

Issues Paper 3
Child Safe Institutions

Response from
Uniting Church in Australia

October 2013

Introduction

The Uniting Church in Australia (UCA) is a provider of services to children in a range of settings, including congregations, schools, hospitals, and professional agencies under the UnitingCare umbrella.

For decades ministry to and with children has been an important part of congregational life in the Uniting Church and its predecessor denominations, and we have a long history of very successful interaction with children enabling them to encounter God, develop relationships as part of a community and to grow in faith.

The Uniting Church also has a long history of providing care for children in a range of residential contexts such as babies' homes, children's home and farm homes for boys. Some of these were large institutions. In recent decades large institutions were closed and care provided in smaller contexts such as family group homes, foster care and other out-of-home care.

In addition, through its schools, pre-school centres and other child care activities the Uniting Church has had extensive and regular engagement with children.

We recognise to our deep regret that over the years a small proportion of the children in our care have suffered abuse and have not received care consistent with the values the Uniting Church affirms and by which it seeks to live. We have actively sought to revise our employment and care policies to reflect best practice, as well as to facilitate best practice.

Through its extensive engagement with children, and its critical reflection on those aspects of its life which were shown to be inadequate, the Uniting Church has an increasingly clear understanding of the vulnerability of children, and an increasing awareness of the need for policies and procedures designed to ensure high levels of care and protection for all children are developed, implemented and monitored. Over the past 10-15 years the Uniting Church has devoted considerable attention to developing policies and procedures for the safety and wellbeing of all children.

Policies and procedures have been developed by each of the six Synods and by individual schools and agencies of the Uniting Church. But, as this response shows, there is a high level of commonality. Across the Church and its

agencies there is a recognition that the obligations of the Church are not simply to meet legal requirements but moral requirements and best practice standards. To this end the Uniting Church, its schools and agencies have increasingly applied resources to not only publish and disseminate policies and procedures, but also to employ skilled staff to conduct training programs across all parts of the church.

In the context of this response it is important to note that the Uniting Church is governed by inter-related councils each of which has its own responsibilities. The structure of the government of the Uniting Church is not hierarchical. This means that the authority of the national Assembly to determine policies for other councils is limited. Therefore, the specific policies referred to in this submission need to be seen as determinative for a limited context, but are nevertheless representative of Uniting Church practice.

Question One:

The essential elements of establishing a “child safe organisation” that protects children from sexual abuse in an institutional context. In particular, are there core strategies that should be present and others that are less critical?

The Uniting Church in Australia believes it is crucially important to establish itself and its related agencies, congregations and schools as “child safe organisations”.

In 1999, the UCA adopted the policy “A Safe Place for Children” which states:

“The Uniting Church in Australia is committed to providing safe places where people are cared for, nurtured and sustained. The Uniting Church commits itself to the care, protection and safety of all children relating with it or its agencies.

We seek to provide a safe environment for children to encounter God, to develop relationships as part of the community, and to grow in faith”.

The adoption of this policy was the first step in the providing one of essential elements which is to create a commitment to developing ownership of issues such as child abuse and helping everyone to realise there is no such thing as an innocent bystander. For the UCA it established the recognition that everyone within the church and the community needed to be moral reporters of unacceptable behaviours.

Other essential elements in establishing a “child safe organisation” were to look at current policies and practice within the Uniting Church and its related agencies and schools, and to review and revise these to ensure they accurately reflected the level of importance of safe-guarding our children. The Church chose to do this on the grounds of a moral commitment rather in response to government regulations.

Finally, we seek to ensure that our values as an organisation are mirrored in our approach to child safety and that all areas of the organisation are committed to the issue, not only those who are specifically child-related.

Core Strategies

There are certainly core strategies which should be present in establishing a ‘child safe organisation’. The development of these strategies raises awareness and heightens commitment. It is our view that these core strategies should include:

- **Developing a child safety policy**

One of the most effective ways for an organisation to demonstrate its commitment to child safety is to document how it will meet its responsibilities and duty of care to children. Child Safety or Child Protection policies are in place in all our schools, agencies and congregations.

A Child Safety/Protection Policy articulates the organisation's commitment to provide the highest level of protection to the children in its care. An example of best practice is Wimmera UnitingCare's Child Safe Policy that is included as Attachment 1 to this submission. Wimmera UnitingCare has been accredited as a child safe organisation by Child Wise. Its policy clearly highlights the expectations of staff in relation to child safety and leaves no "grey area" in terms of the agency's tolerance towards this.

- **Oversight of policy implementation**

In New South Wales, UnitingCare Children, Young People and Families (UnitingCare CYPF) has established a Safeguarding Children and Young People committee to monitor the effectiveness of their policies and ensure compliance with their Child Safe accreditation. This Committee maintains awareness of UnitingCare CYPF's approach to safeguarding children and young people from abuse and neglect, and takes action to rectify any deficiencies identified. This Committee also works to identify and document potential risks to children and young people who are service users of UnitingCare CYPF. The terms of reference for this Committee are attached as Appendix 2.

- **Job descriptions and contracts**

Clear statements of commitment to the provision of a child-safe organisation are included within position descriptions and contracts. An example of this can be found within the Key Responsibilities, Tasks and Outcomes for all Uniting Church Camping (Synod of Victoria and Tasmania) job descriptions.

5.6 Safeguarding Children and Young People

Task: [Staff] will act in accordance with the UC Camping Child Protection Policy at all times.

Outcomes: All guests and visitors are treated with respect and will feel safe staying with UC Camping.

- **Code of Conduct**

A clear and concise Code of Conduct for staff and volunteers outlines requirements in relation to behaviours with children and young people. A Code of Conduct lists behaviours that are acceptable and those that are unacceptable. It spells out professional boundaries, ethical behaviour and acceptable and unacceptable relationships. An example of this is St Leonard's College in Victoria which lists the following rationale for their staff/student boundaries policy: *"the following guidelines have been developed to clarify aspects of staff-student relationships in order to provide*

security for both students and staff and to protect both parties from situations which may be vulnerable to misinterpretation, now, or in the future”.

In conjunction with any code of conduct there are necessary requirements in place within UC agencies, schools and congregations highlighting appropriate conduct relative to the use of social media. As social media is a now one of the major tools used for communication, it is essential to ensure protection of all individuals within an organisation as well as young people within UC institutional settings that social media policies are monitored frequently.

Careless use of social media could lead to disastrous outcomes for either professionals or young people in these settings. Information in this medium can be misleading, inappropriate or misinterpreted, this could possibly leave an individual or young person vulnerable to allegations.

- **Staff and volunteer selection**

Comprehensive suitability checking procedures for paid and unpaid staff/volunteers are in place and comply with relevant legislation.

This includes behavioural interviews, stringent referee checks, Criminal History checks, and Working with Children Checks. Child safety should be promoted in job descriptions and listed as an essential requirement in person specifications. UC Camping Victoria and Tasmania states in their Child Protection Procedure Manual (March 2010) that “screening is an ongoing process and should continue throughout the orientation process, probationary period, employment, appraisals and supervision.”

- **Supervision**

The Uniting Church, having focussed on creating organisations that value its people and the people they come into contact with, also seeks to ensure that quality supervision practices are in place. This provides support to staff and an opportunity to raise performance issues and improvements required.

Likewise it provides for the ongoing monitoring of employee or volunteer relationships with children who may be within their care or stewardship. The atmosphere of the Church has to be one of transparency and openness to ensure that difficult issues can be raised without prejudice.

- **Abuse notification**

Clear procedures for notifying child protection authorities of suspected child abuse are in place and are known. All states and territories have legislation covering the mandatory reporting of child abuse and neglect thus establishing legal basis for services to protect children from significant harm. Schools have relevant policies relating to this issue which clearly state that where a registered teacher has formed a belief that a child is at risk of physical injury or sexual abuse, they are mandated to report their concerns to

Child Protection. The Wimmera UnitingCare's Child Safe Policy (Attachment 1) leaves no doubt as to the nature of the abuse which should be reported and the procedures for doing so.

- **Complaints process**

An accessible, responsive and fair complaints and investigation procedure must be in place.

It is also important that those who wish to make complaints understand the process to be followed. Many UnitingCare agencies have detailed processes, often including flow charts demonstrating the complaints process. An outline of the processes needs to be readily available, including on the website of each agency.

- **Ongoing training**

Regular training regarding child safe organisations occurs for managers, staff and volunteers working with children and young people. This should include fostering approaches which empower children.

This training includes induction processes for new staff, annual programs of professional development, and encouragement of staff to participate in training arranged by professional associations to which they belong. In most contexts a record of training undertaken is kept in relation to all staff.

- **Enabling the participation of children**

To create a true child-safe organisation, it is important to ask those you are trying to protect when they feel safe and when they feel unsafe. Their comments and insight will always be different from the adult perspective. Enabling and promoting the participation of children within the organisation has many benefits, including:

- demonstrating your commitment to upholding the rights of children
- providing you with the opportunity to check that what you are doing is actually what children want
- strengthening the commitment to children of the organisation
- building the leadership skills of children
- enhancing the safety of children

- **Identifying potentially vulnerable children**

Research has clearly identified that it is often children who suffer from low self-esteem who become victims of abuse. Work within UC schools focuses on educating students about their basic rights to feel safe and to encourage them to seek assistance if they are made to feel uncomfortable in any way by a member of the school community. Identification and monitoring of students who may be "at risk" and may feel less empowered is one step, as is the recruitment of child psychologists to assist the school community in managing issues such as child sexual abuse.

- **Physical Contact**

Across the Church's congregations, schools and agencies policies have been formed relating to appropriate physical contact. These policies provide direction as to the nature of, and the specific type of contact which may be considered appropriate in varying situations. While it is difficult to encompass every type of interaction, it does provide some representation as to appropriateness and significantly reinforces the messages of the Church to consider one's actions carefully.

Structures, policies and procedures are important tools in the prevention and effective handling of child abuse. However they are only as good as the cultural context in which they are developed and implemented. The overriding element is the commitment of the Uniting Church to creating a zero-tolerance approach to child abuse, and reflecting this through all elements of its work in a transparent manner.

Question Two:

The evidence base for the range of strategies associated with making an organisation 'child safe'. Does this evidence base extend to the physical environment?

This range of strategies is supported by the Victorian Child Safety Commissioner whose work on a *Guide for Creating a Child Safe Organisation* builds on the nationally endorsed framework *Creating Safe Environments for Children - Organisations, Employees and Volunteers*.

The overriding purpose of this Schedule is to guide those involved in background checking of employees and volunteers, and to contribute to the further development and refinement of relevant legislation, policy and practice across Australia. While the Schedule is not intended as a prescriptive step-by-step, it does express national agreement about broad principles, guidelines and key elements to promote risk assessment and decision-making that is ethical, rigorous, consistent and evidence-based.

All employees of the Uniting Church are subject to Criminal History Check and any employee who may come into contact with children as part of their normal duties is required to produce or to receive a working with children check prior to commencement. These safeguards, together with behavioural interviewing techniques and thorough reference checking ensure that the Uniting Church is following the prescribed schedule previously referred to.

The question of the physical environment has been examined in many of the UC schools and agencies within the context of ensuring visibility during staff/child interactions. In a number of the UC Schools, the physical environment has been integrated into the "child safe" strategies, with the introduction of viewing panels for 1:1 teaching spaces and clearly defined times when children are on campus and under the supervision of the faculty. Wherever possible, the removal of "visual privacy" has occurred to ensure that interactions between the schools and its students cannot be brought into question. Likewise with agencies, consideration has been given to creating a conducive environment where children feel safe, as well as monitoring of waiting areas and providing visibility into areas that children frequent. Further examples are the provision of secure fencing to enable the monitoring of

persons entering premises, and the use of transport by buses rather than private cars.

Question Three:

How should the effectiveness of “child safe” strategies be tested?

One way of testing the effectiveness of ‘child safe’ strategies is by monitoring and evaluating the number of complaints in relation to breaches of policies and Codes of Conduct.

A more proactive way occurs when service delivery organisations undergo training and quality assurance accreditation processes, such as that provided by Child Wise. Child Wise’s primary focus is to prevent abuse before it happens and its programs and accreditation services work to protect the rights of children to physical and psychological safety throughout Australia and Asia.

UnitingCare CYPF (NSW&ACT) gained accreditation as a child safe organisation through the Australian Childhood Foundation.

Accreditation requires that agencies provide clear evidence of their adherence to specific policies and procedures. This can also be incorporated internally, with agencies doing self-assessment against child safe codes and policy.

For example, a substantial number of agencies of UnitingCare Victoria and Tasmania are accredited under a number of quality assurance systems, and 11 have recently been accredited by the Department of Human Services (DHS), a requirement of State Child, Youth and Families, and Disability legislation. DHS Standard 3.5 states that “Services are provided in a safe environment for all people, free from abuse, neglect, violence and/or preventable injury”.

A further method of measuring the effectiveness of the strategies implemented is by incorporating it within the performance management processes. Having staff demonstrate and provide evidence of their commitment to ‘child safe’ strategies reinforces the importance of the issue, provides a forum for further discussion on the topic and provides feedback to the organisation on the matter. Once again this links to a number of the commitment statements included in the Culture of Safety Code of Conduct of the Synod of Victoria and Tasmania, including the following:

- Utilises the Synod resources to actively seek to learn about how to prevent child abuse and the abuse of vulnerable people and become familiar with the Synod’s Creating a Safe Environment for Children and Vulnerable Adults policy;
- Put what we have learnt about the prevention of abuse into action; and
- Take reasonable steps to ensure the safety and welfare of those in our care.

Our schools, like our agencies and congregations, acknowledge that the strategies are generally tested when the practices are tested in the negative, when they fail.

However the policies, training and commitment of our educational institutions to providing 'child safe' environments are our best method of ensuring that such no such occurrences exist. For example, Scotch Oakburn College in Tasmania chose to run through scenarios with staff as part of a training exercise to gauge the effectiveness and the understanding of the policies the school has set in place. Such initiatives are carried out across the country using varying methodologies, but all are focussed on ensuring the active understanding and commitment to creating child safe environments for their students.

Question Four:

How 'child safe' policies and procedures work in practice.

The Uniting Church's commitment to preventing the sexual abuse of children from occurring is informed by the 1998 National Assembly 'A Safe Place for Children' document; more recently the adoption of the Child Safe intervention and the current Safe Church training and strategy, endorsed and supported by the National Council of Churches of Australia (NCCA).

The general approach to this can be divided in two broad parts- policy and implementation.

With regard to policy:

While there is currently no one set of policies, each Synod is able to develop and implement specific policy to prevent sexual abuse from occurring. An example of this is the Victorian and Tasmanian's development of the *Creating a Safe Environment for Children and Vulnerable Adults* document which incorporates a Code of Conduct, and advice on Safe Leadership selection and recruitment. The 'Called to Care' policy of the UCA Synod of South Australia is an example of a similar policy approach. These and other similar policies provide a strategic overview and theory based foundation toward implementation.

One direct policy approach of the Synod of Victoria and Tasmania that addresses the prevention of sexual abuse is the *Implementation and Policy for Persons of Concern* document which is in essence a behavioural contract aimed at establishing boundaries and conditions on which a person convicted of a sexual offence must comply with to remain part of the community of the Church. Without such an agreement in place, the person of concern is unable to participate in the life of the Church.

A number of Synods utilise the Safe Church training which speaks directly to the prevention of abuse and raises awareness to a number of indicators of abuse as well provides a clear pathway for communicating and preventing concerns, often to a designated person (a Safe Church Concerns Person), to co-ordinate a local response and ensure Congregational leadership are aware of and complies with respective Synod policies in this regard.

Implementing these policies into the life of congregations in the Victorian and Tasmanian context is assisted by the Synod's Culture of Safety unit, which consists of an Ethical Standards Officer and specifically a Safe Church Educator – a child

protection social worker, whose role is to provide training and assist congregations to implement these policies.

Implementation of policies is further supported by the local awareness raising training of all congregational leaders. The theory behind this is that information of the process will remain with the Congregation when the Minister's placement has ended.

Policy integration into the Church Council, which is the Congregation based decision-making body, is also important and is a key function of the implementation strategy.

With regard to policy implementation:

During August 2012, the UnitingCare Victoria and Tasmania (UCVT) Unit surveyed UnitingCare Network agencies concerning their adoption of 'Child Safe' Policies in conjunction with the Unit's recent submission to the *Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations*.

The key question asked of CEO's/Agency Representatives was whether the agency had adopted the UnitingCare Child Safe policy, originally provided to UnitingCare agencies by the UCVT Unit in 2008, or had ratified an equivalent Child Safe Policy.

Of the 24 agencies, fourteen (14) agencies had either adopted the UnitingCare Child Safe Policy or its equivalent, or had well developed applicable Human Resource procedures in accordance with service quality accreditation. The most common reason why other agencies had not implemented a Child Safe policy was that many of them do not provide Family and Children's services, for example those working in the Aged Care context. However further discussion elicited an appreciation that while an agency may not deliver children's services, children may still come onto an agency's worksite, and adolescent children may also volunteer and be supervised by agency staff.

There were many examples of Child Safe best practice within UnitingCare agencies in Victoria. These include

- 7 agencies advised that they have successfully achieved quality accreditation via the CSO Registration process, Quicsa Accreditation and HASS Standards accreditation;
- One agency is currently reviewing its legislative compliance for all its policies including its child safe policy;
- One agency has adopted a 3 year police check cycle;
- Over the past 3 years, Wimmera UnitingCare has progressed towards registration as a Child Safe Organisation with Child Wise, and achieved its goal this year. A copy of its policy is included as an attachment to this submission. (Attachment 1)

- An outcome of the implementation of a Child Safe Policy in another agency has been the formation of a Child and Young Person's Committee, and the establishment of a Child Safety Room within the agency; and
- In another agency, staff sign a child-safe declaration as part of the Agency's Code of Conduct.

Another practical example of creating a culture of safety through child safe policies and procedures is highlighted by the approach of Uniting Church Camping (Victoria and Tasmania) (UCC). UCC is creating within its unit of 60 plus staff and its young participants, a culture of being able to 'speak up and speak out' about issues of safety and well-being. It is promoting a culture of awareness and vigilance in relation to children and young people's well-being.

Speaking up about abuse is promoted in the context of creating environments for the positive development of young people. This approach goes to the heart of what a good program structure looks like in UCC.

UCC advocates for a more global perspective on the care of children. The care of children goes beyond safety to encompass children's well-being and to creating institutions that are respectful of and honour children.

On a national level the UCA has adopted policies and procedures for monitoring and reporting behaviour at the bi-annual week-long National Christian Youth Convention (NCYC) attended by large numbers of youth,

Question Five:

Should there be a universal framework for a 'child safe organisation' or should strategies be specifically tailored to particular types of institutional settings?

An understanding of sexual abuse is complex and largely contextual to a number of factors. The UCA acknowledges there may be advantages to adopting a well-considered, evidenced based, UCA specific framework for the prevention of sexual abuse, providing a core framework which can then be modified to meet different statutory requirements. It should also be acknowledged that as a religious institution, significant consideration should also be given to the existing polity and theological underpinning which may not sit easily in a secular context. The UCA would argue that this approach would be more successful in terms of integration into the life of the denomination as opposed to a strongly centralised, 'up down' approach. With regard to the Church agencies, it should be noted that where applicable, such frameworks already exist as part of their core business.

In the case of schools, where the very existence of the organisation relates to its ongoing contact with children, there is a view that specific strategies and/or policies should be tailored to their setting. The implementation of policies relating to Staff-Student Boundaries for example aids staff in making the nature of their relationships explicit and reduces any ambiguity for the protection of all parties.

The notion of institutional settings is perhaps one of less relevance today than it was in the 1960's with the move from congregate care to fostering arrangements. There must be some overall guidelines to assist in ensuring child safety, however it cannot be so regimented that it does not have sufficient flexibility to encompass the variety of care arrangements in which children may find themselves.

The congregational setting provides some unique issues in terms of ensuring child safety. The Policy and Intervention for Persons of Concern (POC) adopted by the Synod of Victoria and Tasmania provides direct advice and procedure to Ministers and Church Councils. The development of Safety Agreements provides an avenue to meet the needs of the Church, its parishioners as well as the POC.

Many of the elements outlined in the National Framework for Creating Safe Environments for Children (2005) are also addressed by registration and compliance requirements that organisations are bound to by their funding agreements.

The Uniting Church believes that all of the elements identified in the Framework are essential in order for an organisation to be child safe, that is, organisations must address systems to ensure adaptation, innovation and continuous improvement, governance and culture (e.g. Child safe policies), participation and empowerment of children, human resources management, and education and training. Although all of these elements are necessary, we would like to place particular emphasis on the importance of staff training, support and supervision. Without adequate staff supervision, training and support, it is unlikely that the development of any child-safe policies and procedures would translate into practice that is sustained in the long term. We would also like to emphasise the importance of robust quality standards, the need for constant monitoring and review of child safe policies and practices, and adopting a continuous improvement culture. Opportunities for continual education for organisations working with children are also critical to ensuring contemporary knowledge about child safety, and may require mandatory enforcement. Such opportunities should be provided to members of Boards of Governance as well as front-line carers.

Question Six:

The role of staff performance management systems and disciplinary processes in a 'child safe organisation'.

Staff performance management systems are essential in 'child safe' organisations. Supervision provides a mechanism for discussing the organisation's child safe policy and how it is enacted by the individual staff member. It provides the opportunity for providing staff with feedback on specific issues they may have confronted in dealing with children.

Disciplinary processes are essential when it has been proven that the staff member has not adhered to the policy and/or Code of Conduct relating to the safety of children, and the Uniting Church is clear on its processes for managing these situations.

All providers of child care must be willing to address any areas of concern and to send clear messages to the organisation about this. Policies and procedures must be unambiguous and require senior management to be committed to follow-up and follow through.

Policy, procedures and guidelines offer little value if the behaviour of those who work with the children is not adequately performance managed. This is a critical element in shaping behaviour, changing culture, identifying risk and managing ongoing safety of the children we serve.

Question Seven:

The role and characteristics of governance and management leadership in creating and maintaining a 'child safe' organisational culture.

A commitment to being a 'child safe' organisation starts at the top of the organisation through its governance. The governing body sets the strategic direction of the organisation and the policies that govern management and staff. Child safe practices need to be embedded in the values, mission, and strategic plans of the organisation so they can flow down through managers to individual job descriptions. Governance and management are also crucial in responding to allegations of child sexual abuse.

An example of child safety being embedded in an organisation's Strategic Plan for 2007-2017 is UnitingCare Gippsland (formerly Kilmany UnitingCare) which states in its Strategic Plan under the theme of vigilance that 'it takes child safety and wellbeing seriously. We say we put a fence around all staff, carers and volunteers to ensure that they are not able to do any wrong to children. We require police checks, Working with Children Checks and do extensive referee appraisals and other investigations for new people wanting to be involved with Kilmany'

Another example of creating a child safe culture is from NSW&ACT Uniting Care Children Young People and Families (CYPF) where a Safeguarding Children and Young People statement has been signed by the Heads of the organisation and is displayed in every UnitingCare CYPF workplace. (See Appendix 2)

Within our congregations it is the responsibility of the Church Council to ensure that adequate screening, assessment and checking of individuals who will be employed within the Church takes place. Education and awareness through our minister and Church Councils are paramount to this task.

The characteristics of governance and management are:

- Strong leadership
- Transparency in decision making
- A culture of trust where issues can be raised openly
- Development of an inclusive community – where members care for each other, report/help those who are not coping
- Induction and on-going training of Board members
- Risk assessment and risk management protocols
- Direct and informative communication with staff
 - In the relevant Uniting Church sectors, management should speak about child safety on a regular basis to ensure it is in the forefront of people's minds.
 - Have a system of communicating any policy changes to staff

- Ongoing staff development and education in relation to child safety

Question Eight:

Should there be any additional enforceable requirements for institutions or particular institutions to maintain a 'child safe' environment?

It is the view of the Uniting Church that there does need to be additional enforceable requirements for institutions in order to establish and maintain 'child safe' environments throughout Australia. The National Schedules for Creating Child-Safe Environments listed by the Community Services department of the ACT Government prescribes the establishment of standards concerning the exclusion of certain persons from child-related employment/volunteering. This is based on the premise that certain criminal offences or patterns of offences create an unacceptably high level of risk to children. *"Achieving national consistency in relation to the offences, which may lead to automatic exclusion from child-related employment/volunteering, will be guided, but not restricted, by identifying those offences, which may allow a person to become a registrable person according to State or Territory legislation."*

A further schedule was to *"identify areas in which collaboration and coordination in the exchange of information can occur"*. Further work is needed to establish mechanisms for sharing of information nationally between the Synods, congregations, schools and agencies concerned with the protection of children. The importance of such sharing of information is echoed in the cross-jurisdiction information sharing issues within the National Plan for Foster Children, Young People and their Carers.

In responding to the Victorian Inquiry into the Handling of Child Abuse by Religious and other Organisations, the Uniting Church was clear on the issue of mandatory reporting:

"The Code of Ethics and Ministry Practice of the UCA requires Ministers of the UCA to report child abuse. The Code states:

'3.7 Confidentiality

(d) Information received in the context of a pastoral relationship shall remain confidential unless ...

(ii) Retaining such information would result in significant physical, emotional or sexual harm to another person or persons'.

Ministers have a position in which a significant amount of trust is placed. To suggest they should be outside the provisions of mandatory reporting is arguably inconsistent with this trust. Training in the Code of Ethics and Ministry Practice makes it clear that child abuse is criminal and must be referred directly to the police.

It is suggested that any enforceable requirements should also be in line with the Convention on the Rights of the Child (CROC), the international human rights treaty

that protects the rights of children and young people up to the age of eighteen. Australia is a signatory to this treaty and so reference should be given to this in considering any additional enforceable requirements.

The external audit of organisations which are specifically involved in providing care for children would further enhance the integrity of the system. This could range from the relevance and effectiveness of its policies, to the methodology employed by a school, for example, in handling specific complaints.

Appendix 1 – Wimmera UnitingCare Child Safe Policy

Scope

This policy applies to all board members, employees, volunteers, children, parents, carers and other individuals involved with Wimmera UnitingCare.

Background

Wimmera UnitingCare is committed to child safety and establishing and maintaining a child safe environment.

All children who come to Wimmera UnitingCare facilities have a right to feel and be safe. The agency is committed to the safety and wellbeing of all children and young people accessing our services and the welfare of the children in our care will always be our first priority. We aim to create a child safe and child friendly environment where children feel safe.

Children’s rights to safety and participation

Wimmera UnitingCare employees and volunteers encourage children to express their views and make suggestions especially on matters that directly affect them. We value diversity and do not tolerate any discriminatory practices.

We teach children about what they can do if they feel unsafe. We listen to and act on any concerns children or their parents may raise with us.

Recruitment of employees and volunteers

Wimmera UnitingCare applies best practice standards in the recruitment and screening of employees and volunteers. Our recruitment practice includes conducting referee checks for all employees and volunteers, as well as criminal history checks and Working with Children Checks being a requirement of employment or volunteering as specified under the Children’s Protection Act 1993. Our statement of commitment to child safety is included in all our employment advertisements. Employees and volunteers are supplied and educated in the agency Child Protection and Mandatory Reporting Policy.

Support for employees and volunteers

Wimmera UnitingCare seeks to attract and retain skilled employees and volunteers. We provide ongoing support, supervision and training to employees and volunteers who work with children so that their performance is developed and enhanced to promote the establishment and maintenance of a child safe environment.

Reporting and responding to suspected abuse and neglect

Wimmera UnitingCare will not tolerate incidents of child abuse.

Abuse and neglect includes but is not limited to:

- Physical abuse – when a person purposefully injures or threatens to injure a child or young person.
- Emotional abuse – an attack on a child or young person’s self-esteem such as bullying, name calling, threatening, ridiculing, intimidating or isolating the child.
- Sexual abuse – any sexual act or sexual threat imposed on a child or young person.
- Neglect – where a child or young person is harmed by the failure to provide the basic physical or emotional necessities.

Employees and volunteers must follow the steps set out in the agency Child Protection and Mandatory Reporting Policy as soon as practicable if they have a reasonable suspicion that a child has been or is being abused or neglected.

The agency is responsible for ensuring that employees and volunteers are aware how to make appropriate reports of abuse or neglect. We will also provide opportunities for employees and volunteers to attend training on mandatory reporting.

A person does not necessarily exhaust their duty of care to a child by making a report of abuse or neglect as they may still have a role in supporting the child or young person.

Appendix 2: Safeguarding Children & Young People Committee – UnitingCare NSW & ACT

SAFEGUARDING CHILDREN & YOUNG PEOPLE COMMITTEE TERMS OF REFERENCE

Purpose of the Safeguarding Children & Young People Committee (SCYPC)

To work under the direction of the Practice Manager – Child Protection of UnitingCare Children Young People and Families (UnitingCare CYPF) to maintain and improve policies, procedures and practices to safeguard children and young people from abuse and neglect.

The SCYPC is not a policy making body but will advise and make recommendations on safeguarding children and young people related matters which will be taken to the Executive Management Team for endorsement.

Membership/Composition of the SCYPC

The SCYPC will typically consist of a broad representation of staff across UnitingCare CYPF. There will be a minimum of 8 members in addition to the Practice Manager – Child Protection.

Recommended representation (members) will be a non-mutually exclusive combination of at least:

- 3 from Uniting Care CYPF sites outside of the Sydney metropolitan area
- 4 from UnitingCare Burnside
- 2 from UnitingCare Children's Services
- 2 from UnitingCare Unifam
- 1 from UnitingCare Disability
- 1 from an OOHC program
- 1 from a Brighter Futures program

Of the above representatives the following applies

- 3 members who are not program Managers or Coordinators
- 7 member who are from operational areas (not service support)

Members will self select and/or be coopted by the Practice Manager – Child Protection. There will be no fixed term of office for members, with an accepted expectation that if there is interest and 'fit' (composition formulas above) from other staff, a 2 year membership would flag stepping aside for that new member.

There will be a minimum quorum of five representatives needed to approve and refer recommendations to the Executive Management Team.

Committee members are expected provide feedback from meetings to their particular program/service and facilitate the opportunity for staff to raise issues for review by the Committee.

Tasks and Deliverables

1. Maintain awareness of UnitingCare CYPF's approach to safeguarding children and young people from abuse and neglect, and to report or take action to rectify, or at least report to the Executive Management Team, any deficiencies identified.
2. Ensure appropriate review of, and, if necessary, update policies, procedures, resources or training associated with UnitingCare CYPF's approach to safeguarding children and young people from abuse and neglect, especially after:
 - a. any major organisational or legislative change;
 - b. an incident related to child abuse or neglect, or any indication of the need for review or improvement;
 - c. periodic reviews to ensure continuous improvement in UnitingCare CYPF's approach to safeguarding children and young people from abuse and neglect;
 - d. Periodic self-assessment of compliance with the requirements of the ACF Safeguarding Children Program.
3. Identify and document potential risks to children and young people who are service users of UnitingCare CYPF.
4. Develop, document and implement procedures for undertaking annual reviews using the ACF 'Self-assessment checklist' to assess ongoing compliance with the accreditation requirements of the ACF Safeguarding Children Program.

Meetings

Meetings will be convened at least every three months (4 times a year) for up to four hours.

The cost of staff representatives' time, including travel time will be spread across all direct service programs of the Service Group.

An agenda will be organised in advance by the Practice Manager – Child Protection. Agendas and relevant information will be distributed to the members of the SCYPC at least one week prior to the meeting date.

Executive Management Team -

September 2012