



# North Canberra

## Baptist Church

### Procedure for Responding to Child Protection Concerns (ACT)

Adopted by North Canberra Baptist Church on 17 January 2024

#### Purpose

The *Procedure for Responding to Child Protection Concerns* (the **Procedure**) sets out a procedure to follow when a complaint or information about any form of child protection concern is received. In the ACT, this includes a sexual offence committed against a child or young person, sexual misconduct involving a child, child sexual abuse and/or non-accidental physical injury.

The Church and its staff and volunteers have legal obligations to report certain information to government authorities. This includes the obligation to make a mandatory report to Child and Youth Protection Services (CYPS)<sup>1</sup>, to report information to the Police<sup>2</sup>, and to notify the Ombudsman of reportable allegations and reportable convictions<sup>3</sup>.

Some of these obligations apply to the Church as an organisation or to Church leaders, some of the obligations apply to individuals. In some circumstances, failing to report information of child abuse offences to ACT Police may be a criminal offence. Baptist Churches of NSW & ACT have developed this Procedure for use by local churches to address all relevant obligations in a way that is both thorough and practical.

#### Scope

This Procedure applies to all staff and volunteers of the Church. Attendees are encouraged to also follow the steps outlined in this procedure.

**If you have any doubt as to whether a complaint or information would fall within the scope of the Procedure, or about any of the steps set out in the Procedure, contact the Baptist Churches of NSW & ACT Ministry Standards Manager on 1300 647 780.**

<sup>1</sup> See Section 356 of the Children and Young People Act 2008 (ACT).

<sup>2</sup> See Section 66AA of the Crimes Act 1900 (ACT).

<sup>3</sup> See Section 17G of the Ombudsman Act 1989 (ACT).

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

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

## 1. Receiving a complaint or identifying a child protection concern

A child protection concern may include concerns regarding:

- a child abuse offence (including sexual or physical abuse);
- non-accidental physical injury.
- sexual misconduct involving a child.
- ill-treatment or neglect of a child.
- behaviour, or a circumstance, that psychologically harms a child.
- inappropriate discipline.
- inappropriately personal or intimate communication and/or behaviours which may constitute grooming.
- exposure of a child to Domestic and Family Violence or
- any other reason for concern.

A child protection concern may be received:

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

If someone raises a concern or reports an allegation:

- **DON'T** promise that you will keep it confidential and not report the information.
- **DON'T** ask leading questions.
- **DON'T** attempt to assess the validity of the concern or seek to investigate any allegation yourself.
- **DO** clarify information reported to you if appropriate (for example, 'Can you tell me more about that?').

- **DO** assure the person that appropriate action will be taken and
- if a child, **DO** reassure them that they are not at fault and that they will not be in trouble for sharing this information.

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

## 2. Consider whether there is an immediate danger to a child

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

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

## 3. Internal Reporting

### 3.1 Complete the Safe Church Concern Form

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

### 3.2 Notify the Safe Church Team

If a staff member or volunteer has or is notified of a child protection concern, they must inform the Safe Church Team as soon as possible. The Safe Church Team is responsible for ensuring the church fulfils its legal obligations and manages all concerns appropriately.

If there is any delay before the Safe Church Team can be contacted, the individual should consider whether it is necessary to report their concerns to external government authorities, as outlined in step 4 below. They may contact the Ministry Standards Hotline on 1300 647 780 for advice.

Staff and volunteers should ensure they do not discuss any concerns raised with the accused person at this point. Doing so may impede future investigation processes.

If the concern raised would create a conflict of interest for a member of the Safe Church Team, consider contacting the Baptist Churches of NSW & ACT Ministry Standards Hotline at 1300 647 780 for advice.

## 4. External Reporting to Government Authorities

### 4.1 Safe Church Team responsibilities

The Safe Church Team should:

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

### 4.2 Mandatory Reporting to the Child and Youth Protection Service (CYPS)

#### A. Mandatory reporting requirements

If a pastoral staff member:

- o Believes, on reasonable grounds, that a child or young person is being or has been **sexually abused** or is experiencing or has experienced **non-accidental physical injury** (physical abuse)
- o AND the reasons for the belief arise from information obtained during the course of, or because of, that person's work then they must make a Mandatory Child Concern Report as soon as possible to the CYPS via
  - CYPS Mandated Reporters Line on 1300 556 728, or
  - by email [childprotection@act.gov.au](mailto:childprotection@act.gov.au), or
  - by using the online form at <https://forms.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1136&tmFormVersion>

#### **Children and Young People Act 2008 (ACT) section 356.**

##### **Offence—mandatory reporting of abuse**

- (1) A person commits an offence if—
- (a) the person is a mandated reporter and
  - (b) the person is an adult, and
  - (c) the person believes on reasonable grounds that a child or young person has experienced, or is experiencing—
    - (i) sexual abuse; or
    - (ii) non-accidental physical injury; and
  - (d) the person's reasons for the belief arise from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid) and
  - (e) the person does not, as soon as practicable after forming the belief, report (a **mandatory report**) to the director-general—
    - (i) the child's or young person's name or description; and
    - (ii) the reasons for the person's belief.

(3) In this section:

**Mandated reporter**—each of the following people is a **mandated reporter**:

- (p) a minister of religion, religious leader, or clergy member of a church or religious denomination.

## B. Voluntary reporting regarding risk to the safety and wellbeing of a child

If the Safe Church Team considers that there is a serious risk to the safety and wellbeing of a child or young person, then they should make a voluntary report to the CYPS on 1300 556 729 as soon as possible to the CYPS via

- CYPS Mandated Reporters Line on 1300 556 729, or
- by email [childprotection@act.gov.au](mailto:childprotection@act.gov.au), or
- by using the online form at <https://forms.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1136&tmFormVersion>

If there is any doubt whether a concern would be considered a serious risk to the safety and wellbeing of a child or young person, then the Safe Church Team should call CYPS on 1300 556 729 to receive advice.

### ***Children and Young People Act 2008 (ACT) section 354***

#### **Voluntary reporting of abuse and neglect**

- (1) This section applies if a person believes or suspects that a child or young person—
  - (a) is being abused; or
  - (b) is being neglected; or
  - (c) is at risk of abuse or neglect.
- (2) The person may report (a ***voluntary report***) the belief or suspicion, and the reasons for the belief or suspicion, to the directorgeneral.

### 4.3 Report Child Abuse Offences to Police

Any adult staff member, volunteer or attendee at the Church may have obligations to report information regarding child abuse offences to the Police. In addition, any adult staff member or volunteer at the Church must report any information regarding a child abuse offence connected in any way with the Church to the Safe Church Team. Any attendee is also encouraged to report any information regarding a child abuse offence connected in any way with the Church to the Safe Church Team.

If the Safe Church Team obtains information that leads to a reasonable belief that a sexual offence has been committed against a child, then they must report this to an ACT Police officer, **regardless of whether the victim of the alleged abuse wants this report to be made**. The requirement to report to ACT Police includes both recent incidents and allegations of historical abuse.

The Safe Church Team should notify the Baptist Churches of NSW & ACT Ministry Standards Hotline (1300 647 780) of any allegations of a child abuse offence. In the ACT, failure to report a child sexual offence to ACT Police is a criminal offence and may be punishable by up to two years imprisonment.

#### **Crimes Act 1900 (ACT) 66AA**

##### **Failure to report child sexual offence.**

- (1) A person commits an offence if the person—
  - (a) is an adult; and
  - (b) obtains information that leads to the person reasonably believing that a sexual offence has been committed against a child; and
  - (c) does not, as soon as practicable after forming the belief, give the information to a police officer.
- (2) Subsection (1) does not apply if—
  - (a) the person—
    - (i) obtains the information when the alleged victim was no longer a child; and
    - (ii) reasonably believes the alleged victim does not want a police officer to be told about the person's belief; or
  - (b) the person reasonably believes that giving the information to a police officer would endanger the safety of a person (other than a person reasonably believed to have committed the sexual offence); or
  - (c) the person reasonably believes a police officer already has the information; or
  - (d) the person—
    - (i) is a mandated reporter under the *Children and Young People Act 2008*, section 356 (2); and
    - (ii) has reported the information under that Act, division 11.1.2 (Reporting abuse and neglect of children and young people) or reasonably believes someone else has done so; or
  - (e) subject to subsection (3), giving the information to a police officer would disclose information in relation to which privilege may be claimed under a law in force in the Territory; or
  - (f) the information is generally available in the public domain; or
  - (g) the person has another reasonable excuse.

## 4.4 Report Allegations and Convictions of Reportable Conduct to the ACT Ombudsman

Any staff member or volunteer who has or is notified of a child protection concern must inform the Safe Church Team as soon as possible. If the complaint or information relates to a **reportable allegation** or **reportable conviction** concerning any staff member or volunteer, then the staff member or volunteer, and the Safe Church Team, must ensure this information is reported to the head of the designated entity. The head of the designated entity in our Church is the Senior Pastor (or, in their absence, the Church Secretary or Chair of the Church Leadership Team). If the complaint relates to the head of the designated entity, then it must be reported directly to the Ombudsman.

On becoming aware of a complaint or information that may be a **reportable allegation** or **reportable conviction** about a staff member or volunteer, the head of a designated entity, or their delegate, in accordance with section 17G of the Ombudsman Act 1989 (ACT) is to:

- (i) notify the Ombudsman in writing within 30 calendar days in accordance with the process on their website: <https://www.ombudsman.act.gov.au/accountability-and-oversight/reportable-conduct/employer-responsibilities>;
- (ii) as soon as practicable:
  - (A) investigate or arrange for an investigator to investigate the reportable allegation or
  - (B) determine whether the information about a conviction is a reportable conviction, and
- (iii) provide a written report as soon as practicable after the end of an investigation by the entity into a reportable allegation or reportable conviction to the Ombudsman in accordance with the process on their website: <https://www.ombudsman.act.gov.au/accountability-and-oversight/reportable-conduct/employer-responsibilities>.

See Sections 2.2, 6 and 11 of the *Procedures for Handling Complaints Against Staff and Volunteers* for further information about handling reportable conduct matters.

### Ombudsman Act 1989 (ACT) 17E - Meaning of Reportable Conduct

- (1) In this division: "reportable conduct" means conduct—
- (a) engaged in by an employee of a designated entity, whether or not in the course of employment with the entity; and
  - (b) that results in any of the following, regardless of a child's consent:
    - (i) ill treatment or neglect of the child.
    - (ii) exposing or subjecting the child to—
      - (A) behaviour, or a circumstance, that psychologically harms the child; or
      - (B) misconduct of a sexual nature that does not form part of an offence mentioned in subparagraph (iii).
    - (iii) an offence against any of the following provisions of the Crimes Act 1900 for which the child is either present or a victim at the time of the conduct:
      - (A) part 2 (Offences against the person).
      - (B) part 3 (Sexual offences).
      - (C) part 4 (Female genital mutilation).
      - (D) part 5 (Sexual servitude).
    - (iv) an offence against either of the following provisions of the Education and Care Service National Law (ACT)
      - (A) section 166 (Offence to use inappropriate discipline).
      - (B) section 167 (Offence relating to protection of children from harm and hazards).

## 5. Accountability Measures and Insurance Notification

### 5.1 Report back to person making initial notification.

As soon as is practicable (no longer than 48 hours after notification), the Safe Church Team must inform the person completing the initial *Safe Church Concerns Form* of what action they have taken, including any reports made and the 'report number' for information to the relevant government authorities.

If the Safe Church Team determines that it is not necessary to make a report to ACT Police, the ACT Ombudsman, or CYPs, the person who completed the initial *Safe Church Concerns Form* may choose to make a report themselves to be satisfied they have met their obligations under the law.

### 5.2 Report to Baptist Churches of NSW & ACT Ministry Standards

If a report has been made to any government authority, the Safe Church Team should advise the Baptist Churches of NSW & ACT Ministry Standards Manager via email at [standards@nswactbaptists.org.au](mailto:standards@nswactbaptists.org.au) of the matter for the Association's confidential records and to seek confirmation that the matter has been managed appropriately.

### 5.3 Notify the Church's Insurer

If a complaint relates to an issue which may give rise to a potential legal claim or financial liability for the Church, then the Church will usually be required to notify its insurer of the complaint. If the Church Leadership is unsure whether or not the insurer needs to be notified, they will seek advice from the insurer.

## 6. Recordkeeping

The Safe Church Concerns Form and detailed notes of action taken in relation to any child protection concern must be kept secure for a minimum of 45 years (or preferably for 100 years).

## 7. Advice and Support

If you have questions about whether a report should be made, please contact the Baptist Churches of NSW & ACT Ministry Standards Manager on 1300 647 780 for advice, guidance and support.