



Safe Church Package

16th January 2024



Contents

Safe Church Policy	3
Activities and Services for Children at the Church	4
Staff and Volunteers	5
Conflict, Complaints and Child Protection Concerns	5
Safe Environments	6
Risk Management	7
Third Parties and Affiliated Entities	8
Recordkeeping	8
Review and Accountability	9
Procedure for Staff and Volunteers	10
Recruitment and Screening	10
Category 1 b - Staff who are not in leadership roles or engaged in child-related work or work with vulnerable adults	13
Category 2 a - Volunteers in leadership roles, engaged in child-related work and/or engaged in work with vulnerable adults	15
Category 2 b - Volunteers not in leadership roles or engaged in child-related work or work with vulnerable adults	17
Category 3 – Supervised volunteers aged under 18	19
Category 4 – Process for visiting ministry guest/s (including any contractors engaged in child related work)	21
Summary table of screening and training	23
Induction	25
Ongoing Support for Staff and Volunteers	25
Recordkeeping and Review	26
Procedure for Conflict Resolution	28
Procedure for Handling Complaints against Staff and Volunteers	32
Procedure for Responding to Child Protection Concerns	39
Privacy Policy	47

These documents, and the Baptist Churches of NSW & ACT *Code of Ethics and Conduct*, are available at <https://creating safespaces.org.au/resources/>



Safe Church Policy

Adopted by New Vine Westlakes Safe Church Team on 16/01/2024

Our Safe Church Commitment:

Our Church is committed to modelling the love of Christ to all people we have contact with. We are committed to partnering with individuals, parents and families in providing meaningful, welcoming and fun experiences in high quality, safe environments. We want to ensure that when anyone (including children, young people and vulnerable adults) interacts with the ministries and activities of our Church that they feel safe – physically, emotionally and spiritually.

The NSW Government requires organisations to implement ten Child Safe Standards with respect to children and young people and we are committed to upholding these standards in our Church community. Every adult working with children or young people holds a valid Working with Children Check. We use strict screening procedures. We have a process for anyone (including children and young people) to be able to raise any concerns they may have, and for the Church to respond in a timely and appropriate manner, including reporting concerns to the relevant authorities if appropriate. We train our leaders and volunteers to understand their responsibilities, to ensure our Church is a safe place.

We encourage anyone with concerns regarding the safety or wellbeing of a child or young person at our Church, or any other concerns about safety, to contact a member of the Safe Church Team. The Church will publish the names of our Safe Church Team members on our webpage and/or noticeboard.

Purpose

The Church has adopted the *Safe Church Policy* (the **Policy**) to:

- a) help us live out our biblical mandate to 'Love the Lord your God with all your heart, soul, mind and strength and love your neighbour as yourself' (Mark 12:30-31);
- b) provide a framework to inform the provision of safe environments and programs for children, young people and vulnerable adults; and
- c) meet our legal obligations in relation to:
 - o implementing the 10 Child Safe Standards;
 - o staff and volunteers engaged in child-related work or, and

- reporting matters to government authorities, including making reports to police, making mandatory reports, and making notifications about reportable conduct.

The Policy outlines the commitment of the Church to principles in various areas. More detail regarding the practical implementation of these commitments is available in the relevant procedures and guidelines.

Scope

This Policy applies to:

- a) all Church Leadership, staff and volunteers; and
- b) all people who are involved in or attend the Church and its programs.

1. Activities and Services for Children at the Church

As a Church, we commit to providing places, services and programs that are physically, emotionally and spiritually safe.

1.1 Church Leadership

- a. recognise that children and young people are an integral part of the Church and talk about this in services, sermons, training events and meetings;
- b. involve children and young people in the routine of Church life as appropriate;
- c. consider the needs of children and young people when they make decisions about budgets, buildings, renovations, use of property, décor, or catering; and
- d. encourage children and young people to have input in decisions that affect them by including them in Church forums and meetings as appropriate.

1.2 Safe Church Team

- a. talk with children and young people about the fact that they have the right to feel safe, to be listened to and to have their views respected (including discussing what they should do and who they should approach if they feel unsafe or hurt, or they suspect that someone else is unsafe or hurt); and
- b. ensure their contact details are accessible to children.

1.3 Staff and volunteers

- a. listen to children and take seriously what children say;
- b. talk with children and young people about the kinds of behaviours, attitudes or 'culture' that they would like to promote in their group; and
- c. encourage children and young people to have input regarding the content of programs and types of activities they engage in.

Please see the *Guidelines for Activities with Children and Young People* for more detail.

2. Staff and Volunteers

2.1 Screening, selection and induction of Staff and Volunteers

The Church **will**:

- a. undertake screening processes for all staff and volunteers;
- b. engage in fair and transparent selection processes for all staff and volunteers;
- c. provide induction for all staff and volunteers; and
- d. recruit, select and induct all staff and volunteers in accordance with the *Procedure for Staff and Volunteers*.

2.2 Training and Resourcing of Staff and Volunteers

The Church **will**:

- a. ensure that staff and volunteers develop the knowledge and skills to create safe spaces for everyone, particularly children and young people;
- b. ensure that staff and volunteers have access to information about creating safe spaces and that they all undergo appropriate training regarding the available procedures, guidelines and forms referred to in the Policy;
- c. support staff and volunteers with adequate resources to enable them to maintain and promote safe spaces for everyone, particularly children and young people; and
- d. implement the *Procedure for Staff and Volunteers*.

2.3 Standards of Behaviour for Staff and Volunteers

The Church **will**:

- a. provide spaces, programs and relationships that are physically, emotionally and spiritually safe;
- b. require staff and volunteers to uphold the *Code of Conduct* which includes expected standards of behaviour for those who engage in ministry with children and/or vulnerable people; and
- c. expect staff and volunteers to follow *Guidelines for Activities with Children and Young People*.

3. Conflict, Complaints and Child Protection Concerns

3.1 Responding to Child Protection Concerns

The Church **will**:

- a. ensure appropriate and timely reporting of all child protection concerns and any complaints relating to child sexual abuse and/or sexual misconduct involving a child in accordance with the *Procedure for Responding to Child Protection Concerns*; and
- b. ensure that all child protection concerns and complaints will be reported to the relevant government departments and, if necessary, police as soon as possible.

3.2 Complaint Handling

The Church **will**:

- a. respond to complaints in accordance with the *Procedure for Handling Complaints against Staff and Volunteers*; and
- b. where there is a complaint that a staff member or volunteer has engaged in abuse, including child sexual abuse and sexual misconduct involving a child, treat the allegation as an allegation relating to a serious breach of the *Code of Conduct* and respond in accordance with the *Procedure for Handling Complaints Against Staff and Volunteers*.

3.3 Resolving Conflict

In the event of receiving a complaint that relates to a minor breach of the Code of Conduct or a grievance, the Church may determine to respond to the matter in accordance with the *Procedure for Resolving Conflict*.

4. Safe Environments

4.1 Physical Environments

The Church **will**:

- a. appoint a Work, Health and Safety Team to assist the Church to comply with Work, Health and Safety requirements;
- b. ensure that paid pastoral staff and all members of the Work, Health and Safety Team have completed the Baptist Insurance Services WHS online training (or equivalent training).
- c. consider the impact of the physical environment on the potential for risk to children and vulnerable people;
- d. identify and address risks arising from the physical environment in which programs and activities take place (see Risk Assessment and Safe Church Risk Management Plan at sections 5.2 and 5.3);
- e. consider whether any ministries it supports have appropriate child protection practices in place;
- f. take reasonable steps to ensure the safety of children and vulnerable people when it provides direct support to overseas ministries (that is, not via the relevant Australian entity of the overseas ministry), in accordance with ACNC External Conduct Standard 4 (this includes consideration of whether supporting orphanages overseas is appropriate); and
- g. if the Church has any residential property that is identifiable as being Church property (e.g. a manse adjacent to the Church building) then the Church will

ensure that all regular adult occupants of that property obtain and hold a Working With Children Check clearance for the duration of their residence.

4.2 Online Environments

The Church **will**:

- a) ensure that online environments promote safety and wellbeing and minimise the opportunity for children and young people to be harmed; and
- b) promote safe online behaviour in any electronic communication.

Please see the *Guidelines for Activities with Children and Young People* for more detail.

5. Risk Management

5.1 Persons of Concern

The Church will manage any person identified as a Person of Concern in accordance with *An Australian Baptist Response to Persons of Concern*.

5.2 Risk Assessments

The Church **will**:

- a. ensure that ministry leaders complete and make a record of a risk assessment in relation to any program or activity undertaken at, for, or with the Church;
 - for regular activities, the risk assessment will be conducted at least annually and whenever there are significant changes in the program activities, attendance or location.
 - for special or 'one-off' activities, a risk assessment to that 'one off' activity will be completed.
- b. ensure that appropriate and reasonable precautions are adopted to address risks identified as part of a risk assessment. When considering what measures are appropriate, the Church will consider the likelihood of an incident occurring, the seriousness of the consequences and the difficulty of avoiding the risk;
- c. at least annually, ensure that the Work Health and Safety Team reviews risk assessments and gives appropriate feedback to each ministry area; and
- d. store risk assessment forms in a secure location for a period of at least 45 years.

5.3 Safe Church Risk Management Plan

The Church **will**:

- a. as a part of the annual risk assessment process outlined in section 5.2, specifically consider risks to children and vulnerable adults;
- b. at least annually, ensure that the Safe Church Team reviews the part of the risk assessments relating to risks to children and vulnerable adults and gives appropriate feedback to each ministry area;

- c. require staff and volunteers to abide by the *Guidelines for Activities with Children and Young People*;
- d. carefully consider and address any disclosures received on the Screening Questionnaire; and
- e. ensure that any staff or volunteer in child related work who poses a serious risk to children will be removed from their role in accordance with the Failure to Protect provisions outlined in Section 43B of the NSW Crimes Act 1900.

6. Third Parties and Affiliated Entities

The Church **will**:

- a. require any third party (tenant or external party using Church property) that provides services to children and/or young people to provide written confirmation of their compliance with the Child Safe Standards at least annually; and
- b. ensure that any affiliated entities (any entity or program that is, or is represented as, a ministry of the Church) comply with the Child Safe Standards including annual reports to the Safe Church Team regarding child safety.

7. Recordkeeping

The Church will retain all written records for a minimum of 45 years (preferably 100 years), in hard copy and/or electronically in a secure manner.

Record type	Required Approach
Sensitive information	The records will be stored in a manner to protect confidentiality and only accessed by a limited number of authorised persons (For example <i>Screening Questionnaires</i> , <i>Safe Church Concerns Forms</i> , or incident reports)
Hard copy	The records will be stored in a secure location with proper consideration of access, and the physical condition of the records.
Electronic	The records will be stored in a manner to ensure security and to allow for ongoing accessibility.

Records to which this item applies includes, but is not limited to:

- a) operational records such as ministry information forms, attendance records, staff/volunteer rosters, position descriptions, risk assessments;
- b) staff and volunteer records (as outlined in the *Procedure for Staff and Volunteers*);
- c) general child safety records such as the *Safe Church Register*, the annual safe Church commitment by third parties and affiliated entities, dated copies of this Policy and the relevant procedures, forms and guidelines from time to time; and

- d) specific child safety incident records such as any completed *Safe Church Concerns Form*, any other document relating to reporting an incident or handling a complaint, and any contemporaneous notes regarding reporting decisions.

Please see the *Privacy Policy* for more detail.

8. Review and Accountability

8.1 Internal Review

The Church will review this policy annually.

8.2 External Accountability

The Church will seek advice from and communicate with the Baptist Churches of NSW & ACT Ministry Standards Manager in relation to any safety and wellbeing incident that relates to a police report, mandatory report, reportable conduct allegation, legal claim, work safe report, and/or any complaint about an Accredited or Recognised Minister.

Please see the *Procedure for Handling Complaints against Staff and Volunteers* and the *Procedure for Responding to Child Protection Concerns* for more detail.



Procedure for Staff and Volunteers

Adopted by New Vine Westlakes Safe Church Team on 16/01/2024

Purpose

The *Procedure for Staff and Volunteers* (the **Procedure**) sets out a procedure for the thorough recruitment, screening, induction, training and resourcing of all staff and volunteers, particularly those engaged in child-related work within the meaning of the *Child Protection (Working with Children) Act 2012* (NSW).

Scope

This Procedure applies to all Church staff and volunteers.

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

- *Screening Check Questionnaires*
- *Safe Church Register*
- *Code of Conduct*
- *Privacy Policy*

Part 1 – Recruitment and Screening

Please note there may be additional recruitment and screening requirements in the Church's constitution.

Category 1 a - Pastoral staff and staff in leadership roles and/or engaged in child-related work or work with vulnerable adults

The recruitment and screening process for this category applies:

- to any staff member, who undertakes pastoral work in or on behalf of the church (this typically includes any role that includes the word 'Pastor' or 'Minister' but may include other roles - noted as category 1a(i) in summary table at the end of Part 1 of this document);
- to any staff member in a leadership role (i.e., considered a 'spiritual officer' of the church - noted as category 1a(ii) in summary table at the end of Part 1 of this document);
- to any staff member engaged in child-related work or work with vulnerable people - noted as category 1a(ii) in summary table at the end of Part 1 of this document); and
- in addition to any requirements of the Baptist Churches of NSW & ACT Affirmation Oversight Team.

Recruitment and screening requirements

Step 1	Advertising for the role The position will be advertised appropriately, and the Church will ensure: - the position description is up to date; - that any offer will be made subject to: - the applicant satisfactorily completing further screening requirements, including completing a screening questionnaire, obtaining a working with children check, satisfactorily completing a national police criminal check, and agreeing to comply with the relevant Code of Conduct; and - for pastoral staff: - providing evidence of Accreditation or Recognition by the Baptist Churches of NSW & ACT (or express a willingness to apply for this); and - agreeing to abide by and uphold the <i>Code of Ethics and Conduct</i>; and - applicants are required to submit a resume that includes relevant experience.
Step 2	Consideration of the Applicant Preferred applicants will: - be invited to complete a <i>Screening Questionnaire</i>; - sign and agree to the <i>Code of Conduct</i>; - if pastoral staff, provide evidence of Accreditation or Recognition by the Baptist Churches of NSW & ACT (or express a willingness to apply for this); - if pastoral staff, provide evidence of agreeing to abide by and uphold the <i>Code of Ethics and Conduct</i>; - attend an interview with Church Leadership or a committee appointed by Church members; - undertake a National Police Criminal Record Check to be provided to the Church (as required per role description); - provide evidence of a working with children check; and - provide a minimum of two referees. Prior to the staff member commencing in the role, the Safe Church Team (or Church Leadership) will: - review the responses given in the <i>Screening Questionnaire</i>, including consideration of any 'yes' responses and the suitability of the applicant for that role, and/or any appropriate risk management steps required.

Recruitment and screening requirements	
	The questionnaire and any records of consideration will be included in the individual's personnel file; • review the National Police Criminal Record Check and consider any disclosures and the suitability of the applicant for that role; • include a copy of the <i>Code of Conduct</i> agreement in the individual's personnel file; • verify the WWCC number (if in NSW and over 18 years of age) and: i. input the WWCC number, verification status, verification date and expiry date in the Safe Church Register; ii. include a copy of the WWCC verification confirmation in the individual's personnel file; • contact referees provided and document feedback given in the individual's personnel file; • ensure that an interview has been conducted with the applicant and interview notes have been included in the individual's personnel file; and • ensure that the applicant is endorsed by the Church Leadership.
Step 3	Appointment Successful applicants will: • be provided a written employment contract for them to sign; • provide appropriate payroll and financial details; • be provided with an induction appropriate to the role (as outlined in part 2); and • complete Creating Safe Spaces training (as outlined in part 3).

Category 1 b - Staff who are not in leadership roles or engaged in child-related work or work with vulnerable adults

The recruitment and screening process for this category applies to **Church staff to whom the screening process in category 1 a does not apply.**

Recruitment and screening requirements	
Step 1	Advertising for the role The position will be advertised appropriately and the Church will ensure: - the position description is up to date; - that any offer will be made subject to the applicant satisfactorily completing further screening requirements, including completing a screening questionnaire, and agreeing to comply with the relevant Code of Conduct; and - applicants are required to submit a resume that includes relevant experience.
Step 2	Consideration of the Applicant Preferred applicants will: - be invited to complete a <i>Screening Questionnaire</i>; - sign and agree to the <i>Code of Conduct</i>; - attend an interview with Church Leadership or a committee appointed by Church members; and - provide a minimum of two referees. Prior to the staff member commencing in the role, the Safe Church Team (or Ministry Leader) will: - review the responses given in the <i>Screening Questionnaire</i>, including consideration of any 'yes' responses and the suitability of the applicant for that role, and/or any appropriate risk management steps required. The questionnaire and any records of consideration will be included in the individual's personnel file; - include a copy of the <i>Code of Conduct</i> agreement in the individual's personnel file; - contact referees provided and document feedback given in the individual's personnel file; - ensure that an interview has been conducted with the applicant and interview notes have been included in the individual's personnel file; and - ensure that the volunteer applicant is endorsed by a member of pastoral staff, Church Leadership or Safe Church Team.

Recruitment and screening requirements

Step 3

Appointment

Successful applicants will:

- be provided a written employment contract for them to sign;
- provide appropriate payroll and financial details; and
- be provided with an induction appropriate to the role (as outlined in Part 2).

Category 2 a - Volunteers in leadership roles, engaged in child-related work and/or engaged in work with vulnerable adults

The recruitment and screening process for this category applies to:

- any church leader, deacon or elder (i.e., 'spiritual officer');
- any person in a role of significant authority in a church service (including regular preachers, and worship/service leaders);
- any volunteer involved in ministry to children and/or young people (this may include children's ministry, playgroup, creche, youth ministry or families ministry);
- any volunteer engaged in a role that includes leadership of a ministry area in which children or young people are also part of the ministry team (this may include band leader, sound/AV coordinator, discipleship coordinator, outreach coordinator, café, or cleaning roster); and
- any volunteer engaged in ministry to vulnerable adults (this may include seniors ministry, ministry to persons with disabilities, pastoral care team, or prayer ministry team). *

Volunteers in this category would usually be over 18 years of age, or in some limited cases 16 or 17 years of age. In the case of those who are 16 or 17 years of age, where possible, the Church should obtain written parent/guardian consent for the volunteer to undertake the role. Generally, applicants for volunteer roles in this category will be partners of New Vine Westlakes as outlined in the appropriate role description.

*In NSW, the WWCC clearance is only required if the person is engaged in 'child-related work'. In religious organisations, this includes leadership roles (those considered to be spiritual officers) but does not include roles involving ministry to vulnerable adults. A volunteer who is involved in ministry to vulnerable adults but not considered a 'spiritual officer' or involved in child-related work should not be required to obtain a WWCC clearance but should still complete CSS training.

Recruitment and screening requirements	
Step 1	Planning for the role The Church will ensure: • the position description is up to date; and • that any offer will be made subject to the applicant satisfactorily completing further screening requirements, including completing a screening questionnaire, obtaining a working with children check, and agreeing to comply with the relevant Code of Conduct.
Step 2	Consideration of the Applicant Potential volunteers will: • be invited to complete a <i>Screening Questionnaire</i>; • sign and agree to the <i>Code of Conduct</i>;

Recruitment and screening requirements	
	• be interviewed by the Ministry Leader. • provide a minimum of two referees; and • provide evidence that they hold a current clearance in accordance with WWCC Legislation (unless the volunteer is aged under 18). Prior to the volunteer commencing in the role, the Safe Church Team (or Ministry Leader) will: • review the responses given in the <i>Screening Questionnaire</i>, including consideration of any yes responses and the suitability of the applicant for that role, and/or any appropriate risk management steps required. The questionnaire and any records of consideration will be included in the individual's personnel file; • include a copy of the <i>Code of Conduct</i> agreement in the individual's personnel file; • verify the WWCC number (if in NSW and over 18 years of age) and: i. input the WWCC number, verification status, verification date and expiry date in the Safe Church Register; ii. include a copy of the WWCC verification confirmation in the individual's personnel file; • contact referees provided and document feedback given in the individual's personnel file; • ensure that an interview has been conducted with the applicant and interview notes have been included in the individual's personnel file; and • will ensure that the volunteer applicant is endorsed by a member of pastoral staff, Church Leadership or Safe Church Team.
Step 3	Appointment Successful applicants will: • be provided with an induction appropriate to the role (as outlined in part 2); and • complete Creating Safe Spaces training (as outlined in Part 3).

Category 2 b - Volunteers not in leadership roles or engaged in child-related work or work with vulnerable adults

The recruitment and screening process for this category applies to any volunteer to whom the processes in category 2 a or 3 do not apply. This category includes volunteers who are **not** a Church leader, Ministry Leader, engaged in child related work or engaged in work with vulnerable adults. This may include for example volunteers on the flower, morning tea, cleaning or maintenance rosters.

Volunteers in this category would usually be over 18 years of age, or in some limited cases teenagers aged under 18 years of age (for further information see category 3).

Recruitment and screening requirements	
Step 1	Planning for the role The Church will ensure: • the position description is up to date; and • that any offer will be made subject to the applicant satisfactorily completing further screening requirements, including completing a screening questionnaire, and agreeing to comply with the relevant Code of Conduct.
Step 2	Consideration of the Applicant Potential volunteers will: • be invited to complete a <i>Screening Questionnaire</i>; • sign and agree to the <i>Code of Conduct</i>; • provide a minimum of two referees; and • be interviewed by the Ministry Leader. Prior to the volunteer commencing in the role, the Safe Church Team (or Ministry Leader) will: • review the responses given in the <i>Screening Questionnaire</i>, including consideration of any 'yes' responses and the suitability of the applicant for that role, and/or any appropriate risk management steps required. The questionnaire and any records of consideration will be included in the individual's personnel file; • include a copy of the <i>Code of Conduct</i> agreement in the individual's personnel file; • contact referees provided and document feedback given in the individual's personnel file; • ensure that an interview has been conducted with the applicant and interview notes have been included in the individual's personnel file; and

Recruitment and screening requirements	
	ensure that the volunteer applicant is endorsed by a member of pastoral staff, or Safe Church Team.
Step 3	Appointment Successful applicants will be provided with an induction appropriate to the role (as outlined in Part 2).

Category 3 – Supervised volunteers aged under 18

The recruitment and screening process for this category applies to any volunteer who is under 18 years of age and engaged in a junior leader, trainee leader, support or helping role which requires that the volunteer is supervised at all times.

Where a volunteer is engaged in a junior leader, trainee leader, support or helping role but is aged over 18 they will need to be screened in accordance with category 2 as appropriate in order to meet legal requirements.

*The Church may determine that specific teenagers aged under 18 have sufficient maturity to volunteer without direct supervision, despite being under 18 years of age. These volunteers will be screened and trained in accordance with category 2a or 2b, **including if category 2 a, Creating Safe Spaces training**. However, note that there should always be at least one adult leader on-site and participating in the activity or program.*

Please see the *Guidelines for Activities with Children and Young People* for more details on the differences between junior/trainee leaders volunteers and other volunteers.

Recruitment and screening requirements	
Step 1	Planning for the role The Church will ensure: • the position description is up to date; and • that any offer will be made subject to the applicant satisfactorily completing further screening requirements, including completing a screening questionnaire, and agreeing to comply with the relevant Code of Conduct.
Step 2	Consideration of the Applicant Potential volunteers will: • be invited to complete the <i>Screening Questionnaire (under 18 version)</i>; • sign and agree to the <i>Code of Conduct</i>; • provide a minimum of two referees; and • be interviewed by the Ministry Leader. Prior to the volunteer commencing in the role, the Safe Church Team (or Ministry Leader) will: • review the responses given in the <i>Screening Questionnaire</i>, including consideration of any 'yes' responses and the suitability of the applicant for that role, and/or any appropriate risk management steps required. The questionnaire and any records of consideration will be included in the individual's personnel file;

Recruitment and screening requirements	
	• include a copy of the <i>Code of Conduct</i> agreement in the individual's personnel file; • contact referees provided and document feedback given in the individual's personnel file; • ensure that an interview has been conducted with the applicant and interview notes have been included in the individual's personnel file; and • ensure that the volunteer applicant is endorsed by a member of pastoral staff, Church Leadership or Safe Church Team.
Step 3	Appointment Successful applicants will: • be provided with an induction appropriate to the role (as outlined in part 2); • if they are under 16 years of age, provide written parental/guardian consent to undertake the role; and • be provided with an additional briefing on child protection responsibilities and practices, including the procedures and guidelines relevant to their area of ministry.

Category 4 – Process for visiting ministry guest/s (including any contractors engaged in child related work)

The recruitment and screening process for this category applies to any person/s the Church invites from outside the church context to engage in short term (less than 5 days per calendar year) ministry or child related roles (including guest speakers/preachers, visiting music ministry guests, other ministry guests engaged in ministry or child related roles, or contractors engaged in child related roles).

Screening and risk management requirements	
Step 1	Planning for the engagement The Church will ensure: - the scope of the engagement is documented (e.g., short position description) and communicated to the ministry guest/s including informing the ministry guest that the church has a <i>Code of Conduct</i>. - that any ministry guest/s comply with the documented risk management process for that activity; and - ministry guest/s are supervised by an endorsed category 1a staff member or 2a volunteer from the church when engaging in any direct interaction with children or young people.
Step 2	Consideration of the Ministry Guest/s If the ministry guest/s represents or belongs to another organisation (e.g., local church, denomination, mission or parachurch organisation), then they will be required to have an appropriate representative of that organisation declare in writing that the ministry guest/s are a person of good standing and have met the requirements of the screening and child protection processes of that sponsoring organisation. This should usually include the organisation verifying a WWCC, signing a Code of Conduct, a ministry screening process, reference checks and child protection training. These requirements can be fulfilled by a referring organisation completing a <i>Declaration for Ministry Guests</i> form, or alternatively, by a sponsoring organisation providing a <i>Letter of Authorisation for Endorsed Representative</i>. If the ministry guest/s has not fulfilled appropriate screening and child protection processes in another organisation, then the church will complete all necessary processes outlined in the relevant category above. The church will consider the suitability of any child safe requirements completed by ministry guests from interstate or overseas jurisdictions. Prior to the ministry guest/s commencing in the role, the Safe Church Team (or Ministry Leader) will: - review the <i>Declaration for Ministry Guests</i> form, or <i>letter of declaration</i>, and ensure that the ministry guest/s are a suitable person for the ministry role; - will ensure that the ministry guest/s is/are endorsed by a member of pastoral staff or Safe Church Team and

Screening and risk management requirements	
	ensure that relevant documents are stored in the church's records.
Step 3	Appointment The church will: - communicate with the ministry guest/s to confirm their appointment for the short-term role; and - communicate to the ministry guest/s any risk assessment that pertains to their engagement.

Summary table of screening and training								
<i>Please see category definitions above for further detail</i>	Application & Screening questionnaire	BA Code of Ethics and Conduct	Accreditation or Recognised Minister	Interview, reference checks, induction	Code of Conduct	WWCC	CSS (Creating Safe Spaces training)	Police Check
1a(i): Pastoral Staff	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
1a(ii): Staff engaged in leadership, child-related work or work with vulnerable adults	Yes	No	No	Yes	Yes	Yes	Yes	Yes
1b: Other Staff (not engaged in leadership, child-related work or work with vulnerable adults)	Yes	No	No	Yes	Yes	No	No	Maybe at church discretion
2a: Volunteers in leadership, child-related work or work with vulnerable adults	Yes	No	No	Yes	Yes	Yes (if over 18)	Yes	No

Summary table of screening and training								
<i>Please see category definitions above for further detail</i>	Application & Screening questionnaire	BA Code of Ethics and Conduct	Accreditation or Recognised Minister	Interview, reference checks, induction	Code of Conduct	WWCC	CSS (Creating Safe Spaces training)	Police Check
2b: Other Volunteers (not engaged in leadership, child-related work or work with vulnerable adults)	Yes	No	No	Yes	Yes	No	No	No
3: Supervised volunteers under 18	Yes (use under 18 screening)	No	No	Yes	Yes	No	No	No
4: Visiting Ministry Guest/s	Will provide endorsement from an external organisation (e.g., church, mission agency etc)							

Part 2 – Induction

- 2.1 All staff and volunteers will be provided with an induction appropriate to their role. This induction will include:
- a) an overview of general site workplace health and safety expectations;
 - b) operating procedures that apply to relevant equipment;
 - c) the content of the *Code of Conduct* and expectations and appropriate behaviours for staff and volunteers as set out in the *Safe Church Policy*;
 - d) the role description and any reporting structure;
 - e) expectations regarding Creating Safe Spaces training, if appropriate;
 - f) an overview of the *Procedure for Handling Complaints against Staff and Volunteers*, *Procedure for Conflict Resolution*, and the *Procedure for Responding to Child Protection Concerns*;
 - g) who to contact in the event of any conflict, concerns or complaints; and
 - h) any guidelines appropriate to their ministry area.
- 2.2 A record of the induction will be kept in the individual's personnel file (including the name of the person giving the induction, the date of the induction and the topics covered).

Part 3 – Ongoing Support for Staff and Volunteers

3.1 Creating Safe Spaces Training (CSS)

- a) All staff and volunteers engaged in leadership and/or child-related work and/or work with vulnerable adults (see Part 1 category 1a and category 2a) will:
- attend Baptist Churches of NSW & ACT Creating Safe Spaces training at least once every 4 years (the church will also recognise other safe church training offered by Training Providers or Partners of the Safe Church Program of the National Council of Churches of Australia – see: <https://www.ncca.org.au/safe-church-program/scp-members>); or
 - if they have not attended such training prior to appointment, will complete the online component of Creating Safe Spaces training prior to commencement and commit to attend the face-to-face workshop (in person or via Zoom) within 3 months of commencement.
- b) The Safe Church Team will ensure that information about staff and volunteer attendance at Creating Safe Spaces training is recorded in the *Safe Church Register*.

3.2 Other training

Church Leadership (or Ministry Leaders) will arrange ongoing staff and volunteer training as required. This may include in-house training, attendance at conferences such as Connect Training Days, Activate Children's Ministry Conference or Baptist Youth Ministries State Conference and/or attendance at external training opportunities.

3.3 Resourcing

Church Leadership will ensure that Church programs are adequately resourced with staff and volunteers and have the required equipment for the safe and effective running of the program.

3.4 Staff and Volunteer Support and Supervision

Church Leadership will provide ongoing support and supervision for all staff and volunteers, to ensure they feel valued, respected and fairly treated, including:

- a) providing them up to date *Safe Church Policy*, guidelines and procedures;
- b) formal or informal support mechanisms, so that staff and volunteers have a clear understanding of who to go to for support and what type of support is available to them (for example, team meetings, counselling, prayer, and pastoral supervision for pastoral staff); and
- c) an annual process of position review to provide an opportunity for mutual feedback and encouragement.

Part 4 – Recordkeeping and Review

4.1 Recordkeeping

Records are to be kept for a minimum of 45 years (preferably 100 years) and in accordance with the *Safe Church Policy and Privacy Policy*.

For each staff member or volunteer, the following items should be recorded:

- a) personal information such as full name, date of birth and residential address;
- b) their written application for the position (if applicable);
- c) their completed *Screening Check Questionnaire*;
- d) all notes relating to the interview and reference checks (if applicable);
- e) notes confirming the content and date of their induction;
- f) signed *Code of Conduct*;
- g) signed *Code of Ethics and Conduct* (if required);
- h) a copy of the *National Police Criminal Record Check* (if required);
- i) evidence of their WWCC clearance and any verifications undertaken (if required);
- j) evidence of the date/dates of completion of Creating Safe Spaces training (or approved equivalent training – see part 3.1) (if required);
- k) evidence of Baptist Insurance Services WHS training (if required); and
- l) records of all other relevant training, incidents, annual reviews, etc.

4.2 Safe Church Register

The church must maintain a *Safe Church Register* which records a summary of all necessary screening and training for all staff and volunteers as outlined in section 4.1 above, as well as positions undertaken and start and end date for these roles.

The Safe Church Team will regularly review the Safe Church Register to ensure that WWCC clearances are renewed and verified when required for relevant staff and volunteers.

4.3 Review

- a) Pastoral Staff should participate in pastoral or professional supervision in addition to other review processes.
- b) Staff should participate in a formal review process each year. This process should:
 - review the position description and make any necessary amendments;
 - provide an opportunity for mutual feedback and encouragement;
 - identify opportunities for training and development in the following twelve months; and
 - consider involving a committee comprising members of the Eldership and any other church members who may be appropriate.
- c) Volunteer positions should be reviewed at least annually to identify areas for support or development and to amend role descriptions where appropriate.



Procedure for Conflict Resolution

Adopted by New Vine Westlakes Safe Church Team on 16/01/2024

Purpose

The *Procedure for Conflict Resolution* (the **Procedure**) sets out a procedure for resolving conflict between two or more staff members, volunteers, Church members or attendees of the Church in a pastoral and restorative manner, rather than through a formal complaint handling procedure.

It is important to identify that some issues cannot be resolved in this manner, and this Procedure is **not** designed to:

- resolve issues relating to domestic violence or family law matters before the Family Law Court (or similar body);
- resolve complaints or concerns relating to abuse (including child abuse or sexual misconduct involving a child) or other serious breaches of the *Code of Conduct*, including matters which could constitute criminal conduct, which are to be resolved in accordance with the *Procedure for Handling Complaints against Staff and Volunteers*; or
- replace any process set out in the Constitution of the Church in relation to the disciplining or removal of members from membership of the Church.

Scope

The Procedure applies to all staff, volunteers, members and attendees of the Church.

An attendee is a person who regularly attends (at least once a month) a ministry of the Church (for example, Sunday services, Bible study, Friday night youth group).

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

- *Code of Conduct for Staff and Volunteers*
- *Procedure for Handling Complaints against Staff or Volunteers*
- *Procedure for Responding to Child Protection Concerns*

When does this Procedure apply?

Situations to which this Procedure applies include the following:

- a) a personal disagreement between two or more staff, volunteers, members or attendees of the Church;
- b) a perceived offence caused by a staff member, volunteer, member or attendee to another;
- c) a perception by one person that they have been bullied by a staff member, volunteer, member or attendee (and that it is a matter that is able to be resolved in a pastoral manner);
- d) dissatisfaction with the manner in which a staff member or volunteer has fulfilled their ministry role; and
- e) a complaint that a staff member or volunteer has committed a minor breach of the *Code of Conduct*.

Raising an issue

Anyone may raise an issue:

- with a person directly (see **Pathway 1**).
- with Church leadership or the Safe Church Team in order to seek assistance in resolving the issue (see **Pathway 2**).

If the concern relates to a member of the Church leadership or the Safe Church Team, the person should raise their concern with another member of the Church leadership or Safe Church Team.

Key Principles

In raising an issue, all parties are to be guided by the following key principles:

- Seeking to glorify God in our responses to each other.
- Striving to serve each other even in the midst of our disunity.
- Seeking to be Christ-like in our reactions to each other.
- Extending grace to each other.
- Focusing on forgiveness and restoration of relationships where appropriate.
- Seeking help where needed, to address grievances.

The Church acknowledges that:

- the nature of relationship breakdown means that it is necessary to respond sensitively and with care for all parties involved;
- in many conflict situations, to help each party understand the key issues and ways forward, the assistance of a neutral third party becomes essential;
- many issues are specific to a particular context and relationship and so must be responsive to this, seeking resolution of substantive issues and where possible, appropriate restoration of relationships between all parties; and
- the pathway recommended by Church leadership will depend upon the nature of the issue, the positions or roles of the parties involved and the skills and capacity of Church leadership to address the situation.

Pathway 1 – Personal Approach

- a) Where an issue arises between a staff member, volunteer, member or attendee and another and the parties feel able to address their concerns without involving other parties, they are to go to the other person and express their concerns with a view to resolving their differences in accordance with Matthew 18:15-17.
- b) The person initiating the personal approach should consider seeking counsel from a wise and unbiased senior leader (from within the church community or externally) or receiving conflict coaching before approaching the other person.
- c) This approach may be useful for addressing personal disagreements and perceived offences. This pathway will not be appropriate where there are concerns about significant power imbalances or there is risk of harm.

Pathway 2 – Locally-assisted Approach

Notifying Church leadership

Church leadership should be notified where:

- Pathway 1 is unsuccessful in restoring relationship; and/or
- the issue relates to perceived bullying or harassment; and/or
- the issue relates to dissatisfaction with the way a staff member or volunteer has performed their ministry role.

Church leadership to provide support and appoint person to assist

Church leadership are to provide support to all parties.

Where the Church leadership considers the issue to be sufficiently serious, they are to appoint a suitably skilled person to assist in resolving the conflict. This may be a senior member of the pastoral staff. Church leadership are to avoid conflicts of interest where possible when selecting this person, including being mindful of the relationships involved. In some cases, for example, where the conflict involves the Lead Pastor, the church leadership may appoint a church consultant from the Baptist Churches of NSW & ACT.

Appointed person to assist parties resolve the conflict

Where all parties involved in the matter are willing to work towards restoring relationships, the person appointed to assist in resolving the conflict will:

- value confidentiality at all times;
- meet with each person separately to ensure they are given a chance to tell their story in private, working through their underlying concerns in moving towards resolution;
- clearly communicate the process to be used to each party during resolution meetings;
- hold a meeting with the parties together to identify common ground, work through the issues and determine the course of action;
- follow up to ensure that the solutions are being implemented; and

- if appropriate, monitor the situation over the following weeks, including to check-in with the parties to ensure that the situation is resolving and that relationships are being restored.

At any stage throughout the process, the person appointed to assist resolve the issue may contact Baptist Churches of NSW & ACT for assistance or resourcing. At the conclusion of a conflict resolution process the person appointed to assist in resolving the conflict will provide to the Church leadership a summary of the process and brief outcome which will be stored securely in the Church's records.

Escalation to *Procedure for Handling Complaints against Staff or Volunteers*

During the course of resolving a concern in accordance with this Procedure, it may be necessary to escalate the matter in accordance with the *Procedure for Handling Complaints Against Staff and Volunteers*.

There may be several reasons this is required, including:

- that on inquiry into the issue it is identified that the conduct complained of would more appropriately be characterised as a serious breach of the *Code of Conduct*; or
- the subject of the concern is a staff member or volunteer and they are not willing to participate in this Procedure (as required under the *Code of Conduct*).

Escalation to membership removal process

During the course of resolving an issue in accordance with this Procedure, it may be necessary to escalate the matter to the process for removing someone from membership of the Church as prescribed in the Constitution of the Church.



Procedure for Handling Complaints against Staff and Volunteers

Adopted by New Vine Westlakes Safe Church Team on 16/01/2024

Purpose

The *Procedure for Handling Complaints Against Staff and Volunteers* (the **Procedure**) sets out a procedure by which a complaint or information relating to a serious breach of the *Code of Conduct* can be received, investigated, and resolved.

The Procedure is a mandatory requirement for the Church in accordance with the **reportable conduct scheme** (as outlined in Part 4 of the *Children's Guardian Act 2019* (NSW)). The Church has an obligation to have policy and procedures to address the matters set out in the reportable conduct scheme,¹ including:

- requiring staff and volunteers, and allowing others, to report information about reportable allegations and reportable convictions to the head of the relevant entity;
- handling or responding to a reportable allegation or reportable conviction involving a staff member or volunteer in leadership, or child-related work, as outlined in category 1(a) or 2(a) of the *Procedure for Staff and Volunteers*²; and
- receiving, handling and disclosing information relating to reportable allegations, reportable convictions, and related investigations and findings.

Scope

This Procedure applies to all staff and volunteers of the Church.

This Procedure applies to all matters which are a serious breach of the *Code of Conduct*, including complaints relating to a child abuse offence, child sexual abuse or sexual misconduct involving a child or young person.

Staff and volunteers who are Accredited and Recognised Ministers are subject to the Baptist Churches of NSW & ACT's *Code of Ethics and Conduct* and *Procedures for Handling Allegations*. Under the Church's *Code of Conduct*, if a member of staff or volunteer who is an Accredited or Recognised Minister has been found to have breached the *Code of Ethics and Conduct* this would constitute a breach of the Church's *Code of Conduct*.

This Procedure *does not* apply to matters which would more appropriately be dealt with under the *Procedure for Conflict Resolution* (for example, a low-level breach of the *Code of Conduct*).

¹ See the *Children's Guardian Act 2019* (NSW) including the following sections: S8D(2), 54(2), 54(D), 54(E).

² The Children's Guardian Act 2019 (NSW) uses the language of an "Employee of a relevant entity" meaning an individual who holds, or is required by the religious body to hold, a working with children check clearance for the purpose of engagement with the religious body.

If there is 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, a church leader should 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:

- *Code of Conduct for Staff and Volunteers*;
- *Procedure for Responding to Child Protection Concerns*;
- *Procedure for Conflict Resolution*; and
- *Privacy Policy*.

Key terms

The following terms used in this Procedure have the same meaning as in the *Children's Guardian Act 2019* (NSW):

Head of relevant entity, means the principal officer of the entity. The head of relevant entity in our Church is the Lead Pastor (or in their absence the Church Secretary or Chair of the Eldership).

Reportable allegation means an allegation that the staff member or volunteer in leadership or child-related work has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the person's engagement with the religious body.

Reportable conviction means a conviction, including a finding of guilt without the court proceeding to a conviction, in this State or elsewhere, of an offence involving reportable conduct whether or not the conduct occurred in the course of the person's engagement with the religious body.

Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a sexual offence;
- sexual misconduct;
- ill-treatment of a child;
- neglect of a child;
- an assault against a child;
- an offence under section 43B or 316A of the *Crimes Act 1900* (NSW); or
- behaviour that causes significant emotional or psychological harm to a child.

Staff member or volunteer in leadership, or child-related work, is described in the Children's Guardian Act 2019 (NSW) as an "employee of the relevant entity". This description aligns with staff and volunteers in category 1(a) or 2(a) of the *Procedure for Staff and Volunteers*. The Children's Guardian Act 2019 (NSW) defines an "employee of a relevant entity" as an individual who holds, or is required by the religious body to hold, a working with children check clearance for the purpose of engagement with the religious body.

1. Receiving a Complaint or Information

Anyone may make a complaint or pass on information that relates to a breach of the *Code of Conduct* (including any reportable allegation or reportable conviction) by staff or volunteers of the Church to:

- Church leadership;
- the Safe Church Team Leader and the Safe Church Team; or
- any staff or volunteer of the Church.

Complaints or information may be received verbally, however a written outline of the complaint should be encouraged. In all cases, the Safe Church Team should document all complaints and information received on the *Safe Church Concerns Form*.

2. Reporting Information

2.1 Determining Appropriate Reporting Process

- a) Any complaint about a staff member or volunteer which may be considered a serious breach of the *Code of Conduct* should be reported to the Church leadership. If the complaint or information relates to a member of the Church leadership then it should not be reported to them, but instead reported to another person in the Church leadership or the Safe Church Team.
- b) On receipt of a complaint or information that may relate to any form of child protection concern, the person that has received the complaint or information is to also follow the *Procedure for Responding to Child Protection Concerns*.
- c) If any person who has knowledge that a serious crime has been committed, whether or not it is related to children, they should report that knowledge to the Police.
- d) If a complaint is, or should be, reported to government authorities, the Church leadership will only commence an investigation under this Procedure after consultation with the government authorities that it has been reported to.
- e) 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 the Church's 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.

2.2 Reportable Allegations and Reportable Convictions

- a) If the complaint or information relates to a reportable allegation or reportable conviction concerning a staff member or volunteer in leadership, or child-related work then it must be reported by staff and volunteers of the Church to the head of the relevant entity. If it relates to the head of the relevant entity, it must be reported directly to the Children's Guardian.³
- b) 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:

³ See s 27(2) of the *Children's Guardian Act 2019* (NSW).

- (i) notify the Office of the Children's Guardian in writing within 7 business days in accordance with the process on their website;⁴
- (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;⁵ and
- (iii) provide an interim report, or a final entity report, to the Office of the Children's Guardian within 30 calendar days of having become aware of the reportable allegation or reportable conviction.⁶ (see section 11e for more information about the final entity report).

3. Risk Assessment

- a) In addition to considering or making a report under section 2 above, the Safe Church Team and pastoral staff must conduct a risk assessment relating to the safety of the complainant or any other children or vulnerable people and take reasonable precautions to minimise those risks.
- b) The Church should be careful not to prejudice ongoing criminal investigations and so there may be a need to initiate risk management without alerting the person subject of the complaint.
- c) Subject to the view of government authorities, if the Church has received a plausible complaint (i.e. not clearly false or vexatious) of relating to child abuse or sexual misconduct involving a child and the complaint relates to a staff member or volunteer in leadership or child-related work then the Church leadership would usually suspend the person from such duties while the complaint is considered in accordance with this Procedure.

4. Appointing a Person to Handle the Complaint

- a) Where a matter is to be investigated under this Procedure, the Church Leadership is to appoint a person to handle the complaint (the **Investigator**).
- b) In appointing the Investigator, the Church Leadership will avoid conflicts of interest (for example where there may be a close personal relationship between the subject of the complaint and the proposed investigator).
- c) For any matters related to any form of harm or abuse of a child, the Investigator should be an external person (unless this is not reasonably practicable, and a suitably qualified and independent internal Investigator is available).
- d) Church leaders should contact the Baptist Churches of NSW & ACT Ministry Standards Manager on 1300 647 780 for assistance in identifying an external Investigator.

⁴ See s 29 of the *Children's Guardian Act 2019* (NSW) for those matters to be included in the written notification. This information will be requested at the time of lodging the written notice on website of the Office of the Children's Guardian.

⁵ See s 34 of the *Children's Guardian Act 2019* (NSW).

⁶ See ss 36 to 38 of the *Children's Guardian Act 2019* (NSW).

5. Providing Support

The Church is to ensure that support is provided to both the complainant and the respondent, including:

- a) providing them with a contact person to whom they can direct inquiries about the progress of the complaint;
- b) offering them a support person; and
- c) consider providing them with access to counselling and other support services.

6. Investigating the Complaint

- a) The Investigator is to investigate the complaint (or concern or allegation).
- b) In investigating the complaint, the Investigator is to:
 - (i) act in good faith, without bias and without unreasonable delay;
 - (ii) collect and document evidence, including by conducting interviews and taking statements from the complainant and other witnesses; and
 - (iii) maintain a record of all relevant evidence obtained and steps taken in the investigation.
- c) If the matter is related to a reportable allegation, the Investigator is to consider matters in Division 6 of Part 4 of the *Children's Guardian Act 2019* (NSW) including:
 - (i) the nature of the reportable allegation and any defence;
 - (ii) the gravity of the matters alleged;
 - (iii) whether the reportable allegation relates to conduct that is in breach of the standards applying to the respondent, including the *Code of Conduct*, the *Code of Ethics and Conduct* (if relevant), and/or accepted community standards; and
 - (iv) whether the conduct is not reportable conduct.⁷

7. Putting the Complaint to the Respondent

- a) The Investigator is to put the complaint in writing to the person whose conduct is subject of the complaint (the **Respondent**).
- b) In doing so, the Investigator is to:
 - (i) set out the complaint with sufficient detail for the respondent to understand the complaint;
 - (ii) state the part of the *Code of Conduct* that is alleged to have been breached;
 - (iii) set out the potential adverse outcomes for the respondent if there is a finding that the respondent breached the *Code of Conduct*, or is found to have committed reportable conduct (if relevant); and
 - (iv) provide the respondent with an opportunity to respond to the complaint in writing and within a stated timeframe not usually exceeding 2 weeks.

⁷ See s 41 of the *Children's Guardian Act 2019* (NSW).

8. Putting any Further Relevant Information to the Respondent

In the course of the investigation, if further relevant information (including adverse information) is brought forward in relation to the Respondent, the Investigator will:

- (a) advise the Respondent in writing of the further relevant information; and
- (b) provide the Respondent the opportunity to respond to the new information.

9. Investigator's Findings

- (a) The Investigator must provide a written report which sets out:
 - (i) the complaint, including any relevant alleged facts and circumstances;
 - (ii) the part of the *Code of Conduct* that is alleged to have been breached;
 - (iii) a preliminary finding about whether the complaint is sustained or not sustained, applying the standard of proof of the 'balance of probabilities' with reference to the principle in *Briginshaw v Briginshaw*⁸;
 - (iv) an analysis of the evidence relied upon to make the finding, including the response of the respondent (if any) to the complaint;
 - (v) possible outcomes or consequences that the Church leadership may consider implementing; and
 - (vi) any copies of documents that are relevant to the investigation report, including any interviews notes or transcripts and documented evidence.
- (b) The Investigator's report will be provided to:
 - (i) the Church leadership; and
 - (ii) Baptist Churches of NSW & ACT Ministry Standards Manager (standards@nswactbaptists.org.au).
- (c) A summary of the Investigator's report and its preliminary findings (considering both confidentiality and procedural fairness) will be provided to the Respondent along with:
 - (i) an invitation to respond in writing to the Church leadership within a defined timeframe; and
 - (ii) written notice of the possible consequences if the preliminary findings are accepted by the Church leadership. This may include suspension, termination from duties for volunteers, or termination of engagement for staff. It may also require notice to government authorities, such as the Police or Office of the Children's Guardian.

⁸ *Briginshaw v Briginshaw* (1938) 60 CLR 336 per Dixon J at 361-362:

'... reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences.'

10. Determination of Complaint and Outcomes

- a) The Church leadership is to consider the report of the Investigator and to decide whether to accept the finding/s put forward by the Investigator.
- b) In doing so, the Church leadership is to consider all relevant material available, including the response of the Respondent (if any).
- c) If the Church leadership makes a determination that a complaint is sustained and the *Code of Conduct* has been breached, they are to determine an outcome for the respondent, which may include, but is not limited to:
 - (i) termination of employment/engagement;
 - (ii) suspension from employment/engagement for a period of time; and/or
 - (iii) imposing conditions on the employment/engagement.
- d) If the Church leadership does not accept the Investigator's finding/s, the Church leadership should decide whether there is another available finding on the basis of the evidence presented to it, and record written reasons for departing from the Investigator's finding/s (and if relevant, propose an outcome for the Respondent as above).

11. Communication of Outcome

- a) The Respondent will be informed in writing of the:
 - (i) determination of the complaint;
 - (ii) any consequences arising from the determination; and
 - (iii) the reasons for the decision.
- b) The person who raised the complaint will usually be informed of the outcome of the complaint.⁹
- c) If the Church has informed their insurer of the complaint (see section 2.1 e), then the insurer will be notified of the outcome.
- d) The Baptist Churches of NSW & ACT Ministry Standards Manager will be informed of the outcome of the investigation.
- e) If the matter constitutes a child abuse offence or other serious criminal offence, a report must be made to the local police station (unless a report has already been made).
- f) If the matter related to a reportable allegation, then the head of relevant entity or their delegate, must notify the Office of Children's Guardian of the outcome by completing an entity report¹⁰ in accordance with the process on their website on their website, which will include:
 - the Investigator's report;
 - any deviation made by the Church Leadership from the Investigator's finding/s, including reasons for the deviation; and
 - the proposed course of action in response.

⁹ For any reportable conduct matters see s 57 of the *Children's Guardian Act 2019* (NSW) which requires that the head of relevant entity provide relevant information about the investigation and determination of a reportable conduct matter to the child or parent of the child unless there is a reason not to.

¹⁰ See s 37 of the *Children's Guardian Act 2019* (NSW) for those matters to be included in the entity report. This information will be requested at the time of lodging the entity report on the website of the Office of the Children's Guardian.



Procedure for Responding to Child Protection Concerns

Adopted by New Vine Westlakes Safe Church Team on 16/01/2024

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 Justice¹, to report information to the Police², and to notify the Children's Guardian of reportable allegations and reportable convictions³.

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. New Vine Westlakes, under the guidance of the Baptist Churches of NSW & ACT, have developed this Procedure 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).

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*.

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.

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 s24 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

- 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.

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.

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 Lead Pastor (or in their absence the Church Secretary or Chair of the Eldership). 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.

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.

⁴ See s 27(2) of the *Children's Guardian Act 2019* (NSW).
Procedure for Responding to Child Protection Concerns

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.



Privacy Policy

Adopted by New Vine Westlakes Safe Church Team on 16/01/2024

The **Church** is committed to the privacy and security of the personal and sensitive information which we collect and hold.

This Privacy Policy describes how the **Church** collects, uses, holds and discloses personal information and sensitive information as defined in the *Privacy Act 1988* (Commonwealth) (the **Privacy Act**). We may update this Privacy Policy and, if we do, we will consider how to distribute to relevant stakeholders as appropriate (for example, via our church website or noticeboard).

1. Application of the Privacy Act to the Church

The Privacy Act does not currently apply to the Church due to the Church falling into the 'small business exemption'¹. Notwithstanding this, the Church has adopted this policy to be transparent about the way it collects, uses, holds and discloses personal information and sensitive information.

2. Types of information we may collect and hold

Personal and sensitive information

The Church collects personal information during its programs, services and activities, and for the purposes of communicating with those that attend the Church or have expressed interest in the Church. The types of personal and sensitive information we may collect may include a person's name, gender, occupation, contact details, date of birth, financial information, medical and health information, criminal history, and associations with other organisations as relevant.

Personal information may be kept in various places including: a church directory or database; volunteers register; attendance records; pastoral care planning; written and email correspondence; and financial statements. We will normally collect this personal information directly from the person. We do not generally collect sensitive information unless it is relevant.

¹ Most small businesses are not covered by the Privacy Act 1988, but some are. A small business is one with an annual turnover of \$3 million or less. Annual turnover for the purposes of the Privacy Act includes all income from all sources. It does not include assets held, capital gains or proceeds of capital sales.

<https://www.oaic.gov.au/privacy/privacy-guidance-for-organisations-and-government-agencies/organisations/small-business>

Privacy Policy

Web information

We also collect metadata relating to website usage, including by using cookies, for statistical and administrative purposes. The types of information collected include a person's server address, domain name or IP address, the date, time and duration of the visit, the pages accessed, and documents downloaded, and other information.

If a person does not wish to receive any cookies, they may set their browser to refuse cookies. However, this may impact on website functionality and the services provided to them.

3. Use and disclosure of information

The Church will not use or disclose personal information or sensitive information unless the following applies:

- it is necessary to fulfil the purpose for which it was collected;
- the church engages consultants or auditors for advice or assistance;
- the person would reasonably expect the use or disclosure;
- the Church is required by law, or has an obligation, to use or disclose the information or there is another permitted purpose; or
- the person consents to the use or disclosure.

For example, we may collect personal information in relation to an enquiry you have made about a mission partner of the Church. We might use and disclose this information to the mission partner so that we can respond to your enquiry.

We may use or disclose this information for the purposes of delivering our programs and services and in the ordinary course of our business, including for the purpose of planning, praying or co-ordinating care.

4. Storage and security of information

The Church will take reasonable steps to ensure that all personal information or sensitive information we collect is held in a secure format and protected from loss and misuse, as well as unauthorised access, modification, disclosure, alteration, or destruction. The information may be held either in hard copy or electronically.

We will hold the information we collect on systems managed and maintained by us and/or our third-party IT and database service providers who may create a backup of our data and store that backup in overseas jurisdictions. Generally, the Church will prefer that any data backups will be in Australia or secure overseas jurisdictions.

5. Retention and destruction of personal and sensitive information

Where possible the Church will destroy or de-identify personal and sensitive information as soon as practicable once it is no longer needed for the purpose for which it was collected. We will take reasonable steps and use appropriate techniques and processes when destroying information.

In accordance with the Church's Safe Church Policy the Church will securely retain any records related to staff and volunteers, children's and youth ministry programs, child protection concerns, and insurance policies, for a period of at least 45 years (preferably 100 years).

6. Access

Requests for access to personal information or sensitive information held by the Church may be made by contacting the address below. If the request is deemed appropriate by the Church, we will endeavour to provide the information in a suitable timeframe, if it is reasonable accessible. We may charge a fee to cover our administrative costs in providing the information.

7. Questions and feedback

Questions or feedback about this policy, including any concerns about how the Church manages personal and sensitive information, should be directed to:

Administration Officer
admin@newvinewestlakes.com.au



ADDRESS

Level 4
5 Saunders Close
Macquarie Park, NSW 2113

PHONE

9868 9200

EMAIL

schc@nswactbaptists.org.au

WEB

nswactbaptists.org.au
CreatingSafeSpaces.org.au