



Child Safety In NSW Ecclesias: Frequently Asked Questions

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GENERAL QUESTIONS

Does the law apply to a home based group or only to larger or incorporated ecclesias?

It applies to all ecclesias (no matter how small) unless your ecclesia has nothing to do with children (i.e. under 18 years of age) or make any child related decisions or show any leadership in relation to children.

The [Children's Guardian Act 2019](#) defines a religious body as:

- (a) a body established for a religious purpose, and
- (b) an entity that establishes, or directs, controls or administers, an educational or other charitable entity that is intended to be, and is, conducted in accordance with religious doctrines, beliefs or principles.

Who is required to have a Working With Children Check?

Anyone in ecclesias (regardless of size) or involved in religious services who have roles as religious leaders or spiritual officers, or who have child-related youth worker roles. This should be interpreted to include Recorders / Secretaries, Arranging Committee Members, Sunday School Superintendents, Sunday School Secretaries, Sunday School Teachers, Youth Group (e.g. CYC, SCYP, Junior CYC) and Children's Camp Leaders (e.g. Kids Club, Kids Camp) and similar.

This does not necessarily include everyone in an ecclesia, particularly if ecclesial members only have incidental interactions with children (i.e. anyone under 18 years of age) and that there are generally other adults around during such interactions.

Who is an "employee" in an ecclesia?

Under the Children's Guardian Act 2019, an employee of an entity or organisation includes:

- a person engaged by a religious body where that person holds, or is required to hold, a Working with Children Check for the purposes of their work with the religious body [*this would include Recorders / Secretaries, Arranging Committee Members, Sunday School Superintendents, Sunday School Secretaries, Sunday School Teachers, Youth Group Leaders (e.g. CYC, SCYP, Junior CYC) and Children's Camp Leaders (e.g. Kids Club, Kids Camp) and similar*].
- a volunteer providing services to children.
- an individual employed by, or in, the entity,
- a contractor engaged directly by the entity (or by a third party) where the contractor holds, or is required to hold, a Working with Children Check for the purposes of their work with the entity.

Where do you get a Working With Children Check?

1. Apply online with the Office of the Children's Guardian. You will need some photo ID (eg drivers licence or passport) www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check. As a volunteer there is no cost to applying for a Working With Children Check number for "religious services". If you already have a paid Working With Children Check number, then go to step 4 below.
2. Take your application number to a Service NSW or Roads and Maritime agency to complete your application.
3. When you apply, keep your confirmation emails. The exact name on your application needs to be used to update your details and when you renew again in five years' time or if you change your contact details. The email you receive when you have been cleared (or registered) has these details, as well as your Working With Children Check number for future reference.
4. Supply the WWCC details to the Child Safety Officer in your ecclesia so that they can go online and verify you within the ecclesia. You should supply your WWCC to other ecclesial groups that you may be involved with (e.g. CYC, SCYP, Junior CYC, Children's Camp Leaders, Kids Club, Kids Camp and similar).
5. The Working With Children Check is an online system and does not have a physical card or certificate.

How often does a Working With Children Check need to be updated?

A Working With Children Check lasts for five years, even if you move ecclesias. It is your personal number that can be applied to multiple ecclesias or inter-ecclesial groups and for various child related services in which you may be involved in NSW.

SPECIFIC RESPONSIBILITIES

Who is responsible for verifying all Working With Children Check numbers in your ecclesia?

All organisations that have people (whether baptised members or not) who work or volunteer in child-related services are called 'employers'. Each ecclesia is required to verify all workers' and volunteers' Working With Children Checks or Application numbers online with the Office of the Children's Guardian. This creates a link between the worker/volunteer, the employer (ecclesia or committee etc) and the Office of the Children's Guardian monitoring system.

www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check

A register must be kept of all verification details. A record keeping template is available at www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/employer/resources

Who is responsible for keeping individuals detail up to date for Working With Children Checks?

Each person who holds a Working With Children Check clearance must notify the Office of the Children's Guardian of any change to their personal details (and particularly contact details) within 3 months of the change occurring.

Who is responsible for reminding members to update their Working With Children Checks?

It is recommended that the Child Safety Officer in each ecclesia (the person who verifies all Working With Children Checks) should alert members three months before their Working With Children Check is due to expire.

What child safety policies and procedures are ecclesias required to have?

The Office of the Children's Guardian state that religious bodies need to make sure that they have systems in place that include:

- a code of conduct.
- policies, including child protection policies that cover identification, prevention and reporting of reportable allegations, conduct and convictions (including by other members). This can be facilitated based on the AACE produced policy.
- processes for dealing with reportable allegations (including procedural fairness and protections for making reportable conduct complaints/notifications/reports).
- recordkeeping and information management handling policies and procedures.
- training on the codes and policies.

What is "Reportable Conduct"?

Reportable conduct is defined as a sexual offence, sexual misconduct, ill treatment, neglect, assault offence under 43B or 316A of the Crimes Act 1900 and behaviour that causes significant emotional or psychological harm to a child.

Who is responsible for reporting any "Reportable Conduct"?

The Recorder / Secretary is most commonly the "head of entity" who is responsible for reporting conduct (see The NSW Reportable Conduct Scheme – Fact sheet 2 Heads of entities and reportable conduct responsibilities

www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Head_of_entity_responsibilities.pdf.aspx?Embed=Y)

The Head of a Relevant Entity must provide details **within 7 business days** after becoming aware of an allegation or conviction. The details they must report include:

- date report received
- type of reportable conduct
- name of employee
- name and contact details of entity and head of entity
- whether Police were notified
- whether a ROSH (Risk Of Significant Harm) report was made
- nature of initial risk assessment and management e.g. whether the employee has been moved)
- other additional information (if known)

Entities provide an update on the status of the investigation **within 30 calendar days** and can seek further guidance for a final report. Failing to report to the Children's Guardian by the head of the relevant entity will carry a penalty of 10 penalty units (a penalty unit is currently defined in the Crimes Act 1900).

What is “Mandatory Report” and who is responsible to provide it?

With the amendments to the NSW Children and Young Persons (Care and Protection) Act 1998 which have come into effect from 1 March 2020, mandatory reporting groups have been expanded to include any person in religious ministry or a person providing religious-based activities to children¹. This would include Arranging Committee Members, Sunday School Superintendents and Secretaries, Sunday School Teachers and Youth Group Leaders. Any person who is in these roles and who develops reasonable grounds for suspecting that a child is at risk of significant harm (ROSH) while providing religious-based activities to children must, as soon as practicable, report the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm. Recorders and Secretaries are encouraged to note this change and to reflect it in ecclesial policies and procedures.

Are there fines if child safety legislation or procedures are not followed or maintained?

Yes. As an employer in child related work, ecclesias have responsibilities under the law. Refusing to participate in an audit may lead to the organisation receiving a fine for non-compliance with the Act. Under Section 39 of the Act, the Office of the Children’s Guardian has powers to monitor and audit compliance with the Act and Regulation.

More damaging to our community than fines is the potential for stigma and persecution because some have not lived up to community expectations, particularly when we publicly profess:

- That Christadelphians endorse the principles of child protection and have strongly recommend that ecclesias develop, adopt and apply child protection policies consistent with Scriptural principles and applicable legislation at our Biennial Conferences.
- Our Commandments of Christ declare (51) — Obey rulers; submit to every ordinance of man for the Lord’s sake (Titus 3:1; 1 Peter 2:13).
- Our Commandments of Christ declare (45) — Whatever you do, consider the effect of your action on the honour of God’s name among men. Do all to the glory of God (1 Corinthians 10:31; 3:17).
- That the Bible teaches that children are God’s heritage (Matthew 19:14; Psalm 127:3).
- That the Bible teaches that all forms of abuse, including child abuse, violate the commandments of Christ and are contrary to the fruit of the spirit (Galatians 5:19-21; Ephesians 5:3-12; 1 Corinthians 6:9-10).

ADVICE, TRAINING, AUDITS AND INFRINGEMENT NOTICES

Who provides advice about child safety and conducts training?

- Office of the Children’s Guardian: see their Training and Resources www.kidsguardian.nsw.gov.au/child-safe-organisations/training-and-resources
- From time to time the NSW Christadelphian Committee may convene a training session for representatives of ecclesias to attend. Training would be suitable for Arranging Committee Members, Sunday School Superintendents and Secretaries, Sunday School Teachers, Youth Group Leaders and other interested ecclesial individuals.

¹ Mandatory reporters should use the Mandatory Reporter Guide to help decide whether a child is suspected to be at risk of significant harm. This Guide can be accessed at reporter.childstory.nsw.gov.au/s/mrg

Who conducts audits and issues penalty infringement notices?

The Office of the Children's Guardian has powers to monitor and audit compliance with the Act and the Regulation under Section 39 of the Children's Guardian Act.

The penalty infringement notice for an organisation is 50 penalty units (a penalty unit is currently defined in the Crimes Act 1900 as \$110).

Sources:

- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Amendment (Statutory Review) Act 2018
- Children's Guardian Act 2019 No 25
- Office of the Children's Guardian website