

# Child Protection Policy

Version 5

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## 1. INTRODUCTION

The policies and procedures outlined below have been authorised by the Bayside Church Board and apply to all people who represent Bayside Church, be they employees, volunteers, contractors, members, Board and committee members

## 2. DEFINITIONS

**Applicable law** includes the *Children, Youth and Families Act 2005* (Vic), the *Child Wellbeing and Safety Act 2005* (Vic), the *Family Violence and Protection Act 2008* (Vic) and the *Crimes Act 1958* (Vic).

**Bayside Church** means Bayside Church Inc. and all associated entities, including but not limited to Bayside Community Care.

**Bayside Church representatives** means all people who represent and are engaged actively at Bayside Church, be they employees, volunteers, contractors, Board and committee members.

**Child** means a person under the age of 18 years.

**Child abuse** has the meaning in the *Child Wellbeing And Safety Act 2005* (Vic), which includes:

- (a) any act committed against a child involving:
  - (i) sexual offences; or
  - (ii) an offence under section 49B (2) of the *Crimes Act 1958* [grooming a child under the age of 16 years for sexual conduct]; and
- (b) the infliction, on a child, of:
  - (i) physical violence; or
  - (ii) serious emotional or psychological harm; and
- (c) the serious neglect of a child.

**Code of Conduct** means the code of conduct attached to this Policy.

**Committee members** means members of any committees established by the Board of Bayside Church.

**Contractors** means contractors representing Bayside Church.

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**CPO** means a Child Protection Officer.

**CCYP** means Commission for Children and Young People.

**Employees** are paid personnel representing Bayside Church.

**Members** means attendees at Bayside Church.

**Policy** means this Child Protection Policy.

**Reasonable grounds for belief** has the meaning set out in part 7.1 below.

**Volunteers** are unpaid personnel representing Bayside Church.

**WWCC** means a Working With Children Check.

### 3. PURPOSE

The purpose of this policy is:

- a) to facilitate the prevention of child abuse occurring within Bayside Church;
- b) to establish an organizational culture of child safety that prioritises the best interests of a child;
- c) to ensure that all who represent Bayside Church are aware of and understand their responsibilities and obligations for identifying possible occasions for child abuse
- d) to establish controls and procedures for preventing such abuse and/or detecting such abuse when it occurs;
- e) to provide guidance to Bayside Church representatives as to the action that should be taken where they suspect any abuse within or outside of Bayside Church;
- f) to provide a clear statement to Bayside Church representatives forbidding any such abuse;
- g) to provide assurance that any and all suspected abuse will be reported and fully investigated.

### 4. POLICY MISSION STATEMENT

Bayside Church is committed to promoting and protecting the best interests and safety of all children who access our services, programs and activities. Bayside Church has zero tolerance for child

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abuse, and is committed to the prevention of all forms of child abuse including physical, emotional and sexual abuse.

Bayside Church is committed to ensuring best practice screening, recruitment, supervision and training processes for all Bayside Church representatives working directly and indirectly with children under the age of 18. Bayside Church will seek to act immediately and appropriately upon becoming aware of any known or suspected incidences of child abuse.

Bayside Church will respect the opinions of children and provide opportunities for the participation and empowerment of children from all backgrounds including Aboriginal and Torres Strait Islander children and those living with a disability.

## 5. RESPONSIBILITIES

Child safety and protection is a shared responsibility and representatives of Bayside Church are expected to take appropriate and reasonable action to:

- a) facilitate an organisational environment that is supportive of a child's wellbeing and safety, abstaining from all conduct that would not be in the best interests of a child;
- b) familiarize themselves and comply with the applicable law, this Policy and the Code of Conduct; and
- c) report reasonable suspicions of child abuse in accordance with this policy.

In addition to these broad expectations, specific role responsibilities are as follows:

### 5.1 The Board of Bayside Church

The Board of Bayside Church is responsible for ensuring appropriate and effective internal control systems are in place to create a child safe environment. The Board is also responsible for ensuring that appropriate policies and procedures and a code of conduct is in place.

The Board of Bayside Church is required to understand and act in line with this Policy and the Code of Conduct. If any breach of this policy involves a breach by the Senior Pastor, it will be the responsibility of all the members of the board to fulfill the reportable requirements as laid out in the reportable conduct scheme.

### 5.2 Bayside Church Senior Pastor

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The Bayside Church Senior Pastor is accountable to the Bayside Church Board for ensuring that appropriate policies and practices are implemented, monitored and reported on, and evaluated in a timely manner. If the Senior pastor is absent or unable to fulfill their role, the Pastoral Care Pastor is nominated as accountable, or someone else as otherwise nominated by the Senior Pastor, failing which the Board.

This includes the review of and understanding of this Policy, the Code of Conduct, the reporting of any suspected child abuse (internal and external to Bayside Church) to a CPO or the relevant state child protection authority and/or Victoria Police.

Pursuant to section 16K of the Children Wellbeing and Safety Act 2005, the Bayside Church Senior Pastor is required to ensure:

- a) Take a preventative approach to keeping children safe
- b) Have systems in place to enable anyone to notify their concern or allegation that conduct in line with reportable conduct may have occurred
- c) Have systems in place to allow other people to report to the CCYP if the reportable allegation concerns the Senior Pastor
- d) Have investigation processes clearly defined and developed

The Bayside Church Senior Pastor will ensure that child safety is a part of their overall risk management approach.

The Bayside Church Senior Pastor or nominated Senior Pastor, in their absence, is legally required to report to the CCYP within 3 business days of any allegation made against any employees, contractors and volunteers of Bayside Church via the CCYP website.

After the initial report, the CPO will conduct an investigation into the incident and provide the findings to the Senior Pastor within 30 days of the incident. The senior pastor or nominated Senior Pastor must report again to the CCYP within 30 days of becoming aware of the reportable allegation.

At the conclusion of the investigation into a reportable allegation, the final investigation findings and any disciplinary action has taken or the reason no action was taken needs to be submitted to the CCYP.

### 5.3 Bayside Church CPO

Bayside Church will appoint CPOs who will inform the Senior Pastor, Board and Pastoral Care Pastor of any incidents in breach of the Child Protection policy or any disclosure of any form of child abuse in relation to Bayside Church members.

The CPO or nominated person will thoroughly investigate allegations of child abuse and communicate any findings to the senior pastor within 30 days in accordance with the reportable conduct scheme as per the child wellbeing and safety amendment (oversight and enforcement of child safe standards) Act 2016. The CPO will follow the investigation procedure as required by the CCYP.

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All CPOs must have a WWCC, have read and understood this Policy and the Code of Conduct, and have completed the child safety training program as well as any other specialized training as may be required from time to time.

The CPOs must make themselves available for consultation with any Bayside Church representative relating to matters of child safety and wellbeing.

In particular, the CPO must inform the Senior Pastor of any allegations of “reportable conduct” against any person over 18 years of age who is an employee, volunteer, contractor or Board of Bayside Church: This includes:

- a) Sexual offenses (against, with or in the presence of, a child)
- b) Sexual misconduct (against, with or in the presence of, a child)
- c) Physical violence (against, with or in the presence of, a child)
- d) Behaviour that is likely to cause significant emotional or psychological harm
- e) Significant neglect.

### 5.4 Bayside Church representatives

All Bayside Church representatives (who work directly with children) are responsible for:

- a) promoting child safety at all times by assessing and controlling the immediate area they are working in to provide a safe environment for children;
- b) reporting any reasonable belief that a child’s safety is at risk to the relevant authorities and fulfilling their obligations to mandatory report;
- c) reporting any suspicion that a child’s safety may be at risk to the relevant ministry leader;
- d) providing an environment that is supportive of children’s safety and empowers children to be actively involved in their own safety and wellbeing;
- e) obtaining a WWCC and reading and understanding this Policy and the Code of Conduct;
- f) completing the child safety and protection training program.

All volunteers need to familiarize themselves with the Code of Conduct and confirm their understanding and willingness to abide by it.

### 5.5 Parents / Guardians / Carers

Parents, guardians and carers are to be advised of this Policy and/or have access to or on request be provided with this Policy and the Code of Conduct.



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Outside of formal Children's and Youth Ministry Programs, the child is clearly the responsibility of the parents, guardians and carers. At such times, it is the expectation of Bayside Church that parents/guardians/carers take full responsibility for the continual supervision and safety of their children and are aware of their whereabouts whilst on Church Property and at informal Church gatherings.

It is most important that children not be allowed into rooms in the church building that may cause danger to them without adult supervision e.g. kitchen, rooms with stacked chairs and electrical equipment.

## 6. RECRUITMENT, SCREENING AND PREVENTATIVE PROCEDURES

### 6.1 Recruitment and screening

Bayside Church undertakes a comprehensive recruitment and screening process for all Bayside Church representatives in order to identify the safest and most suitable people who share Bayside Church's commitment to protect children.

The screening process prevents any person from working as a Bayside Church representative who may pose a risk to children.

The recruitment process will require all applications to complete:

- a) an application form;
- b) OH&S form; and
- c) deed of confidentiality, and

will be required to provide a valid WWCC.

Bayside Church will undertake a thorough reference check.

Once engaged, Bayside Church representatives must review and acknowledge their understanding of this Policy and, where necessary, undergo the child safety and protection training program.

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## 6.2 Safety ratios

### *Younger children (pre-schooling)*

Children's Ministry	Age Group	Carer : Child Ratios
Bayside Buddies (combined)	>1 year and walking – pre-school (<5 years)	1 to 5

### *Primary and Secondary ages*

Children's Ministry	Age Group	Carer / Child Ratios
Kidz Rock, Intensity and Youth	Primary and Secondary age	1 to 15

In the event that child ratios are exceeded:

- At the discretion of the children's ministry leader responsible at the time, the next parent signing in their child would be requested to remain for the duration of the service.
- If the parent is unwilling to remain, then the parent will be asked to take their child with them into the main service.

## 6.3 Registered Sex Offenders

- 6.3.1 Registered sex offenders are not permitted to take part in any of Bayside services, programs, activities or events.
- 6.3.2 If a staff member or volunteer becomes aware of a registered sex offender attending Bayside Church they will notify the CPO or the Senior Pastor immediately, providing as much of the following information as possible:
- Name
  - Current address
  - Contact phone number
  - Campus / Program they are attending
  - Leaders / other known points of contact
- 6.3.3 Once the notification is made, the Staff Member is not to contact, or remove the registered sex offender.
- 6.3.4 A Senior Pastor or the Pastoral Care Pastor will contact the registered sex offender and advise them that they are not to attend Bayside services or programs.
- 6.3.5 The Senior Pastor or Pastoral Care Pastor may refer the registered sex offender to other services, providing that prior consent has been given by the proposed new church or program, before any referrals are given.

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### 6.4 Persons of Concern

- 6.4.1 A Bayside person shall become a 'person of concern' from a report received by the CPO, or by observation from a member of the Pastoral Care team.
- 6.4.2 Pastoral Care will continue to observe the actions of the person.
- 6.4.3 Pastoral Care shall implement measures to reduce the risk of harm, such as limiting a person's involvement as a volunteer, or which services or programs they wish to attend.
- 6.4.4 If there is any inappropriate behaviour, the behaviour will be challenged by Pastoral Care. The action of the person and response of the Pastoral Care Team member will be recorded and reported to the CPO and Senior Pastors.
- 6.4.5 If there is any inappropriate behaviour or action that constitutes harm or a significant risk of harm, the concern shall be reported to the CPO or Senior Pastors (see Section 8).
- 6.4.6 The Senior Pastors may exclude the Person of Concern from one or more Bayside Church activities and a written agreement to that effect is to be executed between the Senior Pastor and the person of concern.

## 7. RAISING AND REPORTING REASONABLE GROUNDS FOR BELIEF OF CHILD ABUSE

### 7.1 Reasonable grounds for belief

Reasonable grounds for belief is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed.

Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) the child is in need of protection;
- (b) the child has suffered or is likely to suffer "significant harm as a result of physical injury";
- (c) the parents are unable or unwilling to protect the child.

A "reasonable belief" or a "belief on reasonable grounds" is not the same as having proof, but is more than mere rumour or speculation. A "reasonable belief" is formed if a reasonable person in the same position would have formed the belief on the same grounds.

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For example, a “reasonable belief” might be formed if:

- (a) a child states that they have been physically or sexually abused;
- (b) a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- (c) someone who knows a child states that the child has been physically or sexually abused;
- (d) professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- (e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

### 7.2 Privacy and Confidentiality

All information regarding children and their families is to be treated in a sensitive, respectful and confidential manner except where a child’s safety may be at risk. Any information regarding concerns/allegations of abuse or misconduct will be treated in a sensitive, respectful and confidential manner. Confidentiality is limited if a child’s safety is at risk. However, where possible the identity of the reporter will be kept confidential. The information will be documented and will follow a formal reporting and investigation process. Information will only be disclosed to and sought from the relevant persons and authorities both internally and externally to enable a thorough investigation and appropriate action to be undertaken.

### 7.3 Managing a child disclosure of abuse

In the event a child makes a disclosure of abuse to an employee, contractor or volunteer of Bayside Church, the following guidelines are to be followed:

- **It is a criminal offence if an adult fails to disclose child sexual abuse to police, and if an adult fails to protect a child under the age of 16 from the risk of sexual abuse.** Any person that becomes aware of a situation of sexual abuse has a mandatory obligation to report.
- **Importantly:** Throughout the process do not seek to gain any further information other than what is being disclosed as this may hinder the investigative process.
- Accept what the child says and tell them that you believe them.
- Tell the child that they are not to blame.
- Do not press the child for information and be aware not to ask any leading questions ie; how, when and where. Only ask “What has happened?”
- Reassure the child that it was good that they told you and that you have taken what they said seriously.
- In an age appropriate manner let the child know that you will inform the appropriate people, who will help them.

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- As soon as possible afterwards, make written notes of exactly what the child said and the date and time of the meeting.
- Do not make promises to the child, other than saying you will do your best to keep them safe.
- Do not leave the child in a distressed state. Stay with them until they are calm.
- As soon as possible after the disclosure, if possible, with the child, report the incident in the incident report book as well as write out a full report of the child's exact words. **DO NOT ADD ANY OF YOUR OWN WORDS.**
- Present this report to the Ministry leader/ Child Protection officer or Pastoral Care Pastor.
- Some children with disabilities or special needs may experience difficulties in reporting an incident. Please be sensitive and request the aid of a ministry leader, child protection officer or pastoral Care pastor. In some cases, such as hearing impairment, an interpreter may be required.

### 7.4 Managing a disclosure of abuse within organisation

In the event a carer/parent/guardian makes a disclosure of abuse against an employee, contractor or volunteer of Bayside Church, the following guidelines are to be followed:

- Explain that Bayside Church has processes in place to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the child/parent to talk through the incident in their own words.
- Advise that the conversation may be captured through notes/recording for further investigation.
- Explain that the information may need to be repeated to others and possibly to the authorities, such as the police.
- Do not make promises other than that you will do your best to keep the child safe.
- Provide them with an incident report form or complete it together.
- Provide all relevant information to the Ministry Leader/ Child Protection Officer or Pastoral Care Pastor.
- Be aware that for some people from diverse cultural backgrounds may have barriers reporting allegations of abuse. Please be sensitive and if needed request the aid of a Ministry Leader, Child Protection officer or Pastoral Care Pastor.
- If an allegation involves an aboriginal child, you will need to ensure a culturally appropriate response. Please be sensitive and request the aid of a ministry Leader, Child Protection Officer or Pastoral Care Pastor.

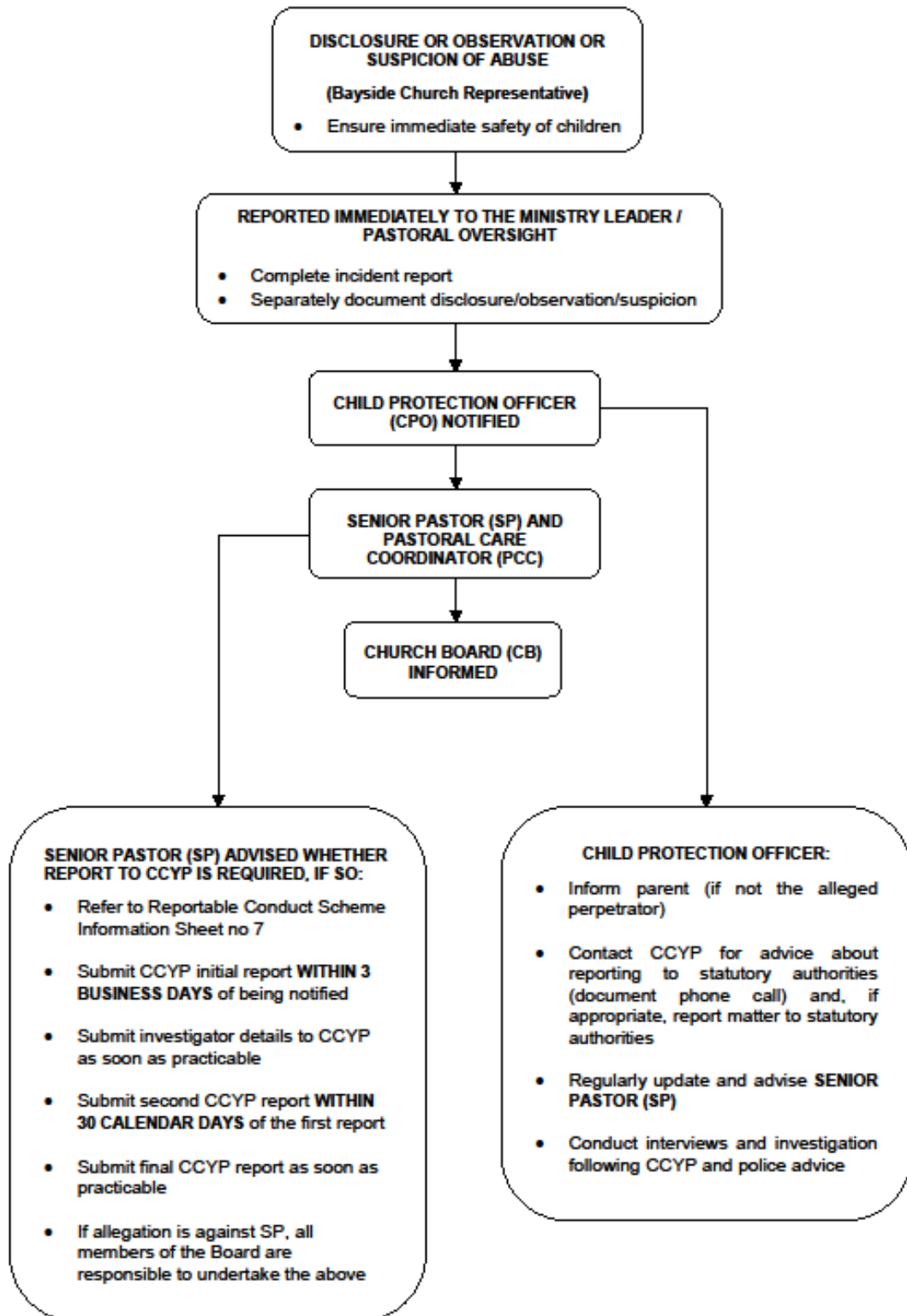
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### **8. REPORTING PROCEDURES FOR OBSERVATIONS, SUSPICIONS AND COMPLAINTS, AND CONSEQUENCES FOR BREACH OF POLICY OR CODE OF CONDUCT**

The following diagram illustrates the procedures to be followed for responding to observations, suspicions and complaints regarding inappropriate behaviour or possible child abuse, to determine whether there are reasonable grounds for belief:

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## CODE OF CONDUCT

All employees, contractors, volunteers, board members, members and committee members of Bayside Church are required to observe and comply with the following Code of Conduct when involved in the care of children under the age of 18. These are to be strictly adhered to at all times.

### DO:

- Adhere to the child safety and protection policy
- Take all reasonable steps to prevent children from abuse or harm
- Treat everyone with respect, including listening to and valuing the opinions and ideas of others
- Welcome all children and their families and make them feel included and accepted
- Respect cultural, religious and political differences and act in a culturally sensitive way
- Use positive and affirming language towards children
- Comply with any guidelines that may exist from time to time on physical contact with children
- Help provide a safe, supportive environment for all children to interact and fellowship
- Intervene when children are displaying inappropriate behaviour towards others
- Report any breaches of the Child Safety Code of Conduct to the ministry leader
- Report concerns about child safety and protection to the child protection officers and ensure that any legal obligations to report allegations are met
- Call the Police on 000 regarding any immediate concerns for a child's safety
- Respect the privacy of children and their families and only disclose information to people who have a need to know

### DO NOT:

- Seek to use children to meet the needs of adults
- Ignore or disregard any suspected or disclosed child abuse
- Use prejudice, oppressive behaviour or inappropriate language with children
- Discriminate on the basis of age, gender, race, culture, vulnerability or sexuality
- Engage in open discussion or behaviour of an adult nature in the presence of children
- Engage in any inappropriate or unnecessary physical contact including doing things of a personal nature that the child can do for themselves such as toileting or changing clothes
- Engage in any form of physical violence or corporal punishment towards children including inappropriate rough physical play
- Engage in any form of behaviour that can potentially cause children emotional or psychological harm



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- Develop special relationships with children that could be seen as favouritism or grooming
- Take photos without parental consent
- Do not post photos of children on social media without parental consent and never post photos of children on your personal accounts
- Exchange personal contact details such as phone number, social networking or email addresses with children without parental consent
- Have unauthorized contact with children and young people online or by phone
- Drive a child anywhere without parental consent

**If you breach this Code of Conduct, you will face disciplinary action, including and up to termination of employment or cessation of engagement with Bayside Church.**