

Managing safe ministry in church

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1. Introduction

Lighthouse Church is committed to creating and maintaining a culture and environment that ensures the safety and wellbeing of everyone involved including visitors, members, leaders, and staff. People can expect to be safe and protected, to be respected and listened to, and have their particular needs addressed in church activities. This commitment extends to and particularly considers children, youth, and other vulnerable people attending or involved in Lighthouse Church activities.

This document outlines Lighthouse Church's safe ministry policy and procedures in relation to:

- developing, implementing and maintaining a child safe culture, systems and processes
- meeting our legislative obligations and the Child Safe Standards
- selection, screening and training of children/youth ministry workers
- reporting and complaint management procedures.

The primary audience for this document is the Head of Relevant Entity (Senior Pastor), other staff, and safe ministry representatives. The secondary audience is ministry leaders. A separate related document, *LC04 – serving in children's/youth ministry* is designed specifically for children's/youth ministry workers and leaders.

2. References

Legislation

The Children and Young Persons (Care and Protection) Act 1998 establishes the primary legislative framework for child protection in NSW. The Children's Guardian Act 2019 (Children's Guardian Act), Child Protection (Working with Children) Regulation 2013, and the Child Protection (Working with Children) Act 2012 also include important legislative provisions relating to children.

NSW government information

- Office of the Children's Guardian (OCG) - including Guide to the Child Safe Standards, Implementing the Child Safe Standards - a Guide for Faith-Based Organisations and Guide to developing child safe Codes of Conduct
- Department of Communities and Justice
- NSW government Child Story reporter (Mandatory Reporter Guide)
- Information for employers The NSW Reportable Conduct Scheme – Fact sheet 10. August 2022. OCG.

Church based organisations

- Sydney Anglican Network's Safe Ministry Resources
 - Safe Ministry Blueprint for Churches <https://safeministry.org.au/safety-plans/>
 - Guidelines for parishes regarding persons of interest <https://safeministry.org.au/safety-plans/>
- Safe Ministry Training <http://safeministrytraining.com.au>
- Safe Ministry (Youthworks) training resources
- National Council of Churches in Australia (NCCA) www.ncca.org.au

3. Definitions

Safeguarding is protecting the welfare and human rights of people connected with an organisation, particularly people that may be at risk of abuse, neglect or exploitation. The term Safeguarding has previously been considered in reference to protecting children, however Australian legislation has broadened the definition to include all people who due to their personal circumstances may be considered vulnerable and/or require additional protection. The ACNC requires safeguarding as part of a charity's primary duty of care.

Vulnerable people are people aged under 18 or other individuals who may be unable to take care of themselves or are unable to protect themselves against harm or exploitation. All people are to be protected from harm, however there are additional legislative and ethical considerations for protecting vulnerable people. Vulnerable people can include:

- children and seniors
- people with impaired intellectual or physical functioning
- people from a low socio-economic background
- people who are Aboriginal or Torres Strait Islanders
- people who are not native speakers of the local language
- people with low levels of literacy or education
- people subject to modern slavery, which involves human exploitation and control, such as forced labour, debt bondage, human trafficking, and child labour.

Reportable conduct is defined by the Children’s Guardian Act 2019 as being:

- a sexual offence committed against, with or in the presence of a child,
- sexual misconduct with, towards or in the presence of a child,
- ill-treatment or neglect of a child,
- an assault against a child, or behaviour causing significant emotional or psychological harm to a child,
- any offence under section 43B (failure to protect) or 316A (failure to report) of the Crimes Act 1900 (regardless of consent of the child).

Child abuse is defined as any act resulting in actual or the likelihood of harm to a child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power¹. Abuse may be physical, sexual, psychological/emotional, ill treatment or neglect. Additional information on child abuse definitions, indicators and examples are included in LC04 – serving in children’s/youth ministry.

4. Safe ministry policy

Our Safe Ministry policy is designed to provide information for children, families, members, visitors and our community about our commitment to child safety (and the safety of other vulnerable people), what they can expect from us, and how they can get more information or report concerns. The policy was developed using the Office of the Children’s Guardian (OCG) ‘Child Safe Child Friendly Policy’ template.

The policy is publicly available on our website: <https://www.lighthouse.net.au/policies-and-procedures/>

5. Safe ministry responsibilities

Responsibilities for staff, Safe Ministry Representatives, children’s/youth ministry leaders and workers are outlined in detail in the document LC04 – serving in children’s/youth ministry. In summary, the ‘head of relevant entity’ (HRE) who is ‘the entity’s most senior officer and the person who is primarily responsible for executive decision making in the organisation’² is ultimately responsible for developing a safe ministry culture and ensuring we meet our obligations in relation to screening and training ministry workers, and reporting unacceptable conduct and/or children at risk of harm or abuse.

¹ <https://aifs.gov.au/cfca/publications/what-child-abuse-and-neglect>

² <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets>

Safe Ministry Representatives may assist the HRE, for example to develop and maintain safe ministry policies and procedures, however statutory responsibilities of the HRE cannot be delegated. The HRE and other paid staff leading ministry are responsible for ensuring awareness and implementation of the safe ministry policies and procedures by ministry leaders and teams.

6. Risk assessments and self-evaluation

Our general risk management approach is documented in LC07 Policy and procedure – work health and safety. In addition, we use the NSW Office of the Children’s Guardian (OCG) risk management resources:

- [Risk Management and the Child Safe Standards: Part 1: Responding to risk and](#)
- [Risk Management and the Child Safe Standards Part 2: Identifying risk](#)

Risk assessments are usually undertaken annually, whenever there is a significant change e.g. new venue, and for new significant activities or events. In addition, we conduct self-assessment against the Child Safe Standards (see Appendix 1) and the OCG [Guidelines to the Child Safe Standards](#). The outcome of our risk assessment and self-evaluation process informs and supports our efforts to implement a safe ministry culture, systems (policies and procedures) and practices across all areas of ‘work’ for church.

7. Selection, screening and training

To ensure the safety of children and vulnerable people in our communities, Lighthouse Church will carefully select, screen and train those involved in ministry, in particular children’s and youth ministry. The following procedures have been developed with reference to legislative and insurance requirements³.

5.1 Process for ministry workers

Selection

Desirable characteristics for a ministry worker include someone who:

- has a growing, committed relationship with Christ
- believes all people including children and young people are important to God
- respects and loves children and young people
- models godliness
- is teachable and reliable
- is willing and able to work as part of a team
- is open in their actions and behaviour
- is wise and careful.⁴

Prior to selecting a potential new ministry worker, to provide an opportunity to assess and consider the above characteristics (and to meet our insurance obligations), a person must:

- have attended Lighthouse Church regularly for at least three months, and
- have completed Lighthouse Church’s membership process (which includes approval by Administration Committee) before being selected for ministry
- confirm they are willing to complete the necessary screening and training process.

³ EA/ANSVAR Insurance Policy

⁴ Safe ministry (Youthworks) training manual

Screening and training



Lighthouse Church will ensure children's/youth ministry workers are screened in accordance with requirements in the *Child Protection (Working with Children) Act 2012* and *Child Protection (Working with Children) Regulation 2013* **BEFORE** commencing in any child related role whether in a paid or volunteer capacity⁵.

Our screening and training process is outlined below:

a. Send instruction sheet

An instruction sheet is emailed to the person so they can work through the screening and training process independently. If they do not have access to a computer, the instructions provide information about an option for completing the application by phone.

Legislation provides exemptions for some people from screening⁶. Exemptions most likely to be relevant to Lighthouse Church include:

- under 18 years
- co-worker or supervisor of a child (eg music team if youth are team members)
- admin workers if work does not usually involve contact with children for extended periods
- work for a period of not more than a total of 5 working days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present
- parent, or close relative, of a child when volunteering in a group, program or activity of which the child is a member or in which the child usually participates (eg parent helpers volunteering in kids church) although this exemption does not apply if the work involves intimate contact (eg personal care), formal mentoring or attending an overnight camp
- visiting speaker, performer, assessor or other similar visitor if the work of the person at that place is for a one-off occasion and is carried out in the presence of one or more other adults.

If the leader identifies a person as likely to be exempt from the screening process, this must be confirmed with a safe ministry representative. The safe ministry representative will confirm the exemption by email for the purposes of record keeping.

b. Person completes screening process

This involves a two part application process:

- completing the Working with Children (WWC) application form (online or by phone)
- attending a Service NSW centre to verify identity documentation. .

The WWC check obtains applicants' national criminal histories from CrimTrac. Records include convictions (spent or unspent), charges (whether heard, unheard or dismissed) and juvenile records.

The *Child Protection (Working with children) Act 2012* (Schedule 2) lists disqualifying offences that prevent a person working with children. Once a person has completed this process they will receive notification by email (or by post if application is completed by phone).

Note: the person is NOT able to commence child related work at this point.

⁵ Breach of this legislative requirement may involve a fine or imprisonment for two years, or both.

⁶ Child Protection (Working with Children) Regulation 2013 Clause 20 Exemption for specified workers and employers

c. Complete online safe ministry training

Lighthouse Church uses an external training provider - Safe Ministries⁷ - to provide online safe ministry training. The training package was developed in consultation with ANSVAR, our insurer.

The instruction sheet and/or email invite sent by the ministry leader also provides the necessary information for the person to access the safe ministry training and independently complete the training once they have received their WWC number. Ministry workers must complete two modules – the Awareness course AND Leaders Course.

As part of the training process the person is also:

- asked to provide their WWC number to enable the training provider to complete the online employer verification process on behalf of Lighthouse Church
- asked to provide referee contact details to enable completion of reference checks
- required to declare if they have been the subject of an allegation (or done anything in the past that could result in an allegation) of abuse, harassment, sexual misconduct or abuse, neglect or violence'
- directed to an online copy of *LC04 – serving in children's and youth ministry* which includes our *Child Safe Code of Conduct*.

On completion of the training process, the training provider sends an automated email confirmation to the safe ministry representative confirming successful completion. The safe ministry training site generates a safe ministry register which can be viewed, modified (selected fields), and downloaded by safe ministry representatives and staff.

d. Screening outcome

If a screening result is 'cleared' to work in child related work, the safe ministry representative will confirm finalisation of the process by email to the ministry worker and leader.

If a screening result is 'barred' or 'interim bar' the safe ministry representative will refer the matter to the senior pastor. If at any point advice of a barred result for an existing ministry worker is received, the senior pastor will advise the person immediately that by law they cannot perform any child related work. In this instance, the Sydney Diocese of the Anglican Church has advised affiliated churches to 'contact the Director of Professional Standards, Manager of Legal Services or the Commission for Children and Young People directly (phone (02) 9286 7276) for further advice if required'.

5.2 Process for leaders, admin committee and safe ministry representatives

Children's/youth ministry leaders and safe ministry representatives complete the same screening process and online child protection training modules, however in addition:

- leaders must also complete the 'supervisor' course/module
- Staff, Admin Committee members and Safe Ministry Representatives must also complete the 'Board' course/module.

⁷ <http://safeministrytraining.com.au/>

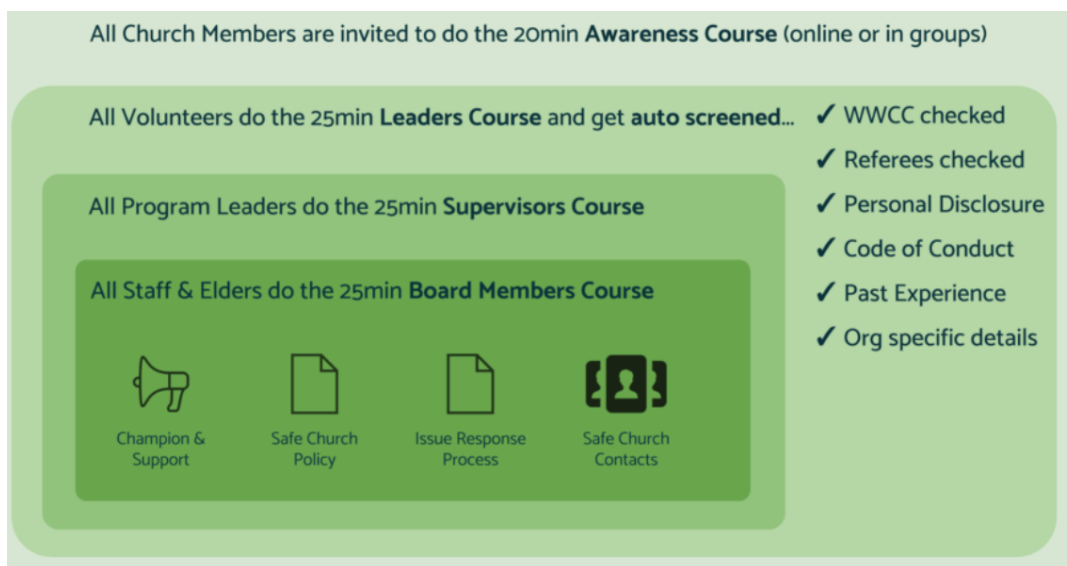


Diagram 1 – Visual explanation of safe ministry training modules www.safeministrycheck.com.au

Lighthouse Church, through our membership of the Fellowship of Independent Evangelical Churches (FIEC), is a member of the National Council of Churches in Australia (NCCA) safe ministry training agreement (SMTA). This allows our ministry workers to participate in Safe Church workshops run by partner churches as outlined in the calendar on their website: www.ncca.org.au

5.3 Process for Special Religious Education (SRE) in schools

Lighthouse Church is approved by the Department of Education as a provider of SRE or 'scripture' in NSW schools. The screening and training process is the same, however the Department also requires confirmation that Lighthouse Church has 'a system of authorised initial and ongoing training for their teachers that includes training in classroom management and child protection issues'. Therefore, training for ministry workers in schools also involves:

- initial training to provide new teachers with an understanding of the regulations surrounding SRE, the cultural context in which we do SRE, basic skill training and orientation to the curriculum
- 'buddying' with an experienced SRE teacher
- classroom management training
- opportunities to share any difficulties and ideas amongst teachers and gain ongoing support.

Teachers must wear a name badge with the Lighthouse Church logo while on site, and their names must be included or added to the list of teachers provided to the Principle of the school at the start of the year.

The document 'Religious Education Implementation Procedures' provides important information including the responsibilities of all parties, approval and reporting obligations:

<http://www.curriculumsupport.education.nsw.gov.au/policies/religion/assets/pdf/implementation.pdf>

5.4 Process for non-Lighthouse Church workers

Lighthouse Church may have help from children's/youth ministry workers from other churches e.g. church weekend away, Summerfest. In some instances, visiting ministry workers may qualify for an exemption from screening if they are not 'working' for Lighthouse Church for more than 5 working days in a calendar year AND are supervised. Where an exemption does not apply, a WWC number and employer verification must be completed before the event. Refresher safe ministry training is incorporated into the induction and training process prior to Summerfest.

5.5 Maintaining currency

The Office of the Children's Guardian monitors WWC clearances and will notify any organisation that has verified an individual if their clearance status changes (ie they commit serious sexual or violent offences).

WWC checks must be updated every 5 years. Safe ministry training must be repeated every 3 years at a minimum. Due dates are recorded in our online safe ministry register. The safe ministry representative monitors due dates and emails ministry workers a training invitation and/or instruction sheet to renew their WWC clearance ideally with a 2-3 weeks' notice. If no response is received by the due date, the safe ministry representative emails the person and the ministry leader to advise they are no longer able to perform child related work. From this point, responsibility lies with the ministry leader and pastor overseeing ministry to ensure the person completes their training / WWC check before the next serving date.

Lighthouse Church's *LC04 – serving in children's and youth ministry* document is provided for ministry workers on commencement, and every three years when safe ministry training is updated. The safe ministry representative ensures content is regularly updated to reflect current requirements and practices.

5.6 Ministry roles that do not involve child related work

Working with Children (WWC) checks only apply for those involved in child related work. However, ministry workers that do not provide 'child related work' are encouraged to complete the online safe ministry awareness module.

8. Addressing concerns, suggestions, and non-reportable conduct

The best protection against any issues in ministry is **prevention** and **communication**. Lighthouse safe ministry procedures aim to prevent situations that may impact the care and wellbeing of people involved in church and/or give rise to concerns or complaints.

Ministry workers are trained in what to do if they receive a concern or complaint from parents/carers, or other people involved in church⁸. In short, they relay the information and/or refer the matter to their ministry leader who will make decisions about how a matter should be managed. Concerns or complaints relating to day-to-day processes or events are expected in ministry, and provide an opportunity to consider how we can better meet the needs of people in church and/or to improve our systems and practices.

Some matters may relate to the safety and wellbeing of children in our care, but do NOT involve any suggestion of inappropriate behaviour or present a risk of significant harm. In this instance, the ministry leader would generally manage these matters directly with those involved. The leader may seek input, support or advice from others (e.g. leader, staff or safe ministry representatives) in addressing or resolving the situation - particularly if it may require actions by others in church, or a change in procedures or practices. If a leader is unsure whether an issue warrants escalation - it should be escalated.

9. Identifying and reporting 'reportable conduct'

Church has obligations to report to NSW government Departments or Agencies:

- allegations of conduct that is unacceptable or may be 'reportable' conduct (see 3. Definitions) by Lighthouse Church staff or ministry worker, or
- where there are reasonable grounds to conclude a child or vulnerable person may be at risk of significant harm or abuse
- any criminal allegation.

⁸ LC04 – serving in children's and youth ministry document

Ministry workers and leaders have a legal obligation to report unacceptable or reportable behaviour with or in the presence of a child including alleged conduct by other 'employees'⁹. OCG advises workers to report any 'allegation, disclosure, complaint, concern, incident or observation involving alleged misconduct of a [Lighthouse Church] worker (including volunteers and contractors) with, towards or in the presence of a child'¹⁰. This recognises it may be difficult for a 'worker' to determine if the matter is reportable and allows the decision to be made by those who are more familiar with the definition and legislative requirements.

Lighthouse ministry workers and leaders are instructed and trained in how to receive and respond to a disclosure by a child, and how to report any concerns about misconduct with or in the presence of a child¹¹. In short, this involves advising their ministry or section leader that they need to relay this information directly to a safe ministry representative or the senior pastor (as HRE) as soon as possible. They are not to discuss the matter with anyone else beforehand, and are to make written notes as close as possible to the incident or disclosure. Refer to LC04 - Serving in children's and youth ministry for additional information.

The following process outlines the steps the Safe Ministry Representative and/or Senior Pastor will take to ensure Lighthouse Church meets our reporting obligations.

⁹ Amendments to the Crimes Act 1900 mean it is an offence to for any person to know or believe a child abuse offence has been committed and fail to protect the child (section 43B failure to protect) or to report (section 316A failure to report) the conduct.

¹⁰ OCG Factsheet 9 - FAQ for employees provides information about obligations to report alleged conducts of other 'employees'

¹¹ LC04 – serving in children's and youth ministry.

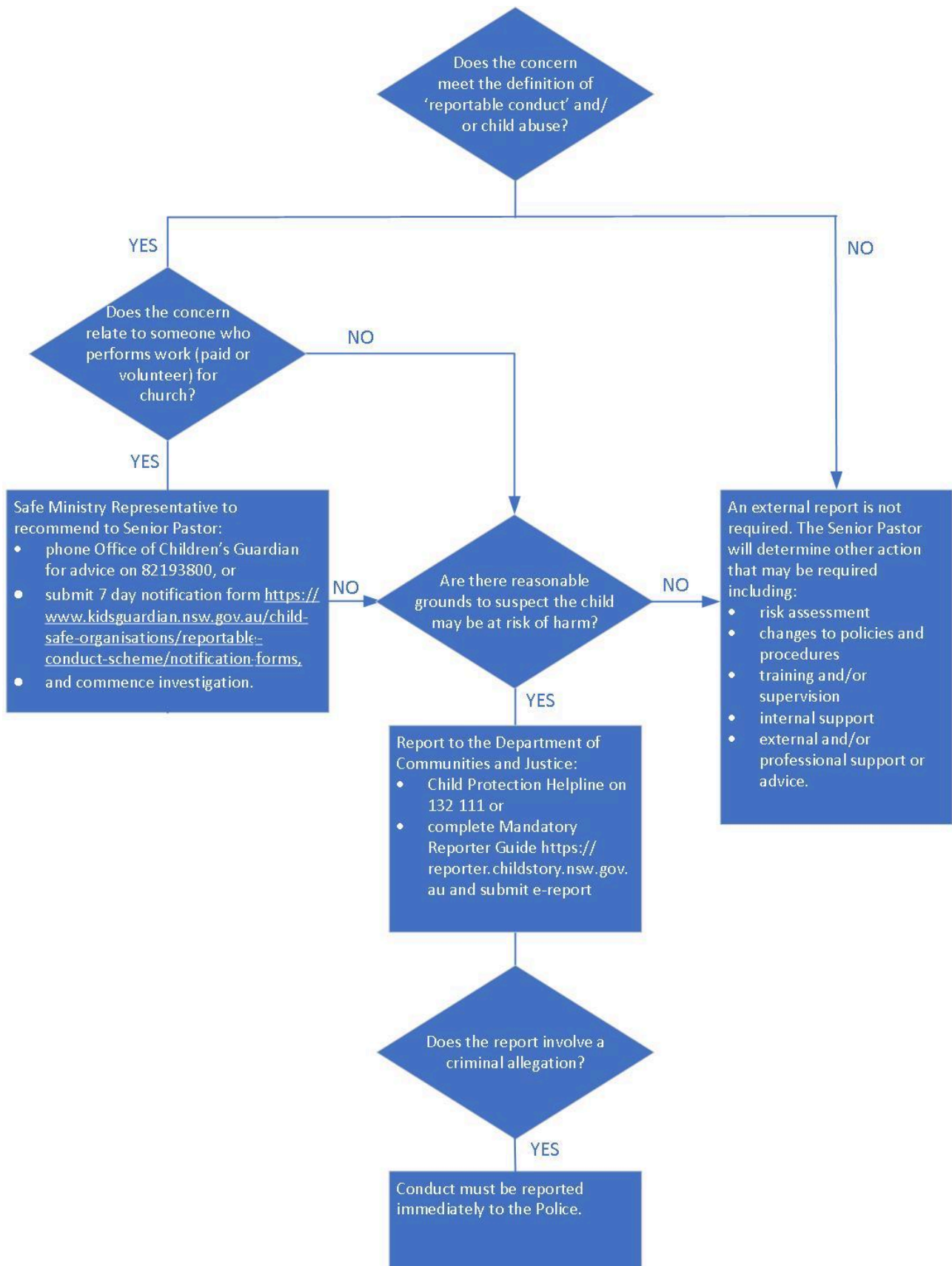


Diagram 1 – Process for determining reporting requirements when an allegation is made

9.1 Does the concern meet the definition of ‘reportable conduct’ and/or child abuse?

The Children’s Guardian Act 2019 defines reportable conduct as:

- a sexual offence (eg touching, grooming, possession of child abuse material)
- sexual misconduct (conduct towards or in the presence of a child that is not an offence including sexual comments, or suggestions to a child to act in a sexual manner)
- ill-treatment of a child (unreasonable, inhumane, cruel behaviour towards a child eg inappropriate forms of behavioural management)
- neglect of a child (significant failure to provide adequate care, or to protect from harm)
- an assault against a child (intentional or reckless application of physical force eg hitting, punching)
- behaviour causing significant emotional or psychological harm to a child
- an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900.

Child abuse is defined as any act resulting in actual or the likelihood of harm to a child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power¹². Abuse may be physical, sexual, psychological/emotional, ill treatment or neglect. Additional information on child abuse definitions, indicators and examples are included in LC04 – serving in children’s/youth ministry.

Reportable conduct does not include:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children
- use of physical force that, in all the circumstances, is trivial or negligible.

Examples of conduct that would not constitute reportable conduct include touching a child to attract their attention, to guide a child or to comfort a distressed child, a teacher raising his or her voice in order to attract attention or to restore order in the classroom¹³.

Enquiries can be made to the Reportable Conduct Directorate of OCG:

- enquiries line 02 82193800 (Mon-Fri) for advice and support
- reportableconduct@kidsguardian.nsw.gov.au

9.2 Does the concern relate to someone who performs work (paid or volunteer) for church?

Lighthouse Church as a ‘religious body’ has obligations under the NSW Reportable Conduct Scheme¹⁴ to report allegations of conduct that may be ‘reportable conduct’ by ‘employees’ to the OCG.

In the context of the NSW Reportable Conduct Scheme, a person is considered an ‘employee’ if they:

- are a current paid employee of Lighthouse Church¹⁵
- are a volunteer providing services to children on behalf of Lighthouse Church who holds, or is required by church to hold, a WWC clearance [for ‘child related work’]
- are a contractor who holds, or is required by Lighthouse Church to hold, a WWC clearance.

¹² <https://aifs.gov.au/cfca/publications/what-child-abuse-and-neglect>

¹³ Section 41 of the Children’s Guardian Act 2019

¹⁴ The NSW Reportable Conduct Scheme was extended to include ‘religious bodies’ as of March 2020.

¹⁵ This obligation exists for a current paid employee whether the alleged conduct occurred in the course of, or in the period of, employment. There is no obligation to report alleged conduct of a previous employee.

The Reportable Conduct Scheme is an allegation-based scheme. A **reportable allegation** is an allegation that an employee has engaged in conduct that may be reportable conduct. The threshold for notifying the OCG is that a reportable allegation has been made – that is, there is an allegation that an employee has engaged in conduct that may be reportable conduct or that they are the subject of a conviction that is considered a reportable conviction¹⁶. This obligation exists regardless of whether:

- there is evidence or not that the conduct occurred
- it is considered likely or unlikely that the alleged conduct occurred
- the conduct resulted in harm
- the person is now an adult providing they were a child when the alleged conduct occurred¹⁷.

The HRE must notify the OCG about a reportable allegation within seven business days of becoming aware of the allegation by completing the online '7-day notification' form located here: [Reportable Conduct notification form](#). The form includes information about the HREs risk assessment and management plan.

7.3 Are there reasonable grounds to conclude a child may be at risk of significant harm and/or abuse?

This consideration applies to a report of child abuse by any person against or in the presence of a child. For people performing 'work' for Lighthouse Church whether paid or voluntary, this reporting obligation is in addition to reporting requirements under the NSW Reportable Conduct Scheme.

Pastors and people involved in providing 'religion-based activities to children' are mandatory reporters¹⁸. Mandatory reporters must report to the Department of Communities and Justice (DJC) when they have reasonable grounds to suspect a child (0-15 years) is at risk of significant harm AND those grounds arise in the course of, or from their work or role. It is not mandatory to report young people aged 16 to 17 years or unborn children. Professional judgement should be used to determine whether a report is warranted¹⁹. If it relates to a young person being homeless, it is necessary to obtain their permission before making a report.

At Lighthouse Church, ministry workers and leaders are required to report any potentially reportable conduct or related concerns to the Safe Ministry Representative or Senior Pastor who then determine whether or not the circumstances meet the 'tests' or threshold for reporting with reference to the following definitions:

- A. Reasonable grounds - means 'concerns are well founded and based on information you know, or have received from a reliable source'. A useful consideration is whether another person, when presented with similar information, would draw the same conclusion.
- B. Significant risk of harm - if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are:
 - present to a 'significant extent'
 - sufficiently serious to warrant response by a statutory authority, irrespective of a family's consent
 - not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

Significance can result from a single act or omission or an accumulation of these²⁰.

¹⁶ OCG Fact sheet 1 - Identifying reportable allegations.

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/fact-sheets>

¹⁷ Reportable Conduct Presentation. Office of the Children's Guardian. Accessed Dec 2020:

<https://www.youtube.com/watch?v=O6D0-6nrhkc>

¹⁸ Section 27 of the Children and Young Persons (Care and Protection) Act 1998.

¹⁹ Guide to making a child protection report.

<https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines/child-protection-report>

²⁰ <https://reporter.childstory.nsw.gov.au/s/article/Significant-harm-policy-definition>

If, based on the definitions above and the circumstances of the matter, the Senior Pastor (HRE) determines immediate intervention is required, they will phone the NSW Child Protection Helpline on 132 111 (24 hours, 7 days a week) to seek advice and make a report if indicated.

If urgent action is not required, the SMR and/or Senior Pastor will utilise the Mandatory Reporter Guide located at <https://reporter.childstory.nsw.gov.au> inform decision making and submit an e-report to the Department of Communities and Justice if indicated. In all cases the report generated by the Guide should be retained for record keeping purposes.

If a person makes or becomes aware of a reportable allegation against the HRE (senior pastor) this should be reported directly to the Safe Ministry Representative who must report the allegation directly to the OCG. Following discussion and advice from the OCG, the Lighthouse Board of Reference must be notified.

If a ministry worker authorised to teach school-based ministry advises the senior pastor they believe a child they teach at school is at risk of significant harm, the senior pastor should inform the school Principal who has the responsibility for determining whether an external report is required.

Mandatory reporters are protected from liability for defamation and civil and criminal liability. A mandatory report does not breach professional ethics or amount to unprofessional conduct. Mandatory reporters are legally protected against retribution for making or proposing to make a report.

7.4 Does the conduct reported involve criminal allegations?

If the allegation involves criminal allegations/conduct against a child, the senior pastor must also report the matter to the Police as soon as possible in addition to reporting obligations above.

If the allegation involves potentially criminal allegations against a vulnerable person or any adult, the senior pastor must also report the matter to the police.

This concludes the decision-making process for external reporting that Lighthouse Church will follow if an allegation of misconduct, reportable conduct and/or child abuse is received.

7.5 Other reporting considerations

Seek professional advice

Given the infrequency and consequent limited experience with reporting, the Senior Pastor may choose to seek additional advice before proceeding to make an external report providing this does not significantly delay further action. This may include:

- Anglican Church Diocese of Sydney Professional Standards Unit (PSU)

As an affiliated church we can contact PSU Director (02) 9265 1514 or psu@sydney.anglican.asn.au

- FIEC recommendation in correspondence dated May 2014

If legal advice is required with respect to child protection and abuse matters it is suggested we consider Prolegis lawyers: www.prolegis.com.au Philip Gerber has recently joined the team and has broad experience in many fields of law and a particular speciality in professional standards and child protection matters, and in managing significant investigations/complaints. He spent many years heading up the Professional Standards unit of Sydney Diocese.

Notify our insurer

Where the Mandatory Reporting Guide confirms an external report is required, and the concern or allegation involves any suggestion of misconduct by a person in their role at church or by church as a whole, the senior pastor will advise Lighthouse Church's insurer and provide a copy of the mandatory reporting tool report: EA Insurance email: info@eainsurance.com.au or phone: (03) 9890 6851. Advice, instructions and action recommended by the insurer should be documented and acted upon by the senior pastor as soon as possible.

Record keeping

Meticulous record keeping is essential particularly in relation to decision making and recommended actions. Correspondence relating to a reportable matter could be subpoenaed or requested by other means.

10. Risk assessment and management

On receipt of a reportable allegation, it may be necessary for relevant people (safe ministry representative or senior pastor as HRE) to clarify information relating to the allegation for the purpose of determining whether it is reportable and/or a criminal allegation. This should be as minimal as possible. A child's free discourse may be sufficient to understand the type of allegation, if not use open questions. These inquiries are NOT to assess the likelihood that the allegation is true or not - this is the purpose of an investigation.

Where there is no immediate significant risk of harm to a child, a measured approach can be taken by the HRE to assess and plan a response to a reportable allegation, before taking action. However, where a child is considered to be at immediate risk of serious harm from an employee, the employer should take decisive action to manage those risks e.g. prevent further contact between the employee and the child, securing necessary forensic evidence.

See OCG Fact Sheet 3 for guidance on initial risk management to identify risks to the safety and wellbeing of those involved, and to the investigation e.g. confidentiality, conflict of interest. In summary, the OCG recommends:

- a proportional risk based approach
- this will include whether the employee should remain in their current position, be moved to another area or be suspended
- generally the entity 'should employ the least interventionist risk management action that can address identified risks' eg suspending an employee when risks could be managed by increasing supervision in the workplace would 'be a disproportionate response'
- if the employee remains in the workplace, a decision should be made about the duties that they will undertake and who will monitor and assess any associated risks.

The OCG advised factors to be considered in making this decision include:

- the nature and seriousness of the allegation
- vulnerability of those the employee would be in contact with at work eg age, communication skills, disability, or social history
- nature of the position occupied eg level of interaction with children or vulnerable people
- extent of supervision and support available for the employee
- the employee's disciplinary history
- other possible risks to the investigation e.g. confidentiality.

Where an allegation involves sexual abuse or other significant/serious matters, a person will be directed to stand down immediately from performing work for Lighthouse Church until the matter is investigated and a finding is made.

Other risk assessment and management considerations include:

- the paramount principle to ensure the safety of the child or other children/people, however where possible the child/person's daily circumstances should remain unchanged pending investigation
- the ODG advises an employee should not be notified of a reportable allegation if doing so would compromise the investigation or put a person's health or safety at serious risk, however generally for transparency and to enable timely risk management action it is our policy to advise the relevant 'employee'
- support for those involved including the employee during the investigation such as access to counselling and an appropriate support person (can not be anyone likely to be a witness in any investigation). This will be considered in consultation with those involved, relevant professionals, our Board of Reference, FIEC, and our insurer. Support for each party will need to be tailored and distinctly separate
- the need to identify and communicate a clear, tailored protocol regarding confidentiality with reference to relevant legislation and the integrity of any investigation
- the requirement for a Police investigation to have priority over other investigations if a reportable allegation involves an allegation of a criminal offence (ie investigations by the entity or the Children's Guardian may need to be suspended until the police advise it may proceed).

Risk management action can be perceived as disciplinary action. The HRE should clearly explain to those involved that risk management action taken is not an indication that the alleged conduct occurred or is considered to have occurred, does not mean a finding has been made, and will not influence the outcome of any investigation.

Risk management action will be informed and reviewed over time by instruction from relevant government agencies and authorities, professionals and our insurer.

11. Investigating reportable conduct

Once a report is made, there is an obligation to investigate a reportable conduct allegation and 'make a finding' based on evidence and 'the balance of probabilities' as to whether the conduct is 'reportable conduct' (or abuse).

The role of the HRE is to:

- arrange for an internal investigation to commence as soon as possible (with confirmation from relevant authorities involved e.g. Police) by a person/s with relevant skills and/or experience. Depending on the allegation and circumstances, an external person may be engaged. This is recommended by the OCG where complaints involve sexual abuse, physical assault or other serious forms of abuse
- arrange and participate in the development of an investigation plan before an investigation commences including notification of the person's family and the employee (refer to OCG factsheet 4)
- provide information about the allegation, the progress of the investigation and action to be taken to the alleged victim and their family (unless the HRE considers it is not in the public interest to do so)
- ensure the investigation is to be completed within a reasonable time with regard to the principles of procedural fairness and the mandatory considerations - refer to Division 6 of the Act and OCG factsheet 4

- by 30 calendar days after the head of the entity becomes aware of the reportable allegation, provide either a finalised entity report or an update (an interim report, reasons the investigation has not been completed and an estimated timeframe for completion);
- make a finding of reportable conduct if satisfied on the balance of probabilities that the case against the employee the subject of the reportable allegation has been proved
- provide required information to the OCG which may include information about a reportable allegation, the relevant entity's response to a reportable allegation, and systems for preventing and responding to reportable allegations
- ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation
- on conclusion of an investigation, send a report to the OCG enabling determination of whether the investigation was carried out in a satisfactory manner and whether appropriate action was or can be taken.

For further information refer to OCG Fact sheets:

- Fact sheet 4 - Planning and conducting an investigation
- Fact sheet 5 - Recognising and managing conflicts of interest
- Fact sheet 6 - Keeping records
- Fact sheet 7 - Disclosing information to children, parents and carers
- Factsheet 8 - Making a finding of reportable conduct.

Employment of staff, contractors or other third party workers, and 'work' performed by volunteers will be terminated if found guilty of committing sexual abuse following investigation. This is required by law, by our Constitution, our *LC02 Policy and procedure – employing paid ministry workers*, Code of Conduct, and employment contracts for paid staff.

After a finding is made and communicated, and immediate action taken, a review will be undertaken by the HRE, safe ministry representative and relevant others to consider necessary changes to strengthen our safe ministry policies and procedures. This will include appropriate consultation, communication and training.

12. 'Person of concern'

A 'person of concern (or interest)' is someone who has been convicted, accused, is reasonably suspected, or has admitted to/disclosed abuse, violent or sexual offences. If a 'person of concern' is identified, or wishes to attend Lighthouse Church, a Safety Plan must be developed beforehand.

The Safety Plan will be developed in line with the [Guidelines for parishes regarding persons of interest](#) developed by the Sydney Anglican Diocese Professional Standards Unit which include a plan template <https://safeministry.org.au/safety-plans/> and a nominated plan supervisor. Where possible the plan will be developed in collaboration with the person and anyone likely to have responsibilities under the plan. The plan will include a condition that the person is unable to serve in formal ministry at Lighthouse Church.

Lighthouse Church will also seek advice where necessary to ensure we appropriately balance safe ministry considerations, appropriate support and accountability for the person of interest, our legal and insurance obligations. This may include assistance from:

- Sydney Anglican Safe Ministry Professional Standards Unit, and/or
- FIEC's Safe Ministry contact (Andrew Mitchell)
- our insurer.

13. Record keeping

In relation to safe ministry, records must be securely retained for an extended period as incidents of reportable conduct or abuse may be reported years later.

For this reason, documentation relating to risk assessment and management plans, our policies and procedures, insurance policies, employment records, safe ministry register, complaints, incident report forms, and any reports relating to allegations and documentation relating to investigations will be securely retained electronically where possible for at least 50 years, in line with privacy legislation and *LC01 Policy and procedure - privacy and information management*.

14. Training and review

Lighthouse policies and procedures are reviewed and updated at least yearly by the safe ministry representative in consultation with ministry workers, leaders and staff. The updated documentation is published on our website.

On notification by the safe ministry representative the HRE (senior pastor) is responsible for ensuring staff are notified and aware of any changes, and familiar requirements in policies and procedures. The safe ministry training induction and refresher course for staff, Admin Committee (Board), and ministry leaders and workers provides a copy of relevant safe ministry policies and procedures, and contact details for safe ministry representatives. Safety updates, including how to report concerns, make complaints or a report are provided annually as a general announcement in church. Updates are also provided and discussed throughout the year at kids ministry team meetings, and in preparation for special events each year such as Summerfest (summer mission).

15. Related policy and procedures

- LC01 Policy and procedure - privacy and information management
- LC02 Policy and procedure - employing paid ministry workers
- LC04 - Serving in children's and youth ministry
- Safe ministry policy
- Child safe code of conduct
- LC05 Policy and procedure - managing concerns in church
- LC07 Policy and procedure - work health and safety.

Appendix 1 – Child Safe Standards

