

CHILD PROTECTION POLICIES

Policy 1

Safeguarding Children and Young People

February 2022

SECTION 1: Policy

Purpose

The intention of this policy is to ensure that protective practices for children, young people (under 18 years of age) and families are implemented by BCSA and Association Churches to keep them safe (inclusive of cultural safety) from deliberate or inadvertent risk of harm and provide them with an understanding of such protective practices. This policy provides all BCSA personnel with an understanding of their responsibilities to keep children and young people safe, while fostering a culture of openness and respect of cultural diversity, recognising all children have a right to be safe from harm, regardless of age, culture, religion, gender, sexuality, identity or disability. It also sets out the responsibilities of Pastors and senior leaders across BCSA and associated Churches.

Context

This policy represents the position of BCSA and associated churches as a prescribed organisation as defined in the *Children and Young People (Safety) Act 2017 (Chapter 8, s114(7), and Chapter 5)* and the duty BCSA and associated church personnel have to ensure children and young people are kept safe from harm.

Policy Number	1/22
Applies to	All BCSA and Association Church workers
Issued by	BCSA Inc
Delegated Authority	BCSA Director of Ministries (DOM)
Policy Custodian	BCSA Director of Professional Standards (DPS)
Content author	BCSA Director of Professional Standards (DPS)
Version Implementation	March 2022
Version Approval	February 2022
Review Date	February 2025
Confidentiality	Official

Safeguarding Children and Young People Policy

Policy in place:

The Director of Ministries will ensure that up to date policies and procedures regarding child safe environments and mandatory reporting are in place.

Policy Communication:

This policy will be communicated across all BCSA churches, for dissemination through their local church communication networks, online services, and promoted through each local Church Safeguarding Liaison Officer.

Policy Review:

The Children and Young People (Safety) Act 2017 requires a review of policies and procedures at least once in a 5-year period. BCSA will review this policy every three years and on a needs basis to respond to any identified risks. The BCSA Director of Ministries (DOM) and the Director of Professional Standards (DPS) will be responsible for initiating this process.

Policy Scope:

All workers (Pastors, Leaders, employees, servers, and contractors) of BCSA and Member churches involved in governance oversight and direct ministry of the church to children and young people across all settings and activities are expected to comply with this policy and associated procedures.

This policy stands in direct relation to the Code of Conduct – Safeguarding Children and Young People.

Policy Approval:

This policy was approved by the BCSA Board and adopted for use by BCSA Member Churches on 7 March 2022.

Safeguarding Children and Young People

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1. Definitions:

This policy uses many of the definitions from the *Children and Young People (Safety) Act 2017*.

At Risk

is defined by the Children and Young People (Safety) Act 2017 A child or young person will be taken to be at risk if:

- They have suffered harm (of a kind against which they should have ordinarily been protected).
- There is a likelihood they will suffer harm.
- There is a likelihood they will be removed from the State for the purpose:
 - Of a medical procedure that would be unlawful in South Australia (including female genital mutilation)
 - Taking part in a marriage that would be void or invalid under the Marriage Act 1972
 - Taking part in an activity that would be illegal in South Australia
- Their parent/s or guardian/s are unable or unwilling to care for them, have abandoned them, cannot be found or are dead.
- They are of compulsory school age and are persistently absent from school without explanation.
- They are homeless or of no fixed address.

BCSA

is Baptist Churches of South Australia Inc.

Child / Children / Young person

are persons under the age of 18 years as defined by s16(1) *Children and Young People (Safety) Act 2017*

CYPSA

is the Children and Young People (Safety) Act 2017 which relates to creating child safe environments.

Employer church

is a member of BCSA which employs or engages the worker and where the context so permits includes BCSA.

Harm

is defined by the CYPSA as physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional harm, abuse or neglect.

Mandatory reporting

is an obligation upon BCSA workers to report a reasonable suspicion a child or young person is, or may be, at risk of harm, in accordance with s30 & 31 CYPSA,

Member Church

is a church which is a member of BCSA.

Victim

is a child who is reasonably suspected of being subjected to harm or is at risk of harm.

Worker

is a Pastor, Board member, employee of, or any other person who is involved in the oversight and/or direct ministry of that church to children.

2. Preamble

The objects of this policy are to protect as far as possible children from being at risk of harm or being harmed and to ensure their safety and wellbeing.

Protection for children: Child Safe Environments

This Policy framework seeks to meet legislative requirements as outlined in the Children and Young People (Safety) Act 2017, the Child Safety (Prohibited Persons) Act 2016 and aligns with the National Principles for child safe organisations, (a set of 10 national child safe standards arising out of the Royal Commission into Institutional Responses to Child Sexual Abuse) which were implemented in South Australia from 1 July 2021 and are underpinned by the United Nations Convention on the Rights of the Child.

These principles and standards affirm that every child and young person has a right to be always safe from harm. It is recognised that the wellbeing and best interests of children and young people are the responsibility of the entire Church community who must act to ensure that every environment where children and young people are present is safe.

The focus of a child safe Church is not simply to create an environment that minimises risk or danger. It is about building environments which are both child-safe and child-friendly, where children and young people feel respected, valued and encouraged to reach their full potential.

Child protection legislation in South Australia aims to ensure that all children are safe from harm and are cared for in a way that allows them to reach their full potential and contain obligations for people who work or volunteer with children.

In alignment with SA State legislation and the National Principles, BCSA and associated Churches are committed to giving due attention to:

- a. the safety and protection of children and young people
- b. how volunteers and employees recognise and respond to suspicions a child or young person is at risk
- c. standards of care for ensuring the safety of children and young people including standards for addressing bullying by children within the organisation
- d. codes of conduct for employees and volunteers within the organisation
- e. standards of care for employees and volunteers within the organisation that reflect the organisation's duty of care to children and young people

In particular this policy affirms that:

- 2.1 The safety and wellbeing of children is to be the paramount consideration insofar as it is within the power of BCSA to promote it
- 2.2 Children are to be protected from any form of harm or risk of harm
- 2.3 In dealing with harm to children BCSA and its member churches are to put the interests of victims and children generally above those of the church

3. General Principles

- 3.1 The principles and philosophy that underpin child safety in Australia are based on the United Nations Convention on the Rights of the Child which emphasise that:
- a. all children have equal rights to protection from abuse and neglect
 - b. all children should be encouraged to fulfil their potential and inequalities should be challenged
 - c. all children should be encouraged to participate fully in a cultural and artistic life and appropriate and equal opportunities should be provided for cultural, artistic, recreational and leisure activity
 - d. everybody has a responsibility to support the care and protection of children
 - e. organisations shall take all appropriate legislative, administrative, social and educational measures to protect children from all forms of abuse, neglect or negligent treatment, while in their care
 - f. organisations have a duty of care to children with whom they work and with whom their agents, contractors and sub-contractors' work
 - g. if organisations work through partners (such as contractors, subcontractors or agents), they have a responsibility to meet minimum standards of protection for the children in their partners' programs.
- 3.2 We see such a commitment as flowing naturally from our vision and mission to operate according to Biblical, Christian principles for living and for recognising the unique value and potential of every person, regardless of race, age, gender, ability or disability.

4. Mandatory reporting

An obligation rests upon all BCSA workers to report a reasonable suspicion a child or young person is, or may be, at risk of harm, in accordance with s30 & 31 CYPsA,

All Workers including those persons who comprise the Governance oversight of a member church are to comply fully with their obligations of mandatory reporting under the CYPsA.

5. Involvement of perpetrators of harm in church activities

Where BCSA or any member church knows, believes or reasonably suspects that any person associated with BCSA or such member church is or has been a perpetrator of harm towards children, it will act to reasonably protect children from any risk that person might pose in accordance with Section 2 Part A, 5 and 6 of the Procedures contained herein, and having due regard to the provisions of the Child Safety (Prohibited Persons) Act 2016.

6. Co-operation with authorities

BCSA and all member churches and workers will responsibly and reasonably co-operate with government law enforcement and child protection agencies.

7. Interim measures pending determination of allegations of harm

Where a worker is reasonably suspected of perpetrating harm against a child, their continued role with BCSA or the employer Church during the period taken to report and gain a final determination of whether that worker is guilty of any offence, is to be determined by an Independent Committee in accordance with Section 2 Part A Para 5 of the Procedures contained herein. However, to ensure the safety and protection of children during this reporting and investigatory stage, the person will not be permitted to work with children and young people until an outcome is known with no prohibiting reason. It is recognised that even a finding of not guilty may not mean that the person does not pose a risk to children. Accordingly, such risk will be assessed and satisfied before any further role engagement.

In performing its function, the Interim Measures Committee (IMC) does not serve as an investigatory body but exists only to determine interim measures for engagement of a worker pending any legal investigation.

8. Training

BCSA will ensure the provision of specialised training for all workers in child protection issues.

9. Ministry covenants

All workers who do not have a current written employment contract are to enter a signed ministry covenant dealing with their suitability to be workers and agreeing to these child protection policies and procedures.

10. Manual of procedures

BCSA will publish a manual containing procedures for implementing these safeguarding policies.

11. Code of Conduct for Children and Young People

A Code of Conduct for Children and Young People who are participants in a children or youth ministry shall be adopted by Member Churches and BCSA shall provide a sample template. (**Manual Appendix I**)

12. Code of Conduct – Safeguarding Children and Young People

Applies to all Leaders, Staff, and all who serve in children and young people services.

A Code of Conduct for all Adults who serve in a children or young people ministry of a member church shall be adopted by the churches and BCSA shall provide a sample template (**Manual Appendix J**).

This **Code of Conduct** aims to detail the standards of conduct expected by staff and all who serve in the performance of their duties in working with children and to provide guidance in areas where there is a need to make personal and ethical decisions.

A breach this Code of Conduct, will in accordance with Church policy and associated employment conditions, lead to the implementation of actions which may include, but are not limited to:

- Temporary suspension from duties with or without pay while a decision is reached on the breach.
- Modification of duties.
- Imposition of conditions on any continued employment or involvement in Church activities.
- Requirement of non-communication with children, young persons or specified persons.
- Suspension of employment
- Revoke or modify any decision it has made.
- Being reported to the police and charged with a criminal offence.

13. Review of policies

The Children and Young People (Safety) Act 2017 requires a review of policies and procedures at least once in a 5-year period. BCSA will review this policy every three years and on a needs basis to respond to any identified risks. The BCSA Director of Ministries (DOM) and the Director of Professional Standards (DPS) will be responsible for initiating this process.

This policy will be reviewed in February 2025