

MITCHELL CHRISTIAN FELLOWSHIP

REPORTABLE CONDUCT POLICY

Mitchell Christian Fellowship (MCF) is a non-denominational church that welcomes and caters for all people and boasts a membership of differing cultural backgrounds coupled with children from toddler age through to early adulthood. MCF's central theme is to walk as Jesus did by the incorporation of the Word of God to reflect this.

MCF strives to prevent any abuse but in the event that it may occur, this document seeks to address any breach of safety of children within MCF and the reportable conduct policy that MCF has established to satisfy the Child Wellbeing and Safety Act 2005. It is purposely authored to establish a firm understanding and commitment to the safety of all children within MCF. It is further purposed what action is mandatory in the event that any breach of child safety, even in its minimalist forms, is dealt with effectively and immediately. This is done so via a reportable conduct system that needs to be known and understood by those deemed competent to report any such child safety breach. The breaches can be assault, sexual offences and neglect that will be discussed later in the document.

SCOPE OF PERSONS INVOLVED IN MCF

The head of the organisation known as MCF is Reverend James Playfoot. In the event that Reverend Playfoot is unavailable, the deputy head who will assume responsibility is Mr B. Taylor Coombe.

Safe Church Supervisors (SCS) will be instructed to take charge of an investigation by way of a scripted investigation plan. (See Appendix C) There are three SCSs currently,

Rev James Playfoot Ph. 0409 149 063 jkplayfoot@gmail.com ;

Mr B. Taylor Coombe Ph. 0435 594 996 bruce_coombe@sil.org ;

and Mrs. Dale Sheahan Ph. 040408 035 741 sheahans@bigpond.com

Complainant is any child, young person or adult making a complaint of a reportable conduct.

Person under investigation for reportable conduct is the person subjected to a complaint.

INITIAL ACTION *See Appendix A*

In the event of a child safety breach or reportable allegations, this document will set out MCF principals and policy that will clearly state necessary methods of reporting any child breach, who is considered competent to make such a report and where the report will be directed. Every report must be made to the Commissioner for Children and Young People (CCYP) so they are kept abreast of any safety concerns. Reporting can also be directed to other Government agencies such as Victoria Police or DHHS. The scope and determining factors will be covered later in this document.

If any child, parent, staff member or volunteer, or anyone attending MCF has a child safety concern or reportable allegation they should tell a Safe Church Supervisor, or contact them via phone or email. These details are included in the initial action plan (Appendix A-1) and a general poster (Appendix A-2) that will be displayed at MCF meeting places. Also, the Youth Poster from CCYP will also be displayed alongside this.

In the event of a child or young person or any person making a complaint, the head of MCF, Rev. James Playfoot will be advised and he will initiate action to mitigate risks. These measures will include: direct supervision of any person a complaint is made against, stopping them from having direct contact with all children, especially the alleged victim. Depending on the severity of the case, this may also result in suspension or similar action to remove them from MCF meeting sites. Also, Rev Playfoot will take measures to ensure the safety of other staff.

The child should be shown compassion and be encouraged to speak in a way and method familiar to the child (see Appendix D for further guidelines.) It is imperative that the child stays in a safe environment under the supervision of the report taker or any adult that is impartial to the inquiry. Parents or carers are to be notified as soon as practicable as are any Safe Church Supervisors (SCS). An investigation will commence, which will be discussed later in the document. It is important that the person receiving the complaint makes notes of any discussions with the child at the first available opportunity.

NOTE: A child as defined under Victorian Legislation as a person under the age of 18 years (17 years and 364 days.)

THE REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme is focused on worker and volunteer conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children.

The scheme applies to some organisations required to meet the Child Safe Standard such as organisations with a high level of responsibility for children. The scheme sets out specific obligations for the heads of these organisations. MCF falls under this scheme.

The head of MCF must ensure that there are systems in place that:

- prevent reportable conduct from being committed
- enable reportable allegations to be made to the head of the organisation
- enable reportable allegations that involve the head of the organisation to be reported to the Commission.
- Adopting a continuous improvement approach to keeping children safe from child abuse

An allegation of reportable conduct may reveal information about the effectiveness of the systems used by an organisation to prevent child abuse and respond to allegations of child abuse. This information can be used to improve systems and better protect children from child abuse.

Mandatory Reporting extends to those involved in Christian ministry.

People in religious ministry' refers to a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution.

REPORTABLE ALLEGATIONS DEFINITIONS

There are five reportable allegations under the CCYP Scheme. These are:

- ***Sexual offences (against, with, or in the presence of a child)***

In Victoria, it is an offence to engage in certain sexual behaviours against, with or in front of, a child. Many of these behaviours are reportable conduct under the Reportable Conduct Scheme. Sexual offence is a general term for any criminal offence with sexual connotations, such as rape, sexual assault, sexual intercourse without consent, committing an act of indecency, carnal knowledge, sexual intercourse with a minor, incest or bestiality.¹ Also includes possession of child abuse material, and 'grooming' a child in order to commit a sexual offence.² A full list of the relevant sexual offences is set out in clause 1 of Schedule 1 to the Sentencing Act 1991. A worker or volunteer does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be reportable conduct.

¹ *Concise Australian Legal Dictionary* (4th Ed) 2011, Lexis Nexis.

² *CCYP Information Sheet 2 What is reportable conduct under the Reportable Conduct Scheme?*

- ***Sexual misconduct (against, with or in the presence of a child)***

The key in this definition is that the action/s were misconduct of a sexual nature that occurred against, with or in the presence of a child. 'Sexual misconduct' captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal. Sexual misconduct refers to conduct that:

- amounts to misconduct
- is of a sexual nature, and
- occurred against, with, or in the presence of, a child. ³

Conduct can be misconduct if it involves a departure from the accepted standards of the role performed by the worker or volunteer, and the misconduct is intentional or seriously negligent. It is important to note misconduct can be evidenced by a variety of behaviours including physical actions, in person communication and online communication (including email, social media, telephone, SMS, etc.).

Conduct may be *sexual in nature* for a number of reasons. Consideration should be given to:

- the area of the body involved in the conduct,
- whether at least one of the reasons for the conduct was for sexual arousal or gratification, or
- whether the conduct was overly personal or intimate.

Examples of sexual misconduct include:

- unwanted and inappropriate touching
- inappropriate conversations or communication about an area of the body or a sexual activity (including a desire to act in a sexual manner) exposure to sexual activity by others
- undressing or watching someone else undress.
- initiating opportunities for unsupervised contact with a child or group of children
- spending inappropriate special time with a child
- inappropriately showing special favours to one child over others
- inappropriately allowing a child to overstep rules
- inappropriately giving gifts, money, alcohol or drugs
- asking the child not to tell anyone else about their conversations, activities or interactions.
- communicating with a child outside of the usual channels of communication i.e. personal correspondence (including emails, social media and web forums) rather than sending letters home or talking with the parents
- having inappropriate conversations about former sexual partners or crushes
- inappropriately touching a child (even where the body part involved may not be overtly sexual, for example
- massaging a child in circumstances where that would not be part of the worker or volunteer's role). ⁴

³ As above.

⁴ CCYP Information Sheet 9 Sexual misconduct under the Reportable Conduct Scheme

- ***Physical violence (against, with or in the presence of a child)***

Any physical act of violence or threats thereof that was intended to be or was reckless in not seeing that such acts would or could inflict injury. Physical violence committed against, with or in the presence of a child can fall into two categories. Physical violence can be either:

- ***actual physical violence*** - a worker or volunteer intentionally or recklessly uses physical force against, with, or in the presence of a child without a lawful reason, which has the ability to cause injury or harm to the child. Actual physical violence can include hitting, punching, kicking, pushing or throwing something that strikes a child or another person.

- ***apprehended physical violence*** - a worker or volunteer intentionally or recklessly engages in conduct or behaviour against, with, or in the presence of a child that is capable of causing a child to think that physical force is about to be used against them or another person. This could include words, gestures or actions that cause a child to believe physical force is about to be used against them, regardless of whether or not the worker or volunteer actually intended that any physical force would be applied.⁵

- ***Behaviour that causes significant emotional or psychological harm***

Any verbal abuse, belittling, showing favouritism to others and bullying. To be reportable under this category:

- the allegation must concern the worker's or volunteer's behaviour
- there must be a clear link between the worker's or volunteer's alleged behaviour and the harm suffered by the child
- the harm must be significant. Note the key concept is the term significant which is discussed under significant neglect.

A child can be significantly emotionally or psychologically harmed by behaviour, such as sexual offences, sexual misconduct, physical violence and significant neglect. However, other types of behaviours can also cause significant emotional and psychological harm to a child, for example, severe or sustained instances of:

- verbal abuse
- coercive or manipulative behaviour
- hostility towards, or rejection of, a child
- humiliation, belittling or scapegoating.⁶

There must be a clear link between the alleged behaviour and the emotional or psychological harm. In deciding whether there is a clear link, it may be helpful to consider the likelihood that the child would

⁵ CCYP Information Sheet 2 What is reportable conduct under the Reportable Conduct Scheme?

⁶ As above.

have been harmed if the alleged behaviour had not occurred. Self-harm or suicidal threats, or sudden out-of-character behaviour may be indicators that this type of abuse has occurred.

- ***Significant neglect***

This offence occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the worker or volunteer understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs but failed to do so, and that these failure(s) have had, or could have had considerable consequences or notable effect on the safety or wellbeing of the child. This has a broad definition but includes the following:

- Supervisory neglect: This may occur when a person responsible for the care of a child is unable or unwilling to exercise adequate supervision or control of the child or young person, or fails to seek or comply with appropriate medical treatment. Also, leaving a child unsupervised for extensive periods, allowing them to view lewd material, or leaving the child with an inappropriate person.
- Physical neglect: This may occur where there is the failure to meet a child's physical needs including the provision of adequate and appropriate food, clothing, shelter or physical hygiene needs.
- Educational neglect: This may occur when there is a failure to ensure that a child's formal education needs are being met.
- Emotional neglect: This may occur where there is a failure to provide adequate nurturing, affection encouragement and support to a child.⁷

THE ROLE OF THE REPORTABLE CONDUCT SCHEME (RCS) *See Appendix B for Process Overview*

The scheme has been introduced into Victorian Legislation as a result of the Royal Commission into child abuse. RCS has imposed obligations on the heads of organisations within the scheme ensuring sufficient strategies are introduced that prevents child abuse or in the event child abuse is detected, the allegation is investigated and the relevant authorities are notified for investigation and response.

Religious bodies such as MCF have been introduced into the scheme in January 2018. The head of the entity of MCF must ensure that the (CCYP) who are responsible for administering the scheme have been notified within three business days. As stated, Reverend James Playfoot is the head of entity of the MCF organisation.

⁷ As above.

Rev. James Playfoot's obligations under reportable conduct.

Rev. James Playfoot will appoint at least three SCS who will be responsible within MCF to implement the reportable conduct required by CCYP if the need arises. Reverend Playfoot can further delegate his authority to appoint an investigator if required, and the person is deemed competent. (This person must possess a current Working with Children Check and have completed the MCF child safety course)

If an allegation of reportable conduct is made, Reverend Playfoot **must**:

- NOTIFY the Victorian Police if an allegation is criminal in nature.
- NOTIFY the CCYP within 3 business days of becoming aware of the allegation
- INVESTIGATE the allegation (or his delegate). This is subject to police clearance on any criminal or family violence matters.
- The CCYP must be notified of the name of the investigator.
- Risks to children must be managed.
- An UPDATE WITHIN 30 calendar days the CCYP **must** be provided with detailed information about the reportable allegation and the action taken.
- OUTCOMES must be made available to CCYP of the investigation findings and any disciplinary action the head has taken or reasons no action was taken.

If an allegation is criminal in nature, MCF SCS **MUST** get clearance from Victoria Police before beginning an investigation.

CERTAIN PERSONS AN ALLEGATION CAN BE MADE AGAINST.

A reportable allegation can be made about certain workers or volunteers over 18 years of age who are or were:

- an employee of an organisation covered by the scheme
- a minister of religion, religious leader or officer of a religious body
- a foster or kinship carer
- a volunteer, contractor, office holder, officer or other position directly engaged by an organisation covered by the scheme to provide services.

A reportable allegation can only be made against a volunteer if they have been engaged by an organisation covered by the scheme. To 'engage' a volunteer means to enter into an agreement, either verbally or in writing, for a person to provide a service without that person (the volunteer) receiving financial gain.

It is an offence to fail to notify and update the Commission about reportable allegations.

WHAT IS A REPORTABLE ALLEGATION INVESTIGATION?

The SCS or Reverend Playfoot or the entity head's competent delegate will conduct an investigation; Reverend Playfoot may choose to conduct the investigation himself. A reportable allegation investigation is a workplace investigation aiming to establish facts or evidence that may or may not make findings into an allegation against a person who has been complained against. The investigation can also make disciplinary recommendations or other action as the case may be.

To constitute a reportable allegation that must be notified to the Commission, a person must have formed a reasonable belief that a worker or volunteer of MCF committed the alleged reportable conduct. Reasonable belief is a belief based on information that would lead a reasonable person to think that reportable conduct may have occurred. A reasonable belief is more than suspicion, but does not require proof.

For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves
- heard from a child that the conduct occurred.
- received information from another source (including another person who witnessed the reportable conduct or misconduct).

Once a reasonable belief is formed, the Reverend Playfoot or delegate must report the reportable allegation to the Commission within 3 days before undertaking an investigation, irrespective of whether Rev. Playfoot shares the reasonable belief. All reportable allegations must be investigated. The conduct of a worker or volunteer of MCF outside church programs is still reportable and should be investigated.

The standard of proof to be applied to making findings, is determined by the balance of probabilities, or in layman's terms the conduct was more likely to have occurred than not. Given the serious nature of reportable allegations, the following should be taken into account. The more serious the allegation and gravity of a substantiated finding, the more comfortably satisfied on the evidence the investigator must be before making any substantiated finding. So, in determining what is more likely than not to have happened, given the possibility of different versions of events, the investigator should actually be

persuaded, based on the available evidence, that reportable conduct has occurred. When assessing the evidence, the investigator must make an evaluation of the strength or weight of the evidence, and not base findings on suspicion, rumours or hunches.

Any person under investigation must be given due fairness in the procedure and has had an opportunity to respond. The importance of an investigation as mentioned is that it can determine innocence as well as guilt.

REPORTING OBLIGATIONS

This legislation sets out certain reporting obligations relating to the safety of children, which are discussed below and are relevant to MCF

Failure to Disclose Crimes Act 1958

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to Victoria Police. It is a criminal offence to fail to disclose that information to Victoria Police.

Failure to Protect Children, Youth and Families Act 2005

If you are a staff member in a position of authority, and you become aware that an adult associated with your organisation (such as a worker or volunteer) poses a risk of sexual abuse to a child who is under the care, authority or supervision of the organisation, you must take all reasonable steps to remove or reduce the risk. If you fail to take reasonable steps in these circumstances, this may amount to a criminal offence.

Grooming for sexual conduct with a child under the age of 16 years.

Be mindful that many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse can occur. The grooming offense applies where a person over 18 years of age communicates, by word or conduct, online or face-to-face, with a child under the age of 16 years or with a person who has care, supervision or authority for a child, with the intention of subsequent sexual activity with the child.

OBLIGATIONS OF MCF TO CCYP

CCYP must be notified within ***three business days*** after Reverend Playfoot has been notified of a reportable conduct allegation.

Within 30 calendar days after becoming aware of a reportable allegation, Rev. James Playfoot must provide the Commission with detailed information about the allegation, disciplinary or other actions undertaken, and the response of the worker or volunteer to the allegation.

MCF will generate an internal investigation after Reverend Playfoot has been made aware of reportable conduct. He will delegate an investigator, usually one of the SCS and inform CCYP who its investigator will be.

Process for investigating a reportable allegation (see Appendix C)

The Rev. Playfoot will take the following actions to investigate a reportable allegation.

Assess whether the allegation(s) fall under reportable conduct.

Plan

1. **Establish an investigation.** The Terms of Reference for the investigation need to be set out by the Rev. Playfoot. The Terms of Reference should clarify the proposed scope of the investigation while taking into consideration any matters that will limit the ability of the investigator to achieve those objectives. It needs to be broad enough to allow the investigator to reach a view about the organisation's policies for responding to reportable allegations as well as the alleged reportable conduct itself. It should have a clear focus and a purpose that is relevant, realistic, achievable and within the investigator's power. The powers of the investigator should be clearly stipulated in the Terms of Reference.
2. **Develop an investigation plan.** An Investigation Plan should be prepared before any investigation commences. An Investigation Plan should identify what questions need to be answered, what evidence is needed to answer those questions, and the best way to obtain that evidence. This will include thinking about the witnesses who need to be interviewed. See Appendix D for an example plan.
 - a. **Conflict of Interest.** It is important to ensure that an investigator does not have a conflict of interest that could give rise to a perception of bias, or actual bias, in the way they investigate reportable allegations. There are three different types of conflict of interest:
 - an actual conflict of interest, where a conflict of interest actually exists. The investigator should not conduct the investigation.
 - a potential conflict of interest, where a conflict of interest could happen in the future and steps should be taken to stop that from happening on. The Rev. Playfoot should be informed and steps put in place to mitigate the potential conflict, or the investigator should not conduct the investigation.

- a perceived conflict of interest, where a reasonable person might think that an investigator could be influenced by a personal interest, regardless of whether the investigator is actually being influenced or not. Again, the Rev. Playfoot should be informed and steps put in place to mitigate the potential conflict, or the investigator should not conduct the investigation.

b. **Informing the subject of the allegation.** A letter of allegation is a document written by an appropriate person within MCF (with the head of MCF's approval) that clearly tells the subject of allegation the details of the reportable allegations made against them. The letter of allegation should contain detailed information about the reportable allegation including:

- the name and age of the child who is the alleged victim
- the details of the reportable allegation
- when the reportable conduct is alleged to have occurred, including the date and time if it is known
- where the reportable allegation is said to have occurred, including a description of the physical location or the address if it is known.

a) Organisations should provide a **letter of allegation** to the subject of a reportable allegation so that there is a record of the information that has been provided to them. This also ensures that the subject of the allegation is clear about what has been alleged against them and is a step in providing procedural fairness to the subject of allegation. The Act does not require that a letter of allegation be provided at a particular time in the investigation. This should be negotiated with the investigator

3. Conduct a thorough and fair investigation. Whilst gathering evidence the investigator should make reasonable efforts to gather relevant evidence and these efforts should be explained in the final report. Evidence may consist of physical evidence, site evidence, direct evidence and expert evidence. All evidence is meant to be kept in its original condition as much as is practicable. Evidence collected should be relevant to the investigation, reliable and probative (providing proof of something), so that it can help to establish whether the reportable allegations amount to reportable conduct, that is, whether it is more likely than not that the reportable allegations either occurred, or did not occur.

a. **Conducting Interviews.** All relevant witnesses should be identified and, where possible, interviewed. In some cases the evidence of only one witness may be enough to prove or disprove an allegation; however, gathering additional evidence that supports the evidence already collected is good practice because it gives greater support to the findings ultimately made. The Commission also expects that both the alleged victim and the subject of allegation will be interviewed unless there is a good reason not to. The reason why the alleged victim or subject of allegation was not

interviewed should be documented and included in the Investigation Report.

Interviews should be recorded or detailed notes taken at the time of the interview.

Extra care needs to be taken when interviewing children, (refer to Appendix E) or in issues of family violence. The order of the interviews should allow for the subject of the allegation to be last. This will allow him to be best apprised of the evidence gathered, and their response to it.

- b. **Record Keeping** MCF should be aware of legal, contractual, professional and other obligations to document allegations of reportable conduct and maintain proper records. An investigator should document all information about the investigation including everything they did and why. The investigator should also make records of all of the evidence collected. All records should be stored securely and organisations should be aware of their obligations around how long they need to keep those records.
 - c. **Procedural Fairness.** The Act provides that a worker or volunteer who is the subject of a reportable allegation is entitled to receive natural justice or procedural fairness in investigations into their alleged conduct. It is important that the procedures an investigator applies when conducting an investigation are 'fair' and 'reasonable'. This will usually include ensuring that, before any findings are made or any disciplinary action is subsequently considered, the subject of allegation:
 - is provided with a letter of allegation prior to any interview being undertaken
 - is put on notice of the nature and scope of the allegations
 - is provided with an opportunity to have a support person present (or, if entitled through an award, enterprise agreement, individual employment contract or workplace policy, a lawyer or union representative) present with them
 - is provided with an opportunity to respond to the allegations and any relevant evidence that has been obtained during the course of an investigation
 - is made aware of the consequences of the investigation in the event that any adverse findings are made
 - has a reasonable opportunity to respond to the relevant evidence
 - has a reasonable opportunity to give their side of the story
 - the responses provided by the subject of an allegation are considered by the investigator, organisation or head of the organisation before any final decision is made.
3. A report will be prepared by the investigator that will indicate the steps taken in the investigation and the evidence presented and assessed, to indicate how the investigator came up with the findings presented.

Outcomes of investigation

At its conclusion, the investigator will refer to his/her investigation plan, notes and evidence with the view of compiling a report and set out its findings, and evidence that supports the findings. It will also include what recommendations are made and if the need arises to contact relevant agencies. The CCYP will be provided a copy of the report. At the end of a reportable conduct investigation, a finding must be made about whether or not the reportable conduct happened. Before making a finding, the investigator must review and assess the evidence and make a finding on the balance of probabilities.

Balance of probabilities is defined as the conduct happened more likely than not. It can also be defined as conduct not happening more likely than not (see page 7.)

In an investigation into a reportable allegation, a finding needs to be made by the investigator that, on the balance of probabilities, reportable conduct either did or did not happen. The investigator must present impartial findings and be prepared to make decisions that could have serious consequences for the suspect.

Assessing the evidence

The investigator will assess all available evidence and make a decision on each piece. Remember, all available evidence can also exonerate a suspect as well as progress the allegation to outside agencies.

Consider:

- How reliable is the evidence and can it be corroborated or is there another piece of evidence that contradicts the evidence in question?
- How plausible is the evidence in all the circumstances – does it have the "ring of truth" about it?
- do relevant witnesses give consistent accounts? Is their evidence similar?
- What is the source of the evidence? Is the evidence objective, such as CCTV footage, or is it just a rumour? Is there circumstantial evidence?
- Was the person who is the subject of the allegation given an opportunity to comment on the evidence, and were they given an opportunity to tell their side of the story?

Appropriate findings that can be made

For the purposes of the Reportable Conduct Scheme, the different findings that can be made are:

- **Substantiated** taking into account balance of probabilities. The evidence suggests it is more likely than not that the reportable conduct happened because there is enough reliable, convincing, evidence of weight.
- **Unsubstantiated: insufficient evidence** – There was sufficient strong evidence that supports the allegation, but the evidence falls short of being able to make a substantiated finding.
- **Unsubstantiated: lack of weight of evidence** – A lack of evidence made it too difficult to fully investigate an allegation despite the investigator's reasonable efforts.
- **Unfounded** – A positive finding, on the basis of being more likely than not, that the alleged reportable conduct did not occur.
- **Conduct outside scheme** - This finding should be used when the decision maker has investigated the conduct and, although the conduct as alleged has occurred, but in all of the circumstances was found not to be reportable conduct listed in the Act.

How to report to the CCYP

The Commission will operate an online form for Reverend Playfoot to notify of a reportable allegation, which will guide him through the notification process. Supporting documentation can be submitted through the online form. The Commission requires that Reverend Playfoot use the online form.

Even if you are not the head of MCF you can still tell the Commission about a reportable allegation by using the online form, calling or writing to the Commission.

Matters should be reported to Victoria Police

All suspected criminal behaviour should be reported to Victoria Police.

If the reportable allegation involves suspected criminal behaviour, both Victoria Police and the Commission must be notified.

WHO SHOULD REPORT?

Anyone covered in the scope of the Child Safety Policy, including staff, volunteers, and deacons must report child safety concerns according to this Reporting Procedure.

Anyone else associated with MCF should also report child safety concerns.

PROCEDURES IF THE ALLEGATION IS AGAINST THE HEAD OF MCF

If there is an allegation against the head of MCF the following procedures would apply:

1. Initially either Bruce Taylor Coombe or Dale Sheahan (the nominated Safe Church Supervisors) would take initial steps to mitigate any safety issues for the child concerned, and ask the head of MCF to not be involved in ministry until the issue is investigated. Also, we would ask that any ministry correspondence would be forwarded to the other appropriate leaders for actioning during this time. An announcement that the head of MCF is standing down for a period would need to be made to the Fellowship to ensure that the privacy of the head of MCF and his family is protected.
2. An external investigator will be engaged to conduct the investigation – someone who does not have a perceived conflict of interest. This could be either the head of another religious organisation or an external investigator with expertise in this area. The SCS in charge will hand over all responsibility for the investigation to this external investigator as MCF is a small fellowship, and all members have some form of relationship with the head of MCF.
3. All records of reportable conduct allegations would be stored in a secured file, either electronically in a password protected folder, or in a lockable filing cabinet. If the allegation is against the head of MCF, then the SCS or the external investigator would be required to keep these records safe.
4. The rest of the investigation and the findings would follow the procedures already outlined for other allegations, with the exception that the external investigator and the SCS in charge would be the responsible people to report back to CCYP.

Extra Appendices:

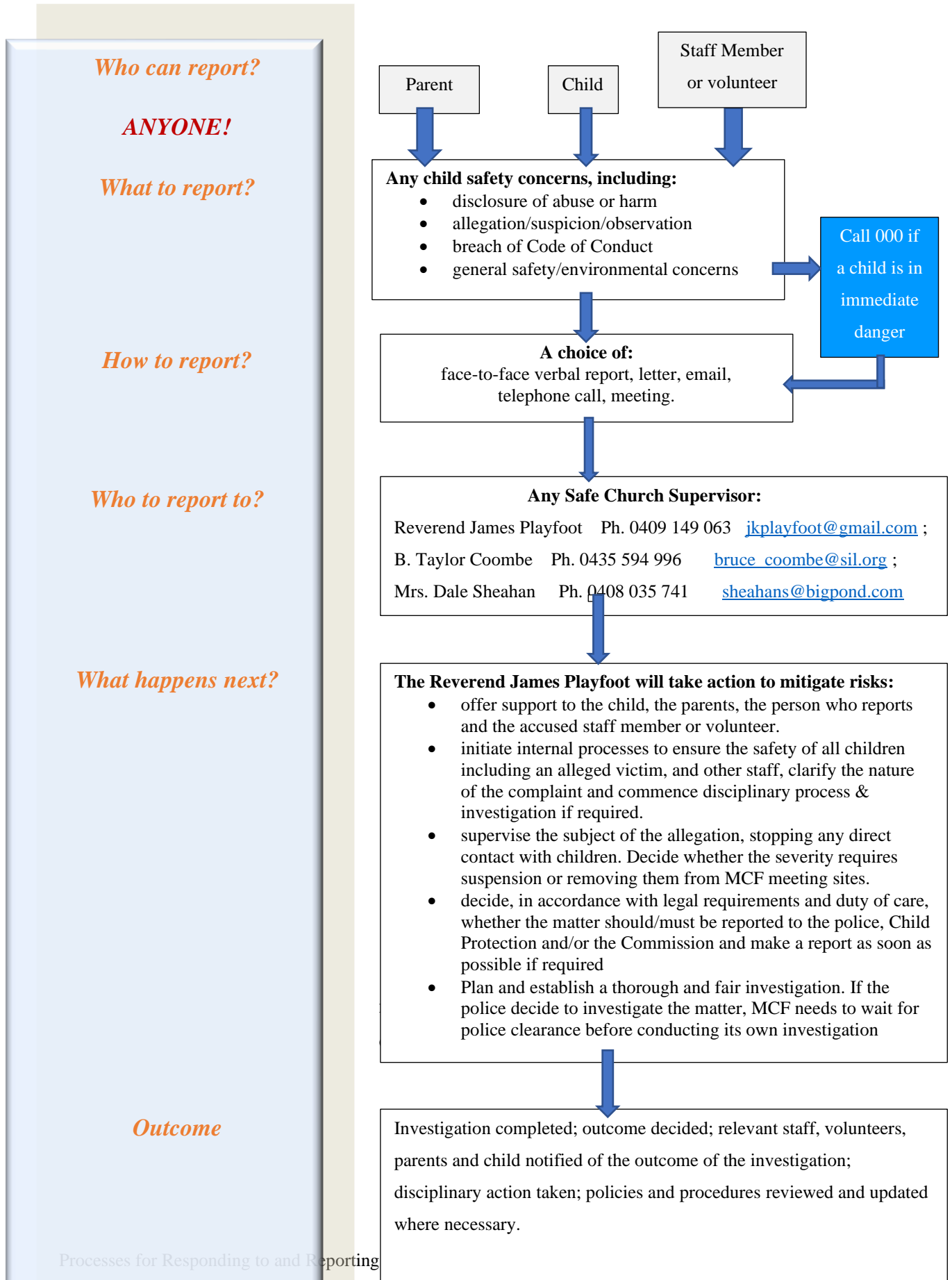
Information from Commission of Children and Young People Victoria

Further important information re The Victorian Reportable Conduct Scheme (the Scheme). The scheme is established by the Child Wellbeing and Safety Act 2005 (the Act)

Last updated on the 21 March 2018.

- <https://ccyp.vic.gov.au/>
- <https://ccyp.vic.gov.au/reportable-conduct-scheme/>
- <https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations/>
- <https://ccyp.vic.gov.au/reportable-conduct-scheme/about-the-reportable-conduct-scheme/>
- <https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/>
- <https://ccyp.vic.gov.au/child-safety/>
- <https://ccyp.vic.gov.au/upholding-childrens-rights/>
- <https://ccyp.vic.gov.au/search?q=A+Guide+for+Faith+Communities>
- <https://ccyp.vic.gov.au/child-safety/resources/>
- <https://ccyp.vic.gov.au/reportable-conduct-scheme/reportable-conduct-scheme-frequently-asked-questions/>

Appendix A-1: Child safety reporting process



We want a Safe Church Environment at MCF

If **anyone** has concerns about child safety issues

including:

- disclosure of abuse or harm
- allegation/suspicion/observation
- breach of Code of Conduct
- general safety/environmental concerns

Contact a Safe Church Supervisor

Rev. James Playfoot Ph. 0409 149 063 jkplayfoot@gmail.com ;

B. Taylor Coombe Ph. 0435 594 996 bruce_coombe@sil.org ;

Mrs. Dale Sheahan Ph. 0408 035 741 sheahans@bigpond.com

Your concerns will be addressed and procedures followed to investigate the issue.

(For a more detailed outline of the procedures that will be followed, please refer to Appendix A-1 and the Safe Church Policy Document.)

Appendix B Initiation of Action Flowchart

Initiation of Action for Incident/Concern/Allegation

Incident/Concern/Allegation Received

Record details of the Incident/Concern/Allegation

MCF Head Pastor (or alternate if the allegation is about the Head Pastor) must:

Take immediate action to mitigate risks

Report the allegation to the Police if a possible criminal offence

Assess whether the allegation is reportable conduct

If so, Report the allegation to the Commission
(within 3 business days & then update monthly)

Notify MCF leaders (as appropriate)

Notify other organisations such as Child Protection if applicable

Plan & establish an investigation

Conduct a thorough and fair investigation

Complete an investigation report

Make or recommend findings

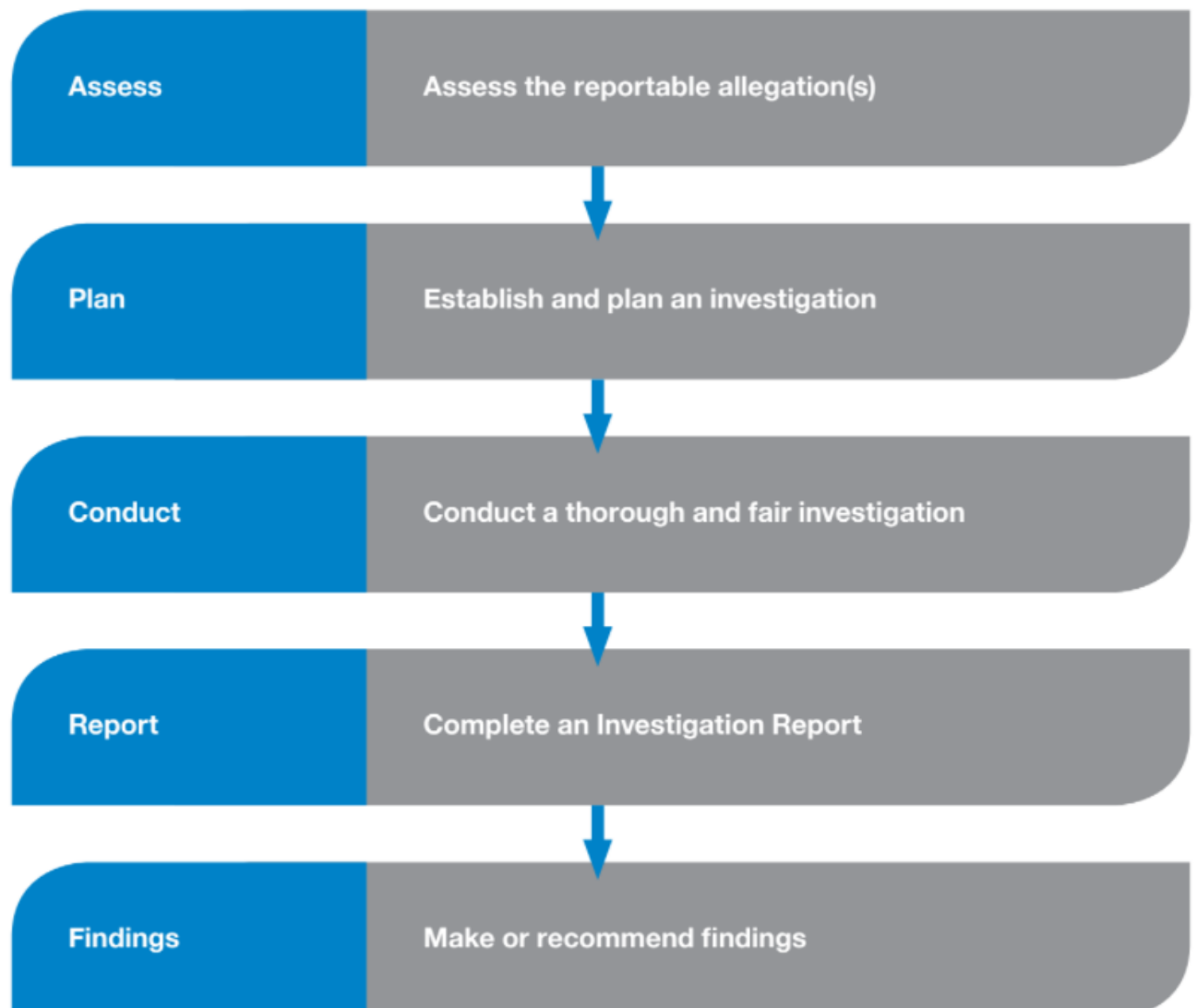
Notify those involved of the findings i.e. child, parents, alleged person.

Report findings to the Commission

Appendix C

Process of an investigation

The following diagram outlines the main steps of an investigation. Each step will be explained more below.



Appendix D

Reportable Conduct Scheme

Investigation Plan

Please note that the text in red is provided as guidance to assist you to complete the Investigation Plan. Please delete this text prior to submitting to the Commission.

Matter details	
Subject of allegation details	
RCS reference number	
Organization contact	
Contact title/position	
Organization address	
Organization phone number(s)	
Secure email	
Investigator	
Investigation overview	

- How did the information come to the attention of the organisation?
- Who are the people involved? Who is the alleged victim? Who is the subject of an allegation? Who are each of the relevant witnesses that are known at this time?
- Have any initial inquiries been carried out by the organisation – what was learned?
- Why is the investigation being conducted?
- What details are known at this time?

Allegations	
Allegation 1	<p><i>Each allegation should be separate (dates/victim/location, etc.)</i></p> <p><i>Example:</i></p> <p>On [date] or between [date] and [date] it has been alleged by [name of discloser] that [name of the subject of the allegation] may have engaged in the following conduct:</p> <ul style="list-style-type: none"> • [Name of the subject of the allegation] approached [name of alleged victim] and said words to the effect of [insert words alleged to have been used] about [insert name of alleged victim] in the presence of [insert names of children who may have witnessed the allegation]. <p><i>It is alleged that the above factual allegations may constitute reportable conduct because the behavior could cause significant emotional or psychological harm to a child.</i></p>
Allegation 2	
Subject of the allegation	
Name	
Address	
Phone number	
Email	
Position held	
Time in position	
Risks	
Risks	<ul style="list-style-type: none"> • Identify the context of the investigation and identify any risks; that is, what are the risks and why are they risks? • Evaluate each risk systematically and at regular intervals if required. Is there anything that can be done to remove or lessen the risks?
Issues/notes	<ul style="list-style-type: none"> • Consider whether the investigation should be undertaken by internal or external investigators. • Make a list of possible people affected by the investigation and possible outcome.
Conflicts of interest	<ul style="list-style-type: none"> • Consideration should be given to any actual, potential or perceived conflicts of interest of the investigator.

Scope of investigation

- What is the investigator being asked to do? This means that the allegations need to be clearly defined and set out and the investigator should be asked to make findings in relation to each of the allegations.
- Define the limit of the investigation. What questions need to be answered so that a decision can be made about whether or not the reportable conduct happened and happened in the way that is alleged? This will form the Terms of Reference of the investigation.
- The Terms of Reference are agreed to prior to the investigation starting and are recorded.
- It is essential that the scope be limited to the allegations specified and in the context of the specific legislation or policy. If any additional allegations arise during the investigation, the Investigation Plan should be updated to deal with those new matters.
- The scope of the investigation will be included in the Terms of Reference.

Decision-maker

Who is the decision-maker? This will usually be the head of the organization.

Current information

Source	Information	Relevance (to the allegation)
<i>Example: John Smith</i>	<i>Statement made providing evidence of:</i> <ul style="list-style-type: none"> • <i>Example</i> 	<i>Allegation 1, Element 4</i>
<i>Example: ASIC</i>	<i>Historical extract of Example Pty Ltd</i>	<i>Allegation 1, Element 2</i>

Possible witnesses

Name	Information	Relevance (to the allegation)
<i>Example: Ian Franklyn</i>	<i>Example: Possible witness to alleged incident at ABC School.</i>	<i>Example: Was present when the incident is alleged to have occurred. May be able to provide insight into whether or not the alleged incident occurred at ABC School.</i>
<i>Example: Alex Tsiolkas</i>	<i>Example: May have medical evidence of injury.</i>	<i>Example: May be able to assist in establishing whether the behavior could constitute significant emotional or psychological harm to a child.</i>

Possible evidence			
Item/document	Source	Relevance	
<i>Example: Statement from Ian Franklyn</i>	<i>Example: Contact, ABC School</i>	<i>Example: Received the complaint of reportable conduct from the child and has information that has been obtained directly from the child when the complaint was received.</i>	
<i>Example: Medical evidence of injury</i>	<i>Example: Contact, Our town Medical Centre</i>	<i>Example: May be able to provide medical evidence of injury. In order to obtain this information I will need to speak with the child's parent or guardian and ask whether they would provide their consent to obtain this information.</i>	
Investigation action plan			
Action	Date/time action taken or required to be taken by	Person to action	Notes
			<ul style="list-style-type: none"> <i>Is an expert opinion required?</i> <i>Notes</i>

Appendix E Guidelines for Dealing with Children and Young people

Children and young people reporting abuse or safety concerns must be treated with sensitivity and provided with support. They and their families should be connected with services that can provide them with support to manage difficult or traumatic experiences. It is very important that MCF encourages and validates a child's disclosure, no matter how an individual may feel about it. This means listening to the child, taking them seriously and responding to and acting on the disclosure by implementing MCF's reporting and investigation procedures. This involves:

- letting the child talk about their concerns in their own time and in their own words.
- give them your full attention, the time and a quiet space in which to do this.
- being a supportive and reassuring listener.
- comfort the child if they are distressed.
- ask open-ended questions. Do not ask leading questions.
- Affirm to the child that it is not their fault and that telling you was the right thing to do.
- Let them know that you will act on this information, that you will need to let other people know, including why other people need to know.
- alert the Safe Church MCF representatives, the police, the Commission or Child Protection, and follow the reporting process as is documented in this policy document.

Also, when receiving a report from a child it is important to guard against contamination of the evidence. Report suspected reportable contact promptly to the appropriate authorities. This includes:

- recording the child's disclosure using the child's own words;
- Note their demeanour and appearance at the time
- document any physical evidence
- contact the child's parents to let them know (unless the disclosure is related to abuse in the family).
- Assist the child and their family to access appropriate support for the child, e.g. counselling.

Inform the child and their family about the steps MCF is taking, such as an investigation, and any resulting action, such as changes to policy and procedures. Praise them for helping to make MCF safer for children.