BROOKSIDE
Muswellbrook Baptist Church

Procedure for Responding to Child Protection Concerns (NSW)

Adopted by Safe Church Team on 11/2/2024

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 NSW this includes a child abuse offence, child sexual abuse, sexual misconduct involving a child, or that a child or young person is at risk of significant harm.

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 the Department of Communities and Justice[1], to report information to the Police[2], and to notify the Children's Guardian of reportable allegations and reportable convictions[3].

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 NSW 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.

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] See s 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW).
[2] See s 316A of the *Crimes Act 1900* (NSW).
[3] See s 27 of the *Children's Guardian Act 2019* (NSW).

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1. Receiving a complaint or identifying a child protection concern

A child protection concern may include concerns regarding:

- a child at risk of significant harm;
- a child abuse offence (including sexual or physical abuse);
- sexual misconduct involving a child;
- serious neglect of a child;
- behaviour which may cause serious psychological harm to a child;
- 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 has a concern about a child's wellbeing but have not received any specific information they may report the concern using the *Safe Church Concerns Form*.

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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 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 ensuring that all concerns are managed 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 in time. 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 on 1300 647 780 for advice.

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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 different 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 Report Risk of Significant Harm to Department of Communities and Justice (DCJ)

A. Mandatory Reporting Requirements

A person in religious ministry, or a person providing religion-based activities to children, is a mandatory reporter within the meaning of section 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

Where a mandatory reporter develops reasonable grounds to suspect that a child is at risk of significant harm within the course of their role, they are required to make a report to the Secretary of the Department of Communities and Justice (DCJ, formerly known as FACS or DOCS). See section 4.2B below for guidance on how to make this report.

The *Children and Young Persons (Care and Protection) Act 1998* (NSW) defines 'child' as someone under the age of 16 years old. Accordingly, the mandatory reporting duty only relates to children under the age of 16 years old. Under s 24 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) an individual may make a voluntary report to the Secretary of the DCJ for the same concerns about a 'young person' (a child aged between 16 and 18 years).

A child is at **risk of significant harm** if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met;
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm; and/or

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- a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

(See section 23 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) for a complete list of circumstances.)

B. Making a Mandatory Report to DCJ

If a staff member or volunteer who is a mandatory reporter, or the Safe Church Team, determine that there is a child at risk of significant harm then they are to make a report as soon as possible to the Child Protection Helpline via 132 111 or an e-report.

If there is any doubt whether a concern would be considered a risk of significant harm, then the Safe Church Team should complete the Mandatory Reporter Guide (MRG) at https://reporter.childstory.nsw.gov.au/s/mrg.

If the MRG results in 'Immediate Report to the Child Protection Helpline', make a report as soon as possible via 132 111 or an e-report. The staff member or volunteer who is a mandatory reporter, and Safe Church Team, should both keep a copy of the MRG report for their records.

The MRG result may suggest other actions be taken. The Safe Church Team should contact Baptist Churches of NSW & ACT Ministry Standards Hotline on 1300 647 780 if any assistance is required, and email the Safe Church Concerns Form to standards@nswactbaptists.org.au if a mandatory report is made.

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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 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 considers that a child abuse offence may have been committed, they must ensure this information is reported to the Police **regardless of whether the victim of the alleged abuse wants this report to be made**. The requirement to report to Police includes both recent incidents and allegations of historic abuse.

The Safe Church Team should notify the Baptist Churches of NSW & ACT Ministry Standards Hotline on 1300 647 780 of any allegations of a child abuse offence.
In NSW failing to report a child abuse offence to Police without a reasonable excuse may be considered a concealing child abuse offence which is punishable by up to five years imprisonment.

Crimes Act 1900 (NSW)
S316A - Concealing Child Abuse (Failure to Report) Offence
If an adult fails to report a Child Abuse Offence to the NSW Police this may constitute a Concealing Child Abuse Offence under s316A of the Crimes Act if they:

- believe, know or reasonably ought to know that a Child Abuse Offence has been committed against another person; and
- believe, know or reasonably ought to know that they have information that might be of material assistance to the NSW Police in securing the apprehension, prosecution or conviction of the person who has committed that offence; and
- fail without 'reasonable excuse' to bring that information to NSW Police as soon as practicable.

Reasonable excuses for not reporting to Police may include:

- If you believe on reasonable grounds that the information is already known to Police;
- If you have, or have reasonable grounds to believe another person has, provided the information to government authorities such as Department of Communities and Justice or the Office of the Children's Guardian under another reporting obligation
- If the alleged victim is no longer a child and you have reasonable grounds to believe that the person does not want the information reported to Police; or
- If you have reasonable grounds to fear for the safety of the alleged victim or any other person (other than the offender) if the information is reported to Police.

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4.4 Report Allegations and Convictions of Reportable Conduct to the Office of Children's Guardian

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 in leadership, or child-related work then the staff member or volunteer, and the Safe Church Team, must ensure this information is reported to the head of the relevant entity. The head of relevant entity in our Church is the Senior Pastor (or in their absence the Church Secretary or Chair of Church Leadership Team). If the complaint relates to the head of the relevant entity, then it must be reported directly to the Office of the Children's Guardian.[4]

On becoming aware of a complaint or information that may be a **reportable allegation** or **reportable conviction** about a staff member or volunteer in leadership, or child-related work, the head of relevant entity, or their delegate, is to:

- notify the Reportable Conduct Directorate of the Office of the Children's Guardian within 7 days via their online reporting form: https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-notification-forms#section-target-1;
- As soon as practicable, conduct an investigation or appoint a suitable person to conduct an investigation, according to the requirements of the Reportable Conduct legislation; and
- provide an interim report and/or a final entity report to the Office of the Children's Guardian within 30 days of having become aware of the **reportable allegation** or **reportable conviction**.

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.

[4] See s 27(2) of the *Children's Guardian Act 2019* (NSW).

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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 reports to the relevant government authorities.

If the Safe Church Team determines that it is not necessary to make a report to NSW Police, the Office of the Children's Guardian, or the DCJ Child Protection Hotline, the person who completed the initial *Safe Church Concerns Form* may choose to make a report themselves in order to be satisfied they have met their personal 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 on 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, Mandatory Reporters Guide report (if completed) 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.

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