

Our Church is a Safe Place

This document has been written to inform our Victorian Baptist Churches of the rules, regulations and guidelines of their Duty of Care. It is written with many aspects of church ministries in mind, particularly in the area of working with children, young people and other groups of vulnerable people within our society.

It began as a document that was made available to all church leaders (phase 1), and was later turned into a series of day workshops that many of our church leaders attended (phase 2). This workshop was intended to further inform and compel our leaders to look at our 'Duty of Care' to all groups to whom we minister in our churches, as well as addressing other, often overlooked, aspects of the duty of care issue.

It has now been redrafted, to include changes in both public policy and the BUV; it is now being redistributed to all churches to be read by all leaders. A third phase will be made available to churches in the form of a 'Our Church is a Safe Place – Workbook' (phase 3). This workbook will be a tool to enable churches to formulate a plan of action to implement their Duty of Care policies and a place for churches to record their progress.

There are two other tools that are available:

1. Checklists prepared for work with specific groups within the church, and
2. Forms that are relevant in various areas of church ministry

These forms and checklists as well as this manual are available on the BUV website www.buv.com.au and will be available on CD with the Our Church is a Safe Place – Workbook.

The Baptist Union of Victoria expects the document to be read in detail by all church leaders (including volunteer leaders) and that recommendations contained in it will be followed.

The document is primarily to ensure that our ministries are provided in a safe, loving and ethical environment but it will, when followed, provide support for churches in the event of allegations against leaders within their church.

We urge all church leaders to engage in this very important issue of Duty of Care so that we can be sure that Our Church is A Safe Place. We are also encouraging all Pastoral leaders to familiarize themselves with the Code of Ethics material that is to be formally adopted late in 2005. The work that has gone into the Code of Ethics for Pastoral Leaders complements this Duty of Care Manual and should be affirmed.

Biblical Concern for People

The Christian Faith strongly upholds the virtues of love, mercy and justice. From Luke's Gospel we know that Jesus came to give freedom to the captives, sight to the blind and liberty to those who were oppressed. Jesus came *for* people. He came to give all of humankind the gift of Salvation but was interested in the practicalities of people's lives as well.

In our churches, indeed in all of society, many people aim to follow the example of Jesus; to free, heal and liberate those who are captives, sick or oppressed. The example of Jesus is one on which all leaders within our churches and their associated groups should model their leadership and their lives.

As a community of God's people, we should also be committed to ensuring that all of our churches are places that are safe in every respect for those who join with us.

Duty of Care

Where it exists the Duty of Care is the moral, spiritual and often legal responsibility that we have, both as individuals and corporately, towards all those that we come in contact with in the various ministries of our churches and their related organizations.

Our Duty of Care is – to act in a manner that will protect people with whom we come in contact from injury or distress. This injury or distress may be due to:

- Our intentional acts
- Our negligence
- Naivety
- Culture of Complacency
- Poor Leader Screening
- Having no policy or guidelines

A Duty of Care may arise:

- In our ownership and occupation of land and buildings
- In our use of electrical and other equipment in the course of our activities
- In our employment of paid employees and voluntary workers
- In our activities involving people of all ages, but especially in activities involving children and young people
- In our handling of Church finances

Different ministry groups bring about different duty of care responsibilities and requirements.

Given what a person in my position should know or could reasonably foresee, what steps can I put in place to ensure that those under my care are being afforded an environment which is as safe and respectful as I can reasonably provide?

The following key points need to be addressed:

...in my position should know

- Taking on a role of leadership means you automatically take on a responsibility
- You need to ensure you are informed

...reasonably foresee

- What are the things that are likely to cause harm or distress in your given ministry area?
- What precautions do other people in my position generally take in like circumstances? If you don't know, ask people who do!
- What other precautions would a wise person take?

...what steps can I put in place

- What are the things that can be done in the immediate future?
- Not everything can be done at once, but it must begin somewhere
- Who will be accountable for the steps required to make your church a safe place?

...safe and respectful

- It is not just physical safety that must be considered
- It is also emotional, spiritual and developmental.

... reasonably

- There are guidelines to what is required but the word reasonably is used twice.

Child Abuse

Child abuse is an act by parents or caregivers that endangers a child or young person's physical or emotional health or development. Child abuse is not usually a single incident, but takes place over time. In Victoria, a child is a person under eighteen years of age. Commonly recognized forms of child abuse include the following:

- **Physical abuse** occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child
- **Emotional abuse** occurs when a person repeatedly rejects the child or uses threats to frighten the child and creates an emotional environment which significantly damages the child's physical, social, intellectual or emotional development
- **Sexual abuse** occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity
- **Neglect** is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed

The following is a table of examples and indicators of this behavior. These lists are **not** intended to be exhaustive but rather to give **some** examples and indicators:

Form of abuse	Examples	Indicators *
Physical abuse	Excessive discipline, severe beatings or shakings.	Unexplained bruises, burns, bites, broken bones, scars. Extreme aggression or withdrawal, inappropriate clothes for weather conditions to cover body, complaints of soreness, discomfort with physical contact & emotional problems.
Emotional abuse	Constant criticizing, belittling, insulting, rejection, providing no love, support or guidance.	Passive and aggressive behavioral extremes, habit disorders.
Child sexual abuse	Sexual touching, exposure to pornographic material, child prostitution, oral sex, intercourse.	Physical signs of injuries, poor self esteem, lack of confidence, peer problems, unusual aversion to physical contact, excessive seductiveness, inappropriate age sexualized play, inappropriate expressions of friendship between a child and an adult.
Neglect	Failure to provide food, clothing, shelter, medical care, attention, hygiene or supervision.	Consistently hungry, malnourished, tired, inappropriately dressed for weather conditions, inadequately supervised.

* Please note that the presence or absence of any particular indicator does not necessarily mean that the child is or is not being abused.

It is important that church leaders be aware of and look out for:

- Behavior that may be perceived by a child as intimidating or harassing
- Deliberate behavior by adults that intimidates or harasses a child
- All forms and indicators of child abuse

What should I do if a child tells me about abuse?

- Look at the child directly
- Accept what the child says and tell them that you believe them
- Be aware, while you listen, that the child may have been threatened
- Tell the child that they are not to blame
- Do not press the child for information
- Reassure the child they are right to tell and that you take what they say very seriously
- Let the child know what you are going to do next, who you are going to tell and why, and roughly what will happen
- Let the child know if you intend to make a report to the appropriate authorities
- Finish on a positive note and tell the child that you are pleased that they told you
- As soon as possible afterwards, make handwritten notes of exactly what the child said and the date and time of the meeting

If the allegation of abuse involves a pastor or pastoral leader in the church the Director of Ministries or Administration Manager of the Baptist Union must be notified. In this case and particularly if the complaint is received in writing, the complaint then falls within the scope of the procedure for when complaints are made against a pastoral leader of the Baptist Union of Victoria. That procedure should be followed in these instances. Details and copies of this policy are available from The Baptist Union of Victoria office.

Responding to suspicion of abuse

Where a complaint of abuse comes to the notice of church leaders in the form of hearsay or rumor, it should be investigated promptly and discretely by the senior pastor and deacons / elders. The Baptist Union of Victoria can assist with the conduct of these initial investigations if required.

If the suspicion involves a pastor, the Director of Ministries or Administration Manager of The Baptist Union of Victoria must be notified. If it involves a member of either the diaconate or eldership, it is strongly recommended that the Director of Ministries or Administration Manager of the Union is notified.

Responding to an Allegation of Abuse

In the case that abuse is disclosed or discovered it is most important that the following occurs:

- Do not delay
- Do not act alone
- Do not start to investigate
- Consult with the person to whom you are accountable, the person responsible for Children's ministries or someone else you can trust
- If the child is in immediate danger, call the police

Connection of this Duty of Care policy with BUV Sexual Misconduct document

Where a complaint of abuse is made about any of the following the matter should be reported immediately to the Director of Ministries who will notify the chair of the sexual misconduct panel who will initiate procedures contained in that document.

- Ordained and Accredited Pastoral Leaders
- Recognized Pastoral Leaders (non-ordained but accredited)
- Candidates in Training
- All people appointed to the Baptist Union of Victoria 'Special Positions list'
- The President, Vice President and Past President of the Union
- Anyone who is registered as a Baptist marriage celebrant
- Any person in a position appointed by the Baptist Union Assembly but not mentioned above

Mandatory reporting

Please note that as of July 2002, Pastors or Ministers of Religion are not subject to the requirements of the Mandatory Reporting Legislation.

' . . . If a stranger molests a child there is little doubt that every effort will be made on the part of the authorities to seek out the culprit and to prosecute under appropriate provisions. Where the person molesting the child happens to be a parent or close relative however, the attitude of those with responsibility for putting the law into effect expresses itself differently' [Scott, cited in CASA House 1992b:p.7] ¹

The difficulties, which the state faces in intervening directly in the private sphere of the family, were illustrated by the initial reluctance of the Victorian Kennett government to legislate for the mandatory reporting of child abuse. However, community outrage over the crime was so great that the government was forced to change its mind. Selected professionals are now required to report suspected cases of child abuse (both physical and sexual) to The Department of Human Services. Those occupations that are covered by the Children and Young Persons Act, 1989, (Vic) (CYPA) include:

- Medical practitioners, psychiatrists, and nurses
- Teachers and principals in preschools, primary and secondary schools
- Operators, owners and professional employees of children's services (including kindergartens)
- Social workers, youth workers and welfare workers
- Persons working as Youth and Child Care Officers for the Department of Human Services
- Registered psychologists; and
- Police officers, parole officers and probationary officers

Of these occupations covered in the legislation, only the following have been gazetted, meaning only these are currently required to report under this legislation:

- Primary and Secondary school teachers and principals
- Doctors
- Nurses
- Police Force Members

These groups of people will be obliged to notify The Department of Human Services if they have reasonable grounds for believing abuse exists. Government legislation protects the notifier by ensuring that her/his identity is not revealed without written permission, and that, if the notification is made in good faith, s/he is not subject to any liability for defamation or breach of confidence.

Section 64 of CYPA makes provision for any person who believes on reasonable grounds that a child is in need of protection to notify the Child Protection Services of that belief and of the reasonable grounds for it. This means that any person can voluntarily notify Child Protection Services if they believe that a child is in need of protection. There is no legal obligation to do so and any notification is essentially made on moral grounds.

¹ Department of Human Services Victoria

There is clear evidence from adults who were themselves victims of child sexual assault, that children are not able to stop the abuse themselves. They need adults to take responsibility for doing so.

'It's so difficult for children to speak up. They feel so trapped. It should be adults who should be more sensitive to picking up signs from children rather than putting the responsibility on children to tell.'

'The closest kind of help other than at home is school. We know that people are often not going to get help at home where it's all happening. If school isn't helpful there's no one else.'

'Teachers and doctors don't need to know how to deal with it but to pass it on to someone else. They do need to believe you and to have the right degree of compassion, not to dismiss it and say "it's not my problem." ' ²

Whilst a church community may have some members who, because of their occupation, are 'mandated to report child abuse', members and leaders of church communities have a moral responsibility (even in the absence of a legal duty) to notify the appropriate agency if they suspect a child is being abused.

The CYPA provides for notifiers confidentiality to be maintained unless:

- The notifier decides to inform the child or the family of the child of the notification him or herself;
- The notifier consents in writing to his or her identity being disclosed.³
- The court decides that it needs this information to ensure the safety and well being of the child;
- The court decides that in the interests of justice it requires evidence to be given.⁴

The Department of Human Services is available for you to discuss your concerns with a person trained in working with abused children. This advice may be sought to clarify a decision to report, or allay fears of child abuse.

² Department of Human Services Victoria

³ Section 64(3A) CYPA

⁴ see s. 64(3C) CYPA

Care and Supervision of Under 18's

In order to provide the best possible environment for under 18's in the Church's care, the following are suggested as a policy framework for your church. The concept of under 18's being an important part of the Christian community began with Jesus himself. When he said to his disciples, "Let the Children come to me" and "Whoever welcomes one such child in my name welcomes me" (Matt 18:5), he related to us all the place of children at the very center of the church community. For this document, children are understood to be those under the age of eighteen years.

These are some wonderful statements that comment on the church and children:

- Children are equal Partners with Adults in the life of the church, for they represent the ongoing nature of the church
- Christian Worship, all of it, is both for Children and Adults
- The call to evangelism comes to all of God's people, regardless of age
- The discovery and development of gifts in children is a key function of the church
- The concept of the 'priesthood of all believers' includes children

The bible teaches us that each church community must take responsibility, along with the family, in nurturing children in life and faith. God's ongoing care and concern is demonstrated in the Bible and we are called to follow its leading and teaching.

- The ministry of teaching children is a command given to the Israelites in Deuteronomy 11:18-19
- Jesus gave us His example in welcoming and loving children in Mark 10:13-16

The Baptist Union of Victoria is committed to the protection, guidance, empowerment of and advocacy for children within our church communities. We strongly believe they should not be those without a voice.

We are called to nurture children in their personal faith as part of God's command to each of us. We are called to ensure everyone is safe, in particular those under the age of 18.

Physical Health and Safety⁵

The physical environment should always be such that the safety of children is paramount, e.g.: any electrical equipment used is in safe working order, floors are kept free of slippery surfaces, and food is handled with the utmost care to avoid contamination.

Any faulty equipment/plant which constitutes a hazard to the safety of the child should be immediately removed, where possible, and its condition should be reported to your Occupational Health and Safety Representative/Church Office, in writing, without delay.

⁵ For more detailed information in this area, refer to *A Guide to complying with OHS&W legislation* which is available from BUV.

Playground equipment should be checked to ensure that the equipment itself is sound and in safe working order, but also that the surface underneath complies with the relevant Australian Standard. In short, the surface underneath play equipment must be impact absorbing. Impact absorbing surfaces do not include grass or paved areas, often surfaces that are present underneath play equipment. The depth of impact absorbing surfaces is dependant on the height of the play equipment that is above them.

A Duty of care may also arise out of issues relating to the *Wrongs Act, 1958, (Vic)*.

Section 14B of the *Wrongs Act* provides that:

- The provisions of this Part apply in place of the rules of the common law which, before the commencement of the *Occupiers' Liability Act 1983*, determined the standard of care that an occupier was required to show towards persons entering on his premises in respect of dangers to them.
- Except as is provided by sub-section (1), the rules of common law are not affected by this Part with respect to the liability of occupiers to persons entering on their premises.
- An occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see, that any person on the premises will not be injured or damaged by reason of the state of the premises, or of things done or omitted to be done in relation to the state of the premises.
- Without restricting the generality of sub-section (3), in determining whether the duty of care under sub-section (3) has been discharged, consideration shall be given to—
 - the gravity and likelihood of the probable injury;
 - the circumstances of the entry onto the premises;
 - the nature of the premises;
 - the knowledge which the occupier has or ought to have of the likelihood of persons or property being on the premises;
 - the age of the person entering the premises;
 - the ability of the person entering the premises to appreciate the danger;
 - the burden on the occupier of eliminating the danger or protecting the person entering the premises from the danger as compared to the risk of the danger to the person.
- Nothing in this section affects any obligation to which an occupier of premises is subject by reason of any other Act or any statutory rule or any contract.

Physical contact

It is inappropriate to initiate physical contact with children, as some children may not be comfortable with the contact. Another reason is that the contact can be misunderstood, either by the child or by others around. It is important to not give constant contact to one child over others. There are however, some times where physical contact may be necessary, in the case of an emergency for example. The only time that physical restraint is appropriate is when protecting them from harm

Medical conditions and their management

Parents/Guardians⁶ of children up to 18 years of age should be requested to inform the relevant leaders of any health problems which might arise. For example, a child suffering from asthma may require Ventolin. A child suffering from diabetes may be subject to a dietary regime. It is the parent's responsibility to ensure that any medication or health maintenance regime is provided and clearly understood. *The Children's Indemnity & Permission Form* should be supplied to all parents at the beginning of each new year/season, giving them the opportunity to detail such special requirements.

Churches will need to determine how best to maintain both accessibility to this information if and when it is needed, and confidentiality. It is certainly not anticipated that all information should be remembered or physically transported to every youth activity. (One suggestion is that the forms be kept with a leader's spouse or another trusted and appropriate person, who could be contacted for the information if/when it was required). All such personal information should be carefully destroyed at the end of the year (the general information) or at the conclusion of any special event.

With respect to the *Consent* and *Medical Information* forms, it may sometimes be necessary to access the information for both the General Activities and the Special Events in some emergency situations (e.g.: *next of kin* details)

The administration of medication during a programmed activity where parents are not present must be the responsibility of the qualified first-aide leader. Administration of non prescribed medication like panadol or aspirin etc can be harmful and should not be administered.

Transport

When a child under the age of 18 is traveling in a vehicle driven by a worker, parents are entitled to expect that the vehicle will be driven carefully, observing the legal speed limits and road laws, at all times. At no time should there be more passengers in a car than the number of seat belts that are in working order and available for use. Parents are also entitled to expect that all cars will be registered and driven by licensed drivers.

Negligent driving can have painful emotional and legal consequences. Anyone who cannot/does not drive responsibly must not transport other people's children. In addition, drivers must give an undertaking to take children directly to and from arranged venues and not spontaneously detour or make additional arrangements without parental consent.

If a child is traveling in a vehicle driven by a worker who possesses a Probationary license, prior written consent should, wherever possible, be given by a parent/guardian except in the case of emergencies.

Alcohol must not be consumed during any activities. The use of illegal drugs will not be permitted or condoned. In addition, no worker is to provide transport if there is any possibility that he/she may be driving while under the influence of alcohol/drugs

⁶ For the purpose of simplicity and lack of repetition, the words "parent" and "guardian" will be used interchangeably throughout this document and are all inclusive in their intent.

or prescribed medications which may cause drowsiness or otherwise affect their driving ability or judgment.

Managing inappropriate behavior in children

If a young child misbehaves, firm but gentle verbal correction, which is respectful and age-appropriate, should be the first response. For a younger child a short period of 'time out' may also be appropriate. This needs to be in a place where the child can be seen. A useful guide for determining the amount of time out is one minute for each year of the child's age. However, it is not appropriate to use a time out strategy for children under three years of age.

When a child is unresponsive or responds unsatisfactorily to reasonable requests to comply with a standard of behavior, which is respectful to him/herself, or other children and/or those supervising, the matter should be reported to the parent.

In extreme cases, children may be precluded from activities for a period of time, until an undertaking is given, appropriate to age, to behave within acceptable limits. If this decision is made, the parent is to be informed and, in the case of young children, included in the negotiations regarding restoration to that activity.

At no time is physical punishment or threat of physical punishment permissible, even with parental approval.

Privacy

The Baptist Union of Victoria has made a commitment to adhere to the Privacy Act (2000) and to the National Privacy Principles that are contained in the Act. This information can be found in the BUV's document about privacy 'A Practical Explanation of the Privacy Amendment Act 2000'.

Some areas that must be addressed are:

- Name and address lists, their distribution and purpose of use.
- Use of Photographs and video footage, consent parents/ guardians of children as well as the intended distribution and use of the material
- Collection, storage and disposal of sensitive material, including police check records.

Early Childhood

Toileting small children

When a small child needs assistance in toileting, the following guidelines should be observed:

- Where practicable, the parent should be responsible for attending to the child
- If this is not practicable, the child should be encouraged to manage him/herself to the fullest possible extent, according to ability
- When crèche helpers or other workers must assist a child, another adult helper should be informed upon leaving the activity and upon returning wherever this is possible. Where possible, it may be useful to accompany more than one child to the toilet at any given time

Crèche Helpers

The issue of crèche workers with respect to *Duty of Care* is a vexed one, since so much depends upon volunteers, often on a very casual and perhaps even spontaneous basis. While a basic *Duty of Care* exists whenever any volunteer undertakes to supervise children in a crèche (i.e. with respect to reasonable foreseeability and proximity), it is highly recommended that there be at least one crèche worker somewhere on site who is aware of the rudimentary *Duty of Care*, Occupational Health and Safety and Child Protection requirements, and who could be available as a reference person/supervisor whenever a crèche is functioning. In any case, all persons acting as crèche helpers should be provided with appropriate training, including an opportunity to read this document.

Where young children accompany their parents to home groups and other similar functions in private homes, arrangements which are made for the children's care and well-being, and the nature of the activities in which they engage, should be formally agreed upon and accepted by all the parents concerned. Any person who specifically takes on the responsibility of the care of the children should be expected to provide a level of care which fulfils any *Duty of Care* standards.

Playgroups

There are a multitude of issues that could be raised in this document regarding playgroups. They are probably the fastest growing ministry across many of our churches. They are a group that arguably has the most contact of any with people in the community who would otherwise have nothing to do with the church. They are a group that can influence significantly the development of children.

For these reasons alone, although there are many others, vigilance in seeing that our churches acknowledge and meet their duty of care to playgroup children and parents is incredibly important.

There are many resources that are available to assist you in developing, growing and managing playgroups in your church. These include the ***BECT Playgroup guide*** and the ***Playgroup resource manual*** as well as the ***Playgroup manual*** available from ***Playgrouping Victoria***.

As a general and very rudimentary guide, the following should be adhered to when setting up a playgroup:

- For purposes of effective supervision, numbers of participants per playgroup should be defined and contained to a standard level. The maximum size for a playgroup recommended by the Baptist Union's Early Childhood Team is 12 – 14 **parents**
- Make sure that the venue chosen for your playgroup is appropriate for the number of children and adults that you anticipate will be attending the group
- Ensure that there are clear steps of accountability for all leaders and helpers working with children
- It is important that the Playgroup leadership is chosen by, accountable to and supported by the Church leadership
- The Baptist Union strongly recommends attendance by playgroup coordinators, leaders and helpers at workshops and seminars run by the Baptist Early Childhood Team (BECT) or the Christian Playgroups Network (CPN)
- Make sure that on a regular basis health and safety issues are reviewed and addressed. This includes checking for hazards, faulty electrical equipment, loose rocks, nails etc.
- It is important for organizers and leaders of playgroups to be upfront about the fact that they are Christian playgroups. This does include the need to state verbally and in any written information given out to parents details of the Christian content of the program; i.e. whether your group sing grace, celebrate Christmas and Easter, and sing Christian songs or have Bible Stories as part of any structured program

Children

Caring for children means knowing about children in general and knowing about each child. It is important to know and understand the children within our church community to ensure that we are responding to their need to develop and their needs as children.

Generalizing about the care and development of children is difficult. Children's needs differ because of their age, their abilities and the other circumstances of their lives. It is necessary to recognize and to seek to understand the individual needs of children under our care.

There is no one 'right' way to do children's ministry. The needs, as discussed above, will differ from child to child, but they will also differ between Church communities. The best children's ministries are the ones that regularly review, develop and adapt their programs and activities to reflect the needs of the children currently involved in them.

All children need to know that they are loved and valued and that they belong to a set of relationships that add meaning to their lives. Included in this is knowing that they are cared for, are protected and ultimately are safe.

The local church community cannot provide this kind of knowledge and support for children for all parts of their lives, but can play an important part in ensuring that the church is seen as a place of safety. Providing a healthy nurturing church community will add to the environment of care and belonging that is helpful for children in their development.

A commonsense approach to children's ministries is that the congregation involved will care, not only for the child, but also for those who are significant in the lives of the child. The nurture of children in their faith should also include the care and nurture of family and other people significant in their lives.

Developing these relationships will encourage cooperation, trust, compassion, responsibility and an understanding of the role of the church in the wider community.

A safe and respectful environment

Leaders of children's ministries need to understand that they can have a significant influence on a child by what they say and do, and by how they act or react to a child. Because of this potential to influence, the following are important, as they will help the leader to be a positive influence on the children they are leading. It is important for leaders of children to:

- Respect their personhood, by giving them time and attention, and showing respect for the opinions they express
- Recognize and affirm their competencies
- Allow, encourage and maximize participation by each child in any group activity

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- Recognize that much of what we ask children to attempt as we seek to train or teach them is being tried by them for the first time. They must therefore be permitted the right to make mistakes without fear of criticism or rejection
 - Acknowledge and encourage children, according to age and ability, to be progressively involved in decision-making relating to programs being mounted for them
 - Model equality of treatment of all children regardless of race, colour, creed or social status
 - Model in the leaders' lives the behavior and beliefs which they attempt to encourage or instill in the children under their care

Carers of Children should be warm, understanding adults who have a positive attitude towards children. They need to be sensitive towards children and be flexible to the demands of child supervision and they need to be reliable. Children will feel more comfortable and relate better to a leader who does what they have indicated they will do.

Location

- It is important that the space to be used is large enough for the number of children and leaders that are expected at the activity
- The area to be used for the activity needs to be checked for potential physical dangers, including threats from any equipment to be used for the activity
- Is it possible for people who enter and leave the area to be monitored?
- Is the program sufficiently covered by insurance (both property and liability)?
- Is medical help available reasonably quickly if necessary?
- If the area is outside, have alternate arrangements been made to move the activity indoors in the case of adverse weather conditions?

Supervisory Practices

There are often times where it is unclear who is actually supervising children in a church setting. Such times as after church, at the church picnic or actually during the worship service if there are no formal children's activities. In these cases the child is the responsibility of the parents.

It is most important that children should not be allowed into rooms in the church building that may cause danger to them e.g. kitchen, rooms with stacked chairs and electrical equipment.

The most important aspect of supervision of Children is that Children must be supervised at all times.

It is not possible to make prescriptive comments about the most appropriate ratio of leaders to children. These will differ depending on many factors, some of which are listed below:

- Experience and training of the leaders
- Age of the children

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- Any special needs of the program
 - Type of activity
 - Nature of the area to be used
 - Requirements for leaders of both genders to be present

It is important to note that for some children's groups i.e. Kindergartens, Rostered Playgroups and registered Child Care facilities, there are prescribed ratios of leaders to children that are required by law. Details regarding these can be obtained from The Baptist Union of Victoria staff.

It is very important that at least 2 adults should be with the children under supervision at all times. This allows for any emergencies. One should have experience and at least one should be 18 or over.

When engaging leaders for ministry with children, a police check should always be undertaken to be positive that there are no issues in the person's past that will place in any danger the children within the care of your church. Further details regarding Police checks can be found on page 24.

It should be noted that it is *never* appropriate for teenage/apprentice leaders to be in charge of activities or events involving children in the absence of an adult or adults. All person's under the age of 18 years assigned to function as teenage or apprentice leaders must be supervised at all times.

Signing in and out

A very important aspect of leading or supervising children's ministry is to actually know which children are present at the activity. This will also clarify who is responsible for the children and when this responsibility begins and ends. In addition, this will prevent the child being collected by an inappropriate person after the program is over. For this reason we suggest that all children's activities consider using a sign in/sign out book. Such a book should include the following information:

- Emergency contact numbers for the duration of the activity
- Date and time of arrival & initials of the parent / carer
- Details of any other people permitted to collect the child
- Date and time of collection & initials of the parent / carer

Youth

Young people as well as children are at risk of abuse and neglect in a variety of cultural and social class settings.

“The effects of child abuse and neglect can be traumatic and long lasting, not only to the child and young person but to the whole family and to the community at large.” (South Australian Child Protection Council 1994).

Many people today are conscious that any group of young people may attract persons wishing to engage in deviant behavior with children or with youth. It is essential that our church take steps to guard against this so that parents can have confidence that their child will be safe in the church environment.

The Baptist Union of Victoria believes that all youth workers as well as youth pastors need to, agree to the conditions set out in this policy statement and to give details of any previous police record when initially interviewed.

It is important, where leadership of youth groups is concerned, that there is a gender balance within the leaders that reflects the gender balance within the youth group.

It is fair and reasonable to require the same guidelines relating to supervision for youth as for children.

Punctuality

Youth workers and helpers should stick to timetables to the best of their ability. If an activity is running significantly overtime, parents should be notified as soon as possible of the new anticipated time that their children may be expected to be dropped off or to arrive at the pick-up destination. If the youth activity is off-site and a delay has occurred, it may be most appropriate to telephone one person who could inform all other parents of the circumstances and the new time of arrival when they come to collect their children.

Moral well-being

Leaders of youth within our churches should display these characteristics towards those they lead:

- Respect and work within the constraints of the adolescent years, ensuring that the influence we as leaders provide is positive in the development and growth of the young people we lead
- Respect of their personhood, by giving them our time and attention, and showing respect for the opinions they express
- Recognizing and affirming their competencies
- Allow, encourage and maximize participation by each young person in any group activity

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- Recognize that much of what we ask young people to attempt as we seek to train or teach them may be being tried by them for the first time. They must therefore be permitted the right to make mistakes without fear of criticism or rejection
 - Acknowledge and encourage young people, according to age and ability, to be progressively involved in decision-making relating to programs being mounted for them
 - Model equality of treatment of all young people regardless of race, colour, religion, gender, creed or social status
 - Model in our own lives the behavior and beliefs which we attempt to encourage or instill in the young people under our care

Youth leaders should ensure that any television programs, videos, computer programs, music and/or displays shown or used as part of the group's activities are suitable in content and appropriate to the age group represented, with due regard to a Christian understanding, as well as understood community norms.

Every youth worker is expected to maintain a high moral code. Foul, demeaning, racist or sexist language is not to be tolerated by anyone working in youth ministry.

Pastoral Care

When a youth worker is required to provide pastoral care, the team leader, or another responsible person, should always be informed of where they are planning to talk, with whom they are going, for how long, and the purpose of the interaction. (The purpose is pastoral care - it is not to divulge the nature of the discussion, which would breach confidentiality). To ensure that safety and integrity is maintained for all concerned, workers should always try to work in a location with other people present. If a worker must work alone, it should be in a public place, if at all possible. It is not considered wise to work with an individual in a secluded area.

When pastorally caring for a young person, best practice would suggest the advisability of having a third person involved in the session. However, the choice of whether there is a third person, and whom that person might be, should be the right of the recipient or, at least, by mutual agreement. It is seldom appropriate for a male leader to counsel a female young person and it is never appropriate for this to be done either with no-one else present.

Any form of touching can be misinterpreted, either by the one being touched or by an observer.

Location

- It is important that the space to be used is large enough for the number of youth and leaders that are expected at the activity
- The area to be used for the activity needs to be checked for potential physical dangers, including threats from any equipment to be used for the activity
- Is the program sufficiently covered by insurance (both property and liability)?
- Is it possible for people who enter and leave the area to be monitored?

- Is medical help available reasonably quickly if necessary?
- If the area is outside, have alternate arrangements been made to move the activity indoors in the case of adverse weather conditions?

Youth Issues

Whilst the majority of youth leadership issues relating to our duty of care are matters of common-sense, it is strongly recommended that the church complete the *Youth Services in my Community* checklist (No. 18) to ensure that Youth Pastors and Leaders have a network of contacts and support that will enable them to deal with, as a minimum, the following issues:

- Sexual or Physical Abuse or suspicions of abuse
- Recognizing and working with those demonstrating 'at risk' behavior, particularly those who seem to be at risk of suicide
- Understanding and dealing with mental health issues such as schizophrenia and depression
- Recognizing and assisting people dealing with substance abuse

Inappropriate behavior

Any person who is concerned about the behavior of any youth leader or worker should refer the matter to a pastor and/or elder of the church for consideration and any intervention that is deemed appropriate.

The role of the leader

Leaders need to have a clear understanding of their role and work; to make this clear all leaders should be given a document that clearly indicates the expectations of the church and outlines the requirements of the leadership role. A leader should not be appointed without following a pre set policy of screening and training. All leaders should be aware of the responsibilities that come from taking on a leadership role and agree to submit to the guidelines set out in this documents as they pertain to their ministry area.

Power in leadership

Leaders also need to clearly understand that even while they may be dealing with those who are their peers in terms of age, maturity, profession, etc., the nature of the relationship is not simply that of a peer. The moment that a person has taken on a position of leadership, s/he has also taken on the inherent responsibility for those who will look to him/her for that leadership. This also means that, if there is an indiscretion of any kind between an adult leader and a member of the group which s/he is leading, it is the leader who will always be regarded as the more culpable, because of the nature of the trust relationship which has been bestowed upon the leader. Given that the nature of leadership involves authority and power, equal responsibility (and therefore equal culpability) for the crossing of boundaries in relationships with other people does not exist.

All leaders, both paid and voluntary, must recognize that they are placed in a position of trust and responsibility. Every person under our care and ministry is entitled to be safe and feel safe at all times. Leaders should therefore make every reasonable effort to avoid acting, or failing to act, in a way which is likely to frighten or intimidate another person or compromise another's sense of physical, emotional or spiritual safety and well-being. Leaders are therefore exhorted to be guided by, and apply, the policies and procedures presented in this document. These will help to ensure the safety of the people who place themselves into the church's care, and will, at the same time, assist leaders to lead well, and in a way which is protective of their own integrity and personal well being.

Due diligence / screening

Much has been written in the North American context regarding due diligence and the investigation of prospective employees or ministry leaders or workers within a church.

It is, within Australia, a sad fact that many people who would seek to abuse innocent victims, be they children, young people or adults, see the church as an area where they can still exploit the innocent. Often this is because, by its very nature, the church has historically been a trusting body and sometimes an 'easy target'.

It would be foolish of the Church here in Australia to ignore the lessons learned by churches in North America where these issues have been more public than here in Australia, and where many more incidents of abuse by those in church leadership have progressed through the legal system.

In their book, "The sins of the Fathers: Vicarious Liability of Churches", Stauffer and Hyde argue (in the American context) that:

*There is a positive duty on any Church to investigate the background of any individual who will work within the Church, including choirmasters and other non-clerical members of the Church, over whom some control is to be exerted.*⁷

They refer to the judgment against Victory Tabernacle Baptist church. In that case, an employee of the church sexually assaulted a ten-year old parishioner. The employee had previously been convicted for aggravated sexual assault. It was a term of his probation that he have no contact with children.

The Court held the church liable for negligently hiring the employee, failing to investigate his background adequately.

Stauffer and Hyde's advice is worth following with respect to employees, prospective ministers and ministry leaders. In the case of a person called to work with children and/or young people, particularly, it is certainly not sufficient to rely solely upon the candidate's assurances.

In this context then, there is a need to put in place a process for the recruitment of any leaders within the church that are not appointed by a church meeting. This should include a process for the recruitment of voluntary leaders within various areas of the church. It is recognized that these processes will vary from church to church and even for various groups or activities within each church.

Recruitment

As a minimum, any person being considered for any leadership position within the church, particularly roles that have significant contact with any vulnerable people including children, young people, disabled and elderly (apart from staff positions usually filled externally), should have been a regular member of the worshipping community of that church for at least six (6) months.

It is important that the following areas are addressed when recruiting leaders within the church, but it is absolutely vital that these questions be addressed when staff or volunteer leaders are being selected to work with any vulnerable people:

- Who will be responsible for selecting staff and other leaders?
- What process will be followed for the selection?
- What are the requirements of the position and is there a written position description?
- Is the position subject to a trial or probationary period?
- What qualities are desired in the person filling the position?

⁷ Stauffer IR and Hyde CB "The Sins of the Fathers: Vicarious Liability of Churches" Vol 25:3 *Ohawa Law Review* 563 at 574, in MacFarlane & Fisher (supra) at 176

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- How are the applicants screened? references, police check etc (at least 2 references should be supplied)
 - Who will be responsible for the supervision of the staff and leaders following their appointment?
 - What training and pastoral support is available for staff and leaders?

Depending on the responsibility of the position, the degree of supervision and the opportunity to gain the trust and confidence of children, written references may need to be followed up by face to face or telephone conversation. These discussions should, as a minimum, address the following points:

- The referees identity and whether they are willing to name someone to vouch for their credibility
- How long have they known the applicant and in what capacity?
- How do they rate the applicant's ability to care for the group they are applying to work with?
- Whether or not they would recommend the applicant for the position

These precautions must be taken regardless of the applicant's reputation and length of time in fellowship within the church community.

Police Checks

All applicants for staff and leadership positions should sign a declaration that they do not have a criminal record. In all cases, particularly where involvement with children is concerned, a police check is recommended. **Never rely simply on the assurances of the applicant.**

The Baptist Union of Victoria strongly encourages current leaders of church ministries to be prepared to undergo a police check. This should be a firm requirement for those working with children, youth, elderly, disabled people or handling finances. The Union recommends churches to include a police check on new leaders of church ministries, again in particular those working with children, youth, elderly, disabled people or handling finances. We realize that this is an imposition, and may be seen by some as a lack of trust, but believe that the safety of those vulnerable groups to whom we minister should be most important.

The Baptist Union of Victoria have been granted a **Community Volunteer Fee** authorization number to conduct Police Checks at a reduced rate of **\$12.70 instead of \$27.60**. Please note that this reduced rate applies only to police checks undertaken on **Volunteers and Students**. For paid staff the full rate of \$27.60 will be applicable.

For practical reasons, it is necessary for the form for each police check requesting the reduced rate to be signed by a nominated Union Officer. The authorization required by the Union is simply to attest to the volunteer status of the person on whom the check is being undertaken.

It is important to note that these Police Checks are only possible with the consent of the person being checked. In the rest of this procedure this person is called the **applicant**. Victoria Police will not conduct any police checks on persons aged 16 or under.

To obtain a police check utilizing the reduced rate available through The Baptist Union of Victoria, the following process should be followed:

A *The **applicant** to complete the following sections;*

- 1 Applicant Details.** This section requires personal information regarding the applicant.
- 2 Type of Check / Fees.** The type of check is the National Name Check.
- 3 Purpose of Check.** The purpose of checks related to working with children, young people or in any other area of church work is the first box; Employment, voluntary work etc. It is important to indicate in the area provided the type of work that will be undertaken, e.g. childcare worker, Sunday school teacher, youth worker, church treasurer.
- 4 Statement of Consent and identity.** This is the area in which the applicant details the person or organization to whom they want the results of the check sent. The Union suggest that the applicant elect to have the results sent either;
 - i)** To themselves, to be cited by a nominated Church person,
 - ii)** To the nominated Church person recommended by the Church, or
 - iii)** To the Baptist Union Office.

5 Photocopy both sides of a valid driver's license, passport or birth certificate and attach to police check form.

The form is then sent to The Baptist Union of Victoria.

B The Baptist Union of Victoria to complete section 7 to access the reduced fee.

Important issues to note.

- A The results of a police check for the purposes relating to volunteer work within our churches will either;
- State that the applicant has no disclosable record, or
 - Give details of any disclosable record (including, where appropriate, if the individual has been charged with offences, or is under investigation regarding outstanding matters that have not yet been heard at court).
- B The results of a police check are provided by the Victoria Police on a **strictly confidential** basis. The information should be provided to **one** person within the church. The results will be provided to the church either from:
- The applicant (if they have requested the information to be sent direct to themselves), or
 - The Victoria Police (if the applicant has elected to have the information provided directly to the church), or
 - The Baptist Union of Victoria (if the applicant has elected to have the information provided to the Union Office).

When the information is provided to the church, it must not be passed on to any other person or organization. The information *must not* be included in any data base or filing system.

When the selection / employment / verifying procedure is complete, the information provided to your church **must be securely destroyed**. This means as a minimum that the information should not be copied, should not be kept and should be **shredded**.

Should there be any disclosable records; the information provided will be limited to matters less than 10 years old with the following exceptions:

- If it includes a term of imprisonment longer than 30 months,
- If it includes a serious violent or sexual offence and the records check is for the purpose of working with children, elderly people or disabled people,
- If it is in the interests of crime prevention or public safety.

Any person with any conviction for, or any person who has self-disclosed, any form of abuse of a child or youth (according to the legal definitions of abuse); is precluded under this Duty of Care policy from seeking or accepting any casual or regular supervision and care of children or youth in any of the church's activities or ministries. While this may sound strict, its purpose is to act pastorally, not only to the children in our care, but also to the person with the history.

Suitability

Any leader should primarily be committed to the welfare, encouragement and support of the people they are working with, and to measuring their interactions in that light. The worker should be both emotionally and spiritually suited to the role to be undertaken. (It may be the case that the worker is unsuitable for a particular duty from time to time, in which case this would be respectfully explained and negotiations made for a limited involvement, or a suitable alternative may be offered). A policy to remove leaders from their ministry should be formulated to prevent inappropriate people remaining in positions that they are not suited to. Many people stay in leadership roles when they should not be, simply because there is no planned removal policy.

Training

Training of leaders should only be undertaken by those qualified to pass on information through formal training qualifications and sessions. For instance attending a basic First Aid course *does not* qualify a person to train others in First Aid. The only person who should train your church leaders in First Aid is someone who has completed a trainer's level certificate in First Aid.

Accountability

Once the leader has made a commitment to the role, it is expected that undertakings given to perform certain duties will be properly met. All leaders should undertake regular and planned reviews, to ensure that the role is still effective for both the leader and the ministry. Should a leader be unable to perform the duties attached to his/her role on a longer-term basis, the position should be reviewed by agreement with that individual and the church leadership.

Leaders also need to be aware of the danger of working in isolation, or without giving recognition to the collective wisdom of others. Attention should be given to finding the most suitable and appropriate resources in order to stay in touch with contemporary issues. There is also a need for leaders in adult ministry to have in place some form of supervision and performance accountability. This may be through peer group or leaders' meetings, through private arrangements, or in some other form, but it is vital that some system of personal accountability and quality control is in place.

Group Leadership

Group leadership will be seen to embrace the broad range of group activities within the church's programs, including home fellowship groups, support/recovery groups, and community-based groups. In every respect, all who take on positions of leadership in small groups are bound by the leadership requirements discussed throughout this paper. All group leaders need to be particularly aware of the dynamics of power and influence in the leadership context.

Leaders must also be aware of the need to avoid situations where the nature of a relationship can change from a leader-group member to a personal and more intimate relationship.

Platform Ministry

Leaders who take on a platform ministry need to be aware of the high profile and the degree of power and authority which is inherent in such a position. It is therefore extremely important to recognize that what is said from the platform can have a great deal of influence, both positive and negative. Pastors and leaders should always measure what they say in public ministry in order to avoid the potential for undue pressure or demand, or any other form of manipulation.

In addition, special care must be taken never to make reference to any person from the platform without expressed approval of the individual concerned. This approval should not only relate to permission to publicly share an example, but also every detail which is mentioned should only be included with the express permission of that individual. This is even if the intention is that the individual remains totally anonymous.

Pastoral Care in Adult Ministries

The topic of pastoral care is a vexed one, in terms of protecting the recipient and the carer, especially when the issue of the individual's right to confidentiality is taken into consideration.

There are recognized difficulties in the 'private' nature of the pastoral relationship. It is an issue that faces health professionals every day they work. The question of whether or not to provide pastoral care to a member of the opposite sex, whether or not to meet alone or only where someone else is able to see what is transpiring in the session, etc., are very complicated. Those requiring pastoral care are often in a vulnerable state and may be very sensitive at the thought that they cannot speak with someone else privately. There are also occasions when anonymity is vital to the disclosing of information (such as sexual abuse of a child). Carers should determine, in conjunction with the church leadership, what the internal policy with respect to pastoral care ought to be.

Best practice would suggest that, at the very least, anyone who undertakes a pastoral care role should keep a written record of the session, including the name of the recipient, the date and place of meeting, and some brief indication of the nature of the interaction. It is not appropriate that any personal opinions of the carer should be recorded, nor should any diagnosed label be attached, unless the carer is professionally qualified to make such a diagnosis. All such information should then be kept in a secure place where confidentiality will not be compromised.

If, in a pastoral care session, there is a felt need to involve a third person in the session, it must be clearly understood that whether that occurs, and if it does, the choice of whom that third person might be, should be the right of the recipient in the first instance, or should be determined at the very least by mutual agreement. If such agreement cannot be attained, it may be more appropriate for someone else to undertake the role of the pastoral carer.

Code of ethics in Adult Pastoral Care Ministries

Anyone who undertakes a pastoral care role should desist from engaging in intensive personal and long term involvement with any recipient, and should guard against spending unnecessary or overly long periods of time alone with another person.

Such pastoral carers should also be extremely cautious about any level of self disclosure in the relationship, especially given that the most reliable predictor of crossing sexual and emotional boundaries is inappropriate self disclosure by the pastoral carer.

Pastoral carers also need to be very wary of purporting to be what they are not with respect to counseling. Unless formal counseling training has been undertaken, those who offer pastoral care would be unwise to call themselves counselors and certainly unwise to presume that they are able to operate with the training and expertise of a professional counselor. From a Duty of Care perspective, it needs to be understood that anyone who claims to be a counselor would be judged according to professional industry standards of a qualified counselor should any investigation be undertaken. In any event, any person who undertakes any counseling role should be very aware of his or her own limitations and expertise and be very conscientious about referring people on as soon as it is necessary.

Sexual touching

Any form of touching which could be misinterpreted, either by the one being touched or by an observer, should be avoided at all costs. It is the responsibility of the leader to ensure that this type of behavior does not occur on his/her part, and also that s/he takes a very respectful but firm stand if there is any such behavior initiated by someone else. Church leaders need to understand that, from a culpability perspective, the source of any initiation of inappropriate behavior is not the issue, but rather, the point at which the leader chooses to act or respond inappropriately. Issues of power and responsibility must be clearly understood in this regard. Since the leader has taken on the mandate of caring for the moral well-being of the recipient (by virtue of his/her endorsement as a pastoral carer in the church), any inappropriate action or response on his/her part toward the recipient is deemed the greater indiscretion, and, furthermore, is deemed to be negligent (it may also be abusive), under the banner of Duty of Care.

Pastoral code of ethics

It is anticipated that a "Code of Ethics" will be adopted by The Baptist Union of Victoria in late 2005. All Pastoral Leaders are strongly encouraged to familiarize themselves with this document in respect to ethical standards.

Property and Personnel

Many people will wonder at the inclusion of a section in this document that relates to Occupational Health and Safety. This is because they think that Occupational Health and Safety legislation applies only to the relationship between employers and paid employees. This is not the case.

Employers and those organizations that occupy premises, which includes churches, have a duty of care to employees and other members of the community to make sure they do nothing to adversely affect their health and safety. This is the prime focus of Occupational Health and Safety Legislation.

The following are important factors to remember in relation to Occupational Health and Safety:

- Even if your church has only one **paid employee**, that person will be covered by the provisions of the legislation
- **Volunteers** are the forgotten people in our workforce. We all know that their contribution to our churches is invaluable. The provisions of the legislation apply just as much to volunteers as to paid workers. It could be argued, in fact, that because of their lack of expertise in some areas that they may be working in, volunteers are owed, if possible, an even greater duty of care than a paid employee
- Contractors who perform maintenance and other work are covered by the legislation to the extent that the church must not place them at risk of injury. Contractors are, however, responsible for their own health and safety in relation to things that are within their own control and knowledge
- Any person who enters the church property for any reason is owed a duty of care under the Occupational Health and Safety legislation. These people must not be exposed to a risk of injury that the church is aware of, or should be aware of

Churches need to comply with Occupational Health and Safety legislation because it is the law, but perhaps more importantly because we have a moral obligation to all people.

Church and employee obligations under Occupational Health and Safety

Church obligations

- To provide a safe physical environment for employees and others
- To provide safe systems of work
- To provide safe plant and equipment
- To provide adequate facilities e.g. first aid, lighting, space etc.
- To provide suitable and adequate information, instruction and training for any duties required to be performed
- To provide for safe handling and storage of hazardous substances
- To provide personal protective equipment where necessary, e.g. gloves, caps, glasses etc.

Employee obligations

- To comply with lawful instructions
- Not to behave in a willful and reckless manner
- To use any protective equipment provided
- To follow all Occupational Health and Safety policies and procedures
- Report all hazards to the designated Occupational Health and Safety Officer or other responsible person

It is suggested that, in most instances, the Occupational Health and Safety Officer within a church should be the senior paid employee at the church.

Outlined below is a basic approach to Occupational Health and Safety within your church environment. It reflects the issues raised in the booklet published in 1999 by the Australian Baptist Insurance Scheme.

Have an Occupational Health and Safety policy

Every church should make the effort to write an Occupational Health and Safety policy which outlines their commitment to safety in the church. A sample is attached in Checklist 7 *Sample Occupational Health and Safety Policy*.

Your Occupational Health and Safety policy should be signed by the relevant people, reviewed, re-signed and re-issued on an annual basis.

Write some Safety rules

You should have some written safety rules issued on the same basis as the Occupational Health and Safety policy.

The rules need to be relevant to your church. The needs and therefore the rules for your church may vary slightly from other churches. A sample set of rules is contained in Checklist 8 *Sample Health and Safety Rules*.

Regular checks and housekeeping

If you keep your church property tidy and clean it will make it safer for anyone who uses the property. We recommend that:

- Regular documented inspections should identify the risks within the property such as blocked exits, fire hazards and items on which someone may slip, trip or fall.
- A house keeping checklist should be compiled and completed on a monthly basis whilst the property is being inspected. They should be signed, dated and retained for future action and reference
- Any problems identified in the inspection should be rectified as quickly as possible
- The combination of people undertaking the inspection should be varied as a new set of eyes may pick up something missed in previous inspections

Train your Leaders

Your church should provide some training for your Occupational Health and Safety officer in carrying out their responsibilities.

As well as this the church has an obligation to provide good training and induction for new workers, both paid and volunteer.

As part of their training and induction, workers should be provided with a copy of :

- The Occupational Health and Safety policy
- The Health and Safety rules
- The church emergency evacuation plan

A copy of the completed induction checklist for all workers should be kept on file for all employees, leaders and voluntary workers.

Hazard prevention and management

If your church completes the housekeeping checklist regularly, the completion of an annual review for hazards should be an relatively simple exercise.

As with the monthly check, any hazards identified should be ranked in order of their injury or damage potential. Those with the potential to cause the greatest injury of damage should be rectified first.

It is worth noting some of the more common causes and locations of slips and falls and other accidents within church property:

- Playgrounds
- Slippery weather conditions
- Uneven pavement or holes in parking lots
- Loose carpeting or runners
- Wet floors
- Waxed floors
- Dark stairways or uneven steps
- Obstructed walkways
- Unsafe use of ladders
- Cord across floors
- People falling out of windows
- Obstructions

All workers within the church, as well as other members of the congregation, should be encouraged to report any potential or perceived hazards to the Occupational Health and Safety officer. Your church should design a simple 'Incident/Hazard Report Form' for this reporting that may be available from a central point or adapt the sample provided by the BUV.

Accidents, emergencies and first aid

Leaders should always be prepared for accidents and emergencies. While we all hope they will never occur, people do have accidents and there are sometimes emergencies. An accident or emergency is usually a time when someone has been harmed or is at risk of harm. At these times the health and safety of the injured is of paramount concern and it may be necessary for a leader to give first aid.

Whilst there is no legal requirement to have trained first aiders at most church activities it makes sense to have people trained in first aid, particularly where there are many people in attendance on the church property at any one time.

You should make sure that there is a suitable, up-to-date and accessible first aid kit that meets some guidelines and is available at all times that there is an activity running at the church. Remember, a first aid kit is no use to people if it is locked away in a cupboard and is inaccessible. Churches should have a first aid kit that is regularly updated and complies with Australian Standards. It may be necessary to supplement the standard kit depending on the programs or activities and numbers of people involved in them. The Australian Red Cross Society or St John's Ambulance are able to advise on the items required in a first aid kit.

When an accident or emergency occurs, medical advice should be sought regardless of the apparent degree of the injury. It is important that relevant family members are notified.

Where accidents requiring first aid occur at a playgroup, the parent of the child that is present should be *responsible* for the first aid, with the clear understanding that the playgroup leaders are there to support the parent in the administering of the first aid.

The local church should have some clear procedures that need to be followed in the event of an accident or emergency. They should make clear the responsibilities that various leaders may have in an emergency. The procedures should include details of the nearest medical services and how and when they can be contacted.

As a minimum the procedures should include details of:

- Who will look after the injured person?
- Who will supervise any uninjured children?
- Who will administer any required first aid? (a trained person where practical)
- Who will notify the appropriate authorities?
- Who will notify family members?
- Who will review the planned activity and make alternate arrangements if necessary?
- Who will fill out the accident form?

When a child is involved in a church program, the church should have current family contact details and relevant information regarding the child's medical history and current health situation. This information must be kept confidential and be accessible only to those people who need to use it. The church should utilize the permission slips (see *The Children's Indemnity & Permission Form*) in case a child requires urgent medical attention.

How do I report an Incident?

Any incident that causes injury, illness or damage to property should have an *Incident Hazard Report Form* completed.

The form should be completed by the Occupational Health and Safety officer or the leader of the activity in which the incident took place, with the co-operation of the person who has been injured.

The purpose of the forms is to:

- Prevent a re-occurrence of a similar incident
- Provide concise information to insurers (if this is required)
- Identify and record any corrective action that is required

Emergency Evacuation Plan

It is very important for churches and children's ministry groups to have in place a current *Emergency Evacuation Procedure*. This should include instructions on how to exit the building, where to assemble outside of the building and what systems need to be in place so that it can be easily determined if there are persons missing.

Your church should put in place a simple emergency evacuation procedure. It should, as a minimum include the following:

- Details of any alarms at the church
- Names of those people appointed as fire wardens (responsible for ensuring that everyone is out of the building)
- A site plan
- Details of assembly points (places where people assemble after leaving the buildings)
- Procedures to let everyone know that it is safe to re-enter the building

Health Controls

There may be some situations in a church where people may be placed at risk due to hygiene health exposures. These include:

- Noise
- Dust
- Asbestos
- Radiation
- Legionella

Probably the two that may cause issues with our churches are asbestos and legionella.

Asbestos

If your church was built prior to 1983 then you will most likely have obligations under the Occupational Health and Safety legislation. If this is the case, please contact the Union Office who will be able to assist in this regard.

Legionella

Please note that if your church has an evaporative air conditioning system or a system with cooling towers you may need to comply with regulations issued from the Department of Human Services. If you have cooling towers you should already have them registered with the Department. They will be able to issue you with a site kit which helps you to manage the risks associated with cooling towers and legionella.

Contractors

It is vital that where contractors come to work on church property they are aware of the church's Occupational Health and Safety and the safety rules.

We recommend that contractors sign a contractor's log which indicates that they have received a copy of both of these documents.

Where contractors are engaged on the church premises, it is also recommended that:

- They are asked for proof of their qualification to perform the work required, i.e., licenses and permits
- They be required to provide proof of Work Cover and liability insurance
- They are provided with a brief induction regarding fire extinguisher locations, exits and first aid facilities
- They are asked what precautions they will undertake if their work involves hazardous actions, i.e., welding
- They are observed while the work is carried out if you think there is a danger to persons or to the premises
- They are shown your asbestos register if the premises contains asbestos

Electrical equipment

Electrical equipment and installations can be one of the greatest potential risks for our churches. To reduce, or manage, this risk, the following should be put in place:

- All electrical equipment or installations should be designed and installed to minimize the risk of electrical shock or fire
- Only qualified persons should be allowed to work on electrical installations
- All equipment or electrical sockets should be protected by residual current devices (RCD)
- Where RCD's are provided, they must be maintained in accordance with Occupational Health and Safety regulations

Working at heights

Particular care should be taken where people are required to perform work at heights.

- If your roof is made of fragile material (asbestos cement sheeting or tin), you should not allow unqualified persons to access it and you should make sure that appropriate signage is in place as required by Occupational Health and Safety regulations
- You are required under Occupational Health and Safety regulations to ensure that everything possible is done to prevent falls. This is particularly relevant where

people are working on roofs, changing light globes or performing other work with buildings that have high ceilings

- You are required to provide for all workers, safe, suitable and stable ladders and working platforms. In some cases, you may need to provide a safety harness or pole safety belt that should be attached to a secure structural support

When should I notify external authorities about an incident?

In some serious cases, the Occupational Health and Safety regulations require notification of incidents to be made to Government departments. We ask that, where you believe this to be necessary, the Baptist Union of Victoria office is notified as well.

Notification is necessary in the following circumstances:

Injuries to workers

- A work injury that causes death
- A work related injury that has acute symptoms associated with a substance at work
- A work related injury that requires treatment as an in-patient at a hospital.

Dangerous occurrences

Where any of these have caused an immediate and significant risk to any person in or near the church property, notification is required:

- The collapse, overturning or failure of the load-bearing part of a scaffolding, lift or crane
- Damage or malfunction of major plant
- The unintended collapse or failure of any excavation that is more than 1.5 meters deep
- The unintended collapse or partial collapse of:
 - A building under construction, re-construction, alteration, repair or demolition
 - The floor, wall or ceiling of a building used as a workplace
- An uncontrolled explosion, fire or escape of any gas, hazardous substance or steam
- An electrical short circuit malfunction or explosion
- Any other unintended or uncontrolled incident or event arising from operations carried out at a workplace

If you are unsure if an incident is reportable, please contact the BUV Administration Manager or the National Insurance Manager.

Food Safety

In 1997, the Government amended the Food Safety Act 1984, which now includes mandatory completion of a Food Safety Program for all premises selling food. Selling food is defined as any situation where the provision of food is made apart from giving it away, for example:

- Programs where refreshments are provided and a donation collected
- Meals/Mission dinners where money is collected
- Fetes/Stalls

If your church receives any money for food provided, you will need to have a Food Safety Program and people responsible for its implementation.

A *Food Safety Program* is a document, which outlines the food related processes undertaken by the church, the hazards which are inherent in these processes and the methods that the church will use to minimize these hazards.

A Church is classified as a fundraising body for a charitable or a community group. As such, churches have, since the 2nd January 2002 been required to have in place a Food Safety Program.

Compulsory Components to develop a Food Safety Program:

- Hazard analysis and control
- Training Plan
- Food recall procedure
- Good Hygienic Practices

Publications that are provided by the Government regarding food safety include 'Food Safety Guidelines for Voluntary Groups & Charities'.

In putting in place your church's response to issues related to food safety, it is important to note the following:

- Food Regulations are governed by Local Government and requirements will therefore differ from church to church. Each Church is responsible for preparing its own Food Safety Program depending on its own individual needs. Churches should contact their Local Council to determine the relevant requirements. Your Council may also provide you with an example of a Food Safety Program.
- You will need an Event Co-ordinator (Food Safety Instructor) at every event where the Church will be selling food. The job of the Event Co-ordinator is to ensure that all workers understand food safety and they are also responsible for all operations, including food safety supervision.

Insurance Matters

In the first instance, it is worth noting that the Australian Baptist Insurance Scheme is able to provide a variety of covers at levels and premiums not able to be achieved by individual churches. This is not a marketing statement but simply to make sure that all church leaders are fully aware of the wide coverage of their actions that are taken on behalf of the church.

In these days of increasing litigation, particularly regarding claims that fall under a liability insurance policy, it is most important that churches understand the coverage given by the Australian Baptist Insurance Scheme, but also that they understand very clearly those activities that are not covered by the scheme.

Programs that are clearly considered ministries of the local church are covered by our insurance through the Australian Baptist Insurance Scheme, (provided your church is a constituent member of the scheme).

Where a community group uses the church facilities, it is now necessary for the church to seek evidence that the group in question has their own liability insurance to cover any acts or omissions that may have been the responsibility of the group or its leaders.

Community Playgroups should be insured through Playgrouping Victoria. Please note that the activities of church run playgroups (as distinct from those that simply use the church premises) are covered under the church's insurance arrangements.

Another vital part of our *duty of care* related to insurance is the value for which the church's assets (buildings & contents) are insured. On average, it is estimated that assets within church groups may be underinsured by up to 30%. Some are clearly underinsured for much more than 30%! Whilst this practice is seen by some as a short-term cost saving exercise, it has the potential to expose the church to a huge cost should there be a total loss of buildings through fire or some other catastrophe.

The Baptist Union of Victoria is committed to ensuring that church assets are correctly valued and insured, thus safeguarding the valuable buildings, musical instruments and other assets that belong to all church members. We believe that this is one *duty of care* that church leaders owe all members of their church.

Another way that leaders owe a *duty of care* to the members of their church is to introduce a comprehensive *risk management* plan for your church. Parts of this plan would be encompassed by the issues raised in the Occupational Health and Safety section of this document.

What we mean by Risk Management is a pro-active plan that is aimed at loss prevention as well as loss control, should that occur. Loss in this context can refer to property as well as injury to persons.

Part of any risk management strategy will be to put in place a committee or group that will assist the leaders of the church in the following:

- Prepare a written risk management plan
- Establish a protocol for safety inspections

- Establish and maintain a regular schedule for inspections
- Recruit inspectors
- Review insurance coverage to see that it is adequate
- Provide training to staff, members, and students about risk management practices
- Motivate congregational members with respect to the risk management goals
- Provide feedback to leaders and members concerning risk management needs and developments
- Develop contingency plans for crisis management

How your church would undertake these tasks will vary compared to other churches and could be complex or relatively simple depending on the size of your church, the buildings, plant and equipment, complexity and number of programs or people involved in the church.

Financial Matters

Leaders responsible for the finances of churches need to recognise their responsibilities to manage these diligently. Annual reports should include a statement acknowledging this responsibility to the members.

One of the greatest exposures that a church has to financial loss is through the theft or misappropriation of money. Whilst the Insurance scheme provides coverage in this area also, there are some simple steps that should be undertaken to ensure that this does not occur:

- At least two people (not husband and wife) should count the offering on the church premises
- The offering, once counted, is banked at the earliest possible opportunity.
- Church expenditure should (apart from a small petty cash float) be made by cheque or credit or debit card
- Church cheque accounts (apart from the ministry expense account) should be operated by two signatories. This is not to cast a cloud over Treasurers who may operate single signatory accounts but to reflect accepted business practice and to remove any unnecessary temptation.
- No one person should have sole access to moneys collected by any ministry area; all ministries areas should be accountable to the wider church financial processes.
- Regular financial report should be made to the leadership team and to the church members. Treasurers should be prepared to answer questions without becoming defensive.
- At least annually, the church accounts should be audited. A qualified auditor, preferably someone from outside of your church, should do this.

Baptist Churches in Victoria are, in the main, not separately incorporated. There are a few exceptions and these churches should be aware of their obligations under the *Associations Incorporation Act 1981*. The reporting requirements are similar to those for a Company Limited by Guarantee, including accounting on an accrual basis and compliance with other major Australian Accounting Standards, so that reporting as an association becomes a major exercise for most churches.

The Act provides that persons who have, "under the rules of the association, power to administer the affairs of the Act" constitute the association's committee of management.

In churches that are not incorporated, it is usually the deacons or a leadership team that, in most cases, has the delegated authority of the church members to administer the affairs of the church; we recommend within certain guidelines.

The Associations Act requires that the members of the committee of management:

- Be persons of good repute, blameless and honest
- Act at all times in good faith
- Act at all times with reasonable care and diligence
- Act at all times in the best interests of the association and
- Must not make improper use of their position to gain a material advantage for themselves

It is the opinion of the Baptist Union of Victoria that this should, quite obviously, be a requirement of all people in leadership positions within our churches.

Local Church

It is important for each local church to determine their own guidelines for Duty of Care, and churches should develop a process by which people will be informed as to policy and expectations.

There should be a formal record kept of the work done in relation to Duty of Care and documented future plans to continue the work of making your church a safe place. The Baptist Union of Victoria's "Our Church is a Safe Place – Workbook" is recommended as both a record and a plan for covering all aspects of a church's Duty of Care.

- Your Duty of Care should be overseen by a person or group of people appointed by members
- Each ministry leader should be given the information contained in the appropriate sections of this manual to read. This also should form part of each leader's training.
- There should be a clear understanding of what activities are official church ministries
- There should be a clear understanding of who the ministry leaders are in your church
- There should be a clear and articulated process for dealing with any Duty of Care issues if they arise.

Denominational Commitment

As a denomination, The Baptist Union of Victoria has a crucial role to play in Duty of Care issues within our churches. Rather than each church across the state sourcing their own Duty of Care material, the BUV can access this on behalf of our churches. It is then the requirement of each church to interpret and implement the material as it is necessary. The BUV's commitment to ensuring that each of our churches is a safe place includes:

- Providing up to date, relevant and accessible guidance on Duty of Care in the form of a manual, document of the BUV website, and advice from staff.
- Training of church key leaders in the various aspects of these Duty of Care policies where possible
- Making checklists and forms available as templates.
- Producing a Duty of Care – Workbook for churches to plan and record their Duty of Care progress
- Ensuring that the Australian Baptist Insurance Scheme continues to provide the most comprehensive cover that is both available to, and affordable by, our churches in order to protect churches, their property, their leaders and members of their congregations
- Providing guidelines that deal with allegations of misconduct.
- Striving to be above reproach as an organization in all we do.

Acknowledgements

The Baptist Union of Victoria has made use of the following source documents and references in preparing this document.

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