

# **Making Our Children Safer – Draft Guidelines**

## **Tuning In.....**

### **1. Our concern for the protection of children is based in the word of God.**

From the beginning of God's dealings with the children of Israel, His wishes concerning the protection of the vulnerable people in society were made very clear. In Deut 10:18-19, God is described as “defending the fatherless, the widow, the poor and the alien”. It was expected that kings and judges would “defend the afflicted among the people and save the children of the needy” (Psalm 72:4). This principle of protecting the vulnerable comes to the fore when we consider child protection.

The Lord Jesus Christ reflected on it in Matthew 18:6, where he warned the person who corrupted children that it would be better if a millstone were hung around his neck and he were drowned in the sea. Jesus' compassion for little children is made very clear in Mark 10:13-16, where he says: “ ‘Let the little children come to me, and do not hinder them, for the kingdom of God belongs to such as these....’ And he took the children in his arms, put his hands on them and blessed them.”

### **2. Terminology**

The following terms are used in this document and in communications with government and other agencies concerned with the issue of child protection:

**CCYP:** Commission for Children and Young People

**CYPA:** Children and Young Persons (Care and Protection) Act 1998

**child:** A person under the age of 16 years

**child and young person abuse:** “intentional action that has resulted in, or appears likely to result in physical injury, sexual abuse, emotional or psychological harm, or damaged intellectual development” (Section 28 CYPA).

**critical incident:** An emergency situation such as a serious car accident, fire, sexual assault, etc.

**designated child protection officer:** The person at the ecclesia to whom allegations or suspicions of harm are to be reported, i.e. Recorder or Sunday School Superintendent.

**disclosure:** When a child or young person actually **tells** you that they are at risk of harm, or have been the subject of child or young person abuse. This happens only rarely. Research shows that people mostly disclose when they are adult, due no doubt to the sense of powerlessness in the child victim.

**DoCS :** Department of Community services NSW – the body given responsibility for child protection under CYPA 1998.

**reasonable grounds:** The situation where you believe that a child is at risk of harm based on observation in the child of a number of possible indicators of abuse, or disclosure from the child.

**reports:** Child Protection reports made to authorised government departments by persons making allegations of child abuse or neglect.

**risk of harm:** This is the term preferred and used in the legislation, now, since it implies the attempt to prevent the occurrence of child abuse. A child or young person is at risk of harm if concerns exist for the safety, welfare or well-being of the child or young person because of situations such as: basic physical and/or psychological needs are not being met or are at risk of not being met, failure to arrange necessary medical attention, risk of sexual abuse, living in a household where there have been incidents of domestic violence and as a result the child or young person is at risk of psychological harm, etc.

**young person:** A person aged 16 or above but who is under the age of 18 years (CYPA definition).

### 3. Legislation:

All states of Australia have laws aimed at providing protection for children and young persons.

#### NSW

Following the recommendations of the 1997 Wood Royal Commission into the NSW Police Service, the NSW parliament enacted legislation to reduce the risk of abuse of children and young people by those entrusted with their care:

- The Commission for Children and Young People Act 1998
- The Ombudsman Amendment (Child Protection and Community Services) Acts 1998
- NSW Children and Young Persons (Care and Protection) Act 1998

These laws provide “children and young persons with care and protection as is necessary for their safety, welfare and well-being, taking into account the rights, powers and duties of their parents and other persons responsible for them” (Section 8, CYPA).

The laws continue to be amended, the latest amendment being 2005. The updates to legislations are available through links on the NSW Commission for Children and Young Persons website, [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

**The Commission for Children and Young People** provides recommendations to government and non-government agencies on legislation, policies, practices and services affecting children and young persons, governed by three principles:

- i) The safety, welfare and well-being of children
- ii) The necessity to value and seriously consider children's views
- iii) Co-operative relationship between children, their families and the community.

#### **Summary of the Children and Young Persons (Care and Protection) Act, 1998**

- The Act protects children and young people and at the same time supports parents and families, who can seek help and advice from DoCS.
- Risk of Harm (rather than types of abuse or neglect) is the focus of the Act.
- Reports by mandatory reporters about a child who is at risk of harm are made verbally to the DoCS Helpline 13 36 27.
- Voluntary reports (made by persons who are not mandatory reporters) about a child at risk of harm can be made verbally to the centralised DoCS Helpline 13 21 11.
- Provision has been made for the protection of reporters.
- Children and young persons will have their wishes taken into consideration.
- When there is knowledge of past abuse, this should be reported to the police if criminality is involved. The police should also be contacted in emergency situations.

## Grasping Key Concepts...

**Child abuse** is any act of omission or commission that endangers a child's physical or emotional health and development. Child abuse may take a number of forms, and people working with children need to be aware of the following areas:

- **Neglect** – failure to provide the necessities of life, such as love and affection, safety, nourishment, clothing, personal hygiene and medical care.
- **Emotional abuse** – depriving a child of love, warmth and attention. Abusive behaviours include constant criticism, isolating, rejecting, excessive teasing and ignoring.
- **Physical abuse** – all non-accidental injuries including shaking, slapping, bruising, biting, punching, shoving, burning etc.
- **Sexual abuse** – when an adult or older child uses a child for his or her sexual pleasure. It includes fondling, oral sex, vaginal or anal intercourse, flashing. Abusers are usually known to the child (relatives, friends) rather than a stranger.
- **Domestic Violence** – can include emotional, sexual and physical abuse, social isolation, financial control or deprivation by one or more family members against another. Children can be direct victims and also badly affected by witnessing domestic violence, such as a parent being hit or the parents yelling at one another.
- **Spiritual abuse** – this may include any or all of the abuse types. It involves the inappropriate use of a position of authority in the ecclesia to satisfy one's own needs. Where positional power exists, vulnerable people such as children and young people, and handicapped or otherwise disadvantaged people have a diminished ability to refuse the advances of the more powerful person.

It is important for us to be able to identify children and young people who are at risk and to know what to do when risk of harm is suspected. In an attempt to clarify some of the above issues, the following table of examples of the different kinds of abuse and signs that **may** indicate a particular abusive situation is helpful:

<i>Form of Abuse</i>	<i>Possible Indicators of Abuse</i>
Neglect	Child is consistently hungry, or tired, dressed inappropriately for the weather or inadequately supervised.
Emotional abuse	Extreme passivity; extreme aggressiveness; habit disorders
Physical abuse	Extreme withdrawal or aggression. Complaints of soreness, unexplained bruises, burns or broken bones. Emotional problems.
Sexual abuse	Poor self-esteem; strong aversion to physical contact. Sexual play that is inappropriate for age. Problems with peer relationships; inappropriate expressions of friendship between child and adult; seductiveness.
Domestic violence	
Spiritual abuse	Excessive guilt, shame, fear of God, legalistic ideas, fear of ecclesial authority.

**Reasonable grounds** – this refers to a situation where a **number of possible indicators are observed** in the child, leading to an opinion that abuse may be present.

# Facing the Challenge...

## 1. Responding to Disclosure

When a child or young person tells you that they have been abused, they have decided to trust you. Telling is a difficult thing to do and may be accompanied by distress and anxiety. It is important that you respond appropriately. This can be difficult for you because of your own emotional reactions such as anger or sadness. You may also feel shocked and immobilised and uncertain of what you should do. You may also be inclined to deny the wrong which is disclosed, especially if you personally know the alleged abuser.

### DO..

- Stay calm and listen carefully to what you are being told.
- Indicate that you understand what they are saying
- Reassure the child that you intend to give them support, eg “I will be here for you”. Avoid using emotional language in your response. Stay separate.
- Notify the designated child protection officer and then DoCS.
- Make a record of the information related to the disclosure.

### DON'T...

- Dismiss what is being told you, even if you find it hard to believe.
- Start investigating – that is not your role.
- Promise not to tell others. Your duty of care may require you to report the matter.
- Promise that the abuse will stop. You cannot guarantee this.
- Discuss the matter with anyone other than the appropriate person – the designated child protection officer and DoCS. You have the protection of the law if you notify only the appropriate person. That protection is removed if the matter is not kept confidential.

## 2. Reporting to DoCS

We do have a legal and Biblical responsibility to protect children in our care, and this includes reporting suspected and actual cases of children at risk.

### When to report:

1. Report to DoCS whenever a child or young person **discloses** that they are at risk or are experiencing abuse.
2. Report also when there is a **suspected risk of harm**. This is when you have observed signs which indicate a risk of harm, without the child or young person disclosing any abuse. You need to have “reasonable grounds” to suspect a risk of harm – this would be established by observation of a number of the indicators of abuse listed above.

### Reportable conduct:

- i) Any sexual offence against or in the presence of a child,
- ii) Any sexual misconduct \* against or in the presence of a child,
- iii) Any ill treatment or neglect of a child, or
- iv) Any action that causes psychological harm to a child.

\*Sexual misconduct as defined by the Working With Children Check 2004 (NSW Commission for children and Young People) are a range of behaviours aimed at involving children in sexual acts:

- x inappropriate touching,
- x sexual exhibitionism,
- x correspondence (including electronic communication) with a child/young person concerning an

adult's sexual feelings for the child/young person,

- x deliberate exposure of children to sexual behaviour of others, including pornographic material;
- x “grooming” behaviour – which is any act used to persuade the child that a special relationship exists, as a precursor to sexual abuse, eg. gifts, favours, “accidental” touching of genitals etc.

{ The term “reportable conduct” does **not** extend to any reasonable conduct used for training or care of children; touching a non-intimate part of the body to guide a child, or comfort a distressed child, or attract attention; conduct that is deemed to be accidental; appropriate contact in sport, dance etc. and the provision of medical care. }

## **Who reports?**

The person who hears the disclosure or who has established reasonable grounds for reporting is the one to make the report to DoCS.

The fewer people who know about the abuse, the risk of harm and the reporting, the better it is for the child and for the alleged abuser.

## **Mandatory reporting**

Some people are legally obliged to report:

- Any person who is paid to work with children
- Any person who holds a “management position” (paid OR unpaid), which includes responsibility for children or supervision of others who work with children.

The report is made by phoning the DoCS Helpline 13 36 27. A written copy of the report (we need a Form) must be sent to DoCS, fax 9633 7666.

## **Voluntary reports**

Anyone may make a report to DoCS where there are reasonable grounds to suspect a child is at risk of harm. The legislation places the responsibility for investigation of the alleged risk of harm with DoCS. DoCS will decide if the report is to be followed up. DoCS Helpline is 13 36 27.

## **Who else can be told?**

The designated Child Protection Officer

Do not tell anyone who does not need to know. Those who should be informed are DoCS and the police, if a crime is alleged.

## **How to report**

When a child discloses abuse, or discloses that they are at risk, or when reasonable grounds have been established, follow these steps:

- Report to the designated child protection person
- Fill in the reporting form (Need to have one)
- Make the phone call to DoCS
- Fax, or mail a copy of the report to DoCS.
- Keep the matter confidential. Retain a copy of the confidential form (Numbered?) and keep it in a secure place, such as a locked filing cabinet.