



# Guidelines for Child Safety

Approved by Archbishop in Council

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## 1. ABOUT THIS DOCUMENT

The Code of Conduct applies to you if your work in the Anglican Diocese of Melbourne requires you to have a clearance for ministry or a clearance for service. In most cases someone requiring one of these clearances provides a ministry to children, that is, to people under the age of 18 years.

These Guidelines should be read in conjunction with the Diocese's:

- Safe Ministry Policy
- Code of Conduct for Child Safety, and
- Statement of Commitment for Child Safety.

You must follow these Guidelines when observing the standards in the Code of Conduct. Wilful disregard of the Guidelines may indicate an area where guidance and specialised help and training is required.

These Guidelines incorporate the guidelines set out in the following sections of "Faithfulness in Service", a code adopted by the General Synod of the Anglican Church of Australia:

- section 3 (Putting this Code into Practice) so far as they relate to section 5 (Children), and
- section 5 (Children),

when read with section 1 (About this Code) and section 2 (Key Terms).

The Code of Conduct and these Guidelines have been prepared to fulfil the Church's commitment to make its communities safe places for children and all people who participate in its life and ministry, as an outworking of our pastoral, biblical, legal and moral responsibilities.

## 2. SCRIPTURAL AND CHURCH FOUNDATIONS

When Jesus spoke to his disciples, he said they were not to be like the rulers of the day who used their authority to lord it over others. They were to be servants of others, even as Jesus did not come to be served, but to serve (Mark 10:42-45).

When Peter wrote to the Christians scattered throughout Asia Minor, he reminded them of their identity in Christ as God's chosen people, who had been sanctified by the Spirit for obedience to Jesus Christ (1 Peter 2:1-17). The call to be holy is reflected in both the Old and New Testaments as the appropriate response to God's grace. Christians live according to the knowledge that they have been created by God and redeemed by Christ.

When Paul wrote to the Philippian Christians he rejoiced in their fellowship and prayed that their love might grow in knowledge and discernment so that they might be enabled to live pure and blameless lives for the day of Jesus Christ (Philippians 1:9-11). They live out God's love in their contact with others, especially those to whom they minister in Christ's name.

The Church is the fellowship that nurtures and sustains Christians as they seek to follow Christ faithfully and participate in God's mission. Its leaders especially are to be examples of Christian faith and obedience as they exercise their vocation, in dependence on the Holy Spirit.

The personal behaviour and practices of pastoral ministry required of ordained clergy (bishops, priests and deacons) of the Anglican Church of Australia are specified in the Holy Scriptures as well as in its Constitution, canons, ordinances, the Book of Common Prayer and the Ordinal. Although they are not bound by the promises made by ordained clergy, lay people who are employed by or hold a role, office or position within the Anglican Church of Australia are expected to conform to the same behaviour and practices as ordained clergy in relation to ministry to children.

### 3. KEY TERMS

The following key terms appear in ***bold italic text*** the first time they appear in a section of these Guidelines.

***abuse*** is defined in the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**.

***bullying*** is defined in the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)** and means behaviour directed to a person or persons which:

- is repeated;
- is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
- creates a risk to their health and safety –

but does not include excluded conduct as defined in the Act – see Appendix C.

Cyberbullying is a form of bullying that involves the use of information and communication technologies.

Appendix A contains a fuller explanation of what bullying includes and does not include.

***child abuse*** means the following conduct in relation to a child:

- bullying;
- emotional and psychological abuse;
- harassment;
- neglect;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

***child exploitation material*** means material that describes or depicts a person who is or who appears to be a child –

- engaged in sexual activity; or
- in a sexual context; or
- as the subject of torture, cruelty or abuse (whether or not in a sexual context)

in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image and any other depiction.

***Church*** in this document means the Anglican Church of Australia.

***Church authority*** has the meaning in the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**.

***Church body*** is defined in the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**, and includes a parish, vicar, parish council, the Dean or Chapter of the Cathedral, a school affiliated with the Church, Anglicare Victoria and any

other body corporate, organization or association that exercises ministry within, or on behalf of, the Church;

**civil authorities** means the police and the relevant State or Territory government child protection authority.

**clergy** means anyone who is required to hold a clearance for ministry, including people who have been ordained or are licensed lay ministers.<sup>1</sup>

**corporal punishment** means any punishment inflicted on the body.

**emotional and psychological abuse** includes—

- (a) subjecting a person to excessive and repeated personal criticism;
- (b) ridiculing a person, including the use of insulting or derogatory terms to refer to that person;
- (c) threatening or intimidating a person;
- (d) ignoring a person openly and pointedly;
- (e) behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected; or
- (f) any other act or omission in relation to a person—

which has caused, or is likely to cause physical or mental harm including self-harm but does not include excluded conduct<sup>2</sup>;

**grooming** refers to actions deliberately undertaken to befriend a person with the intention of engaging and influencing an adult or a child to gain their trust and lower inhibitions for the purpose of sexual misconduct or abuse.

In the case of sexual abuse of a child, an offender may groom not only the child, but also those close to the child, including the child's parents or guardians, other family members, clergy and other members of the Church. Grooming can include providing gifts or favours to the child or their family.

In the case of sexual abuse of an adult, an offender may groom not only the adult, but also those close to them, including their children, clergy and other members of the Church.

**harassment** means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time.

Appendix B contains a fuller explanation of what harassment includes.

**Kooyoora** means Kooyoora Limited, ACN 616 776 919

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<sup>1</sup> This definition of "clergy" is solely for the purposes of these Guidelines.

<sup>2</sup> "excluded conduct" is defined in the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**. The definition is in Appendix C of these guidelines.

***misconduct*** has meaning in section 5 of the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**—see Appendix D to these guidelines.

***neglect*** means the failure to provide a child with the basic necessities of life where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development. It includes being deprived of:

- food;
- clothing;
- shelter;
- hygiene;
- education;
- supervision and safety;
- attachment to and affection from adults; and
- medical care.

***offensive language*** includes blasphemy, verbal harassment, racial and other forms of vilification, personal insult or comment and obscene words.

***pastoral ministry*** means the work, usually in a church context, of caring for and teaching others such as having responsibility as part of their role in the Church for the wellbeing of others. This could include the providing spiritual advice and support, education, counselling, medical care, and assistance in times of need.

***pastoral relationship*** means a relationship for the purposes of pastoral ministry.

***physical abuse*** means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures. It does not include lawful discipline by a parent or guardian.

***prohibited material*** means:

- publications, films and computer games that have been classified by the Office of Film and Literature Classification as being unsuitable for a child to read, see or play;
- any other images or sounds not subject to classification by the Office of Film and Literature Classification that is considered by the Church to be unsuitable for a child to see or hear; and
- any substance or product whose supply to or use by children is prohibited by law, such as alcohol, tobacco products, illegal drugs and gambling products.

***reportable conduct*** means mistreatment of a child, specifically:

- (a) a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or
- (b) sexual misconduct, committed against, with or in the presence of, a child; or
- (c) physical violence committed against, with or in the presence of, a child; or
- (d) any behaviour that causes significant emotional or psychological harm to a child; or
- (e) neglect of a child.

**Reportable Conduct Scheme** is as defined in the **Child Wellbeing and Safety Act 2005** (Victoria).

**sexual abuse of a child**<sup>3</sup> means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others.

Appendix E contains a fuller explanation of what sexual abuse of a child includes and does not include.

**sexual harassment**<sup>4</sup> means:

- an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person, or
- other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Such behaviour may consist of a single incident or several incidents over a period of time.

Appendix F contains a fuller explanation of what sexual harassment includes.

**sexual misconduct** includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism<sup>5</sup>.

**spiritual abuse** means the mistreatment of a person by actions or threats directed specifically to that person and justified by appeal to God, faith or religion, which mistreatment has caused, or is likely to cause physical or mental harm including self-harm but does not include excluded conduct.

**the Act** means the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)** – available on the [Diocese's website](#).

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<sup>3</sup> Approved by Standing Committee, November 2016 – SC2016/2/29

<sup>4</sup> Approved by Standing Committee, November 2016 – SC2016/2/29

<sup>5</sup> As defined in the **Child Wellbeing and Safety Act 2005** (Vic)



## 4. CHILDREN'S ENTITLEMENT TO BE SAFE AND PROTECTED

- 4.1. Children are entitled to be safe and protected. They have the right to be respected, listened to and their particular needs addressed in all **Church** activities, whether mixed aged or child specific. Attention to individual needs must consider any disability and cultural aspects.
- 4.2. Ministry where children are involved requires absolute trustworthiness.
- 4.3. If you have overall authority for children's ministry in a **Church body** this responsibility cannot be delegated for the implementation and maintenance of proper systems for the safety and welfare of children participating in its **pastoral ministry**.
- 4.4. When you are exercising a pastoral ministry involving children in a Church body, you have responsibility for the safety and welfare of children in your care.
- 4.5. You have authority over children because of your position and power because of your greater age, maturity, physical size and life experience. **Abuse** arises from the misuse of authority or power. Any form of **child abuse** is always wrong, and the Church body takes a zero tolerance stance.
- 4.6. Due to the inherent imbalance of power, children under the age of 16 cannot give consent to sexual activity.
- 4.7. Appropriate physical contact is important for children's healthy development.

## 5. GUIDELINES FOR CHILD SAFETY

*These guidelines explain and illustrate best practice and highlight practical ways to achieve it.*

### Putting the Code of Conduct into practice

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- 5.1. If you have concerns or become aware that a member of the clergy or someone else with a position of responsibility in the **Church** has failed to meet a standard of the Code of Conduct, other than for **child abuse** you must report this to **Kooyoora**. The reporting of child abuse is addressed in clause 4 of the Code of Conduct and under the **Reportable Conduct Scheme**.
- 5.2. If you have concerns or become aware that anyone bound by the Code of Conduct has not followed one of these guidelines in a way covered by the reportable conduct scheme, you must report this to Kooyoora.

If you are in doubt, you should seek advice from Kooyoora without identifying the person concerned.

### Recognising the characteristics and effects of child abuse

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- 5.3. You need to be aware of the signs, symptoms and characteristics of **child abuse** and its impact on children.

Abuse of a child can be categorised as emotional and psychological, **grooming**, physical, sexual, or spiritual. It can also arise from **neglect**, **bullying** or **harassment**.

The signs and symptoms can include (but not limited to):

- **emotional and psychological abuse**—low self-esteem, apathy, an over readiness to relate to anyone even strangers, unduly aggressive behaviour, withdrawn behaviour;
- **physical abuse**—bruises, bites, burns and scalds, fractures;
- **sexual abuse**—a level of sexual knowledge or desire for either contact or distance inappropriate to the child's age, self-harm, social isolation, and a sudden onset of soiling, wetting or other behavioural changes;
- **spiritual abuse**—low self-esteem, high levels of anxiety and fear, excessive deference to a leader and isolation from former friends and family members;
- neglect—failure of a child to grow within the normally accepted pattern, failure of a parent or guardian to provide adequate food, clothing, shelter, medical care and supervision.
- bullying or harassment—low self-esteem, loss of trust in others, apathy, an over readiness to relate to anyone even strangers, unduly aggressive behaviour, withdrawn behaviour.

***Sexual abuse of a child*** is often preceded by grooming, although grooming in and of itself is also a crime characterised with trauma impacts regardless of whether further forms of abuse occur. Grooming actions are designed to establish an emotional connection to lower the child's inhibitions through the development of a relationship with the child, and increased opportunity to see the child. Grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated. Typically, grooming occurs incrementally: accessing the victim's vulnerabilities, initiating and maintaining the abuse, and concealing the abuse.<sup>6</sup> Grooming offences may target online or other electronic communications, subjecting children to ***child exploitation material***, and/or using intoxicating substances to engage children for the purpose of sexual activity.<sup>7</sup>

The sexual abuse of a child commonly has the following characteristics:

- it usually starts with something minor and gradually builds up to more involved behaviours through a process of grooming;
- it is secretive and generally known only to the abuser and victim making it extremely difficult to detect;
- it is perpetrated by someone known to the child and/or held in a position of trust by the child or their parents or guardians; and
- it is rarely a self-contained or one-off incident but rather part of an ongoing relationship that is recruiting, corrupting and distorting.

The abuse of a child commonly causes psychological and spiritual harm and is likely to lead to the impairment of their social, emotional, psychological, cognitive, spiritual and intellectual development and/or disturbed behaviour.

The effects of child abuse extend well beyond the abuser and their primary victims. The families of the victim and abusers as well as their communities can also experience a high degree of distress when revelations of abuse emerge. Often, they can deny the disclosure and so reject the victim rather than face reality. Once the reality is confronted, the community will commonly experience profound shock, guilt about failing to protect the primary victim, deep hurt and disillusionment.

## Recognising the characteristics of sexual offenders

5.4. You need to be aware of the characteristics of sexual offenders. A sexual offender may be a friend, a family member, a neighbour, a peer, or a person in authority. Sexual offenders generally:

- look for and take situational opportunities;
- do not stop unless there is some intervening factor;
- believe or assert that the victim is complicit or a willing participant;
- attempt to deny, justify, minimise or excuse their behaviour by:

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<sup>6</sup> Approved by Standing Committee, November 2016 – SC2016/2/29

<sup>7</sup> Approved by Standing Committee, November 2016 – SC2016/2/29

- o claiming their behaviour was an expression of love for the victim;
- o claiming their behaviour was a result of their childhood abuse;
- o claiming their behaviour was influenced by stress, the use of alcohol or other substances; and
- o blaming the victim;
- enjoy the activity, despite claims to the contrary; and
- are repeat offenders.

Sexual offenders who target vulnerable adults and children will often undertake a grooming process as a precursor to abusive behaviour.

## Ensuring the safety of children

5.5. You need to take all reasonable steps to ensure the safety and welfare of children for whom you have overall responsibility or who are in your care. This means you will need to prepare a risk management plan which considers, but is not limited to, the following issues:

- screening and selection of personnel;
- your role and capacity to perform it;
- use of external service providers;
- supervision;
- planning and conduct of activities;
- venue;
- health and safety;
- transport;
- disciplinary arrangements;
- physical contact;
- photographs and images; and
- record keeping.

These issues are considered in the following paragraphs.

## Screening and selection of personnel

5.6. If you have responsibility for compliance with civil and Church screening and selection requirements, you should exercise care with the selection of leaders involved in mixed age or children's activities. You should ensure that any parents or guardians assisting with these activities are screened.

5.7. Consult Kooyoora as to whether a risk assessment is required before you appoint someone who has:

- been acquitted of a charge of an offence against a child;
- had a charge of an offence against a child not proceed;

- had a prohibited status under applicable child protection legislation lifted; or
- been the subject of Church disciplinary proceedings involving child abuse.

## Your role and capacity to perform it

- 5.8. You need to recognise your own limits and not undertake any ministry that is beyond your competence or certification or that is not part of the role for which you have been or are being trained. Arrange for any such ministry to be provided by an experienced person or specialist agency. This applies particularly to outdoor or adventure activities such as canoeing, abseiling and hiking. Refer any child who requires specialised help (e.g. counselling for depression, abuse or addiction) to an appropriately qualified person or agency.
- 5.9. While children should be able to trust and confide in you — and you should expect to develop relationships of this character with children — avoid fostering inappropriate dependence on the part of a child.
- 5.10. Encourage children to develop leadership skills and undertake leadership roles that are appropriate for people of their age.
- 5.11. Encourage and ensure there are avenues for children to use their voice and be heard.

## Use of external service providers

- 5.12. When you engage or use an external service provider for an activity (e.g. when you engage a specialist in outdoor education or a speaker for a camp), you should:
- make reasonable enquiries as to whether they have been screened and selected in accordance with civil and any Church requirements;
  - ensure that they are only used in a supplemental capacity; and
  - wherever practicable, ensure that they are not left alone with any child.

Note, however, that such a person may themselves require a Clearance for Ministry or Clearance for Service, in which case they must comply with the Safe Ministry Policy, the Code of Conduct for Child Safety, the Statement of Commitment for Child Safety and these Guidelines.

## Supervision

- 5.13. The degree of supervision required will vary according to the nature and environment of the activity, the age and maturity of the children and the size of the group. Having multiple leaders to ensure that supervision and accountability standards are maintained is vitally important. You should:
- clearly distinguish the different levels of responsibility between you and any other supervisor and ensure that these differences are understood;
  - consider the extent of supervision required taking into account:

- the age, number, ability and gender mix of the children; and
- the venue, time, duration and nature of the activity;
- the individual characteristics and needs of children, such as disabilities, ethnicity and cultural considerations.
- have a register of all children with contact details and parents' or guardians' names for emergencies; and
- monitor and periodically review the application of Church child protection procedures.

## Activities

- 5.14. You should identify and minimise all potential hazards before embarking on any activity with children. This includes:
- being aware of the fire safety and evacuation procedures;
  - ensuring that emergency exits on Church premises are clearly marked and never obstructed or internally locked;
  - ensuring the needs of children with disabilities are considered;
  - not permitting smoking in any Church premises where the activity is held; and
  - not knowingly permitting children with serious contagious diseases to attend the activity.
- 5.15. Games or activities that emphasise gender, physical, intellectual or cultural differences should be assessed for their appropriateness. Think about what message children may learn from the way events are organised and conducted. Consider games that are inclusive of all children.
- 5.16. You should review in their entirety aural and visual materials, such as videos, films, computer games, graphics, photographs and lyrics, to ensure that any elements containing violence, sexual activity or lifestyle are appropriate for the intended audience and the values of the Church. Exercise care if a film or computer game has been recommended by the Office of Film and Literature Classification as unsuitable for viewing or playing by children of a particular age (e.g. MA, M and PG classifications). In assessing whether something is suitable you should take into account the age of the youngest child present. If in doubt, seek the advice of a supervisor or colleague.
- 5.17. To minimise the possibility of children being harmed, give careful consideration to any activities or games that require children to act alone or in pairs independent of leaders.
- 5.18. Ensure that no children's activity includes:
- secret initiation rites and ceremonies;
  - nudity or engagement in sexual conduct; or
  - the use or availability of ***prohibited materials***, except wine in the context of a Holy Communion service.

- 5.19. When taking children away from Church premises, obtain the written consent of a parent or guardian and keep them informed of the place and timing of the event and child safety practice.

If you can, include parents or guardians in a leadership team of mixed gender.

- 5.20. When meeting a child privately, you should:

- have parental or guardian consent, where practicable;
- ensure where appropriate that a parent, guardian or suitable adult is present;
- inform a member of the clergy, an adult with a position of responsibility in the Church or another suitable adult of the time, location and duration of the meeting;
- not invite or have children to your home or visit children in their home when no other adult is present; and
- make a record of the time, location, duration and circumstances of any meeting where it is impracticable to follow these guidelines.

## Venue

- 5.21. Avoid working alone or in isolation with children. You should ensure that:

- all activities have defined boundaries that are easily observed or patrolled;
- all aspects of children's activities are open to observation;
- children are not permitted to leave Church premises unsupervised; and
- where individual or small group ministry is needed, it occurs in the presence of other adults, in a public place or in a location with high visibility.

- 5.22. When events require children to sleep over, you should ensure that where possible:

- parents or guardians are involved in the events and their supervision;
- males and females are in separate sleeping accommodation;
- sleeping accommodation is supervised by more than one person, preferably including a parent or guardian or another adult of the same gender as the children being supervised;
- supervisors do not sleep in close personal proximity to a child, unless they are a parent or guardian of the child, and
- all adults attending are appropriately screened for child related work.

- 5.23. Venues should allow for the privacy of all parties to be respected, particularly when changing clothes, washing and toileting. If you need to wash or toilet a child, tell another adult what you are doing.

## Health and safety

- 5.24. Ensure that the risk management plan includes relevant contact details (e.g. emergency services and specialised help) and that a first aid kit appropriate to the



- activity is available. In the case of camps and similar activities, ensure that at least one adult present has first aid training.
- 5.25. Do not administer prescription medications to a child without the written consent of a parent or guardian. This does not include use of an EpiPen or Ventolin or when following the instructions from a paramedic or 000 representative.
- 5.26. Obtain information from parents or guardians about the particular physical and mental health or safety needs of children in your care (e.g. allergies, depression).

## Transport

- 5.27. When making transport arrangements, take reasonable steps to ensure that:
- all drivers or operators are licensed, screened, responsible, experienced and are not impaired by alcohol or any other mind-altering or addictive substance; and
  - all motor vehicles and other forms of transport used are registered, insured, safe and fitted with appropriate child restraints or safety devices (e.g. seat belts, life jackets).
- 5.28. To the extent practicable, avoid being alone with a child in a motor vehicle or driving a child home unaccompanied. If such a situation is unavoidable, inform the parent or guardian or another suitable adult of the trip and the reason for it.

## Discipline

- 5.29. If you have overall responsibility in a **Church body**, you should ensure that:
- there is a strategy to prevent child abuse from occurring during Church activities. This includes giving age-appropriate warnings to children about their own behaviour; and
  - parents or guardians are advised that abuse of any child during children's activities will not be tolerated.
- 5.30. If you have overall authority for children's ministry in a Church body you should ensure that a disciplinary strategy is developed, made known and implemented.

Appendix G details important steps to take when disciplining children.

## Physical Contact

- 5.31. In general—excluding circumstances such as immediate physical danger or medical emergency—physical contact should be initiated by the child or occur with their permission. When you make physical contact with a child, be very careful that you respect the child's feelings and privacy.
- 5.32. Ensure that any physical contact you have with children is of a non-sexual nature and appropriate to the situation. Avoid any physical contact that is sexually stimulating, or that may be construed as sexually stimulating. Children may or may



not be aware of creating such situations. It is your responsibility to be alert for such situations and to cease any inappropriate physical contact immediately.

Appendix H details what is appropriate and inappropriate when making physical contact with children.

## Communication

5.33. If you have overall responsibility in a Church body, you should ensure there are procedures for those engaged in pastoral ministry to children which deal with the use of technology to communicate with children as part of that ministry.

5.34. When considering using technology for communication, you should apply the same principles as you would in any other form of communication with children.

You should take care that:

- it is an appropriate way to communicate with a child;
- it is an appropriate way to communicate about the matter;
- you are sensitive to the impact of your words, images and actions on the child and any other person who may access it;
- you do not use sexually suggestive, sexually explicit or ***offensive language*** or images; and
- the circumstances of the communication, including the language and images used, do not suggest your relationship with the child is inappropriate.

Appendix I details risks associated with using technology in communication with children.

## Photographs and images

5.35. If you have overall authority in a Church body, you should ensure that there is a procedure requiring everyone for whom you are responsible to obtain the permission of relevant parents and guardians before making or using images (including photographs and videos) of children who are engaged in children's activities. The form of permission should clearly indicate the intended use of the images.

## Record keeping

5.36. If you have overall authority in a Church body, you should ensure that any Church screening documents:

- are treated with confidentiality and never left where they can be accessed by unauthorised persons;
- where kept on computer, are password protected and stored for an indefinite period of time with access limited to authorised persons; and
- where kept in paper form, are stored separately from any other documents and locked in secure place for an indefinite period of time, with access limited to authorised persons.

5.37. If you have overall authority in a Church body, you should:

- ensure that a register of attendance of children and leaders and their emergency contact details is kept for each pastoral ministry involving children;
- ensure that you have a register of suitable screening for everyone to whom the Code of Conduct applies;
- consider including such registers in the Church archives; and
- keep and store in a secure place all permission forms and records relating to discipline and private meetings.

5.38. If you are exercising a pastoral ministry involving children in a Church body, you should keep a register of attendance of the children for whom you are responsible.

## APPENDIX A – BULLYING

Bullying can include:

- making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background, or capability;
- communicating in an abusive manner;
- spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- dismissing or minimising someone's legitimate concerns or needs;
- inappropriately ignoring, or excluding someone from information or activities;
- touching someone threateningly or inappropriately;
- invading someone's personal space or interfering with their personal property;
- teasing someone, or playing pranks or practical jokes on someone;
- displaying or distributing written or visual material that degrades or offends.

Bullying does not include lawful conduct carried out in a reasonable manner, such as:

- disagreeing with or criticising someone's belief or opinions or actions in an honest and respectful way;
- giving information about inappropriate behaviour in an objective way to the person or persons concerned and to any other person with a proper reason for having that information;
- setting reasonable performance goals, standards or deadlines;
- giving information about unsatisfactory performance in an honest and constructive way;
- taking legitimate disciplinary action.

**APPENDIX B – HARASSMENT**

Harassment includes:

- making unwelcome physical contact with a person;
- making gestures or using language that could reasonably give offence, including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- making unwelcome communication with a person in any form (for example, phone calls, email, text messages); and
- stalking a person.

**APPENDIX C – MEANING OF "EXCLUDED CONDUCT"**

The expression excluded conduct is defined in section 4 of the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)** in relation to mean—

- (a) any act or omission or refusal of that person to appoint, correct, discipline, counsel, admonish, transfer, demote, suspend, retrench or dismiss a person; or
- (b) any other act or omission or refusal of that person in the course of ministry or service; or
- (c) any decision of that person relating to the same—  
if that person has acted or omitted or refused to act or decided—
- (d) in good faith;
- (e) reasonably; and
- (f) in the lawful discharge of the duties and functions of the role office or position held by that person.

## APPENDIX D – MEANING OF "MISCONDUCT"

Misconduct is defined in section 5 of the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**. It means:

- (a) bullying;
  - (b) emotional abuse;
  - (c) harassment;
  - (d) physical abuse;
  - (e) neglect of a child;
  - (f) sexual abuse;
  - (g) spiritual abuse;
  - (h) wilful violation of the Constitution or of a canon of the General Synod or of an ordinance of provincial synod or of the Diocesan Synod or of a synod of another diocese in which the Church worker was at the time of the violation a member of the Church in that diocese;
  - (i) any offence under the Offences Canon 1962 as amended and in force from time to time and as adopted by the Diocesan Synod;
  - (j) any offence under a law of the State or Territory or the Commonwealth for which the maximum penalty prescribed is imprisonment for at least 6 months;
  - (k) any offence under an ordinance of another diocese in which the Church worker was at the time of the offence a member of the Church in that diocese;
  - (l) any breach of the duty to report a matter referred to below in section 17 or 18 or of a like duty to report a matter under any previous ordinance or protocol of the Diocese or another diocese in which the Church worker was at the time of the breach a member of the Church in the relevant diocese;
  - (m) wilful or reckless failure to comply with a requirement of section 57 of the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**;
  - (n) wilful or reckless failure to comply with a condition imposed by the Church authority under section 119 of the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)**;
  - (o) wilful or reckless failure to comply with an undertaking given to the Professional Standards Board, the Professional Standards Review Board or the Church authority;
  - (p) any other conduct (other than excluded conduct) that is unbecoming or inappropriate to the role office or position of the Church worker or their duties and function—
- by the person whenever occurring (whether before or after the commencement of this Act) which, if established, would on its face call into question—
- (i) the fitness of the person to hold a role office or position, or to be or remain in Holy Orders;
  - (ii) the fitness of the person, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role office or position; or

(iii) whether, in the exercise of ministry or in the performance of any duty or function, the person should be subject to any condition or restriction—

but excludes for the purposes of the **Professional Standards Uniform Act 2016 (Diocese of Melbourne)** any breach of faith ritual or ceremonial and includes in relation to a former Diocesan bishop examinable conduct as defined in the Episcopal Standards (Child Protection) Canon 2017.

## APPENDIX E – SEXUAL ABUSE OF A CHILD

Sexual abuse of a child includes:

- making sexual advances to a child using any form of communication;
- exposing oneself indecently to a child;
- having or attempting to have vaginal or anal intercourse with a child;
- penetrating or attempting to penetrate a child's vagina or anus with an object or any bodily part;
- kissing, touching, holding or fondling or attempting to kiss, touch, hold or fondle a child in a sexual manner;
- staring at or secretly watching a child for the purpose of sexual stimulation or gratification;
- making any gesture or action of a sexual nature in a child's presence;
- making sexual references or innuendo in a child's presence using any form of communication;
- discussing or inquiring about personal matters of a sexual nature with a child;
- possessing, creating or exposing children to child exploitation material of a sexual nature;
- exposing a child to any form of sexually explicit or suggestive material including clothing with sexually explicit images or messages;
- giving goods, money, attention or affection in exchange for sexual activities with a child;
- giving goods, money, attention or affection in exchange for images of a child for the purpose of sexual gratification of themselves or others; and
- encouraging, or forcing or attempting to encourage or force a child:
  - to sexually touch or fondle another person;
  - to perform oral sex;
  - either to masturbate self or others, or to watch others masturbate; and
  - to engage in or watch any other sexual activity.

Sexual abuse of a child does not include:

- sex education with the prior consent of a parent or guardian; or
- age-appropriate consensual sexual behaviour between peers (i.e. the same or a similar age).



**APPENDIX F – SEXUAL HARASSMENT**

Sexual harassment includes:

- asking a person for sex;
- giving a person to understand that you would like sexual favours from them;
- making any gesture, action or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence;
- making jokes containing sexual references or innuendo using any form of communication;
- exposing a person to any form of sexually explicit or suggestive material;
- making unwelcome physical contact such as touching, pinching, or patting;
- making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual nature;
- deliberately intruding on an individual's personal space;
- staring at or secretly watching a person for the purpose of sexual stimulation or gratification; and
- stalking a person.

**APPENDIX G – DISCIPLINING CHILDREN**

When a child's behaviour requires correction, either for the safety and welfare of themselves or the group, it is important that:

- a warning precedes any discipline, where the situation permits;
- the discipline is explained to the child;
- the child is given an opportunity to explain;
- the discipline is appropriate to the occasion and age of the child;
- the form of discipline is not corporal punishment, does not ridicule or humiliate, or is not otherwise abusive;
- very young children are not isolated as a form of discipline;
- physical restraint is only used to protect children from harm or to avoid an accident;
- when physical restraint is used, a record is kept that identifies the restraint used, the person using the restraint and child involved and any witnesses, and sets out the incident's circumstances; and
- the child's parents or guardians are informed of the circumstances of the incident and discipline; and
- you make a record of the circumstances of the incident and discipline; and
- you make a record of the circumstances of the incident and discipline.

## APPENDIX H – CHILDREN AND PHYSICAL CONTACT

You need to be very careful when making physical contact with children.

Appropriate contact includes:

- bending down to the child's eye level, speaking kindly and listening attentively;
- gaining permission before hugging a child and respecting their right to refuse;
- taking a child's hand and leading them to an activity;
- comforting a child by placing an arm around their shoulder and giving a gentle squeeze from the side;
- praising or welcoming a child by holding the child's two hands in yours;
- patting the child on the head, hand, back or shoulder in affirmation; and
- holding a preschool child who is crying, provided that they want to be held.

Inappropriate contact includes:

- kissing or coaxing a child to kiss you;
- extended hugging or tickling;
- touching any area of the body normally covered by a swimming costume, specifically the buttocks, thighs, breasts or groin areas; and
- carrying older children, sitting them on your lap or having them rub up next to you.

## APPENDIX I – RISKS ASSOCIATED WITH USING TECHNOLOGY IN COMMUNICATION WITH CHILDREN

You, and other people – including children – may communicate using:

- texting and picture messaging;
- email;
- instant messenger services and chat rooms;
- video conferencing;
- blogs and internet forums;
- websites; and
- group social networking sites.

Remember information posted online is tracked and can be retrieved. Dangers associated with the use of communication technology with children are not always appreciated by people. These dangers include:

- ignoring personal security settings on social networking sites;
- disclosing contact details or images of the child in the communication;
- being unable to determine if people are who they say they are;
- exposing the child to unwanted or inappropriate information;
- the child becoming a victim of cyberbullying; and
- sexual predators gaining access to the child.

You can assist children to stay safe when using technology to communicate with others by:

- educating children and their parents or guardians about the risks associated with the use of this technology;
- encouraging children to exercise care in disclosing personal information about themselves and others such as their contact details;
- encouraging children to talk about anything that worries them with their parents or guardians, older siblings, friends, and members of the Church who are bound by the Code of Conduct and with whom they have a pastoral relationship instead of posting their problems in a chat room or blog; and
- encouraging children to talk about anything they see or experience online that worries them.