



LC03 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

3.1 Relating to children

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.

Reportable conduct is defined by the Children's Guardian Act 2019 as being conduct in the course of performing work against a child including:

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

3.2 Relating to all vulnerable people (including children)

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. Australian legislation has broadened use of the term from children to all people who, due to their circumstances may be considered vulnerable and/or require additional protection. ACNC requires safeguarding as part of a charity's primary duty of care.

Vulnerable people are people aged under 18 or any person who may be at greater risk of 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.

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/>

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

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.

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.

7.1 Selection

It is the role of children's ministry leaders and/or Ministry or Next Gen purpose leaders to select people who may be suitable for children's/youth ministry. LC04 Policy and procedure - serving in children's and youth ministry outlines desirable characteristics for a ministry worker as a guide for ministry leaders.

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)
- confirm they are willing to complete the necessary screening and training process.

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

³ EA/ANSVAR Insurance Policy

7.2 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 capacity⁴.

Our screening and training process is outlined below:

a. Send invitation and instruction sheet

The ministry purpose leader or ministry team leader advises the Safe Ministry team that a person has been selected for children's ministry.

The Safe Ministry team member sends an invitation from our Safe Ministry training provider to the person by email. 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 screening⁵. 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, 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 a leader identifies a situation where someone is 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. An exemption should not be sought/used for Lighthouse members likely to be involved in children's/youth ministry on an ongoing basis.

b. Person completes Working With Children Check

This involves completing the Working with Children (WWC) application form online or by phone, and attending a Service NSW centre to verify identity documentation. The WWC check obtains national criminal histories from CrimTrac including 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.

The instruction sheet provides directions on this part of the process e.g. the volunteer check is free (no need to pay for the paid employment check). If a person already has a WWC number (volunteer or paid) they can skip this step.

⁴ Breach of this legislative requirement may involve a fine or imprisonment for two years, or both.

⁵ Child Protection (Working with Children) Regulation 2013 Clause 20 Exemption for specified workers and employers

The person will receive notification by email (or by post if application is completed by phone) advising the outcome. If the result is 'cleared' the person can choose to proceed with the process. If the result is 'barred', the person should NOT proceed with this process. They will not be permitted to work with children in any capacity at Lighthouse Church, and proceeding to verification will mean their 'barred' status is known by those who have administration level access to the Safe Ministry training register including Safe Ministry Representative, Senior Pastor and relevant ministry leaders.

Note: Regardless of the outcome, at this stage a person is NOT able to work in children's ministry yet. They must complete the rest of the process outlined below.

c. Person completes online safe ministry training

Lighthouse Church uses an external training provider - Safe Ministry Check⁶ - to provide online safe ministry training. The training package was developed in consultation with ANSVAR, our insurer. There are 4 levels of safe ministry training:

- Level 1: Safe members - for every member of church to help them be safe ministry aware
- Level 2: Safe ministry workers - for people performing child related work in any capacity for church
- Level 3: Safe leaders - for people leading teams, events or events (includes level 1 & 2 content)
- Level 4: Safe staff and Board - to help them understand their unique responsibility to establish and maintain a safe culture in the organisation and their obligations.

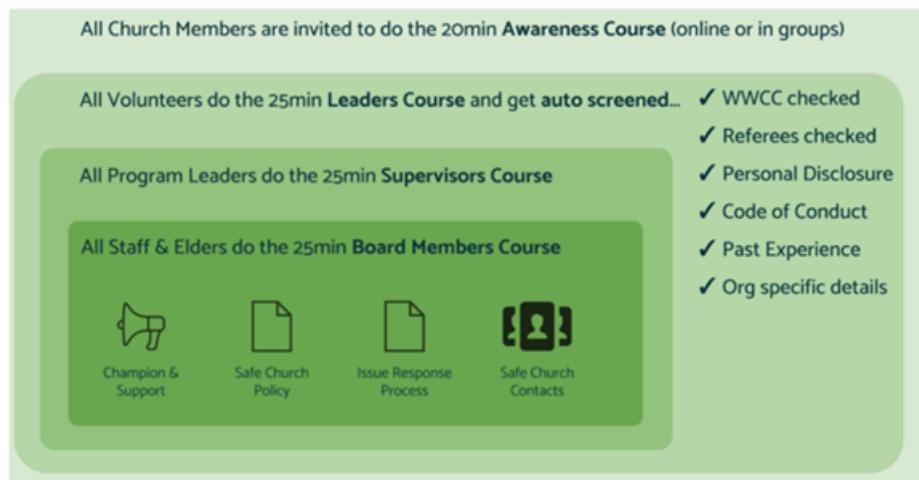


Diagram 1 – Levels of safe ministry training www.safeministrycheck.com.au

The email invitation will advise what levels of training the person needs to do and how to access the website to complete the training. As part of the training the person will need to enter their WWC number, provide details of two referees, and complete a declaration.

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.

⁶ <http://safeministrytraining.com.au/>

For members teaching scripture in schools

There are additional training requirements for people involved in teaching Special Religious Education (SRE) or 'scripture' in NSW schools. The document '[Religious Education Implementation Procedures](#)' provides important information including the responsibilities of all parties, approval and reporting obligations. The Department of Education requires '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.

For non-Lighthouse Church workers:

Lighthouse Church may have help from children's/youth ministry workers from other churches for example during Summerfest. Lighthouse Church obtains and verifies WWC numbers manually through the WWC check employer portal (i.e they are not entered into or managed through our online safe ministry register). Reference checks are also part of the application process and refresher safe ministry training is incorporated into the induction and training process prior to Summerfest.

Visiting ministry workers may qualify for an exemption, for example if they are not 'working' for Lighthouse Church for more than 5 working days in a calendar year AND are supervised. Any exemption must be confirmed by a Safe Ministry Representative in writing in line with legislative exemptions prior to serving.

Lighthouse Church's *LC04 – serving in children's and youth ministry* document is provided to ministry workers as part of the online training process.

d. Safe ministry representative receives notification of outcome

On completion of the training process, the Safe Ministry Representative receives a notice of the outcome of the process. This can be:

Pending or error

- this usually means additional information is required
- the person is not able to commence in children's ministry until the issue is resolved
- a safe ministry representative will follow up with the person.

Cleared

- the person is cleared to perform child related work
- a safe ministry representative will email the person and their ministry leader to advise the person can now be rostered on to work in children's ministry

Barred or interim bar

- in this instance the safe ministry representative will immediately escalate this to their leader
- the leader will consult with the senior pastor
- the person will be advised of the result and that they are unable to perform child related work
- the senior pastor and Safe Ministry Representative will determine (in consultation with the person where relevant):
 - if it is necessary to advise relevant ministry leader/s
 - if the result affects the person's ability to serve in other roles at church including consideration of vulnerable adults
 - whether a Safe Ministry plan should be developed in line with church's usual processes.

Consideration will be given to appropriately balancing safeguarding and privacy obligations.

The Ministry and Next Gen purpose leaders and other kids ministry area leaders have access to the online Safe Ministry training register. This allows them to check the status of any potential new people as they work their way through the process.

e. Ministry leader can add the person with a cleared status to the roster

This is the point where the ministry leader can now add a person with a cleared status to the roster. The ministry leader will ensure appropriate training and supervision as the person commences in their new role.

f. 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/verifications must be updated every 5 years, and 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 at least 4 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. The person must be removed from all children's ministry rosters until they have completed their training/WWC check.

7. Ensuring we meet our obligations

Leaders must not roster people on who are not showing as 'cleared' (green) in the safe ministry register (or confirmed by a safe ministry leader that they can serve if 'pending').

The following process has been implemented to ensure we meet our obligations:

- Two weeks prior to the beginning of each term, the Safe Ministry Representative will email children's ministry leaders requesting submission of their proposed list of ministry workers for that term.
- The safe ministry representative will cross check the ministry list against the online Safe Ministry Register to ensure all names are showing as 'cleared' (green), and ministry leaders of the outcome.
- The Safe Ministry Representative and leader may choose to initiate the safe ministry process by sending an invitation to the online training, however ministry leaders must not add or leave anyone on their roster that is not cleared.
- When the person has completed the verification/training process is showing as 'cleared' (green) in the online register the Safe Ministry Representative will email the leader.
- The leader can then add the person to their ministry roster.

8. Addressing concerns and suggestions

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 church⁷. 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. Reportable conduct, risk of harm or abuse

Church has obligations to report any **inappropriate conduct** to NSW government agencies. The following information aims to assist staff and leaders to understand these obligations on a case by case basis.

There are different reporting pathways depending on the nature and context of the concern and legislative definitions. For this reason, it is recommended the flow chart and associated explanations below are referred to every time a decision is made about whether reporting is necessary.

9.1 Does the concern relate to conduct towards a 'child'?

This procedure relates to unacceptable conduct towards a child. If concerns relate to conduct towards adults:

- in a domestic/family context refer to LC10 Policy and procedures - domestic violence
- consider whether it may be necessary to report the matter to the Police if a crime may have been committed against a vulnerable adult
- encourage the person involved to report the matter to the Police if they are an adult with decision making capacity and do not meet the definition of a vulnerable person - see Definitions above).

A child is anyone under the age of 18 years. However, for young people aged 16 or 17 years the following should be considered:

- neglect and/or homelessness - it is necessary to gain the permission of the young person before making a report assuming they are cognitively able to make an informed decision, if permission is not provided you do not have to report
- sexual conduct - in NSW the age of consent (the age the law says a person can agree to sexual activity) is 16 years unless:
 - there are concerns that consent ('free and voluntary agreement') was not provided
 - conduct relates to a person in a supervisory role such as a teacher, foster parent, religious official or spiritual leader, a medical practitioner, an employer, or other official
 - conduct is by a close family member who is 16 years or older, including a parent, child, sibling, grandparent or grandchild.

This means unless the above circumstances apply you do not need to make a report.

In NSW, consent to a sexual activity with a person who is under 16 can be a defence if both people are 14 or over, the difference in age is not more than 2 years, and the activity was consensual. However, this situation will be determined through the legal system and a report must still be made.

⁷ LC04 – serving in children's and youth ministry document

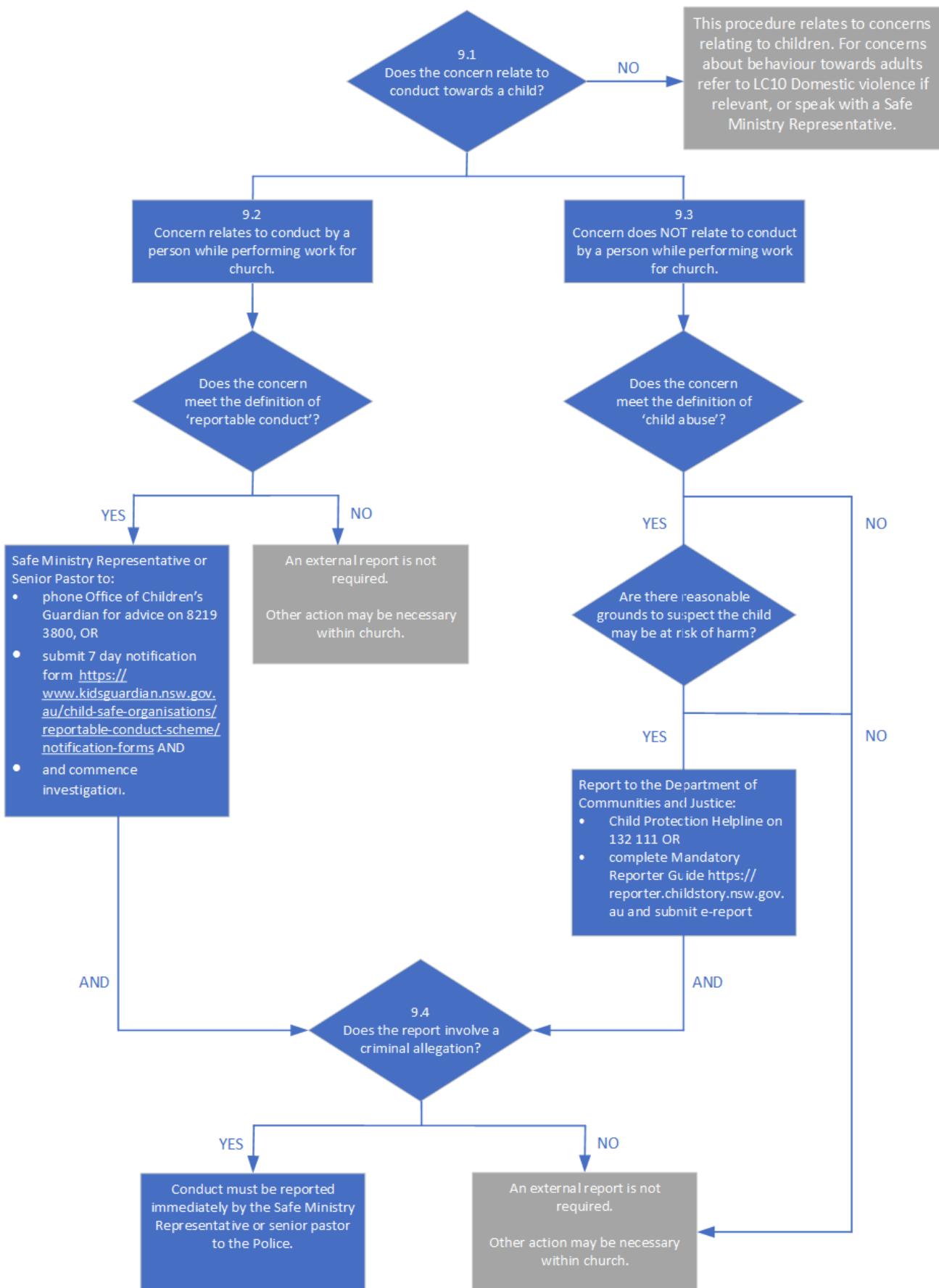


Diagram 1 – Process for determining reporting requirements when an allegation is made

9.2 If the concern related to conduct by someone while performing work for church

Lighthouse Church as a ‘religious body’ has obligations under the NSW Reportable Conduct Scheme to report allegations of conduct that may be ‘reportable conduct’ by workers to the OCG. This includes people who are:

- a current paid employee of Lighthouse Church⁸
- 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’]
- a contractor who holds, or is required to hold, a WWC clearance.

If the concern relates to conduct towards a child by someone while performing work (paid or volunteer) for Lighthouse Church it needs to be determined if it meets the following definition of ‘reportable conduct’:

- a sexual offence (e.g touching, grooming) or misconduct (e.g. verbal or physical conduct with sexual connotations or intent)
- ill-treatment - unreasonable, inhumane, cruel behaviour towards a child eg inappropriate forms of behavioural management
- neglect - significant failure to provide adequate care, or to protect from harm
- assault involving intentional or reckless application of physical force e.g. hitting, punching, slapping
- behaviour causing significant emotional or psychological harm
- offence under section 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900⁹.

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 is trivial or negligible
- 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 classroom¹⁰.

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 conviction¹¹. 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 occurred¹².

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.

⁸ 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.

⁹ Children’s Guardian Act 2019

¹⁰ Section 41 of the Children’s Guardian Act 2019

¹¹ [OCG Fact sheet 1 - Identifying reportable allegations](#)

¹² Reportable Conduct Presentation. Office of the Children’s Guardian. Accessed Dec 2020:

<https://www.youtube.com/watch?v=o6D0-6nrhkc>

At Lighthouse Church, any reportable allegation must be reported to a Safe Ministry Representative (or the Senior Pastor) who will take the necessary action including:

- seeking advice via the OCG Reportable Conduct enquiries line (ph: 02 82193800 Mon-Fri)
- addressing any immediate risks
- make a report within seven business days of becoming aware of the allegation by completing the online [Reportable Conduct notification form](#)
- ensure appropriate records are made
- notify the Police if a criminal allegation has been made.

9.3 When the concern does NOT relate to conduct while performing work for Lighthouse Church

This may include concerns about conduct by a person:

- involved in Lighthouse Church performed in a context other than 'work' (paid or volunteer) for church e.g. home, previous church, work
- not involved in Lighthouse Church e.g. parents of a child attending Lighthouse Youth who were not involved in church.

There are different decision making definitions and processes in this context (i.e. reportable conduct scheme outlined above does not apply). Instead decision making relates to whether there are 'reasonable grounds' for concerns of 'child abuse' and/or that a child is 'at risk of significant harm'.

'Child abuse' is defined as any act resulting in actual harm or the likelihood of harm to a child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power¹³. Abuse may be physical, sexual, psychological/emotional, ill treatment or neglect.

'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.

'Significant risk of harm' means 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 these¹⁴.

Pastors and people involved in providing 'religion-based activities to children' are mandatory reporters¹⁵. 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 warranted¹⁶. If it relates to a young person being homeless, it is necessary to obtain their permission before making a report.

¹³ <https://aifs.gov.au/cfca/publications/what-child-abuse-and-neglect>

¹⁴ <https://reporter.childstory.nsw.gov.au/s/article/Significant-harm-policy-definition>

¹⁵ Section 27 of the Children and Young Persons (Care and Protection) Act 1998.

¹⁶ Guide to making a child protection report.

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

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 child¹⁷. 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. Ministry workers and leaders not to discuss the matter with anyone else beforehand, and are to make written notes as close as possible to the incident or disclosure as outlined in LC04 - Serving in children's and youth ministry for additional information.

If immediate or urgent action is required, the Safe Ministry Representative in consultation with the Senior Pastor as the ‘Head of Relevant Entity’ 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 Safe Ministry Representative and/or Senior Pastor will utilise the Mandatory Reporter Guide located at <https://reporter.childstory.nsw.gov.au> to 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. In this instance, the Lighthouse Board of Reference must be notified.

If a ministry worker authorised to teach school-based ministry advises 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.

9.4 When conduct in any context involves criminal allegations

If an allegation involves criminal allegations/conduct in any context by any person in relation to a child or other vulnerable person, the senior pastor must report the matter to the Police as soon as possible in addition to the reporting obligations outlined above. The relevant reporting entity will usually provide information and/or advice on this at the time a report is made.

9.5 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) on (02) 9265 1514 or psu@sydney.anglican.asn.au
- FIEC recommendation in correspondence dated May 2014 regarding use of Prolegis lawyers: www.prolegis.com.au (Philip Gerber 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 PSU of the Sydney Diocese.

¹⁷ LC04 – serving in children's and youth ministry.

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 against a child or vulnerable person.

People who have been convicted of registrable offences including Class 1 offences like murder of a child or having sexual intercourse with a child and Class 2 offences such as sexual touching of a child or child pornography will be listed on the Child Protection Register (CPR). A magistrate has discretion to treat a child offender as non-registrable if they had no prior convictions, that a term of imprisonment was not imposed, and the person does not pose a risk to other children.

Reporting obligations begin once a registrable person is sentenced or released from custody. A person must report annually, and if there are any significant changes in circumstances. Reporting may be required for 8 years (single Class 2 offence), 15 years, or for life (repeat offences).

A person is only removed from the CPR if their conviction is set aside or quashed. An adult on the CPR is disqualified from work with children and will be unable to get a Working With Children's Check (WWCC). If the applicant when they became a registrable person, they may be able to get a WWCC. Their application would not result in an automatic disqualification but would instead trigger a risk assessment.

If a person of concern is identified or wishes to attend Lighthouse Church a Safety Plan must be developed. 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 child related work 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
- LC10 Policy and procedure - domestic violence.

Appendix 1 – Child Safe Standards

	<p>STANDARD 1 Child safety is embedded in organisational leadership, governance and culture</p>	
		<p>STANDARD 2 Children participate in decisions affecting them and are taken seriously</p>
<p>STANDARD 3 Families and communities are informed and involved</p>	<p>STANDARD 4 Equity is upheld and diverse needs are taken into account</p>	
<p>STANDARD 5 People working with children are suitable and supported</p>		<p>STANDARD 6 Processes to respond to complaints of child abuse are child focused</p>
	<p>STANDARD 7 Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training</p>	
<p>STANDARD 9</p>	<p></p>	<p>STANDARD 10</p>
<p>Implementation of the Child Safe Standards is continuously reviewed and improved</p>	<p></p>	<p>Policies and procedures document how the organisation is child safe</p>