

Every Nation Melbourne Child Harm Abuse and Complaint Policy

Introduction

1. Every Nation Melbourne is committed to providing a child-safe and child-friendly environment, which includes ensuring that children, personnel or families who wish to report allegations of abuse or child safety concerns know how to report abuse allegations and are encouraged to do so.
2. Abuse often occurs in environments where trust is involved, where a person in a position of trust and/or authority misuses their position to harm another. Often the recipient of the abuse is vulnerable due to their personal circumstances or because the abuser is in a position of power or authority. Abuse is a serious concern and it is the responsibility of leaders within Every Nation Melbourne and all those who work with children to do everything possible to prevent and/or minimise the risk of abuse.
3. Every Nation Melbourne adopts the ChildSafe SP3 system and is committed to sound implementation of it. This policy is intended to help Every Nation Melbourne achieve this.
4. This policy must be followed by every person involved in Every Nation Melbourne.
5. For the purpose of this policy a child is a person under the age of 18 years.

Making complaints

6. Any child, parent, child's trusted adult representative, independent support person, staff member, volunteer or adult survivor may make a complaint about abuse or inappropriate behaviour undertaken by any person involved in Every Nation Melbourne.
7. Abuse can involve neglect, emotional abuse, physical abuse, sexual abuse, domestic violence, and bullying.
8. Inappropriate behaviour (that can be sexual in nature) includes but is not limited to:
 - a) showing favours to one child over others (for example, providing special tutoring to a child or giving a child a lift home)
 - b) baby sitting
 - c) taking photos of a child who is in the care of Every Nation Melbourne outside of official duties



- d) creating situations to be alone unsupervised with a child (for example, tutoring, rehearsals, excursions)
- e) repeatedly visiting a child and/or their family at their home for no professional reason
- f) providing gifts or favours to a child or their family
- g) wearing inappropriate clothing around children
- h) using sexual language or gestures
- i) making written or verbal sexual advances
- j) sharing sexual photos or videos or other photos of the child
- k) sharing details with a child of one's own sexual experiences
- l) taking a child to one's house to be alone with the child
- m) arranging to meet a child alone away from the institution when there is no professional reason for doing so
- n) sharing phone numbers with a child except as allowed by Every Nation Melbourne's formal communication policy for professional purposes and documentation
- o) engaging with a child via social media except as provided by Every Nation Melbourne's formal communication policy
- p) asking children to keep a relationship secret
- q) showering or dressing or undressing with the door open (for example, on excursions and in residential situations)
- r) not respecting the privacy of children when they are using the bathroom or changing (for example, on excursions and in residential situations)

Note: While it is understood that actions a), b), c), e), f), n) and o) occur normally within the contexts of family and some pre-existing relationships, it remains the safety policy of the organisation not to engage in these ways, in the context of the organisation's activity.

9. Below are examples of conduct, which if proven, would constitute a criminal offence:

- a) obscene exposure (for example, an adult masturbating in front of a child or exposing their genitals)
- b) having, attempting to have, or facilitating any kind of sexual contact with a child
- c) possessing, creating or exposing children to pornography
- d) giving goods, money, attention or affection in exchange for sexual activities or images
- e) voyeurism
- f) sexting
- g) grooming offences (as defined by law in most jurisdictions).

10. Inappropriate behaviour complaints, or complaints about abuse may realistically be disclosed to anyone in Every Nation Melbourne. However, the ordinary reporting process is that complaints are made to Ps Ken Johnston, Ps Kellie Mitchell or any member of the Executive Board.



11. Complaints should ideally be made in writing but this is not always possible. If a complaint is made verbally, the person to whom the complaints is made should record it in writing as soon as possible. Complainants should be encouraged to report their allegation to the Police where the conduct is criminal. Individuals should also be informed of their right to also complain to an independent body (such as the Child Protection Ombudsman).

Responding to complaints

12. If a complaint is made by a child (and is not subject to Police processes), the most important thing is to listen and tell the child that they are not to blame. Do not press for information or push the child to reveal the details of the abuse. Do not ask leading questions, rather listen carefully and if possible take notes. Reassure the child that they are right to tell and that what they say is taken very seriously, but do not promise them that no one else will be informed about the complaint.

13. Complaints may be made by someone who witnesses abuse towards a child or is informed about abuse that has allegedly occurred. These complaints should be taken just as seriously as if the complaint was coming from the child directly.

14. Every Nation Melbourne should respond promptly and consistently to all complaints.

15. Members of Every Nation Melbourne must be mindful of diversity and the cultural norms and expectations that are within the group of people coming into contact with Every Nation Melbourne. It is important to be educated about the specific diversity needs within Every Nation Melbourne.

Additional safeguards may be required to meet the needs of children with disability, children from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander children, or children who live in out-of-home care.

16. The response to the complaint should not just be about the factual circumstances of the allegation but should take into account the psychological and other effects on the complainant regardless of whether the complaint has at that stage been formally upheld. Prompt referral to trauma-based counselling including funding of such treatment should occur (where possible and not provided by government systems like the mental health plan for psychologists) to ensure that the potential damage to the victim is minimised.

Risk assessments

18. Upon receiving a complaint of child sexual abuse, an initial risk assessment must be

Resource Level: Organisation Code: CSE4-COM-C, v4.518
CHILDSAFE SP3 SAFETY MANAGEMENT SYSTEM



conducted to identify and minimise any risks to children. This should include:

- a) assessing the safety of the complainant and other children
- b) considering what action should be taken about the accused including supervision, removal of contact with children, being stood down and termination. If a complaint of child sexual abuse against a person within Every Nation Melbourne is plausible, and there is a risk that person may come into contact with children in the course of their work, the person should be stood down from their position while the complaint is investigated.
- c) considering whether it is necessary to report to another agency and if so, report to that agency, including the police and child protection authorities
- d) considering who, if anyone, should be informed of the complaint
- e) considering whether there are any restrictions to informing others, for example, whether the disclosure bypasses the Privacy Act by being required by law or not
- f) determining to implement the decisions made as a result of the risk assessment
- g) supporting those affected including the child or children involved (or the person who made the complaint).

Investigating complaints

19. Every Nation Melbourne must investigate all complaints of conduct that does not reach the criminal threshold but may be inappropriate and/or a breach of Every Nation Melbourne's code of conduct. In addition, Reportable Conduct schemes present in Victoria may also require a reporting response, especially relating to child abuse by a staff member or volunteer, as defined in each scheme.

If there is any doubt about whether the criminal threshold has been reached, the allegation should be reported to the relevant authorities.

20. The person investigating may be an employee of Every Nation Melbourne, a contractor to it or independent of it, depending on the incident type and its gravity.

21. The investigator must ensure that they:

- a) are impartial and objective, applying a consistent treatment of allegations regardless of who they come from and who they are against
- b) have no conflict of interest with the proper investigation of the complaint
- c) have training, skills and experience in investigating child abuse
- d) follow steps to meet the requirements of procedural fairness.

22. The President or the Vice President of the Executive Board should oversee the investigation. They must have sufficient authority to discharge the role effectively and be able to demonstrate they are impartial and objective.

Outcomes

23. All outcomes and decisions made must be accurately recorded, including the reasons for the decisions.

24. Every Nation Melbourne shall consider how to put into effect any decisions, including informing the complainant and other interested people, institutions or other agencies.

25. Every Nation Melbourne shall consider an appeal avenue, if applicable. This could include inviting the accused to discuss the investigation and outcome with the Organisation's leadership. The accused may be entitled to bring a support person or present any evidence they consider appropriate, details of which should be notified to the Organisation prior to the date. The Organisation may then decide to revisit its investigation findings and could decide to implement a modified outcome.

26. Every Nation Melbourne may consider the need to conduct a systemic review or root cause analysis, if necessary, and consider the need to recommend changes from that process outlining the continuous improvement system that is in place – including analysis of complaints to identify and address systemic issues.

External bodies

27. Every Nation Melbourne will report concerns, allegations and disclosures relating to children to external authorities, namely the Police and Child Protection or other relevant authority (such as the Commissioner for Children and Young People or the Department of Health and Human Services).

28. Members of Every Nation Melbourne are always able to make a report directly to the Police or Child Protection before going through this complaint process. However, afterwards The President of the Executive Board must be notified of the report made, in order that Every Nation Melbourne can take appropriate safety measures and support the parties involved.

29. If the Police are investigating or deciding whether to investigate an allegation, any communication undertaken by Every Nation Melbourne might interfere with the Police investigation or undermine possible criminal proceedings. If Every Nation Melbourne considers urgent action is required to protect the children in its care, it should consult the Police or Child Protection agency about the action. If Every Nation Melbourne wishes to communicate with children, parents or staff about the matter, it should do so only in consultation with the Police or Child Protection agency.

Documentation

30. A complaints register shall be kept by the Secretary of the Executive Board, which shall detail all complaints, information obtained, the action taken and findings.

31. All steps taken in the complaint handling process must be documented including:

- a) receipt of the complaint
- b) contact with the complainant
- c) contact with witnesses
- d) contact with the accused

32. Evidence obtained during the investigation, including witness statements, must be retained. The identity of the author of the record, the reason for their involvement and the date the record was made shall be documented.

33. Documents are to be kept secure in a complaints register which is contained in locked storage spaces or the ChildSafe Safety Management Online system].

The Secretary shall be responsible for safeguarding the documentation located on the Organisation's site, and only the Secretary shall be permitted to access to them.

Follow up

34. Every Nation Melbourne should ensure that victims are looked out for even after a complaint is resolved as the effects of child abuse, especially sexual abuse, are lifelong. The practice of finalising a complaint and excluding someone from an organisational community should be avoided. At the same time Every Nation Melbourne should not hold up the healing of the victim by remaining entangled with the victim in the long term.

ANNEXURE – RELIGIOUS INSTITUTIONS

Investigations

If a plausible complaint of child sexual abuse exists against a person who is an Executive Board member, Staff member, Coordinator, Team Leader or Team Member in the Church's ministry, and there is a risk that that person may come into contact with children in the course of their ministry, the person must be stood down from ministry while the complaint is investigated by the Executive Board.

However, Every Nation Melbourne applies the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in a ministry position.

The standard of proof that shall be applied by the Executive Board when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities. This is not to be a purely mechanical comparison of mathematical probabilities, but an actual persuasion of the occurrence or existence of the allegation before it can be found. The Executive Board must only be reasonably satisfied that the allegation is made out.

Substantiated findings of abuse and convicted offenders

Leaders

Any person in Every Nation Melbourne ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities or who is convicted of an offence relating to child sexual abuse, must be permanently removed from ministry. All necessary steps must be taken by the Executive Board, Coordinator and Team Leaders to effectively prohibit the person from holding himself or herself out as being a person with religious authority in Every Nation Melbourne in any way.

Any person in religious ministry who is convicted of an offence relating to child sexual abuse must be dismissed, deposed or otherwise effectively have their religious status removed.

Church attendees

If Every Nation Melbourne becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the Executive Board must: assess the level of risk posed to children by that perpetrator's ongoing involvement in the

community of Every Nation Melbourne; and take appropriate steps to manage that risk, which may include:

- ensuring that adequate supervision of that person is undertaken at all times by members of the Executive Board, the RMO, a Coordinator or Team Leader
- restricting the events the person is allowed to attend
- implementing an ongoing behavioural management program for that person, reviewed regularly.

SCHEDULE – GOVERNMENT STANDARDS & AGENCIES

The National directory for reporting child abuse and neglect

(as at Jun 2018)

<https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>

Police contact / local State Police:

<https://www.australia.gov.au/information-and-services/public-safety-and-law/police-and-crime-prevention/police-services-states>

Reportable Conduct Schemes for Victoria:

<https://ccyp.vic.gov.au/reportable-conduct-scheme/>