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JOYRIVER BREAD OF LIFE CHRISTIAN CHURCH INC

ABN: 78 769 621 131

Child Harm, Abuse & Complaint Policy

Document Control:

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1.0	23/01/2024	Joyriver Church Child Safe Committee	Initial release of the document.

Introduction

1. Joyriver Church 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 Joyriver Church and all those who work with children to do everything possible to prevent and/or minimise the risk of abuse.
3. Joyriver Church adopts the ChildSafe Safety Management Online (SMO) system and is committed to sound implementation of it. This policy is intended to help Joyriver Church achieve this.
4. This policy must be followed by every person involved in Joyriver Church.
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 Joyriver Church.
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) Taking photos of a child who is in the care of Joyriver Church outside of official duties.
 - b) Creating situations to be alone unsupervised with a child within the church building or Joyriver Church's official event.
 - c) Repeatedly visiting a child and/or their family at their home for no professional reason.
 - d) Providing gifts or favours to a child or their family for no professional reason.
 - e) Wearing inappropriate clothing around children.
 - f) Using sexual language or gestures.
 - g) Making written or verbal sexual advances.
 - h) Sharing sexual photos or videos or other photos of the child.
 - i) Sharing details with a child of one's own sexual experiences.

- j) Taking a child to one's house to be alone with the child.
 - k) Arranging to meet a child alone when there is no professional reason for doing so.
 - l) Engaging with a child via social media and phone without parents' consent and Joyriver churches' authorised personnel.
 - m) Asking children to keep a relationship secret.
 - n) Showering or dressing or undressing with the door open (for example, on excursions and in residential situations).
 - o) Not respecting the privacy of children when they are using the bathroom or changing (for example, on excursions and in residential situations).
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 Joyriver Church. However, the ordinary reporting process is that complaints are made by following Joyriver Church's Child Safe Complaint Handling Process.
11. Complaints should ideally be made in writing, but this is not always possible. If a complaint is made verbally, the coworker to whom the complaint 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 Victorian 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. Joyriver Church should respond promptly and consistently to all complaints.
15. Members of Joyriver Church must be mindful of diversity and the cultural norms and expectations that are within the group of people coming into contact with Joyriver Church. It is important to be educated about the specific diversity needs within Joyriver Church. 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.
17. Joyriver Church Child Safe Complaint Team will be responsible for handling the complaint.

Risk Assessments

18. Upon receiving a complaint of child sexual abuse, an initial risk assessment must be 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 Joyriver Church 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, ie. Child Protection Victorian Ombudsman.
 - 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. Joyriver Church must investigate all complaints of conduct that does not reach the criminal threshold but may be inappropriate and/or a breach of Joyriver Church's code of conduct. 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 will be from Joyriver Church Child Safe Complaint Team.
- 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. Senior Pastor should oversee the investigation. He/she 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. Joyriver Church shall consider how to put into effect any decisions, including informing the complainant and other interested people, institutions or other agencies.
- 25. The accused can make an appeal to the Joyriver Church in writing. Joyriver Church will follow the appeal procedure according to the Joyriver Church's Child Safe Complaints Handling Process.
- 26. Joyriver Church may consider the need to conduct a systematic 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. Joyriver Church 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 Joyriver Church are always able to make a report directly to the Police or Child Protection before going through this complaint process. However, afterwards the Senior Pastor must be notified of the report made, in order that Joyriver Church 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 Joyriver Church might interfere with the Police investigation or undermine possible criminal proceedings. If Joyriver Church 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 Joyriver Church 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 in SMO, 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 in SMO.
33. Documents are to be kept secure in a complaint register which is contained in the SMO system. Only authorised personnel shall be permitted to access to them.

Follow up

34. Joyriver Church 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, Joyriver Church should not hold up the healing of the victim by remaining entangled with the victim in the long term.

Investigations

If a plausible complaint of child sexual abuse exists against a person who is a Joyriver Church member, including Senior Pastor, Joyriver Church Board, RMO, 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 Joyriver Church Child Safe Complaint Team.

However, Joyriver Church 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 Joyriver Church 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 Joyriver Church must only be reasonably satisfied that the allegation is made out.

Substantiated Findings of Abuse and Convicted Offenders

Leaders

Any person in the Joyriver Church 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 Joyriver Church, RMO, Coordinator and Team Leaders to effectively prohibit the person from holding himself or herself out as being a person with religious authority in Joyriver Church 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 Joyriver Church 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 Joyriver Church must:

- assess the level of risk posed to children by that perpetrator's ongoing involvement in the community of Joyriver Church 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 Joyriver Church Leadership Team, the RMO, 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 Dec 2022)

<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:

Notifying and reporting allegations of workplace child abuse *(as at Jun 2018)*

ACT:

<https://www.ombudsman.act.gov.au/improving-the-act/reportable-conduct>

NSW:

<https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme>

Victoria:

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

WA:

https://www.ombudsman.wa.gov.au/Reportable_Conduct/Reportable_Conduct.htm