



# Safe Ministry Policy

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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.

**Vulnerable person** means any person that is at risk of harm due to age, illness or disability but is not limited to this list.

**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.

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

**Members** means attendees at Bayside Church.

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

**SMC** means Safe Ministry Contact

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

**Policy** means this Safe Ministry Policy.

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

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

### 3. PURPOSE

The purpose of this policy is:

- a) to facilitate the prevention of any abuse occurring within Bayside Church;
- b) to establish an organisational culture of safe ministry that prioritises the best interests of members, especially vulnerable people;
- c) to ensure that all who represent Bayside Church are aware of and understand their responsibilities and obligations for identifying possible occasions for 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 people who access our services, programs and activities. Bayside Church has zero tolerance for any abuse, and is committed to the prevention of all forms of abuse including physical, psychological, sexual abuse and negligence.

Bayside Church is committed to ensuring best practice screening, recruitment, supervision and training processes for all Bayside Church representatives. Bayside Church will seek to act immediately and appropriately upon becoming aware of any known or suspected incidents of abuse.

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

## 5. RESPONSIBILITIES

Safeguarding Vulnerable People awareness is a shared responsibility and representatives of Bayside Community Care are expected to take appropriate and reasonable action to:

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

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 Executive 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 abuse (internal and external to Bayside Church) to a SMC or the relevant State 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 safety is a part of their overall risk management approach.

The Bayside Church Senior Pastor or nominated 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 nominated person 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 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 taken or the reason no action was taken is to be submitted to the CCYP.

## 5.3 Bayside Church Safe Ministry Contact

Bayside Church will appoint SMCs who will inform the Senior Pastor, Board and Executive Pastor of any incidents in breach of the Safe Ministry policy or any disclosure of any form of abuse in relation to Bayside Church members.

The SMC or nominated person will thoroughly investigate allegations of child abuse and communicate any findings to the Senior Pastor within given time frames 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 SMC will follow the investigation procedure as required by the CCYP.

All SMCs must have a WWCC, have read and understood this Policy and the Code of Conduct, and have completed specialized training as may be required from time to time.

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

In particular, the SMC 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 member of Bayside Church. This includes:

- a) Sexual offences (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 are responsible for:

- a) promoting safety at all times by assessing and controlling the immediate area they are working in to provide a safe and inclusive environment for all, especially vulnerable people;
- b) reporting any reasonable belief that a person’s safety is at risk to the SMC and relevant authorities and fulfilling mandatory reporting obligations;
- c) providing an environment that is supportive of safety and empowers people to be actively involved in their own safety and wellbeing;
- d) obtaining a WWCC and reading and understanding this Policy and the Code of Conduct;
- f) completing any required 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 Members

Members of Bayside Church 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.

Regarding children: Outside of formal Children’s and Youth Ministry Programs, the child is 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 off-site church gatherings.

Any vulnerable person should not have access to areas in the church building that may pose potential risks to their safety and wellbeing without consultation or supervision.

# 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 safety.

The screening process aims to prevent any person from working as a Bayside Church representative who may pose a risk to vulnerable people.

The recruitment process involves an online application and training procedure as well as an interview and audition, where applicable. The volunteer will be required to provide a valid WWCC and other checks where required.

Bayside Church will undertake a thorough reference check.

Bayside Church representatives must review and acknowledge their understanding of this Policy, the OHS guide for volunteers as well as the confidentiality deed. They will also be required to undergo the safe ministry training program, as well as the Bayside Church Discipleship Pathway.

## 6.2 Registered Sex Offenders

Registered sex offenders are not permitted to take part in any in-person Bayside services, programs, activities or events where children might be present. They are able to access online services and attend connect groups where there are no children present.

If a staff member or volunteer becomes aware of a registered sex offender attending Bayside Church in person gatherings, they will notify the SMC 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

Once the notification is made, the Staff Member is not to contact, or remove the registered sex offender. A Senior Pastor or a nominated pastor will contact the registered sex offender and advise them of their rights and obligations.

The Senior Pastor or nominated Pastor may refer the registered sex offender to other in-person services, providing that prior consent has been given by the proposed new church or program, before any referrals are given.



## 6.3 Persons of Concern

A Bayside person shall become a 'person of concern' from a report received by the SMC, or by observation from a member of the Pastoral Care team.

The Pastoral Care team will continue to observe the person and implement measures to reduce the risk of harm, such as limiting a person's involvement as a volunteer, or which services or programs they attend.

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 SMC and Senior Pastors.

If there is any inappropriate behaviour or action that constitutes harm or a significant risk of harm, the concern shall be reported to the SMC or Senior Pastors (see Section 8).

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 ABUSE

## 7.1 Reasonable grounds for belief

Reasonable grounds for belief refers to a belief based on reasonable grounds that abuse has occurred when all known circumstances and 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) a vulnerable person is in need of protection;
- (b) a vulnerable person has suffered or is likely to suffer "significant harm as a result of physical, emotional, psychological, or spiritual abuse";
- (c) a guardian or carer is unable or unwilling to protect the vulnerable person.

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.

For example, a "reasonable belief" might be formed if:

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

## 7.2 Privacy and Confidentiality

All information regarding a member of Bayside Church is to be treated in a sensitive, respectful and confidential manner except where a person'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 disclosure of abuse

In the event of 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 and/or physical abuse of a child 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 person says and tell them that you believe them.
- Tell them that they are not to blame.
- Do not press for any further information and be aware not to ask any leading questions ie; how, when and where. Only ask "What has happened?"
- Reassure the person that it was good that they told you and that you have taken what they said seriously.
- In an age appropriate manner let the person know that you will inform the appropriate people, who will help them.
- As soon as possible afterwards, transcribe exactly what the person said and the date and time of the meeting.
- Do not make promises to the person, other than saying you will do your best to keep them safe.
- Do not leave the person in a distressed state. Stay with them until they are calm.

- As soon as possible after the disclosure, if possible, report the incident in the incident report book as well as transcribe the meeting. **DO NOT ADD ANY OF YOUR OWN WORDS.**
- Present this report to the SMC and then work with the SMC to report to the appropriate authorities.
- Some people with disabilities or special needs may experience difficulties in reporting an incident. Please be sensitive and request the aid of a ministry leader, SMC or Pastoral Care Pastor. In some cases, such as hearing impairment, an interpreter may be required.

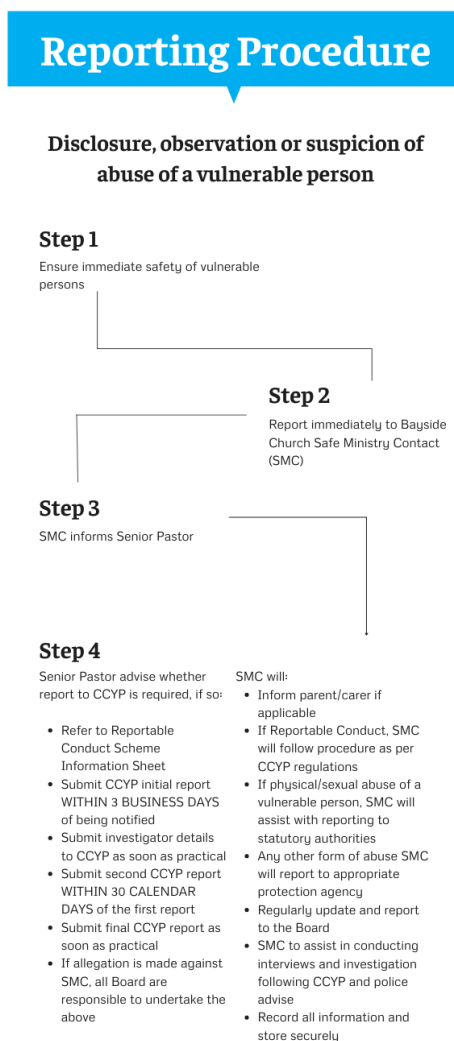
## 7.4 Managing a disclosure of abuse within organisation

In the event a person 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 alleged victim and offer pastoral care.
- Allow the person 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 SMC or Executive 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, SMC or Executive 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, SMC or Executive Pastor.

# 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 abuse, to determine whether there are reasonable grounds for belief:



# 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 attending any Bayside Church gatherings. These are to be strictly adhered to at all times.

## DO:

- Adhere to the safe ministry policy
- Take all reasonable steps to prevent all forms of abuse or harm
- Treat everyone with respect, including listening to and valuing the opinions and ideas of others
- Welcome all people 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 all people
- Comply with any guidelines that may exist on physical contact, specifically with vulnerable people
- Help provide a safe, supportive environment for all members of Bayside Church especially children and vulnerable people
- Intervene when people are displaying inappropriate behaviour towards others
- Report any breaches of the Code of Conduct to the SMC
- Report concerns about safety and protection to the SMC 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 people and only disclose information to people who have a need to know

## DO NOT:

- Seek to use vulnerable people to meet one's own personal needs
- Ignore or disregard any suspected or disclosed abuse
- Use prejudice, oppressive behaviour or inappropriate language
- 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 or vulnerable people
- Engage in any inappropriate or unnecessary physical contact including doing things of a personal nature that a person can do for themselves
- Engage in any form of physical violence or corporal punishment
- Engage in any form of behaviour that can potentially cause emotional or psychological harm
- Develop special relationships with vulnerable people that could be seen as favouritism or grooming
- Take photos or post photos online without consent of individual or parents where applicable
- Exchange personal contact details with a vulnerable person without consultation or permission
- Have unauthorized contact with vulnerable people online or by phone
- Drive a child anywhere without written 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.**