

Sample Child Protection Policy & Procedures

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Child Protection Policy & Procedures

<insert name of faith organisation>

<insert date>

Contents

1. Introduction.....	6
1.1 Policy Statement.....	6
1.2 Scope.....	6
1.3 Authority.....	6
1.4 Definitions.....	6
2. External policies	8
3. Policy review.....	8
4. Obligations.....	8
4.1 Spiritual.....	8
4.2 Legal.....	8
4.3 Ethical.....	8
5. Selection & screening.....	9
5.1 Leaders.....	9
5.2 Helpers.....	9
6. Training.....	10
7. A Safe Environment.....	10
8. Disciplining children.....	10
9. Reporting procedures.....	11
10. Alcohol & drugs.....	12
APPENDIX 1 – Legal Obligations.....	13
1. Queensland.....	13
Suitability notice (Blue card) – working with children check.....	13
Mandatory Reporting.....	15
Sources.....	16
2. New South Wales.....	16

Prohibited employment declaration	16
Background checks.....	17
Mandatory reporting	17
Sources	18
3. Australian Capital Territory	18
Criminal record check	18
Mandatory reporting	18
Sources	19
4. Victoria	19
Working with children check	19
Mandatory reporting	20
Sources	20
5. Tasmania.....	21
Criminal record check	21
Mandatory reporting	21
Sources	21
6. South Australia	21
Criminal record checks	21
Mandatory Reporting.....	22
Sources	22
7. Western Australia	22
Working with children check	22
Mandatory Reporting.....	24
Sources	24
8. Northern territory.....	25
Criminal record checks	25
Mandatory reporting	25
Sources	25
9. New Zealand.....	25
Child abuse and neglect.....	25
Mandatory reporting	26
Sources	26
APPENDIX 2 – Suggested Application Form.....	27
APPENDIX 3 – Suggested Interview Questions	29

1. Introduction

1.1 Policy Statement

The (*Church's Name) is committed to providing a safe and secure environment for all its members, leaders and particularly to children.

The Church's Policy & Procedures aims to reduce the risk of abuse occurring, and to ensure that a caring and appropriate response is taken should abuse occur.

1.2 Scope

The Policy & Procedures apply to:

- All ministries authorised by or under the control of the church, including those ministries undertaken at the church's premises or away from the church's premises.
- All leaders within the church or engaged by the church.

1.3 Authority

These are the Policy & Procedures of (*Church's name) and were adopted for use by (*Name of the Church's governing body) on (*Date).

(*Name of the Church's governing body) are committed to implementing the Policy & Procedures and training our leaders in its content and application.

1.4 Definitions

Child Any person under the age of 18.

Abuse Can consist of one or more of but is not restricted to the following:

-

Physical abuse– Any non-accidental physical injury resulting from practices such as:

- Hitting, punching, kicking (marks from belt buckles, fingers).
- Shaking (particularly babies).
- Burning (irons, cigarettes), biting, pulling out hair.
- Alcohol or other drug administration.

Sexual abuse - Any sexual act or threat to perform such upon another person. It occurs when a person uses their

power and authority to take advantage of another's trust to involve them in sexual activity. It does not necessarily involve genital contact but is any act which erodes the sexual boundary between two persons. It may appear consensual but the validity of consent is negated by the power differential.

Emotional abuse – The chronic attitude or behaviour of one person which is directed at another person or, the creation of an emotional environment which erodes a child's development, self esteem and social confidence over time. Behaviors may include: devaluing, ignoring, rejecting, corrupting, isolating, terrorising or chronic and extreme domestic violence in the child's presence.

Neglect - Characterised by the failure to provide for the child's basic needs. Any serious omission or commission which jeopardises or impairs a person's development.

Church	The (*Church's Full Name) church, located at (*Address)
Helpers	Any unpaid person over the age of 16 who is invited by a leader to assist them in their ministry.
Leader	<p>Any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of members placed in their care whilst holding a formal position in a recognised ministry of the church. A leader could include but is not limited to:</p> <ul style="list-style-type: none">• Religious practioner,• Small group leaders,• Music, drama or other ministry leaders,• Counsellors,• Youth leaders,• Sunday school superintendents,• Teachers,• Kid's club leaders,• Scripture teachers,• Sports coaches and organisers.
Members	Any person, including children, who attends or participates in church ministries.
Ministry	Any organised activity that is authorised by the church.
Ministry Leader	The person recognised and authorised by the church as head of a ministry.

2. External policies

We acknowledge that some ministries in the church might have external affiliation with other organisations. These organisations will possibly have policies governing the issues of member and/or child safety and abuse. The church's policy & procedures are not intended to replace or conflict with other policies, but instead to operate in conjunction with them.

3. Policy review

The Policy & Procedures will be reviewed annually at the ([*Relevant Annual Meeting](#)) meeting. Church decision makers will inform the ministries involved when the date of review will occur, and any changes recommended by the ministries should be submitted in writing to the decision makers for consideration one month before the review date.

Any proposed changes will be submitted to the ([*Relevant Annual Meeting](#)) meeting for approval before being implemented.

4. Obligations

4.1 Spiritual

The core beliefs of the church require us to treat all people with love and dignity and to care for those who are less powerful and in need of nurture and protection.

4.2 Legal

The church and its leaders are subject to Federal and State legislation and principles established through common law.

4.3 Ethical

Some actions may not be regarded as Abuse, but are unacceptable behaviour for church leaders. These include:

- Inappropriate conversation of a sexual nature.
- Coarse language, especially that of a sexual nature.
- Suggestive gestures or remarks.
- Jokes of a sexual nature.
- Inappropriate touching.
- Inappropriate literature (e.g. PG, M, MA, R or X rated material used with young children).
- Recording or filming without prior consent
- Acts of violence committed by a leader in the course of an activity.

The age of individuals is recognised as one of the determinants in deciding what acceptable and unacceptable behaviour is. Ministry leaders will ensure that high standards of conduct are maintained at all times.

5. Selection & screening

5.1 Leaders

Leaders involved in children's ministry must be carefully selected and screened. Prior to leaders commencing child-related ministries, the following precautions will be taken:

- Volunteer leaders will be members of the church and have regularly attended the church for at least 6 months.
- Candidate leaders will complete an application form which requests details of relevant past experience, positions held, details of two referees and permission to contact them (see Appendix 2).
- Referees will be checked and spoken to, using an agreed set of questions which have been drafted by the church. The questions will seek to establish the applicant's suitability for the role or position and the conversation will be documented and retained on file.
- Short listed candidate leaders will be interviewed by an experienced and responsible member of the church prior to being accepted as a leader
- A Police and/or Community Services and/or Working with Children check which complies with the legislative requirements of ([*State where the Church is located](#)) will be requested and received prior to the leader commencing their proposed role.

Where the church has identified that an applicant has previously committed a violent or sexually related offence they can not, under any circumstances, be considered for child related ministries.

These offences do not preclude the applicant from serving in other ministries and the church, after careful consideration, might welcome the applicant's contribution in more appropriate areas.

5.2 Helpers

Helpers are expected to have an awareness of the content of the Child Protection Policy & Procedures of the church and be prepared to work within them.

Any helper who provides assistance in a children's ministry must be supervised by a leader at all times and will be accountable to that leader.

Leaders who accept the assistance of a helper must be satisfied of the helpers maturity and their suitability for children's ministry.

6. Training

All leaders will be issued with a copy of this policy and training in;

- The content and application of the Church's Member Protection Policy & Procedures,
- Reporting procedures and the associated legal requirements

In addition ministry leaders responsible for recruiting leaders for child related ministries will undertake further education on child/member protection.

7. A Safe environment

Incidents of abuse are unlikely to take place in front of another person and the presence of a witness can assist in clarifying questionable allegations. For these reasons, two leaders will always be present when working with or supervising children.

Leaders will not visit children in their homes unless a parent is present or another leader accompanies them.

When transporting children, leaders should never be alone with a child in a car. Where this is not practical, leaders will take children directly to and from arranged venues and will not spontaneously detour or make additional arrangements.

All personal counselling is to be carried out within sight of another leader.

Leaders will respect a member's feelings and privacy when engaging in physical contact of any kind.

Adults and children are expected to respect each other's privacy during activities that require undressing, dressing or changing clothes. Leaders will set an example by protecting their own privacy in similar situations. No leader will be alone in a room with a child while either is changing.

Initiations and secret ceremonies are prohibited. All aspects of every child-related program will be open to observation by parents/guardians.

Leaders have the right to ask people who do not have a valid reason to be present at child-related activities to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.

8. Disciplining children

It is not the responsibility of the church or its leaders to discipline a child. If a child does not abide by the rules set down by the leader, or is an obstruction to the care of other children or may cause harm to other children, the child will be removed and referred back to their parent or guardian.

At no time will a Leader administer any form of physical, emotional or mental discipline.

9. Reporting procedures

An independent person will be appointed by the church with the specific duty of dealing with any allegations that arise. The name, address and contact telephone number will be freely available to all leaders. (If the Church is linked to a denomination, this person should be a denominational appointee.)

Documented reporting and escalation procedures will be established by the church for handling allegations of abuse.

If there are reasonable grounds to suspect a child has been or is suffering abuse, the police and the church's insurer will be contacted **immediately**.

The phone number for the police is: (*Police ph no.)

The phone number for our church insurer: (*Church Insurer's ph no.)

Reasonable grounds can be assumed when:

1. A child discloses that he or she has been abused, and/or
2. Someone close to a child (e.g. sibling, relative, close friend) discloses on behalf of that child.

The police will also be notified if a child discloses an incident of abuse that has occurred somewhere other than the church (e.g. home or school).

If a disclosure of abuse is made, the person who receives the disclosure will maintain appropriate pastoral care to the one making the disclosure. This will include:

- Treating each allegation seriously and not attempting to deny the allegation or minimise its impact on the alleged victim. The matter should not be swept under the carpet.
- Not pushing the child to disclose details of the alleged assault or attempting to investigate the allegation.
- Assuring the child that they are understood: that their disclosure is being taken seriously; that what has happened is not their fault, and that they are correct in disclosing the incident.
- Reporting the abuse to the police and the church's insurer.
- Not making contact with the alleged perpetrator. If the leader is already providing counsel to the alleged perpetrator, it may be advisable for another person to assume this responsibility for the duration of any investigation.

- If the alleged assault has taken place recently, clothing worn by the child should be retained and handed to the police for forensic examination.
- Maintaining confidentiality.

Any disclosures by a child, reports of suspected abuse and all details of the subsequent investigation will be documented promptly and the documents will be held in a secure location where a breach of privacy cannot occur.

The church reserves the right to carry out church disciplinary procedures in accordance with the constitution of the church.

Where an allegation is made the accused leader will be removed from all children's ministry pending the outcome of all investigations.

10. Alcohol & drugs

The consumption of alcohol or illegal drugs on church grounds or during an activity is not to be allowed or condoned by any leader. Any Child found to be under the influence of alcohol or illegal drugs is to be counselled and the parents/guardians contacted so the child can be returned home immediately.

Any child required to take prescription medication will provide a letter from their parents/guardians to the ministry leader.

APPENDIX 1 – Legal obligations

Below is a précis of legislative requirements with respect to Child Abuse that apply in (*Your State). Every attempt has been made to ensure this information is accurate however a review should be undertaken regularly to ensure the information remains correct and current.

(*Delete the following information that is not relevant to your church)

1. Queensland

Suitability notice (Blue card) – working with children check

A blue card is issued by the Commission for Children and Young People and Child Guardian. When a person applies for a blue card the commission conducts a working with children check which is a detailed national check of a person's criminal history, including any charges or convictions.

Also considered is disciplinary information held by certain professional organisations and police investigation information (into allegations of serious child-related sexual offences, even if no charges were laid because the child was unwilling or unable to proceed).

A person is disqualified if they:

- have been convicted of a disqualifying offence (including a child-related sex or pornography offence, or the murder of a child), or
- are a reportable offender with current reporting obligations under the Child Protection (Offender Reporting) Act 2004, or
- are subject to a child protection offender prohibition order, or
- are subject to a disqualification order prohibiting them from applying for or holding a blue card.

A disqualified person may apply to the commission for an 'eligibility declaration' and in very limited and defined circumstances may be declared eligible to apply for a blue card.

A person whose application is approved is issued with a positive notice letter and a blue card. If a person's application is refused, they are issued with a negative notice which prohibits them from carrying on a business or providing child-related activities in the categories regulated by the Commission's Act.

New obligations from 2 June 2008

All employers and education providers must:

- use only the latest blue card application forms (which include a new declaration that it's an offence for a disqualified person to apply for a blue card)
- warn every person applying for a blue card that it's an offence for a disqualified person to sign the application form. For example, *"I am legally obliged to warn you that it is an offence for a disqualified person to sign a blue card application form."*
- sign the declaration on the application form stating you have warned the applicant, and check that the applicant has signed the declaration stating they are not a disqualified person before lodging an application on their behalf.

Risk management obligations

It is also mandatory for every organisation covered by the Commission's Act to have a risk management strategy in place to keep children and young people safe.

This means employers must develop and implement a written child protection risk management strategy and review it each year. The strategy should include a register of all paid and volunteer staff in your organisation that carry out regulated child-related activities.

The commission provides free risk management workshops around the state. For more information call the commission on **3247 5518** or visit the website at www.ccypcg.qld.gov.au/about/risk_management.html.

Who needs a blue card?

Anyone who proposes to work, in a paid or voluntary capacity in a child-related area regulated by the Commission's Act will require a blue card.

Regulated employment activities include:

Both paid employees and volunteers may need a blue card if they fall under one of the following categories:

- residential facilities
- school boarding houses
- schools – employees other than teachers and parents
- child care
- churches, clubs and associations involving children
- health, counseling and support services
- private teaching, coaching or tutoring
- education programs conducted outside of schools
- child accommodation services, including homestays
- religious representatives
- sport and active recreation
- emergency services cadet programs, and
- school crossing supervisors
- care of children under the Child Protection Act 1999
- volunteers

A volunteer, unless exempt, must have a blue card before they start volunteering in one of the above categories, regardless of how often they come into contact with children and young people.

Paid employees

Paid employees must apply for a blue card if they work, or are likely to work, in one of the above categories over 12 months, for at least:

- eight consecutive days; or
- once a week, each week, over four weeks; or
- once a fortnight, each fortnight, over eight weeks; or
- once a month, each month, over six months.

Note: A paid employee can commence work pending the outcome of their blue card application.

Trainee students

A student, irrespective of their age, studying at a registered training organisation, university or TAFE, will require a blue card if they carry out work in one of the above categories as part of their study.

Note: A trainee student must have a blue card before they start volunteering in one of the above categories, regardless of how often they come into contact with children and young people.

Checking blue cards

When a new employee or volunteer starts work in your organisation, you should; check the card holder's name and signature on their blue card with other signature or photo identification to satisfy yourself of their identity, then lodge an 'Authorisation to confirm a valid blue card' form. This will allow the commission to validate the blue card produced and notify you of any change to their blue card status considered relevant to their child-related employment.

Don't forget to notify the commission when an applicant or blue card holder stops working for your organisation, or the contact person for your organisation changes. To do this, an authorised person from your organisation should write to the commission on official letterhead advising the name and contact details of the new contact person.

How long is the check valid?

The check is valid for 2 years unless there is a change in the person's criminal history.

Cost of the blue card

The cost is \$60.00 for paid and self employed people and is free for volunteers and students. Replacement card are \$10.

Mandatory reporting

Legislation which specifies who is required by law to report suspected cases of child abuse and neglect is known as mandatory reporting.

The people mandated to report in the State of Queensland are:

- Doctors; nurses - aware of or reasonably suspects a child has, is, or is *likely to suffer harm*.
- Officers employed to implement the Act 1999; all staff of residential care services - reasonable suspicion of *abuse* or *neglect* to a child in residential care.
- Educational staff (teaching and non-teaching staff in government and non-government schools) - aware of or reasonably suspects *sexual abuse* of a child under 18 by an employee of the school.

Reports should be made to:

The Commission for Children and Young People
PO Box 12671
George Street
Brisbane QLD 4003
Telephone: (07) 3247 5525
Fax: (07) 3247 5507
Email: wmaster@ccypcg.qld.gov.au
Website: www.ccypcg.qld.gov.au

Sources

- Commission for Children and Young People and Child Guardian –
- <http://www.ccypcg.qld.gov.au>
- Health Act 1937 s76k
- The Criminal Code Act 1899
- The Commission for Children & Young People Act 2004

2. New South Wales

Prohibited employment declaration

The Children and Young Persons (Care and Protection) Act 1998 mandates the Department of Community Services with the responsibility for the care and protection of children and young people in NSW where there are concerns about their safety, welfare and wellbeing.

Who is a prohibited person?

All people working in, or seeking to work in, child-related employment must declare whether they are a prohibited person. This includes volunteers and students on placement. It is an offence for prohibited persons to apply for, undertake or remain in child-related employment.

A prohibited person is a person convicted of committing a serious sex offence, or a 'registrable person'. A 'registrable person' is someone who has been found guilty of the following offences:

- murder of a child
- child related personal violence offence
- serious sexual offences
- indecency offences (punishable by imprisonment of 12 months or more)
- kidnapping
- child prostitution
- child pornography (possession, distribution or publication)
- attempt, conspiracy or incitement to commit the above offences

What is child related employment

Child-related employment is any work (paid or unpaid) of the following kinds that involve direct and unsupervised contact with children in the following areas:

- pre-schools, kindergartens, child care centres (including residential child care centres)
- refuges used by children.
- clubs, associations etc (including those of a cultural, recreational or sporting nature) which have a significant child membership
- religious organisation
- entertainment venues where the clientele is primarily children
- taxi services for the transport of children
- private tuition of children
- child health services
- counseling or other support services for children
- overnight camps for children
- babysitter or child minder arranged by a commercial agency
- in schools or other educational institutions (not being universities)
- on school buses
- fostering or other child care
- child protection services

All people in, or commencing, child-related employment must be asked by their employer if they are a prohibited person. Employers should clearly state in all information for child-related positions that prohibited persons are not eligible to apply

As an employer, the working with children check requires that you:

- don't employ prohibited persons in child-related employment;
- do working with children background checks;
- report relevant employment proceedings; and
- keep records and protect confidentiality

Background checks

Background checks are conducted by the NSW Commission for Children and Young People and other approved screening agencies.

Background checks are only mandatory for:

- preferred applicants for paid child-related employment
- a minister, priest, rabbi, mufti, or other like religious leader or spiritual official of a religion
- anyone seeking to provide foster care ('authorised care' to children)

Three specific checks are made for:

- relevant criminal records;
- relevant Apprehended Violence Orders; and
- relevant employment proceedings.

Any relevant records arising out of the background check will be assessed in terms of risk of employing the person in a child-related position. An assessment report is then forwarded on to the employer. The decision whether to employ a person always remains the employers.

Employers may conduct other criminal record checks as part of their employment screening process at their own discretion.

Cost of the check

There is no charge for employers or applicants requesting a background check as part of the working with children check.

Mandatory reporting

A 'mandatory reporter' is any person who delivers health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children (aged under 16) as part of their paid work and includes any person who directly manages or supervises such work.

If you are a mandatory reporter with current concerns that a child aged under 16 is at risk of harm, you are required to make a report to the Department of Community Services. This is a legal obligation, which carries a penalty if you fail to comply.

Reports should be made to:

Department of Community Services
4 – 6 Cavill Avenue
Ashfield, NSW 2131
Phone Number 9716 2222
24 hours: 132 111
URL: www.community.nsw.gov.au

Sources

- NSW Commission for Children & Young People <http://www.kids.nsw.gov.au/check/>
- Child Protection (Prohibited Employment) Act 1998
- Commission for Children and Young People Act 1998
- Children (Care & Protection) Act 1987
- Children (Care & Protection) Regulations 1996
- Children & Young Persons (Care & Protection) Act 1998 s27
- Ombudsman Act 1974 <http://www.kids.nsw.gov.au/kids/check/employerguidelines.cfm>

3. Australian Capital Territory

Criminal record check

There is no legal requirement that requires people working with children to undergo a police check in the ACT. Criminal history check application forms are covered by the ACT Police Department.

Mandatory reporting

The following people are legally required to report reasonable suspicions of abuse:

- Medical practitioners
- Dentists
- Nurses
- Teachers
- Law enforcement officers
- School counselors
- Child-care providers
- Public servants providing services relating to the health or well being of children, young people or families, the community advocate, or the official visitor

What should be notified?

A reasonable suspicion that a child or young person has suffered or is suffering *sexual abuse* or non-accidental *physical injury* arising during the course of the person's work.

For notification purposes in the Australian Capital Territory, a *Child* is any person under 12 years old. A *Young Person* is 12 years or older but not yet an adult.

Reports should be made to:

Department of Disability, Housing & Community Services
Office for Children, Youth and Family Support
Address: GPO Box 158 Canberra City, ACT 2601
Enquiries: 132281

Fax: (02)62057187
Email: ocyfs@act.gov.au

Sources

- National Child Protection Clearinghouse: Australian Institute of Family Studies – <http://www.aifs.gov.au/nch/pubs/sheets/rs3/rs3.html>
- Mandatory Reporting – ‘Summary of Grounds & Contacts for Notification of Abuse’ Herbert Greer & Rundle (Lawyers),
- Choose with Care (Childwise)
- Children and Young People Act 1999 s159

4. Victoria

Working with children check

In 2006, the Victorian Government introduced a new checking system to help protect children under 18 years of age from physical or sexual harm.

The Working with Children (WWC) check creates a mandatory minimum checking standard across Victoria. The WWC check helps to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work.

If you work or volunteer with children you may need to apply for a WWC check. Employers, volunteer organisations and agencies must ensure that any of their staff or volunteers who need a WWC check have applied by the due date.

The WWC check is being phased in over five years. If you need a WWC check, you must apply by the due date for your field of child-related work. The next due date is **30 June 2009**.

The WWC check provides information regarding a person's criminal history for serious sexual, violence or drug offences and findings from professional disciplinary bodies. Persons wishing to work in child-related employment are required to apply for a WCC check. Checks will begin to be phased in for different occupations from 2007 and fully implemented in 2012.

Who needs a working with children check?

Employees and volunteers who work in, child related work must apply for a WWC check. This work most commonly involves regular, direct contact with a child where that contact is not directly supervised.

Direct contact is defined as any contact with a child that involves any of the following:

- physical contact;
- talking face to face;
- physically being within eyeshot (this means you can physically see them).

Direct supervision must:

- be undertaken by a person who supervises child-related work;
- be immediate and personal.

For the purposes of the Working with Children's Act, child-related work includes the following occupation fields:

- child care or children's services (e.g. care for 5+ children under the age of 6yrs)
- educational institutions;

- community services, youth residential centres or youth training centres.
- refuges and other residential facilities used by children;
- paediatric wards of hospitals within the meaning of the Health Services Act 1988, or within private hospitals within the meaning of that Act;
- clubs, associations or movements (including of a cultural, recreational or sporting nature) whose membership mainly comprises children;
- religious organisations;
- baby sitting or child minding services arranged by a commercial agency;
- fostering children;
- providing a transport service specifically for children;
- coaching or private tuition services of any kind for children;
- counseling or other support services for children;
- overnight camps for children;
- school crossing services;
- providing commercial entertainment or party services for children (not incidental to other business activities)
- providing commercial gym or play facilities for children (not incidental to other business activities).

How long is the check valid?

The WWC check is valid for five years and is transferable between different employers or volunteer organisations (except if moving from a volunteer to an employee position).

Cost of the working for children check

The check is free for volunteers and \$73.90 for employees.

Mandatory reporting

The following people are legally required to report reasonable suspicions of abuse:

- Doctors
- Nurses
- Teachers
- Police
- School principals

Reports should be made to:

Department of Human Services
 Children Youth and Families
 Child Protection & Family Services
 9/50 Lonsdale Street, Melbourne, Vic. 3000
 Phone: 1300 360 391
 Phone Number: 131 278 - after hours emergency service
 URL: www.cyf.vic.gov.au

Sources

- Department of Justice
- <http://www.justice.vic.gov.au/CA25711C001EBB33/HomePage?OpenForm&1=Home~&2=~&3=~>
- National Child Protection Clearinghouse <http://www.aifs.gov.au/nch/index.html>
- Children & Young Persons Act 1989 s64

- Children Services Act 1996
- Children Services Regulations 1998 s27
- Working with Children Act 2005

5. Tasmania

Criminal record check

The Commissioner for Children Tasmania released a consultation paper in 2005 discussing proposals to introduce policies and procedures for Tasmanian organisations to screen individuals who seek to work with children in a voluntary or paid capacity. However, at present there are no legal requirements for people working with children to undergo a police check. Criminal history record checks can be obtained through the Tasmanian Police Department.

Mandatory reporting

The following people are legally required to report reasonable suspicions of abuse:

- Medical practitioners, dentists, psychologists and nurses
- Teachers, school principals, kindergarten teachers, and child care worker
- Law enforcement officers and probation officers
- Child welfare officers
- Persons concerned in the management of a child care service
- People employed by, or volunteering in, government agencies or organisations funded by the Crown that provide health, welfare, education, residential services or care wholly or partly for children

Reports should be made to:

Department of Health and Human Services
 Children and Families Division
 Level 4, 34 Davey, Street
 Hobart Tas, 7000
 Phone Number: 1300 737 639
 1800 001 219
 URL: www.dhhs.tas.gov.au

Sources

- Department of Health & Human Services – www.thelaw.tas.gov.au
- Children, Young Persons and their Families Act 1997
- Mandatory Reporting – ‘Summary of Grounds & Contacts for Notification of Abuse’ Herbert Greer & Rundle (Lawyers), Choose with Care (Childwise), National Child Protection Clearinghouse <http://www.aifs.gov.au/nch/index.html>
- www.childcomm.tas.gov.au

6. South Australia

Criminal record checks

South Australia has not yet put forward specific legislation on the issue of police clearances and checks. A National Police Certificate Application Form is available on the website of the South Australia Police Department.

Mandatory Reporting

The following people are legally required to report reasonable suspicions of abuse:

- medical practitioners, dentists, enrolled nurses, social workers and pharmacists;
- police and probation officers;
- teachers; and
- voluntary workers providing children's services.

Reports should be made to:

Department of Human Services
Family & Youth Services
PO Box 39
Rundle Mall PO
Adelaide SA 5000
Phone Number: 131 478
URL: www.cyh.com.au
Child Abuse Report Line (24 hours every day) 131478.
<http://www.childabuseprevention.com.au/reportabuse/sa.htm>

Sources

- Mandatory Reporting – 'Summary of Grounds & Contacts for Notification of Abuse' Herbert Greer & Rundle (Lawyers), Choose with Care (Childwise),
- Protection Clearinghouse <http://www.aifs.gov.au/nch/index.html>
- Children's Protection Act 1993 s11 www.parliament.sa.gov.au (2004)
<http://www.jcs.act.gov.au/eLibrary/lrc/r07/Report7c1.html>

7. Western Australia

Working with children check

A working with children check is a national criminal record check that will be compulsory for people who carry out child-related work in Western Australia.

Working with children checks are very different from a National Police Check conducted by the WA Police, which many employers may currently require of their employees or volunteers.

The working with children check considers convictions for all offences, and charges for a limited range of serious offences, to see if an applicant has a criminal history that may place children at risk of harm. However, it is important to understand that a criminal history in itself will not necessarily prevent a person from working with children. When assessing an applicant's criminal history, the circumstances of any convictions or certain charges, and their relevance to working with children, will be considered.

The working with children check commenced in 2006 and phasing-in of the checks will occur until 2011 when the system will be fully operational. For details about the introduction dates for specific types of child related work please refer to the working with children website.

Any person undertaking child-related work in WA must have a working with children check by the date required under the phasing-in arrangements.

Who needs a working with children check?

People employed in child-related employment including: paid employees; volunteers; unpaid people such as students doing practical training and people who carry on a child-related business e.g. self employed.

'Child-related work', is defined under Section 6 of the Working with Children (Criminal Record Checking) Act 2004. Below is a summary of the key areas affected:

'Work' is child-related work if the usual duties of the work involve, or are likely to involve, contact with a child in connection with:

- kindergartens and child care services;
- an educational institution for children;
- a coaching or private tuition, but not informal private arrangements;
- accommodation or care of children but not including an informal arrangement made by a parent of the child concerned or accommodation or care provided by a relative of the child;
- a placement arrangement under the Children and Community Services Act 2004
- the performance by an officer, as defined in the Children and Community Services Act 2004, section 3, of a function given to the officer under that Act
- a detention centre, as defined in the Young Offenders Act 1994 section 3
- a community child health service;
- a counselling or other support service;
- a religious organisation;
- a club, association or movement with a significant membership or involvement of children
- a ward of a hospital in which children are ordinarily patients;
- an overnight camp, regardless of the type of accommodation or how many children are involved;
- a transport service specifically for children;
- a school crossing service;
- a children's entertainment or party service; or
- any other work of a kind prescribed by the regulations.

Who is exempt?

- volunteers under 18 years of age;
- volunteer parents whose child participates in the activity (except for overnight camps);
- employers of children and people who work alongside children as fellow employees, unless otherwise doing child-related work;
- short term visitors to WA, for 2 weeks after their arrival, and for no more than 2 weeks in a 12 month period are exempt from the checks.

What are the application outcomes?

Applicants may be issued with either:

- An assessment notice in the form of a working with children card that will include a photograph, signature and assessment number. The card is valid for 3 years, subject to changes in a person's criminal history. During this time, the person issued with the notice may present their card to any employer as proof of a working with children check.
- A negative notice or an interim negative notice which prohibits a person from 'child related work'. Strict penalties apply to people who do not comply - a fine of up to \$60,000 and up to 5 years imprisonment.

How long is the check valid?

The card will be valid for three years and is transferable across different types of child-related work, whether volunteer or paid work.

Cost of the check

The cost of a working with children check is heavily subsidised for all applicants and is:

- \$50 for paid workers and self-employed people; and
- \$10 for volunteers and other unpaid people, such as students on placement as part of their studies.

These fees may be paid either by the workplace or the employee or volunteer.

Mandatory reporting

In Western Australia the legislation covering mandatory reporting of child sexual abuse is the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008.

Mandatory reporting of child sexual abuse commenced on 1 January 2009.

Mandatory reporters in Western Australia

- Doctors
- Nurses and midwives
- Teachers
- Police officers

This legislation focuses on child sexual abuse. Other forms of abuse (physical, emotional and neglect) should continue to be reported, but there is no penalty if the report doesn't occur. The legislation requires mandatory reporters to report suspected child sexual abuse if they form this belief, based on reasonable grounds, in the course of their paid or unpaid work.

Failure to make a report can result in a fine of up to \$6,000. A person can be prosecuted within three (3) years after failing to make a report. After that, it is at the Attorney General's discretion.

Failure to make a written report can result in a fine of up to \$3,000.

Reports should be made to:

Written reports must be made to the Department for Child Protection's Mandatory Reporting Service on 1800 708 704 or online at www.mandatoryreporting.dcp.wa.gov.au

A verbal report can be made, but this must be followed by a written report as soon as is practicable, preferably within 24 hours.

Sources

- Dept. of Community Development <http://www.checkwwc.wa.gov.au/default.htm>
- Gov. of W.A – Department for Child Protection:
<http://www.mandatoryreporting.dcp.wa.gov.au/Pages/Home.aspx>
- The Criminal Code Act 1899
- The Commission for Children & Young People Act 2004
- Protection Clearinghouse <http://www.aifs.gov.au/nch/index.html>

8. Northern Territory

Criminal record checks

The Northern Territory Government has released draft legislation for the creation of a screening scheme that stipulates minimum standards for broadly identified child-related occupations and activities. The Police Department provides information on criminal history checks.

At present there are no legal requirements for people working with children to undergo a police check, although individual organisations may have their own policy in this regard.

Mandatory reporting

The people mandated to report in the Northern Territory are police and all other people who believe on reasonable grounds that a child has suffered or is suffering maltreatment (physical, sexual abuse or emotional abuse).

Reports should be made to:

Department of Health and Community Services
PO Box 40596
Casuarina NT 0811
Phone Number: 1800 700 250
URL: www.families.nt.gov.au

Sources

- Mandatory Reporting – ‘Summary of Grounds & Contacts for Notification of Abuse’ Herbert Greer & Rundle (Lawyers),
- Choose with Care (Childwise),
- Community Welfare Act 1983
- National Child Protection Clearinghouse <http://www.aifs.gov.au/nch/index.html>

9. New Zealand

Child abuse and neglect

Legal definition

Child abuse means the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person.

The Children, Young Persons and Their Families Act became law in 1989. In January 1995, more than forty changes were made to the Children, Young Persons and Their Families Act with the passing of the Amendment Act. Probably one of the most significant changes of concern to the public dealt with the issue of the mandatory reporting of child abuse. After much debate, an alternative option to mandatory reporting was decided by government with an emphasis on education and voluntary reporting. The changes made to section 7(2) of the Children, Young Persons and Their Families Act reflects that emphasis.

The amendments placed new duties on the Director-General of Social Welfare (and since on the Chief Executive of Child, Youth and Family) which include raising public awareness of child abuse and its unacceptability, looking at ways to prevent abuse, and developing guidelines on how to report abuse.

Legislation

Full copies of relevant legislation should be obtained and legal advice sought by anyone who has need for detailed information. The following Acts are those most commonly referred to.

- Adoption Act 1955 and the Adult Adoption Information Act 1985
- Children, Young Persons, and Their Families Act 1989
- Children, Young Persons, and Their Families Amendment Act 1995
- Crimes Act 1961
- Guardianship Act 1968
- Summary Offences Act 1981

'Police Clearance Certificate'

The Ministry of Justice is frequently asked to provide a 'Police Certificate' or a 'Police Clearance', sometimes from organisations wishing to appoint an employee or volunteer in a child-related work position.

In New Zealand, there is no such document. However, you can apply for a copy of your own conviction records (which you can then show to another party if you wish).

Mandatory reporting

Legislation which specifies who is required by law to report suspected cases of child abuse and neglect is known as mandatory reporting.

There is currently no mandatory child abuse reporting law in New Zealand.

Reporting should be made to:

Department of Child, Youth & Family
Phone Number: 0508 326 459
URL: www.cyf.govt.nz

Sources

- Ministry of Justice: <http://www.justice.govt.nz/privacy/>
- Children, Young Persons, and Their Families Act 1989
- Children, Young Persons, and Their Families Amendment Act 1995

APPENDIX 2 – Suggested application form

Working with children application form

Position applied for: _____

Personal Details

Full name: _____

Residential address: _____

Home Ph.: _____ Mob Ph.: _____ Work Ph.: _____

Email address: _____

Please list all **places of worship** that you have attended regularly in the last 3 years

Date (Approx.)	Place of Worship

Please list any **qualifications** you have that relate to working with children

Date	Qualification	Institution

Please provide any **experience** you have had that relates to working with children

Date	Organisation	Position

References

Please provide details of two people we can contact, who can comment on your suitability for this position:

First referee

Full name: _____

Residential address: _____

Home Ph.: _____ Mob Ph.: _____ Work Ph.: _____

Email address: _____

Position & Organisation: _____

Second referee

Full name: _____

Residential address: _____

Home Ph.: _____ Mob Ph.: _____ Work Ph.: _____

Email address: _____

Position & Organisation: _____

Declarations

Have you:

- ⇒ Read and understood (*Church's Name) Child/Member Protection Policy & Code of Conduct? Yes / No
- ⇒ Ever been in serious breach of (*Church's Name) child/member Protection Policy & Code of Conduct? Yes / No
- ⇒ Had someone express concerns about your behaviour towards a child? Yes / No
- ⇒ Ever been convicted of a criminal offence or been the subject of an investigation relating to the abuse of a child or inappropriate sexual behaviour. Yes / No

I confirm that the information provided on this application form is true and correct.

I consent to a National Police Record check and the release to (*Church's Name) of any matters deemed to be relevant which are recorded against my name.

Applicants signature _____ Date: _____

APPENDIX 3 – Suggested interview questions

Working with children interview questions

The questions asked in this interview may make you feel uncomfortable but they are a necessary part of our child safety policy and must be answered. The answers you provide will be kept confidential where possible but may be divulged to other leaders within the church.

1. Why have you applied for this position and why do you feel you are suitable for the role?

2. Please describe any positive experiences you have had with children or young people

3. Please describe any negative experiences you have had with children or young people

4. Have you ever been in a situation where you have disciplined a child or young person? If so, how did you handle this situation?



5. Have you ever been investigated for violent or sexually related offences? If so, what were the circumstances?



6. Is there any other information relating to your suitability for this position that we should be aware of?

