

South Queensland Conference of the Seventh-Day Adventist Church

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Document Name: Church Child-Safe Policy	Issue Date: 27 October 2014
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Local Church Child-Safe Policy

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Whole Document 5.1	Updated whole document to version 3 Added Government contact numbers for reporting abuse.



LOCAL CHURCH CHILD-SAFE POLICY

This policy has been developed by Safe Place Services and approved by the Board of Seventh-day Adventist Church (South Queensland Conference) Limited for the use and customisation of the Seventh-day Adventist Churches, Companies and Groups within the South Queensland Conference. The following are acknowledged for contributing to the development of this policy:

- ★ Safe Place Services Management Committee, and various AUC and NZPUC representatives
- ★ Dr David Rankin, Senior Government Adviser and Policy Writer, New Zealand
- ★ Shelley Eden, Shieff Angland Lawyers, New Zealand
- ★ Brett McMahon and Peter Hurley, McMahon Fearnley Solicitors, Australia
- ★ Geoff Kelly, ESPC Services Pty Ltd, Australia and New Zealand
- ★ Board of Seventh-day Adventist Church (South Queensland Conference) Limited

This policy belongs to and pertains to the Local Church
(or Company of Believers) named _____
of the *Seventh-day Adventist Church* in the South Queensland
Conference, referred to as the
'Local Church' throughout this document

1. PURPOSE OF THE CHILD-SAFE POLICY

1.1 Policy Statement

The Local Church is opposed to child abuse, neglect, sexual abuse and misconduct in all of its forms. Such conduct is a breach of trust; a misuse of power; and often involves criminal conduct. It is contrary to the behaviour and conduct advocated by Christ of His followers.

The Local Church is committed to responding to child abuse, neglect, sexual abuse and misconduct when it occurs, and proactively establishing and maintaining a safe environment for children who participate in all aspects of church life.

The Local Church will respond to child abuse, neglect, sexual abuse and misconduct in ways that reflect nationally established standards and protocols and adhere to applicable legislation.

The Local Church is committed to proactively creating a safe environment for children and vulnerable people through: screening volunteers who work with children; approving all child-related Church-sponsored activities; promoting its Code of Conduct; and education.

The Local Church is committed to the investigation of all allegations and complaints of sexual abuse and all forms of sexual misconduct against children, and implementing Safety Agreements as a means to manage risk.

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1.2 Policy Scope

This policy applies to all members, officers, volunteers and attendees of the Local Church and its Church-sponsored activities.

1.3 Supporting Documents

- ❖ Australian Union Conference and New Zealand Pacific Union Conference (2008) *Creating a Safe Place* Document.
- ❖ Local Conference (2008) *Safe Place Policy*.
- ❖ The Seventh-day Adventist Church (2005) *Church Manual*, 17th Edition.

2. RATIONALE FOR THE CHILD-SAFE POLICY

2.1 Policy Rationale

The Local Church is committed to the protection of children and vulnerable persons for the following reasons:

- Protecting the vulnerable is part of the Church's God-given mission and purpose.
- Abuse of children and vulnerable people is a transgression of the morality, values and behaviour promoted throughout Scripture for God's people.
- Scripture establishes the inherent value of each child as important to God and they are therefore deserving of nurture and protection.
- The Local Church is not immune from incidents of child abuse, neglect, sexual abuse and misconduct occurring.
- The Local Church has a duty of care to ensure the wellbeing and safety of all children and vulnerable people within its care.
- Maintaining a duty of care towards all who participate in the life of the Local Church assists in building trust and accountability within the Church and with the broader community and society.
- The Local Church has a legal obligation to comply with legislation and a moral obligation to adhere to principles of good practice in areas such as the selection and appointment of volunteers to work with children; reporting child abuse and neglect to relevant authorities; and investigating complaints and allegations of child abuse, neglect and assault committed within the Local Church.

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3. PRINCIPLES OF THE CHILD-SAFE POLICY

3.1 *Policy Principles*

The Local Church is committed to establishing a safe environment for children by:

- Adopting and promoting a Code of Conduct.
- Maintaining a duty of care towards children and other vulnerable people.
- Educating adults and children about the Child-Safe Policy.
- Screening all volunteers who work with children.
- Providing adequate planning and supervision of children's programs and activities.
- Offering ongoing training opportunities for volunteers and leaders in child-safe practices.
- Reporting incidents of suspected and disclosed child abuse and neglect to:
 - Statutory authorities.
 - Safe Place Services.
- Investigating complaints and allegations in a timely manner (through Safe Place Services).
- Placing limits on people where a risk has been identified and assessed such as before, during and after any investigation.
- Implementing any recommendations of the Conference Safe Place Committee or Safe Place Services, as applicable.
- Ensuring adequate insurance of equipment and special events.
- Complying with the requirements of applicable legislation including workplace Occupational Health and Safety requirements.

3.2 *Supporting Documents*

- ❖ Safe Place Services (2008) *Local Church Child-Safe Resource Kit*.
- ❖ Quick Reference Guide, *Our Local Church Child-Safe Policy*.
- ❖ Quick Reference Guide, *Our Local Church Code of Conduct*.
- ❖ Child Safe (2008) *Team Leader's Guide*, see www.childsafe.org.au
- ❖ Relevant Queensland child-safe or child protection legislation.

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4. LEGAL FRAMEWORK OF THE CHILD-SAFE POLICY

4.1 Principles and Legislative Framework

The Local Church recognises that it has a responsibility to adhere to guiding principles enshrined in legislation (Acts of Parliament) and established tort and civil law (cases based on precedent rulings). A summary of these principles are provided and defined in section 13.2 of this policy.

The main Acts that provide: definitions of child abuse, neglect and sexually related offences; child-protection processes and notification requirements; age of consent; and criminal-history checking processes for employees and volunteers are:

- Crimes Act (1899)
- The Care and Protection of Children Act (1999)
- Commission for Children and Young People and Child Guardian Act (2000)
- Child Protection Regulation (2000)
- Anti-Discrimination Act (1991)
- Right to Information Act (2009)
- Information Privacy Act 2009
- Privacy Act (Commonwealth, 1988)
- Family Law Act (Commonwealth, 1975)

4.2 Legislative Requirement in Queensland

It is a legislative requirement in Queensland that every church will have a Child Safety Policy and written Risk Management Strategies in place which are reviewed annually.

The Risk Management Strategy must include the following elements:

- A policy with a statement of commitment to the safety and wellbeing of children and the protection of children from harm
- A Code of Conduct for interacting with children and young people
- Recruitment, training and management procedures for staff (including appropriate employment screening – ie. blue cards and registers of staff who hold blue cards)
- Reporting guidelines and directions for handling disclosures or suspicions of harm, consequences to staff for not complying with policies
- Policies and procedures for meeting blue card requirements,
- Risk management plans for high risk activities and special events, and

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- Strategies for communication and support such as:
 - information for staff, volunteers and parents about policies, procedures and Codes of Conduct, and
 - training materials and strategies to help staff, volunteers and parents identify risks of harm.

This Policy seeks to address these matters

4.3 Supporting Documents

- ❖ Department of Communities (Child Safety Services) DOC (DCS), see www.childsafety.qld.gov.au
- ❖ For QLD Legislation, see www.legislation.qld.gov.au
- ❖ Definitions in Section 13 of this Policy.

5. RESPONDING TO CHILDREN AT RISK

5.1 Standards and Requirements of Responding

The Local Church is committed to responding to children and vulnerable people who have been, or who are believed to be, at risk of child abuse, neglect, sexual abuse and misconduct in all of its forms.

The Local Church requires all duly appointed leaders, office-holders and volunteers who work with children or in child-related areas, to take actions such as:

- Notify *Department of Communities (Child Safety Services) DOC* if a child is *suspected* of being at risk of, or the victim of, abuse or neglect, on: from 9am to 5pm: Regional Intake Services (Brisbane) 1300 682 254 (South East) 1300 683 390 (South West) 1300 683 390 or After Hours: Child Safety After Hours Service Centre on 1800 177 135 or 07 3235 9999. Report all *disclosures* from children alleging abuse, neglect, assault or sexual misconduct to Department of Communities (Child Safety Services) DOC and Police.
- Report all suspicions of child abuse or neglect or disclosures of such, to *Safe Place Services*, on 1800 220 468.
- Encourage adults who disclose historical abuse (that occurred when they were a child), to report the alleged abuse to Police or a counsellor.
- Exclude (either temporarily or permanently) anyone (either an adult or a child), who poses a potential or real risk to the wellbeing and safety of children, from contact with and working with children.
- Respond to child-child bullying, harassment and other behaviour considered to be inappropriate.

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- Seek advice from *Safe Place Services* on 02 9487 5833, and follow recommendations and advice received.
- Follow relevant procedures and guidelines as outlined in the *Local Church Child-Safe Resource Kit*.
- Undertake training in child-protection and maintaining safe environments with children, as available and as required by the Local Church, for volunteers and leaders in child-related roles and other designated positions. This may include on-line courses available through the Child-Safe website.

5.2 Supporting Documents

- ❖ Quick Reference Guide (2008) *Responding to Kids at Risk*.
- ❖ Safe Place Services (2008) *Local Church Child-Safe Resource Kit*.
- ❖ Child Safe (2008) *Team Members Pocket Guide*, see www.childsafe.org.au
- ❖ Child, Youth and Family (2001) *Child Abuse and Neglect: How you can Make Children Safe*, see www.cyf.govt.nz

6. ENSURING CHILD-SAFE VOLUNTEERS ARE SELECTED AND APPOINTED TO ALL CHILD-RELATED POSITIONS

6.1 Screening Children’s Workers

The Local Church is committed to the appointment of suitable volunteers (in terms of skills, ability, qualifications, aptitude) to work with children. The Local Church requires the following procedures in the recruitment and appointment of all volunteers to child-related roles:

- The applicant or appointee will:
 - Be appointed through the local church’s Nominating Committee process, or for those positions not requiring a Nominating Committee appointment, be appointed by the appropriate person or committee.
 - Have been a regular attendee of the local church where the child related activity is located for at least six months.
 - Complete a Volunteer Application Form, with a sign off from the pastor of the local church(or leading elder should the pastor be absent or unable to complete the form for any other reason).
 - Complete the application process to obtain a ‘Blue Card’ and have obtained the “Blue Card” prior to the commencement of work.
 - For those who have an exemption from the “Blue Card,” under the provisions of the Act, sign the declaration about the truth and accuracy of disclosure, on the Volunteer Application Form, about any past allegations, investigations, and findings in relation to sexual or other forms of misconduct and abuse involving a child.

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- Sign a Volunteer Pledge that they have read and will follow, to the best of their ability, the Local Church *Child-Safe Policy* and *Code of Conduct*.
 - Undertake orientation and training for volunteers in certain child-related positions that is specific to the role, as available and/or required by either legislation, the Local Church, or Conference
 - NOTE: In Queensland, it is an offence for a “disqualified person” to sign an application form to apply for a Blue Card. A person is “disqualified” if they have a conviction for a child-related sex or pornography offence; are required to report under the Child Protection (Offender Reporting Act, 2004); or if an applicable disqualification order is in place. A sentence of up to 5 years imprisonment or a fine of up to \$37,500 applies.
- The Local Church will:
- Not confirm any appointments through the Local Church nominating or appointment process until the procedures outlined above are completed.
 - Maintain a confidential log of ‘Blue Card’ holders and of those who are appointed for whom an exemption applies.
 - Note that a “Blue Card” is not required if the person does not meet the frequency qualification of “ten days or less, no more than twice a year.”
 - Hold all documentation in a secure location.

If an appointee (or someone proposed to be) has a conviction for an offence of a violent or sexual nature against a minor, contact *Safe Place Services* on 02 9487 5833. *Safe Place Services* can advise how this is relevant, or not relevant, to a decision about the person’s suitability to work with children.

6.2 Screening Volunteers for Conference Events

The responsibility to screen the Local Church’s volunteers who work with children at Conference-organised events rests with the Local Church.

This means that:

- For Conference Events such as ‘Big Camp’, Regional Meetings, and Children’s Ministry, Pathfinder and Youth events, the Conference will confirm with that local church that personnel, who are already involved in such areas within their Local Church, have been screened by their Local Church.
- For Conference Events such as above, the Local Church *must not* nominate, recommend or otherwise appoint someone to help out whom they have not screened according to 6.1 in this policy.
- Where the Conference directly invites persons who are not recommended by a local church, the Conference will screen these persons according to section 6.1. This will be done by the relevant Departmental leader at the Conference office under whose

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area the particular program or event is being run, or the person delegated by the Conference to do this.

6.3 *Supporting Documents*

- ❖ Blue Card Application Forms, go to www.ccypcg.qld.gov.au and click on the link “Blue Card Application Forms” and then the link “Volunteer Application Form”
- ❖ Safe Place Services (2008) *Local Church Child-Safe Resource Kit*.
- ❖ Local Conference (2008) *Safe Place Policy*.
- ❖ AUC and NZPUC (2008) *Child-Safe Data Base Policy*.

7. MAINTAINING CHILD-SAFE ENVIRONMENTS AND ACTIVITIES

7.1 *Standards and Requirements*

The Local Church will endeavour to create a safe, positive, child-focused environment for children and their families by adhering to the following actions:

- Promoting a Code of Conduct for all people to abide by in all interaction with children and vulnerable people.¹
- Holding all people accountable to the Code of Conduct, and other reasonable expectations of behaviour in relation to children.

The Local Church will endeavour to maintain safe environments for all children’s programs, activities and events by:

- Providing adequate levels of supervision for all children’s activities, with a higher ratio of volunteers for younger and/or special-needs children.
- Requiring that at least two adults be present when working with children.
- Ensuring that children’s activities are conducted in easily monitored places that are open to external view. This means that children’s activity rooms will have windows or doors that allow for easy external visibility and activities are not undertaken in confined or concealed areas.
- Responding to bullying and other inappropriate behaviour between children.
- Requiring children’s workers to adhere to standards of conduct regarding appropriate communication (including via electronic means) and interaction with children.

¹ The Local Church’s Code of Conduct can be obtained from the South Queensland Conference General Secretary.

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- Ensuring that adults in their interactions with children avoid favouritism of a particular child or children.
- Prohibiting workers from using physical discipline on minors.

The Local Church will strive to plan and conduct safe programs and activities with children by:

- Gaining prior approval of the Church Board/Business Meeting (or a delegate of the Board or Business Meeting) for all children’s activities, if the activity will be conducted off-site or involve an overnight stay.
- The Church Board/Business Meeting will maintain a log of all Church sponsored activities involving minors that are approved. All off-site activities and activities that are not ‘low risk’ (any activity conducted off the church property is not regarded as low risk) will require the leaders of the activity to submit a ‘Risk Assessment’ application form to the Church Board or Business Meeting (or a delegate of the Board or Business Meeting). The application form covers a risk assessment for the proposed activity and what strategies will be implemented to manage risk. A proposed activity will not proceed until the Church Board or Business Meeting (or a delegate of the Board or Business Meeting) has approved the activity. Risk Assessments for ongoing activities should be updated at least annually.
- Ensuring that venues and equipment are safe for children’s use.
- Obtaining parental consents and permission, where required, for particular activities.
- Transporting children with due care.

7.2 Supporting Documents

- ❖ Quick Reference Guide (2008) *Our Local Church Code of Conduct*.
- ❖ Safe Place Services (2008) *Local Church Child-Safe Resource Kit*.
- ❖ AUC and NZPUC (2008) *Child-Safe Data Base Policy*.
- ❖ Child Safe (2008) *Team Leaders Guide and Coordinators Guide*, see www.childsafe.org.au
- ❖ Local Conference (2008) *Safe Place Policy*.

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8. RESPONDING TO ALLEGED CHILD-SEXUAL ASSAULT, MISCONDUCT AND ABUSE

8.1 *Commitment to Respond*

The Local Church is committed to maintaining active measures to prevent child abuse and neglect in all its forms, particularly child sexual abuse, neglect, and other forms of sexual misconduct involving minors. When these incidents occur within the Local Church, or are alleged to have occurred, the Local Church is committed to the allegations being investigated and real and potential risk being managed based on sound, professional advice and recommendations.

8.2 *Responding to a Situation*

In response to an allegation and during an investigation or complaint inquiry, the Local Church will undertake the following:

- Refer all allegations of child abuse, neglect, sexual assault or sexual misconduct to Child Protection authorities and the Police.
- Advise all of the above allegations to Safe Place Services.
- Implement recommendations made to it by Safe Place Services:
 - To manage real and potential risk to various parties.
 - To manage or support an investigation.
 - Following the outcome of an investigation.
- Provide support to all parties involved in the allegation, to the best of its ability, including the complainant(s) and the person subject of allegation (PSOA).

8.3 *The Church's Liability*

- A Complaint Inquiry or Investigation conducted by Safe Place Services will be done with due diligence to the principles of natural justice.
- The outcome of a Complaint Inquiry or Investigation, and recommendations made to the Local Church by Safe Place Services, the Safe Place Adjudication Committee (SPAC), or the Conference Safe Place Committee, may be accepted as *prima facie* proof of the facts of the allegation. The Conference indemnifies the Local Church and its members for any liability that may arise in terms of negligence; breach of privacy; or defamation, if they have acted in accord with this policy and/or were following recommendations made by Safe Place Services, The Safe Place Adjudication Committee (SPAC), or the Conference Safe Place Committee.

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8.4 Responding to Allegations about an Employee

Responding to an allegation(s) about a church employee (either pastoral ministry; church-school; aged-facility; Conference, Union or South Pacific Division [SPD] personnel etc) will be similar to 8.2 with the following key differences:

- Results of the Investigation are sent to the Safe Place Adjudication Committee (SPAC) which makes recommendations on the case.
- The recommendations from the SPAC are conveyed to applicable employing entity (e.g. Seventh-day Adventist Schools (South Queensland) Ltd if involving a school employee).
- An allegation against an employee of a Conference-affiliated entity, such as a school or aged facility, will also be handled according to any applicable Conference and Institutional policies for that entity and any applicable workplace legislative requirements. This will include the requirement that the employing entity act as a responsible employer in relation to the investigation of allegations and any subsequent disciplinary action or termination decisions, in accordance with its obligations pursuant to relevant workplace legislation.

When the employee is also a member/attendee of the Local Church, the Local Church may be requested to implement recommendations from Safe Place Services during or after the investigation. Although the Respondent's (person subject of allegation) conduct may not have (allegedly) occurred within the Local Church, the Local Church will implement strategies in line with this policy to manage risk such as:

- restrictions on holding church-office
- non-participation in child-related roles
- non-contact with children
- compliance with a Safety Agreement
- adhering to the Local Church's Code of Conduct

Where the Employee is a member of the Local Church, the matter of Church discipline will be considered by the Board, according to the procedures outlined in the Church Manual.

8.5 Disclosure of Complaints

Where a Local Church member, volunteer or attendee is also an employee of the Church, it may be considered necessary to disclose an investigation/risk assessment to the Respondent's employing entity in order to fulfil a duty of care.

Likewise, in some instances, it may be considered necessary for the Local Church to publicise the fact or outcome of an investigation/risk assessment to the wider congregation in order to allay fears; correct misinformation, gossip or hearsay; and to fulfil its duty of care.

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Disclosure of a complaint in this manner will only be done by the Local Church if recommended (for example, by Safe Place Services, the Safe Place Adjudication Committee (SPAC), or the Conference Safe Place Committee/Coordinator).

8.6 *Supporting Documents*

- ❖ Quick Reference Guide, *Safety Agreements*.
- ❖ Safe Place Services (2008) *Local Church Child-Safe Resource Kit*.
- ❖ AUC and NZPUC (2008) *Creating A Safe Place Policy*.
- ❖ AUC and NZPUC, *Creating a Safe Place* procedures.
- ❖ The Local Conference (2008) *Safe Place Policy*.
- ❖ Relevant workplace legislation, see WebLaw at www.weblaw.edu.au/display_page.phtml?WebLaw_Page=Industrial+Law
- ❖ Privacy Act (Commonwealth, 1998).
- ❖ The Seventh-day Adventist Church (2005) *Church Manual*, 17th Edition.

9. USING SAFETY AGREEMENTS

9.1 *Commitment to the Use of Safety Agreements*

The Local Church is committed to maintaining its duty of care (to all parties) by using Safety Agreements in situations such as:

- After an allegation has been made.
- During an investigation or complaint inquiry.
- Following an investigation or complaint inquiry.
- After a historical conviction or incident comes to light.

The Safety Agreement will be an agreement between the applicant (person subject of the agreement) and the Conference. The Conference Safe Place Committee will act on behalf of the Conference in preparing the Safety Agreement and in signing it along with the applicant. The Conference Safe Place Committee will prepare the Safety Agreement in consultation with the Local Church, the applicant, and Safe Place Services.

The Conference will indemnify the Local Church for any liability that may arise out of implementing and following a Safety Agreement as recommended to it, such as a claim in relation to a breach of privacy or failure to adhere to principles of natural justice.

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9.2 The Use of Temporary Safety Agreements

A Temporary Safety Agreement may be introduced during a Complaint Inquiry or Investigation. A Temporary Safety Agreement requires at least two persons to act as monitors of the person subject of the agreement. These monitors are not required to undergo specific training other than being briefed about the role by Safe Place Services.

9.3 The Use of Ongoing Safety Agreements

An ongoing Safety Agreement will be used in situations where the applicant has a conviction for a sexual-offence against a minor, or where a professional body, tribunal, or Church-coordinated Complaint Inquiry/Investigation process upholds an allegation or complaint as being substantiated. The Local Church (including its Board, Business Meeting or Child-Safe Coordinator/ Committee etc) may use the outcome of a Church-conducted Investigation or Complaint Inquiry as *prima facie* proof of the facts of an allegation.

Safe Place Services normally only recommend introducing an ongoing Safety Agreement when the Conference Safe Place Committee has made an assessment of the Local Church's capacity to introduce and monitor the Safety Agreement and either:

- o A personal risk assessment has been made by an appropriate psychologist (organised by either Safe Place Services or the Conference Safe Place Committee), which assesses a person's likelihood of reoffending ... OR ...
- o The person has completed a group-based treatment program and provided a report of their treatment progress which Safe Place Services considers is satisfactory to assess the applicant's risk or likelihood of reoffending.

An ongoing Safety Agreement will be used only when a person is assessed to be at a low risk of reoffending (rather than a medium or high risk). If an applicant is low-risk but the Local Church situation is assessed as unsuitable, the Conference Safe Place Committee will try to negotiate for the applicant to attend another church.

An ongoing Safety Agreement will require the Local Church to provide at least two people who can act as monitors. These monitors must be willing to undergo specific training developed by Safe Place Services (this training is arranged by the Conference Safe Place Committee).

9.4 Responding to Grievances

The Local Church does not bear responsibility for responding to grievances about a recommendation it implements, but should direct all such grievances to the Chairperson of the Conference Safe Place Committee. The Conference Safe Place Committee, which meets periodically, and the Conference Executive, shall respond to grievances. Where a risk assessment establishes that a medium to high risk exists, this will result in the applicant not being permitted to attend church or Church-sponsored activities where children are present

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until the risk can be assessed as low. The Conference Safe Place Committee, with advice from SPS, will negotiate a restoration plan with the applicant in such cases.

9.5 Supporting Documents

- ❖ Quick Reference Guide (2008) *Safety Agreements*.
- ❖ Safe Place Services (2008) *Local Church Child-Safe Resource Kit*.
- ❖ AUC and NZPUC (2008) *Creating A Safe Place Policy*.
- ❖ AUC and NZPUC, *Creating a Safe Place* procedures.
- ❖ Local Conference (2008) *Safe Place Policy*.

10. FAILURE TO IMPLEMENT RECOMMENDATIONS

10.1 Limits to Conference Indemnification

If the Local Church does not follow recommendations from the Conference Safe Place Committee or Safe Place Services, in line with this policy, the Conference may not indemnify the Local Church in the event that any liability or claim for damages arises. This could include situations where the Local Church:

- Fails to undertake background screening of children's workers.
- Refuses to implement a Safety Agreement.
- Allows an applicant for a Safety Agreement to attend church or a church sponsored activity where children are in attendance, when a medium to high risk has been assessed, or otherwise fails to advise the Chairperson of the Conference Safe Place Committee of the applicant's attendance.
- Permits a person with a prior (known) conviction to be involved in any child related role or permits them to hold a position of moral or spiritual authority.
- Fails to hold a person with a prior (known) conviction for a sexual-related offence against a child to account for an apparent breach of the Local Church's Code of Conduct or a condition of a Safety Agreement.

In such circumstances the Local Church might be held responsible for all legal costs associated with the case and any damages that may be ordered by the Court.

10.2 Supporting Document

- ❖ Local Conference (2008) *Safe Place Policy*.
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11. SUPPORT FOR VICTIMS AND SURVIVORS OF SEXUAL ABUSE AND ASSAULT

11.1 Church Support – Safe Place Services

Safe Place Services provide telephone support to complainants and victims during and after an official church-conducted investigation. This support is offered by a team of trained volunteers.

Where Relationships Australia (QLD) does not cover the cost of (or provide counselling) in a particular case, Safe Place Services will assist parties who are involved in a church-conducted investigation to find suitable and appropriate counsellors. In some cases, a subsidy to cover the cost of a limited number of sessions is available (capped at 7 sessions).

The Conference and Local Church pastoral and ministry teams are encouraged to support victims and survivors wherever possible. Safe Place Services is available to offer advice and consultation to ministers, other Conference personnel, and Local Church ministry leaders as they require.

11.2 Services for Victims of Crime in QLD

In Queensland, victims of certain crimes may be eligible for compensation for damages and towards costs such as counselling. Contact the Department of Justice and Attorney-General for further details on www.justice.qld.gov.au

Relationships Australia in QLD provides counselling to people who have been impacted by crime in QLD through the Victims of Crime Counselling and Support Service. For further details see www.relationships.com.au

11.3 Local Counselling and Support Services

A range of Church-based and Non-government groups and agencies provide various counselling, groups, and workshops for victims and survivors of sexual abuse and their families. Check local community health information for details.

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12. 12. TASKS OF THE LOCAL CHURCH

12.1 *Policy Implementation and Compliance*

To implement the Child-Safe Policy, the Local Church will undertake the following:

- **Appoint a Child-Safe Coordinator (or Committee)**

The role of the Child-Safe Coordinator (or Committee) will cover the following:

- Disseminate the Policy, promotional materials, and Resource Kit.
- Assist with Policy adherence.
- Coordinate Screening
- Manage the “Blue Card” program for the local church including the maintenance of a “Blue Card” register for those who require “Blue Cards” as well as those who are exempt.
- Ensure notifications are made when appropriate.
- Assist the Conference with implementing Safety Agreements.
- Identify and organise training with the Local Church.
- Evaluate risk assessments and give Permission to Proceed for high risk events as authorised by the Local Church Board or Business Meeting.

- **Clarify the authority and responsibility of the Child-Safe Coordinator (or Committee) in relation to other Local Church officers and committees**

The Local Church may need to clarify authority and responsibility between the Child-Safe Coordinator (or Committee) and other officers and committees, such as:

- The Local Church Board
- Selection and Nominating Committees
- Church Clerk

12.2 *Supporting Documentation*

- ❖ Safe Place Services (2008) *Local Church Child-Safe Resource Kit*.
- ❖ The Seventh-day Adventist Church (2005) *Church Manual*, 17th Edition.
- ❖ Quick Reference Guide (2008) *Our Local Church Child-Safe Policy*.
- ❖ Quick Reference Guide (2008) *Child-Safe Code of Conduct*.
- ❖ Child Safe (2008) *Team Members Pocket Guide, Team Leaders Guide, and Coordinators Guide*, see www.childsafe.org.au

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13. 13. DEFINITIONS

13.1 *Definition of Terms used in this Policy:*

Age of Consent: In Queensland the legal age of consent is 16 years.

Allegation or Complaint: An allegation or complaint is a statement by a victim or a non-victim complainant that alleges someone has engaged in misconduct or abusive behaviour. It might involve behaviour that is reportable to Child Protection authorities, or Police, or it might be alleged misconduct that the Church has a responsibility to investigate.

Applicant: A person subject of a Safety Agreement, or proposed to be.

Attendee: Any person who attends a Seventh-day Adventist Church or Church sponsored activity.

Child: In this Policy, the term “child/children” refers to any person who is under 18-years of age.

Child Abuse: Child abuse includes: a) any sexual offence, or sexual misconduct, committed against, in the presence of, a child; b) behaviour that causes psychological harm; c) behaviour that causes emotional harm; d) any assault, ill-treatment, neglect, and non-accidental use of physical force against a child; and e) any act of indecency contrary to community standards of decency.

Child Neglect: Neglect occurs when a child is harmed as a result of a carer’s failure to act to provide for, and to protect, a child’s basic developmental needs and requirements, and the necessities of life. Neglect may include:

- Physical neglect
- Emotional neglect
- Medical neglect, such as failing to take a child to appropriate treatment
- Educational neglect, such as keeping a child home from school
- Social neglect, such as keeping a child away from friends/peers
- Failure to thrive during infancy and early childhood, such as through lack of appropriate food and nutrition

The Local Church may not be in a primary position to monitor for all these forms of neglect but, when they are suspected or disclosed, the Church will notify.

Child Protection Service/Authority: A Government service or Department for responding to notifications and incidents about children at risk of child abuse or neglect, or believed to be at risk of such.

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Child Sexual Abuse: The category of child abuse that may be investigated by Safe Place Services if a complaint is received alleging that an attendee, volunteer or employee has engaged in such conduct. The following two definitions shall apply, a general definition and a more detailed definition:

“Child Sexual Abuse includes any sexual offence, or sexual misconduct, committed against, in the presence of, a child.”

“Child Sexual Abuse includes the use of a minor - female and male – for sexual gratification by an adult, or an adolescent or older child. It includes a wide range of sexual activities: fondling genitals, masturbation, oral sex, vaginal and/or anal penetration, penetration by a finger, penis or other object, voyeurism and exhibitionism, and exploitation through pornography or prostitution.”²

For the purpose of this Policy, child sexual abuse will include the definition of Child Sexual Assault and aspects of Child Sexual Misconduct outlined herein.

Child Sexual Assault: Involves sexual intercourse and/or a range of sexual behaviours – or attempts to engage in such conduct – with a person who cannot willingly or legally consent to such behaviour. For the purpose of this Policy, Child Sexual Assault shall be considered as a category of Child Sexual Abuse.

Child Sexual Misconduct: Sexual misconduct is a broad range of behaviours, or a pattern of behaviour, which may include: inappropriate conversations of a sexual nature by an adult with a child; expressing a desire to act in a sexual manner; unwanted touching; personal correspondence (including electronic communication such as email; text; video; picture and voice messages and medium) by an adult expressing sexual interest or sexual feelings for a child; exposing a child to sexual behaviour of others including pornography; watching children undress (e.g. in change rooms or toilets), where supervision is not required or justified; possession of child pornography.

A specific form of Child Sexual Misconduct is “grooming” or conditioning. Conditioning is a pattern of behaviour which takes place as a precursor to sexual assault or abuse. It includes behaviour and tactics to build trust with a child, and often the parents/cares and other adults around the child, for inappropriate purposes with the child. Such conduct might appear simply as a friendly offer to baby sit. Conditioning may focus on particularly vulnerable, isolated, or unhappy children, and typically includes persuading the child that they are ‘special’. This may be done by: spending extra time with the child; favouring the child over other children; giving gifts; allowing the child to overstep rules that would usually apply (such as being allowed to stay up late, watch a movie, or attend a venue that parents, for example, would usually forbid) when the child is in their care; testing and pushing boundaries, such as: talking about sex; undressing; and ‘accidental’ touching of genitals. Grooming is part of a pattern of conduct that escalates over time. For the purpose of this Policy, Child Sexual Misconduct shall be considered as a category of Child Sexual Abuse.

² Australian Institute of Family Studies, www.aifs.gov.au/nch

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Safe Place Adjudication Committee (SPAC): A duly appointed tribunal for making findings and recommendations on cases referred to it in line with the Church’s policies and procedures for investigating complaints and allegations of sexual abuse, assault or misconduct. The role of the SPAC is further outlined in the document “Safe Place Adjudication Committee: Terms of Reference”.

Complainant: A person or entity that lodges a complaint or otherwise makes an allegation.

Criminal History Record: Refers to the local applicable process for conducting a background check on a person’s offending history for child-related sexual and other offences.

SPAC Reviewer: The person duly appointed to review a finding of the SPAC if an appeal against a finding is granted in line with policy and relevant procedures, particularly section 6.3 of the document “Framework for Investigations”.

Employee: Any person who is employed within the Seventh-day Adventist system of Churches or its affiliated entities such as: schools; aged-care facilities; and Conference, Union, and Division institutions and departments. It includes people in positions and roles such as: a) an intern, licensed, commissioned or ordained minister; b) a teacher and other school staff; and c) a contractor approved by a Church affiliated entity or Department to provide a service on its behalf.

For the purpose of the AUC and NZPUC Safe-Place Policies, an Employee is a person who was an employee at the time an alleged incident of abuse is said to have taken place. Therefore, a person does not need to be a current-serving employee to be afforded the status of an Employee for the purposes of the Church’s Safe-Place Policies.

In cases where an Employee of an Affiliated-Entity is not a Church member, then the Church’s Safe-Place policies are not binding upon them, unless a reference to this Policy either specifically or by way of reference to the Church’s “policies generally” is included in their employment agreement. If this is not the case, Safe Place Services will not conduct a review into alleged harassment regarding such Employee and it shall be solely the responsibility of the Affiliated-Entity to respond to.

Investigation or Complaint Inquiry: An investigation or complaint inquiry is the process where the Church: utilizes an external investigator to gather and evaluate evidence relevant to establishing the facts of an allegation about an employee, volunteer, attendee or member; makes a decision about whether an allegation or complaint about an employee is sustained or not sustained; provides information and recommendations applicable to any relevant employing entity and/or Conference Safe Place Committee and/or the Local Church. A high burden of proof may be required in an investigation. The investigative process reaches a decision about whether an allegation is sustained, or not sustained, on the balance of probabilities. More serious complaints require a high burden of proof to be established than less serious complaints. Care will be taken to ensure that an investigation by the Church adheres to the principles of natural justice.

Investigations are responded to on the principles of risk assessment and management. Therefore a Risk Assessment is often undertaken, as a separate and parallel process to an

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investigation. The Risk Assessment considers the Likelihood and Consequences upon the church and various parties to the complaint if the conduct, or further conduct of a similar nature to that alleged, were to occur in the future. The implementation of strategies to manage risk, during an investigation, in no way means that the Church has prejudged or otherwise formed an opinion on the validity of an allegation.

Limited Confidentiality: The status afforded most documents kept by Safe Place Services. Subject to relevant privacy legislation, no guarantee of absolute Confidentiality is made.

Local Church: Is the local church according to the common use and understanding of Seventh-day Adventists.

Local Conference: Means the Conference according to common usage and understanding of Seventh-day Adventists. The term 'Conference' shall include the Conference and all its Affiliated Entities and Departments.

Local Conference Safe Place Committee: A committee appointed by the Conference Executive Committee / Board of Directors, as applicable. The Conference Safe Place Committee is authorized by the Conference to fulfil roles including:

- Assisting Local Churches to implement their Child-Safe Policy.
- Offering advice to the Conference, Local Church, and/or its companies and Affiliated Entities, on matters of risk and safe practices.
- Making recommendations regarding Risk Assessments and implementing strategies to manage real and potential risk.
- Providing advice and strategies for establishing child-safe environments.
- Managing risks to children for Conference-sponsored events and activities.
- Making findings on cases referred to it according to the Church's policies and procedures on investigating complaints and allegations, as outlined in *Framework for Investigations*; *CSE Terms of Reference*; and *Local Conference Safe Place Policy*, Section 6.

In some Conferences, a Safe Place Coordinator/Chairperson has been appointed who may assist with these roles, as authorized/delegated by that Conference.

Member: The common usage and understanding of this term within the Church shall apply. A member includes a person who has been baptized by immersion and voted into membership of a Local Church or company of Seventh-day Adventists or whose name is otherwise on a Conference roll of members.

Ministerial Misconduct: Interns, volunteers or employees in ministerial or pastoral care roles occupy positions of trust where they often have power and influence over people with whom they have a responsibility to fulfil a duty of care. Any sexual relationship, or attempt to sexualize a relationship on the part of someone in a ministry or pastoral care role, is considered, inherently, to be an abuse of the power and authority invested in that role by the church-at-large. Sexual misconduct within the ministry is therefore a breach of duty of care of a very high order. Other forms or categories of ministerial misconduct may include

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breaches of conditions and expectations outlined in documents such as: employee or volunteer letters of appointment; ministerial and pastoral care position profiles and/or job descriptions; or an applicable code of ethics or code of conduct for employees or ministers that the employing body (such as a Local Conference or affiliated entity) has endorsed for those appointed by it to ministerial and/or pastoral care roles. For the purpose of this Policy, ministerial misconduct as defined herein which has a sexualized dimension may be included within the definition of Sexual Harassment.

Monitor: A person appointed by the Local Church to act as a monitor of a Safety Agreement, or a person appointed by a Local Conference Safe Place Committee to supervise an Applicant at a Conference-sponsored activity. In some cases, the Local Conference Safe Place Committee will require that monitors complete a Module of training prepared by Safe Place Services before acting as a monitor.

Natural Justice: The process of ensuring that fairness is afforded to all people who are party to an allegation or complaint. Natural justice aims to ensure that all persons are treated: fairly; without bias or conflict of interest; and afforded opportunity to set forth and respond to allegations in a fully informed manner that is impartial and transparent. Natural justice also establishes that the roles of investigation; support; decision-making about the validity of an allegation; and implementation of recommendations that emerge from an investigation, should be clearly identified and separated.

PSOA: Refers to a “person subject of an allegation” of child abuse, neglect, sexual abuse and misconduct OR allegation of sexual harassment.

Respondent: Refers to someone under Investigation, Complaint Inquiry or Risk Assessment when it is deemed there is an allegation(s) for them to respond to. In some situations the definition of PSOA and Respondent might both apply to the one person. In certain sections of this document, the more commonly used term PSOA might be used for consistency of sentences and paragraphs, rather than the term Respondent, although this later term might be more precise.

Safe Place Services (SPS): The service authorized by the Church in Australian and New Zealand to assist the Church become a safer place for children and vulnerable people. Services include: providing information; answering inquiries; developing educational materials; providing training; developing policy; investigating complaints and allegations; and providing support to all parties following a complaint and allegation being made. Safe Place Services report to the SPS Management Committee.

Safety Agreement: A set of conditions and guidelines that a person and the Local Church agree to abide by as a condition of the person’s attendance and involvement in various aspects of Church life.

Sexual Harassment: Conduct that the Church can investigate, if the PSOA is an employee. Cases involving allegations against employees in pastoral or ministerial roles will be processed by Safe Place Services, along with any other employee not covered by a Policy or Procedure of the Affiliated-Entity that employs them within the Church. Cases involving employees who work for Departments or Affiliated-Entities of the Church will be referred to the applicable Employing Entity for their response.

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Sexual harassment includes any unwelcomed sexualized conduct as experienced by the recipient, regardless of the employee's intent. This could include any unwelcomed sexual advances, touching or comments.

A definition of sexual harassment in a Policy, Procedure, or workplace contract or code of conduct, adopted by an Affiliated Entity of the Church, shall apply to its employees.

SPD: Refers to the South Pacific Division (SPD) or 'the Division' of the Seventh-day Adventist Church according to the usual meaning and usage of the title by Seventh-day Adventists. The Division is responsible for the operation and coordination of Departmental work across the Unions, Missions, several institutions, and Conferences within the South Pacific region.

Spiritual or Religious Abuse: For the purpose of this Policy, spiritual or religious abuse is unacceptable conduct that includes a misuse of God, religion, prayer, the Bible, or authoritative religious literature to excuse, justify or explain abusive behaviour in a manner that maintains power and control over a victim. Spiritual Abuse usually distorts the formation of clear and accurate concepts of God and distorts ideas about morality, appropriate behaviour and boundaries, and concepts of right and wrong. It may leads to a person's sense of themselves and their own sin as being beyond the mercy and forgiveness of God or the Church, or that God or the Church even caused the abuse. For the purpose of this Policy, spiritual or religious abuse may be included within the definition of child abuse.

Union (AUC and NZPUC): 'Union' refers to either the Australian Union Conference (AUC) or New Zealand Pacific Union Conference (NZPUC), or both, according to the usual meaning and usage of the term by Seventh-day Adventists.

Victim: Person who discloses or alleges they are a victim; or is reported and believed by someone else to be a victim or target of abuse, neglect or misconduct (e.g. a child need not know and understand that they are a victim to be defined as a victim within this Policy). The term victim is also used throughout this Policy to identify people who are targets and recipients of abuse and misconduct, and it is acknowledged that victims may identify as survivors as they move through a journey of healing.

Volunteer: Common usage of the term and understandings shall apply. A volunteer includes anyone who holds church office by way of appointment to a position by the Local Church's usual nominating processes (as outlined in the Church Manual), or who has accepted a request (either formally or informally) to be a leader, helper or assistant in any Local Church program or Church sponsored activity.

Vulnerable Person: Children are inherently vulnerable in Church and society due to a range of factors such as their developmental stage and dependence upon adults. However, other people in the Local Church may also be vulnerable.

For this policy, a vulnerable person may include a vulnerable person by the usual meaning of these words, and the policy does not set forth to define all categories and persons who may be vulnerable. However, a vulnerable person shall include a person who is at higher risk of becoming a recipient of sexual or physical assault; sexual, psychological, physical,

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financial or spiritual abuse or neglect; misconduct; or being taken advantage of, due to factors such as disability; ill health; or age, which may make the person more reliant upon others and open to exploitation. It may include someone suffering grief, emotional or psychological disturbance that, as a result, leaves them more susceptible to following advice (that is not in their best interest) or being taken advantage of, than would be the case if they were in their usual ongoing psychological state.

13.2 Legal Principles

The Church accepts that it has a responsibility to adhere to the following legal principles and standards:

- **Duty of Care:** any legal responsibility that the Local Church has to ensure the safety and wellbeing of those who participate in its activities and services.
- **Vicarious liability:** a legal liability that the Church may be determined to have for the conduct of those who act on its behalf (e.g. volunteers, church officers and employees).
- **Reasonable Standard of Care:** the level of care that a participant may reasonably expect that the Local Church will take in providing any church sponsored activity.
- **Reasonable Foresight:** responsibility that the Local Church has to identify any reasonably foreseen danger/risk and take reasonable steps to prevent or avert such risk.
- **Negligence:** exists when it is established that the Local Church had a duty of care; that the said duty of care was breached; and a specific tangible loss was suffered as a result.
- **Confidentiality and Privacy:** under the Privacy Act (1998) the Local Church has an obligation to protect personal information that it collects. However, privacy and confidentiality concerns should never impede the need to protect children; notify of real or potential risk; and manage people known to be a risk or potential risk to children’s safety and wellbeing.

13.3 Supporting Documents

- ❖ NSW Ombudsman (2004), *Child Protection in the Workplace: Responding to Allegations against Employees*, 3rd Edition.
- ❖ Any Letter of Appointment, Position Profile or Job Description, or other relevant ministerial or other employee documents such as the Ministerial Handbook.

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❖ Any applicable Professional or Ministerial *Code of Conduct* or *Code of Ethics*.

14. CONTACT NUMBERS

- **Department of Communities (Child Safety Services)** from 9am to 5pm:
Regional Intake Services (Brisbane) **1300 682 254** (South East) **1300 683 390**
(South West) **1300 683 390** or After Hours: Child Safety After Hours Service
Centre on **1800 177 135** or **07 3235 9999**
- **Safe Place Services** (Adventist Church) – **1800 220 468** (Free call). Calls not
answered immediately are returned ASAP and every effort is made to do this within
24 hours.
- **Relationship Australia QLD** (Victims of Crime Counselling and Support Service) –
1300 364 277.
- **South Queensland Conference Safe Place Committee** – For the Committee
Chairperson/Coordinator, contact the SQLD Conference Office on telephone 07 3218
7777 or email sqconf@adventist.org.au with “Attn Safe Place Committee” in the
subject line.

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