is able to respond appropriately to an anaphylactic reaction.

For information about policy and procedures go to the following website:
http://www.allergyfacts.org.au/allergy-and-anaphylaxis/what-is-anaphylaxis_

Refer*: Sample Church Allergy And Anaphylaxis Policy,* and *First Aid Treatment For Anaphylaxis Paper* – In the Appendices. These can be modified for your church environment.

To assist in risk minimization the following actions may include:

- Ban on all food 'treats' within the ministry. All rewards to be non-edible.
- Strongly discourage children bringing food or lollies with them.

- No sharing food policy.
- No food served to children at all.
- Only food served during occasions where the children are in the care of the parents – i.e. family events, church events and on those occasions be sure to advise parents that food will be available and make every effort to ensure that food is only given to adults and not children.
- Where a child is identified as at risk, all craft material used for that group will be checked for any known allergens – i.e. egg cartons/yogurt containers.

If you must serve food to children, do so only when absolutely needed – perhaps a preschool group in which case be sure to manage risks by developing a strict process such to be followed – such as:

- Only food packed by the parent will be given to the child.
- Parents are encouraged to pack fruit (please note that fruit are amongst known allergens).
- In the case of an at risk child being identified, other parents in the group will be advised and asked not to send any foods containing the known allergens.
- All food to be clearly labelled with child's name.
- Leaders to check each label ensuring that the right child receives their food – 'if in doubt – check it out' with the parents before giving food. (A process needs to be in place which clearly identifies the child and their food).
- Hands to be washed (wet wipes) after eating to avoid cross contamination.
- Wipe down tables, bench tops and chairs after eating.
- Children diagnosed with anaphylaxis to be supervised by leaders during snack time ensure they are placed at a safe distance from risk and closely observed to ensure the child is not exposed to a known allergen and/or possible cross contamination.
- Absolutely no wandering with food or drink to be allowed.

10. Children and Abuse

Children have the right to be safe at all times. Child abuse may be defined as any act that endangers the child's physical or emotional health or development. Child abuse may take place in a single incident or over time. These may be things people do to children, or things they fail to do for them. Abuse occurs when those in positions of trust and power abuse that trust and make use of their power to harm children.

Children do not generally have the power to stop abuse. They rely on others to help them.

10.1 Incidence of Children Needing Protection

Child protection Australia statistics reveal that in the year 2008-2009:

- That the number of children subject to a notification increased by 6.2% to 207,462.

- That during that year the number of children on care and protection orders increased by 8.5% to 35,409 (from 6.6 to 7.0 per 1,000 children).

- That during the 5 years to 2009 the number of children on care and protection orders increased by 47% from 24,075 (from 4.8 to 7.0 per 1,000 children).

- In the last 12 months the number of children in out-of-home care increased by 9.3% to 34,069. Over the last 5 years the number of children in out-of-home care rose by 44% from 23,695 (from 4.9 to 6.7 per 1,000 children in 2009).

- Across Australia in 2008–09, 47% of children in out-of-home care were in foster care, 45% were in relative or kinship care and 5% were in residential care.

- Almost 50% of the children who received a support service were aged less than 5 years when they commenced the service.

It is important to note that although there appears to have been a real rise in children needing protection, other factors may have played a part. These include greater community awareness of child abuse and neglect issues, a broadening in what some jurisdictions define as child abuse or neglect, and changes in child protection policies and practices.

10.2 Mandatory Reporting

It is clear that children are not able to stop the abuse themselves. They need adults to take responsibility for doing so. Mandatory reporting is the legal requirement to report suspected cases of child abuse and neglect.

Please note that currently Pastors or Ministers of Religion are not subject to the requirements of the Mandatory Reporting Legislation. Whilst a church community may have some members who, because of their occupation, are 'mandated to report child abuse', members and leaders of church communities have a moral responsibility (even in the absence of a legal duty) to notify the appropriate agency if they suspect a child is being abused.

All jurisdictions possess mandatory reporting requirements of some description. However, the people mandated to report and the abuse types for which it is mandatory to report vary across Australian states and territories.

From January 1 2009, the legislation covering mandatory reporting of child sexual abuse in the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 became part of the Children and Community Services Act 2004. This extended mandatory reporting requirements to doctors, nurses, midwives, police officers and teachers in circumstances where they have reasonable grounds to believe that a child has been, or is, the subject of sexual abuse.

Table 1 provides an overview of who is legally mandated to report suspected child maltreatment to statutory child protection services in Western Australia.

Table 1: Mandatory reporting requirements in Western Australia*.

Who is mandated to notify?	What is to be notified?	Maltreatment types for which it is mandatory to report	Relevant sections of the Act/Regulations

Doctors, Nurses and Midwives, teachers, police officers	Belief based on reasonable grounds, during the course of their work, paid or unpaid that a child or young person is being or has been sexually abused.	Sexual Abuse	Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 s124A and s124B(1)(A)

Notes: * Section 67ZA of the Family Law Act 1975 (Cth) applies to all states and territories.
Source: National Child Protection Clearinghouse, August 2010

The groups of people listed in the table above are legally obliged to notify The Department of Human Services if they have reasonable grounds for believing abuse exists. However, any person can voluntarily notify Child Protection Services if they believe that a child is in need of protection. There is no legal obligation to do so and any notification is essentially made on moral grounds. The identity of notifiers - whether mandated or not - is explicitly protected.

The Department of Human Services is available for you to discuss your concerns with a person trained in working with abused children. This advice may be sought to clarify a decision to report, or allay fears of child abuse.

10.3 Types of Abuse

Child abuse is an act by parents or caregivers that endangers a child or young person's physical or emotional health or development. Child abuse is not usually a single incident, but takes place over time. In Western Australia, a child is a person under eighteen years of age. Commonly recognized forms of child abuse include the following:

Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child.

Emotional abuse occurs when a person repeatedly rejects the child or uses threats to frighten the child and creates an emotional environment which significantly damages the child's physical, social, intellectual or emotional development.

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity.

Neglect is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

10.4 Potential signs of child abuse

If you work with children and young people, you can help to keep them safe by being alert for the signs or indicators of harm and taking appropriate action early. People who work with children and young people should pay attention to:

- **Physical** signs of abuse or neglect – these could include bruises, burns, fractures (broken bones), frequent hunger, poor hygiene, appearing ill cared for or unhappy, difficulty or pain in urinating or defecating, injuries or ongoing health problems, speech disorders, delays in physical development, often tired or has difficulty sleeping.

- **Behavioural** signs of abuse or neglect – these could include showing little or no emotion when hurt, wariness of their parents, alcohol or drug misuse, age-inappropriate sexual behaviour, stealing food, excessive friendliness to strangers or wearing long sleeves and trousers in hot weather (to hide bruises), low self-esteem, age-inappropriate behaviour such as overly adult (parenting other children) or overly infantile or regressive behaviour, highly anxious, difficulty relating to adults or peers, unexplained mood swings, inappropriate sexual activity or preoccupation with sexual matters, indiscriminate with affection, withdrawn or aggressive, hyperactive, disruptive, tearful.

- If the child discloses they have been abused.

10.5 Reporting Abuse

For contact details and more information on reporting abuse in **Western Australia:**

http://mandatoryreporting.dcp.wa.gov.au

10.5.1 A report to Child Protection should be made in any of the following circumstances:

- Physical abuse of, or non-accidental or unexplained injury to a child (mandatory reporters must notify).

- A disclosure of sexual abuse by a child or witness, or a combination of factors suggesting the likelihood of sexual abuse – the child exhibiting concerning behaviours, for example after the child's mother takes on a new partner or where a known or suspected perpetrator has had unsupervised contact with the child (mandatory reporters must notify).

- Emotional abuse and ill treatment of a child impacting on the child's stability and healthy development.

- Persistent neglect, poor care or lack of appropriate supervision, where there is a likelihood of significant harm to the child, or the child's stability and development.

- Persistent family violence or parental substance misuse, psychiatric illness or intellectual disability – where there is a likelihood of significant harm to the child or the child's stability and development.

- Where a child's actions or behaviour may place them at risk of significant harm and the parents are unwilling or unable to protect the child.

- Where a child appears to have been abandoned, or where the child's parents are dead or incapacitated, and no other person is caring properly for the child.

10.5.2 Integrated Support for children, young people and families

Western Australia – Child FIRST

Significant changes have been made in recent years to create an integrated Child Protection and Family Service system that provides improved supports to vulnerable children, young people and their families. Child FIRST sites have been established across the State. These 'hubs' provide a central, community-based referral point to a range of community based Family Services and other supports. Child FIRST ensures that vulnerable children, young people and their families are linked effectively into relevant services and may be the best way of connecting children, young people and their families to the services they need.

Factors which affect a child's safety, stability or development are:

- Significant parenting problems that may be affecting the child's development.

- Serious family conflict, including family breakdown.
- Families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement.
- Young, isolated and/or unsupported families.
- Significant social or economic disadvantage that may adversely impact on a child's care or development.

10.6 Responding to Reports of Abuse

10.6.1 What should I do if a child tells me about abuse?

- Look at the child directly
- Accept what the child says and tell them that you believe them
- Be aware, while you listen, that the child may have been threatened
- Tell the child that they are not to blame
- Do not press the child for information
- Reassure the child they are right to tell and that you take what they say very seriously
- Let the child know what you are going to do next, who you are going to tell and why, and roughly what will happen
- Let the child know if you intend to make a report to the appropriate authorities
- Finish on a positive note and tell the child that you are pleased that they told you
- It is important that the child is not required to repeat their disclosure – interviewing the child is best left to trained people who are skilled in the process.
- As soon as possible afterwards, make handwritten notes of exactly what the child said and the dateand time of the meeting.
- Ensure that all handwritten notes are secured in a confidential file system.

10.6.2 In the case that abuse is disclosed or discovered it is most important that the following occurs:

- Do not delay
- Do not act alone
- Do not start to investigate
- Consult with the person to whom you are accountable, the person responsible for

Children's ministries, youth ministry, the senior minister or someone else you can trust

- If the child is in immediate danger, call the police

10.6.3 If the reported abuse involves a person in the Church Leadership:

If the report involves a person in ministry or church leadership all of the above steps must be taken. It is important to consult with the person to whom you are accountable, the person responsible for children's or youth ministry other senior leader or senior minister but bypassing the person about whom the report is made. As soon as practicable a report will need to be made to the Executive Minister of COCWA.

The child protection authority involved in the report may provide specific action to take in relation to the person against whom the allegation is made. Where no specific direction is given, your church leadership will need to assess the risks involved and make a decision about immediate actions. **It is appropriate and right for the person against whom the allegation is made to step aside and be relieved from their duties while the matter is investigated.** Both the child and the alleged abuser have rights and need protection and due process. The office of COCWA can provide assistance with this matter if required.

People in ministry and church leadership are expected to be examples and models of Christian living and therefore there exists ethical standards and practice guidelines. These documents are:

Refer:

Professional and Ethical Standards of Ministry Applicable to Ministers of Churches of Christ; The Procedure for Investigating Complaints of Serious Misconduct

These can be obtained through the office of Churches of Christ in Western Australia or via the website: http://www.cocwa.com.au/resources

Where a complaint of abuse is made about any of the following the matter should be reported immediately to the Executive Minister who will liaise with the Ministry Ethics Professional Standards Committee:

Professional and Ethical Standards of Ministry Applicable to Ministers of Churches of Christ applies to *"Ministers, Chaplains and employees of the Churches and Ministry Affiliates* ***who have been granted Accreditation*** *within COCWA"*

10.7 Known Offenders Molestation/Sexual Abuse

The COCWA Public Liability insurance policy does not cover the legal liability of the Insured to, pay damages or compensation to any third party, or legal costs associated with any claim, in respect of an injury sustained by a third party in circumstances where; that injury arises either directly or indirectly from sexual abuse; and the perpetrator of the sexual abuse was a representative, member, employee, or service provider of the Insured and the Insured knew or ought reasonably to have known the perpetrator of the sexual abuse had previously:

(a) committed sexual abuse; and/or

b) been convicted of sexual abuse; and/or

(c) whilst being a representative, member, employee, or service provider of the Insured; been the subject of a prior complaint in respect of sexual abuse, which has not been appropriately investigated.

For the purpose of this Exception:

"Sexual Abuse" includes any assault or abuse of a sexual nature, any type of molestation, indecent exposure, sexual harassment or intimidation, whether such act is the subject of criminal investigation or not.

"Injury" includes any physical, mental or psychological injury.

11. Working With Children and Police Checks

While the Working with Children Check (WWC Check) and Police Checks must be complied with, it cannot solely be relied upon to determine the suitability of a worker or volunteer. These checks are only ONE of the strategies that churches must establish to ensure that people who work with children are suitable to do so.

Churches must ensure that other measures are in place to assess a person's suitability to work with children, including interviews, thorough reference checks, a code of conduct, vigilant supervision and regular training.

All churches and affiliated agencies of COCWA must, as a minimum, comply with the Act and the procedures and policies stated below. Whilst there are no legal requirements in Western Australia to administer a screening process, COCWA nevertheless requires a formal process be put into place and followed so as to ensure a safe environment.

In Western Australia the Working with Children (Criminal Recording Checking) Act 2004 states that individuals over the age of 18 are required to apply for a WWC Check. Valid for five years, the Check entitles individuals to engage in child-related occupations and volunteering work with organisations including with churches.

11.1 Western Australia

In Western Australia the WWC Check creates a mandatory minimum checking standard across Western Australia. The aim is to protect children from harm by providing a high standard of compulsory National criminal record checking for people wishing to do paid, unpaid or volunteer child-related work in Western Australia. The WWC Check considers criminal records to see if people have charges or convictions that indicate they may harm a child.

Churches must ensure that employees and volunteers who are in child-related work have valid WWC Checks.

Who Needs a WWC Check?

Under the WWC Act people whose usual duties of work involve (or are likely to involve) contact with a child (under 18) in connection with one or more categories of child-related work are required to have a WWC Check.

Exemptions:

Religious Organisations: Work carried out on a voluntary basis by a parent of a child in connection with an activity in which the child is participating, or ordinarily participates.
Note: This exemption does not apply to parents volunteering at overnight camps attended by their children.

If a parent volunteer is exempt and a church identifies specific activities where a criminal record check would improve safety, they can have their own policy that parent volunteers must have either a National Police Check or National Police Certificate.

[You cannot make an exempt person obtain WWC Check, but your church policy can require volunteer parents to have a National Police Check or National Police Certificate]

Offences

It is an offence for a Church to engage a person in child-related work without a WWC Card or having applied for one.

The Act does provide a five-day grace period in most cases to provide reasonable flexibility and allow for unseen circumstances. [eg. A worker is sick and you need to get another worker urgently and there is no time for a substitute volunteer/worker to apply for a check].

However, the five day exemption does not apply if the Church knows that the person has been convicted of, or has a pending charge 1 or 2 offence [see http://www.checkwwc.wa.gov.au Fact Sheet 4] or a person has a current Negative Notice, an interim Negative Notice, or has withdrawn their application for a WWC Check.

12. Food safety/handling

It is important to preserve and prepare foods in a manner that ensures the food is safe for human consumption. This process of kitchen safety includes proper storage of food items prior to use, maintaining a clean environment when preparing the food, and making sure that all serving dishes are clean and free of bacteria that could lead to some type of contamination.

It is important that each congregation check as with the local council/authority guidelines and regulations that must be observed in their area.

For information on food safety and handling see www.public.health.wa.gov.au

Refer: Personal Hygiene for People Working with Food in the Appendices

13. Occupational Health and Safety

Occupational Health and Safety legislation applies to organisations and churches as there is a duty of care to employees and other members of the community to make sure they do nothing to adversely affect their health and safety. This is the prime focus of Occupational Health and Safety Legislation.

The following are important factors to remember in relation to Occupational Health and Safety:

- Even if your church has only one paid employee, that person will be covered by the provisions of the legislation.
- Volunteers are the forgotten people in our workforce. We all know that their contribution to ourchurches is invaluable. The provisions of the legislation apply just as much to volunteers as to paid workers. It could be argued, in fact, that because of their lack of expertise in some

areas that they may be working in, volunteers are owed, if possible, an even greater duty of care than a paid employee.

- Contractors who perform maintenance and other work are covered by the legislation to the extent that the church must not place them at risk of injury. Contractors are, however, responsible for their own health and safety in relation to things that are within their own control and knowledge.

- Any person who enters the church property for any reason is owed a duty of care under the Occupational Health and Safety legislation. These people must not be exposed to a risk of injury that the church is aware of, or should be aware of.

Churches need to comply with Occupational Health and Safety legislation because it is the law, but perhaps more importantly because we have a moral obligation to all people.

13.1 Church and employee obligations under Occupational Health and Safety

13.1.1 Church obligations:

- To provide a safe physical environment for employees and others
- To provide safe systems of work
- To provide safe plant and equipment
- To provide adequate facilities e.g. first aid, lighting, space etc.
- To provide suitable and adequate information, instruction and training for any duties required to be performed
- To provide for safe handling and storage of hazardous substances
- To provide personal protective equipment where necessary, e.g. gloves, caps, glasses etc.

13.1.2 Employee obligations:

- To comply with lawful instructions
- Not to behave in a wilful and reckless manner
- To use any protective equipment provided
- To follow all Occupational Health and Safety policies and procedures
- Report all hazards to the designated Occupational Health and Safety Officer or other responsible person

It is suggested that, in most instances, the Occupational Health and Safety Officer within a church should be the senior paid employee at the church.

Outlined below is a basic approach to Occupational Health and Safety within your church environment.

A church's leadership should familiarise itself with the insurance cover held by the church. Further information can be found on the Churches of Christ Insurance website.

13.2 Have an Occupational Health and Safety policy

Every church should make the effort to write an Occupational Health and Safety policy which outlines their commitment to safety in the church. It is highly recommended that churches consult the Churches of Christ Insurance website's Risk-Management pages and orient themselves to the PropCorp Redbook in formulating these policies and processes.

Your Occupational Health and Safety [Risk Management] policy should be signed by the relevant people, reviewed, re-signed and re-issued on an annual basis.

13.3 Regular checks and housekeeping

If you keep your church property tidy and clean it will make it safer for anyone who uses the property. We recommend that:

- Regular documented inspections should identify the risks within the property such as blocked exits, fire hazards and items on which someone may slip, trip or fall.
- A house keeping checklist should be compiled and completed on a monthly basis whilst the property is being inspected. They should be signed, dated and retained for future action and reference.
- Any problems identified in the inspection should be rectified as quickly as possible.
- The combination of people undertaking the inspection should be varied as a new set of eyes may pick up something missed in previous inspections.

13.4 Train Leaders in Occupational Health and Safety

Your church should provide some training for your Occupational Health and Safety officer in carrying out their responsibilities.

As well as this the church has an obligation to provide good training and induction for new workers, both paid and volunteer.

As part of their training and induction, workers should be provided with a copy of :

- The Occupational Health and Safety policy
- The Health and Safety rules
- The church emergency evacuation plan

A copy of the completed induction checklist for all workers should be kept on file for all employees, leaders and voluntary workers.

13.5 Model Work Health & Safety Act

The Western Australian Government remains committed to the principle of harmonization and continues to take steps to progress the implementation of the model Work Health and Safety laws. The harmonisation process has included the development of the model Act, WHS Regulations and Codes of Practice. WA is continuing to participate in that process. While it is not intending to adopt the whole of the model WHS Bill, WA will likely adopt the vast majority of the proposed model laws.

The following information relates to volunteers under the Model Work Health and Safety Act, it is included as a guide only and does not yet form part of law in Western Australia.

13.5.1 Volunteers under Model Work Health and Safety Act

Volunteers are an integral part of the life of our churches and we may forget they are not dissimilar to the paid pastoral staff. However, left unprotected, volunteers' willingness to continue providing the vital role within our churches may be in jeopardy. Left unprotected, the valuable work and contributions of our volunteers could be harmed by a well-intending volunteer who has never received the necessary duty of care and training. Left unprotected, your church may find itself in legal hot water and with monetary penalties to pay because the individuals you've treated as volunteers are really employees according to the new Work Health and Safety Act (WHS Act).

13.5.2 Why do we need to protect volunteers?

In addition to the general protection afforded by Australian law, states and territories have extended protections under occupational health and safety laws to volunteers who work in employment-like settings.

13.5.3 What does your church need to do to comply with the model WHS Act?

Under the new WHS Act the primary duty of care for work health and safety is imposed on a person conducting a business or undertaking (PCBU). The duty is to ensure, so far as is reasonably practicable, the health and safety of workers, including volunteers, engaged in work for the business or undertaking.

A volunteer organisation that is a PCBU must do what is reasonably practicable to ensure that its workers are healthy and safe. The duty is owed to 'workers' generally including employees, contractors and subcontractors, apprentices, work experience students and volunteers. It is not an absolute duty to ensure that no harm occurs.

What is 'reasonably practicable', is that which is, or was, reasonably able to be done in relation to ensuring health and safety, taking into account all relevant factors

13.5.4 Consulting with volunteers

There is a legal duty under the WHS Act for PCBUs to consult workers, including volunteer workers, in relation to health and safety issues. Consultation is an effective way of ensuring volunteers contribute to the identification of hazards, and the assessment and control of risks they face in carrying out their work.

13.5.5 What are the risks to volunteers engaging in work?

Volunteers, like other workers, face a wide range of possible risks and injuries from carrying out work. Such injuries may be physical or psychological and can result from common activities carried out by volunteers undertaking community services. The level of care that is required will depend on individual circumstances, such as the age of the volunteer, where the work is carried out and the relationship between the duty holder and volunteer.

Psychological injury and illness can be caused by the demands of the work, for example due to:

- the lack of control the volunteer has over the work
- the workload the volunteer carries
- challenging client behaviour that the volunteer is confronted with

- lack of clarity in the volunteer's role, or
- poor management of organisational change.

Physical injury or illness can be caused by work equipment or the working environment for example by:

- electrocution or electric shock
- contact with moving machinery parts
- contact with hot or cold parts
- excessive noise from machinery
- fire caused by faulty wiring, or
- falls from working at heights.

Illness can also result from contact with hazardous chemicals, for example, due to:

- lack of information and training provided about the health effects of hazardous chemicals
- hazardous chemicals not labelled or not labelled correctly
- hazardous chemicals not replaced with less
- hazardous chemicals, and
- exposure to asbestos or other hazardous substances.

Injury or illness can be caused by working in unsafe or unhealthy work environments, for example, due to:

a) unsafe or unstable structures
b) unsafe entrances, exits, steps, stairs, and ramps
c) slippery and uneven floor surfaces
d) cramped work spaces
e) uncomfortable workplace temperatures including being too hot or too cold
f) poor ventilation, excessive noise or insufficient lighting
g) non-ergonomic work stations, and
h) insufficient and/or non-hygienic kitchen facilities or toilets and hand basins.

The duty to take reasonably practicable steps to ensure the health and safety of workers, means a PCBU needs to identify the hazards and assess the risks associated with the type of work that its workers and volunteers carry out. Some specific examples of the types of environments volunteers work in and the tasks they carry out that should be assessed for risks, follow.

13.5.6 As a volunteer, do I have duties under the model WHS Act?

People who are 'workers' have duties under the WHS Act. As a volunteer worker, you only have duties if you carry out work for an organisation which is a PCBU.

If so, you have the same duties as other 'workers' at the workplace:

1. to take reasonable care for your own health and safety
2. to take reasonable care that your conduct does not adversely affect the health and safety of others
3. to comply with any reasonable instruction that is given to you by the PCBU (to help it to comply with the WHS Act), and
4. to cooperate with any reasonable policy or procedure relating to health and safety at the workplace.

If you are a coordinator or manager of volunteers and you work in a paid role, you will have the same duties to take reasonable care as other 'workers'.

13.5.7 Is there a responsibility on the volunteer under the WHS Act?

Volunteers who carry out work for PCBUs are required to take reasonable care for their own health and safety. Like any other duty holders who do not comply with their duties under the WHS Act, workers, including volunteer workers, can be prosecuted. This is the same for any person, including a member of the public, who visits a workplace and is required to take reasonable care for their own health and safety.

More information about risk management can be found in the model How to Manage Work Health and Safety Risks Code of Practice and from work health and safety regulators.

For information about when volunteers are covered and what they need to do to comply with the model work health and safety laws, see the Safe Work Australia fact sheet Volunteers and the model Work Health and Safety Act.

Refer: www.safeworkaustralia.gov.au

13.6 Hazard prevention and management

If your church completes the housekeeping checklist regularly, the completion of an annual review for hazards should be a relatively simple exercise.

As with the monthly check, any hazards identified should be ranked in order of their injury or damage potential. Those with the potential to cause the greatest injury of damage should be rectified first.

It is worth noting some of the more common causes and locations of slips and falls and other accidents within church property:

- Playgrounds
- Slippery weather conditions
- Uneven payment or holes in parking lots
- Loose carpeting or runners
- Wet floors
- Waxed floors
- Dark stairways or uneven steps

- Obstructed walkways
- Unsafe use of ladders
- Cord across floors
- People falling out of windows
- Obstructions

All workers within the church, as well as other members of the congregation, should be encouraged to report any potential or perceived hazards to the Occupational Health and Safety Officer. Your church should design a simple 'Incident/Hazard Report Form' for this reporting that may be available from a central point.

13.7 Emergency Evacuation Plan

It is very important for churches and children's ministry groups to have in place a current Emergency Evacuation Procedure. This should include instructions on how to exit the building, where to assemble outside of the building and what systems need to be in place so that it can be easily determined if there are persons missing.

Your church should put in place a simple emergency evacuation procedure. It should, as a minimum include the following:

- Details of any alarms at the church
- Names of those people appointed as fire wardens (responsible for ensuring that everyone is out of the building)
- A site plan
- Details of assembly points (places where people assemble after leaving the buildings)
- Procedures to let everyone know that it is safe to re-enter the building
- It is highly recommended that churches consult the Churches of Christ Insurance website's Risk-Management pages and orient themselves to the PropCorp Redbook in formulating these policies and processes.

13.8 Electrical equipment

Electrical equipment and installations can be one of the greatest potential risks for our churches. To reduce, or manage, this risk, the following should be put in place:

- All electrical equipment or installations should be designed and installed to minimize the risk of electrical shock or fire.
- Only qualified persons should be allowed to work on electrical installations.
- All equipment or electrical sockets should be protected by residual current devices (RCD).
- Where RCD's are provided, they must be maintained in accordance with Occupational Health and Safety regulations.

13.9 Working at heights

Particular care should be taken where people are required to perform work at heights.

- If your roof is made of fragile material (asbestos cement sheeting or tin), you should not allow unqualified persons to access it and you should make sure that appropriate signage is in place as required by Occupational Health and Safety regulations
- You are required under Occupational Health and Safety regulations to ensure that everything possible is done to prevent falls. This is particularly relevant where people are working on roofs, changing light globes or performing other work with buildings that have high ceilings
- You are required to provide for all workers, safe, suitable and stable ladders and working platforms. In some cases, you may need to provide a safety harness or pole safety belt that should be attached to a secure structural support

13.10 When should I notify external authorities about an incident?

In some serious cases, the Occupational Health and Safety regulations require notification of incidents to be made to Government departments. We ask that, where you believe this to be necessary, the Insurance and Risk Management Director of Churches of Christ Insurance is notified as well (03 9488 8800).

Notification is necessary in the following circumstances:

13.10.1 Injuries to workers

- A work injury that causes death.
- A work related injury that has acute symptoms associated with a substance at work.
- A work related injury that requires treatment as an in-patient at a hospital.

13.10.2 Dangerous occurrences

Where any of these have caused an immediate and significant risk to any person in or near the church property, notification is required:

- The collapse, overturning or failure of the load-bearing part of a scaffolding, lift or crane
- Damage or malfunction of major plant
- The unintended collapse or failure of any excavation that is more than 1.5 meters deep
- The unintended collapse or partial collapse of:
  - A building under construction, re-construction, alteration, repair or demolition
  - The floor, wall or ceiling of a building used as a workplace
- An uncontrolled explosion, fire or escape of any gas, hazardous substance or steam
- An electrical short circuit malfunction or explosion
- Any other unintended or uncontrolled incident or event arising from operations carried out at a workplace

If you are unsure if an incident is reportable, please contact the Insurance and Risk Management Director of Churches of Christ Insurance (03 9488 8800).

14. Acknowledgements

- The Victorian teaching profession Code of Conduct. www.vit.vic.edu.au
- Australian Childhood Foundation. www.childhoodhero.com.au
- Scripture Union Australia ChildSafe Risk Management System. www.childsafe.org.au
- The Office of Child Safety Commissioner. www.kids.gov.vic.au
- Youth Affairs Council of Victoria. www.yacvic.org.au
- Baptist Union of Victoria. www.buv.com.au
- Baptist Churches of Australia. http://sabaptist.asn.au
- Lifeguarding Services Australia. www.lifeguarding.com.au
- Surf Life Saving. www.sls.com.au
- Department of Education and Early Childhood Development. www.education.vic.gov.au
- Youth Action and Policy Association. www.yapa.org.au
- Australian Institute of Family Studies - National Child Protection Clearinghouse. www.aifs.gov.au
- Department of Health and Human Services Tasmania. www.dhhs.tas.gov.au
- Department of Human Services Victoria. Childfirst. www.dhs.vic.gov.au
- Department of Justice Victoria. www.justice.vic.gov.au
- Anaphylaxis Australia www.allergyfacts.org.au
- Royal Life Saving Society of Australia. www.royallifesaving.com.au
- Relevant policies from One Community Church and NewHope Baptist Church.
- Department for Child protection - Western Australia www.dcp.wa.gov.au
- Working with Children Check http://www.checkwwc.wa.gov.au
- Department of Health - Western Australia http://www.health.wa.gov.au

15. Appendices

15.1 Guides, checklists and templates

15.2 Guides:

15.2.1 Water Activities Guide

15.2.2 First Aid Guide for Anaphylaxis

15.2.3 How to administer an Epipen Guide

15.2.4 Flowchart Mandatory Reporting (Western Australia)

15.2.5 Personal Hygiene for People Working with Food

15.3 Sample Forms:

15.3.1 Sample Anaphylaxis and Allergy Policy

15.3.2 Sample Incident Report

15.3.3 Sample Registration Form/Indemnity Form

15.3.4 Sample Code of Conduct for Leaders

15.3.5 Sample Leadership Application Form

15.3.6 Sample Privacy Policy

15.4 Ministry Code of Ethics:

Professional and Ethical Standards of Ministry Applicable to Ministers of Churches of Christ

The Procedure for Investigating Complaints of Serious Misconduct

These Appendices can be found on the
COCWA website,
(under 'Resources')
http://www.cocwa.com.au