

# Policy for responding to concerns about vulnerable people (including children)

## Synod Wide

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## 1. Introduction

### Preamble

- 1.1 The policy embraces the values and ethos of the Church. As referred to in its Basis of Union, the Church acknowledges that Christ alone is supreme in the Church and that responsibility for government within the Church belongs to the people of God by virtue of the gifts and tasks God has laid upon them.

### A Culture of Safety

- 1.2 The Uniting Church in Australia (the Church) believes that all people, including children, are made in the image of God. As a Christian community we believe that God reaches out to us in love and acceptance, and that our relationships with each other should express love, care and respect (Safe Place Position Statement developed by the UCA Commission on Women and Men in 1997). Central to living out the gospel is to love God and to love others. As a community of faith, we are committed to providing safe environments for all people including children, so that they may live life in all its fullness.
- 1.3 Concern for the safety and wellbeing of all, including children and young people, is part of our call to respect and value all people universally. The Uniting Church is committed to supporting children, young people and vulnerable adults, including by cooperating with relevant government agencies.

## 2. Purpose

- 2.1 This policy provides guidance on how to respond to concerns about children and vulnerable adults. In some instances, representatives of the church will be required to report concerns to government authorities so that the concerns can be addressed appropriately.
- 2.2 There are specific circumstances where individuals will be required to make reports to authorities, but everyone has a responsibility to respond where there are concerns regarding welfare or safety.

## 3. Scope

This policy applies Synod-wide without exception. \*See Policy framework for entity requirements by category.

## 4. Regulatory Context

- 4.1 Mandatory Reporting
- (a) Children and Young Persons (Care and Protection) Act 1998 (NSW)
  - (b) Children and Young People Act 2008 (ACT)
- 4.2 Responsibility to report to police
- (a) Crimes Act NSW s316 and 316A (concealing offences)
  - (b) Crimes Act 1900 (ACT) s66A (failure to report)

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*If someone contacts you about a concern of harm to a child or vulnerable person, especially if that person is a child or vulnerable person, it is important to remember:*

- Listen
  - Reassure them that appropriate action will be taken
  - Don't ask leading questions or attempt to assess the validity of the concern
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## 5. Identifying harm or risk of harm

- 5.1 A concern regarding a child or vulnerable person may arise from:
- (a) Disclosure by the child or vulnerable person
  - (b) Disclosure by another person
  - (c) Information provided by another organisation
  - (d) Observations and interactions with or about the child or vulnerable person
- 5.2 Concerns or disclosures may relate to actual harm or risk of harm
- 5.3 Harm or risk of harm can include:
- (a) sexual abuse
  - (b) physical abuse
  - (c) sexual misconduct
  - (d) serious neglect
  - (e) behaviour which may cause serious psychological harm
  - (f) exposure of a child to Domestic and Family Violence;
  - (g) any other reason for concern.
- 5.4 Anyone who considers that a child or vulnerable person may be at risk of harm is encouraged to take steps to assist.
- 5.5 If concerns arise due to a direct disclosure:
- (a) Listen: Demonstrate the importance of the communication by careful listening. Be careful not to ask leading questions. Ask only clarifying questions. Do not express doubt about what is being communicated.
  - (b) Reassure: Affirm that the person has done the right thing by passing on the information and that their concerns will be taken seriously. Do not make any specific promises about what will happen next.
  - (c) Record: make a written record of the complaint or disclosure, using the exact words where possible

## 6. Responding to concerns

- 6.1 **If there is any immediate danger or harm, call Emergency Services 000**
- 6.2 Reporting to Police
- (a) If there has been a serious offence or a child related offence, contact Police on 131 444 to report (in NSW or ACT)
  - (b) It is a criminal offence for any adult to fail to report a child abuse offence to police if they:
    - believe, know or ought to know that a Child Abuse Offence or serious offence has been committed; and
    - believe, know or ought to know that they have information that might be of

- material assistance to the NSW Police; and
- fail without reasonable excuse to bring that information to the NSW Police as soon as practicable. (Reasonable excuses include: believing that the Police or DCJ are already aware of the information, believing that the victim does not wish a report be made (only if the victim is now an adult), or having reasonable grounds to fear for the safety of the victim if a report is made.

#### 6.3 Reporting to Police - ACT

- If there has been a serious offence or a child related offence, contact Police on 131 444 to report.
- It is a criminal offence for any adult in NSW to fail to report a child abuse offence to police if they:
  - believe, know or ought to know that a Child Abuse Offence or serious offence has been committed; and
  - believe, know or ought to know that they have information that might be of material assistance to the NSW Police; and
  - fail without reasonable excuse to bring that information to the NSW Police as soon as practicable. (Reasonable excuses include: believing that the Police or DCJ are already aware of the information, believing that the victim does not wish a report be made (only if the victim is now an adult), or having reasonable grounds to fear for the safety of the victim if a report is made.

#### 6.4 Reporting to Child Protection Authorities - NSW

- Any person in religious ministry or providing religion-based activities to children is a **Mandatory Reporter**
- A **Mandatory Reporter** who has reasonable grounds to suspect that a child aged under 16 is at risk of significant harm must make a report to the Department of Communities and Justice.
- A **Mandatory Reporter** may report concerns relating to a child aged 16 or 17, and is encouraged, but not legally required, to do so.
- A person who is **not a Mandatory Reporter** may report concerns regarding any child, and is encouraged, but not legally required, to do so.
- Reports to the Department of Communities and Justice may be made:
  - Using the Mandatory Reporter Guide (MRG) at <https://reporter.childstory.nsw.gov.au/s/mrg>; or
  - By phone to the Child Protection Helpline on 132 111
- A written record should be made and kept regarding any Mandatory Report, including any report for which the MRG recommended alternative action.
- Any person who has reported to the Department of Communities and Justice is encouraged to advise the Culture of Safety Team at [CultureOfSafety@nswact.uca.org.au](mailto:CultureOfSafety@nswact.uca.org.au)

#### 6.5 Reporting to Child Protection Authorities - ACT

- Any person in religious ministry or providing religion-based activities to children is a **Mandated Reporter**
- A **Mandated Reporter** who believes on reasonable grounds that a child or young person under 18 has experience or is experiencing sexual abuse or non-accidental physical harm must make a report to the Child and Youth Protective Services (CYPS).
- Mandated Reports to CYPS may be made:
  - CYPS Mandated Reporters Line on 1300 556 728, or
  - by email [childprotection@act.gov.au](mailto:childprotection@act.gov.au), or

- by using the online form at <https://forms.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1136&tmFormVersion>
  - (f) Other reports, including reports of risk of harm or reports by non-mandated reporters may be made to:
    - CYPS Child Protection HelpLine 1300 556 729; or
    - by email [childprotection@act.gov.au](mailto:childprotection@act.gov.au).
  - (g) If there is any doubt whether a concern would be considered a serious risk to the safety and wellbeing of a child or young person then the person should call CYPS on 1300 556 729 to receive advice.
  - (h) A written record should be made and kept regarding any report made to CYPS.
  - (i) Any person who has reported to the Department of Communities and Justice is encouraged to advise the Culture of Safety Team at [CultureOfSafety@nswact.uca.org.au](mailto:CultureOfSafety@nswact.uca.org.au)
- 6.6 Reportable allegations relating to Church employees and volunteers
- (a) Any person who receives information regarding harm or risk of harm caused by a UCA Minister, employee or volunteer, is encouraged to report this using the Speak Out line. More information is available in the **Complaints Policy**.
  - (b) Any Minister, employee or volunteer who received information regarding harm or risk of harm caused by a UCA Minister, employee or volunteer, must report this information to the General Secretary directly or using the Speak Out service.

## 7. Confidentiality

- 7.1 Any disclosure or suspicion should be treated confidentially, with relevant information shared only where:
- (a) necessary for risk management in the congregation or entity; or
  - (b) necessary for appropriate record keeping and support; or
  - (c) necessary for the protection of children in other entities and shared in accordance with the provisions of relevant information sharing legislation.

## 8. Definitions

### Mandated reporter

In ACT, any minister of religion, religious leader or member of the clergy of a church or denomination is a mandated reporter. Other individuals are also mandated reporters if they have a particular professional role that is listed in the *Children and Young People Act 2008* s356(3). These include psychologists, teachers, childcare workers, school counsellors and nurses.

### Mandatory reporter

In NSW any person in religious ministry or any person providing religion-based activities to children is a mandatory reporter.

### Risk of significant harm (NSW)

A child is at **risk of significant harm** if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met;
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;

- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm; and/or
- a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

## 9. Policy Responsibility, ownership and support

This policy is to be reviewed annually by the Culture of Safety team, with any suggested amendments approved by the Synod Board (SB).

## 10. Version History

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1	Synod Board	27 August 2024	27 August 2024	