

THE UNITING CHURCH IN AUSTRALIA

QUEENSLAND SYNOD

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Submission by the Uniting Church in Australia, Queensland Synod to Queensland Child Protection Commission of Inquiry

The Uniting Church in Australia is the third largest Christian denomination in Australia. In Queensland, the Uniting Church has around 250 congregations and a number of schools, colleges and community services (such as UnitingCare Queensland and Wesley Mission Brisbane).

The Uniting Church in Queensland is committed to: Uniting in Christ; acting with love, living with hope, witnessing in faith, and working for justice.

The Uniting Church in Queensland welcomes this opportunity to make a submission to the Queensland Child Protection Commission of Inquiry. The Uniting Church is actively concerned about the safety and wellbeing of all children in the state and is committed to acting responsibly when faced with suspected or actual child abuse or neglect.

In Queensland, the Uniting Church has over 300 active Ministers¹, and many more people are appointed to voluntary positions by their Church Council. Many of these work regularly with children through Sunday School, youth groups, child care and other programs for children and teenagers.

In principle, the Uniting Church in Queensland supports the broadening of mandatory reporting requirements to include a legislated requirement for Ministers of organised church communities

¹ As defined in the Uniting Church in Australia's *Code of Ethics and Ministry Practice* 'Minister' refers to Candidates, Community Ministers, Deacons, Deaconesses, Interns, Lay Pastors, Ministers of the Word, Pastors, Youth Workers and Ministers from another denomination serving in an approved placement; these are generally stipended positions.

to report suspected or actual child abuse and neglect. However, there are some concerns expressed by Church members which we recommend be addressed in the detail of any proposed legislation.

Background - Ministry in the Uniting Church²

Ministers have a particular place within a community. They connect with people's lives at many points of joy, pain, celebration, grief and vulnerability. They are responsible for providing leadership in the community's task of worshipping, proclaiming the good news of Jesus, providing pastoral care, standing with those who suffer, and working for justice and peace.

They minister within a pastoral relationship which is part of the way the church nurtures life in the world. As a result of this context, ministers also have relationships and responsibilities within the broader community which are based on their responsibilities within the faith community.

The pastoral relationship is concerned for maturity in Christian life and for fullness of life for all people, regardless of their age, gender, ethnicity, economic circumstances or other personal characteristics. It is a relationship in which Ministers seek to express an ethic of care, which includes nurturing the other person's power over their own life as they relate to others and to God.

Ministers exercise considerable influence and power within the community. They must appreciate their unique position and how they impact people's lives. The pastoral relationship is serious, and people are vulnerable in that relationship.

The Uniting Church has a particular awareness of the importance of appreciating the needs of people from many cultural backgrounds.

The Uniting Church also recognises the particular difficulties in relation to professional/personal relationships when ministering in rural and isolated ministries. The availability of supervision and access to support are vital and are provided by their local presbytery³.

Our current commitment

The Uniting Church in Australia is committed to providing safe places where people are cared for, nurtured and sustained. The Uniting Church commits itself to the care, protection and safety of all people relating to it or its agencies. Examples of this commitment include:

1. **Child Safe Church policy⁴** which reaffirms that any abuse of children is abhorrent and the protection of children one of the church's highest priorities.

² Uniting Church in Australia, 2009, *Code of Ethics and Ministry Practice*.

³ The Uniting Church in Queensland has eight presbyteries: seven regional groupings of congregations and one non-geographic grouping of Aboriginal and Torres Strait Islander communities. The Presbytery has significant responsibilities for the *pastoral and administrative oversight of all Ministers and pastoral charges within the bounds, including ensuring Ministers receive regular professional supervision* (Uniting Church in Australia, 2012, *Constitution and Regulations*, 3.1.3, (a), (ii), 115.).

⁴ The Uniting Church in Australia, Queensland Synod, 2009, *Child Safe Church policy*, http://csc.ucaqld.com.au/manual/UCAQ_CSC_CSCP_v3_0.pdf.

Section 6.6 - Receiving and reporting disclosures of harm – states:

When confronted with disclosures of harm to children and young people, organisations should respond professionally and in the best interests of the child or young person subjected to the alleged harm.

Any disclosure or suspicion of harm must be acted on. When a disclosure of harm is made, it must be immediately reported to the Team Leader in charge of the program or group. The Team Leader must then report the incident to the closest Juvenile Aid Bureau or to the police. If the allegation has been made against the Team Leader, then the next person in charge would need to be informed.

The congregational Minister should always be advised / informed of any such instance in order that it can be properly addressed within the context of the regulations governing and structure of the Uniting Church in Australia⁵.

Section 6.9 – A listening ear and confidentiality – states that:

Leaders may become privy to sensitive information about participants, as well as their families. It is essential that this remains confidential. Where there is a threat of harm, legality, abuse or potential danger to a person, this information must be disclosed to the Team Leader, Coordinator or congregational Minister. Confidentiality is important to the extent that trust should not be abused nor treated lightly. However, leaders should never promise to keep ‘secrets’ or not to tell when disclosures of harm are involved, because of the prime responsibility we have for the safety of the child or young person. This prime responsibility is the immediate and ongoing safety of the discloser... It must be made clear to all leaders that they have a responsibility to avoid further harm. Such disclosures should be reported to the relevant authority for appropriate action⁶.

2. A Code of Ethics for Ministers

All Ministers in the Uniting Church are bound by the Uniting Church in Australia’s Code of Ethics and Ministry Practice.

Ministers must not breach confidentiality, except in certain circumstances including where: the person gives permission for the particular disclosure; retaining the information would result in significant physical, emotional or sexual harm to another person or persons; and it is required by law.

⁵ The Uniting Church in Australia, Queensland Synod, 2009, *Child Safe Church policy*, 18.

⁶ The Uniting Church in Australia, Queensland Synod, 2009, *Child Safe Church policy*, 20.

3. Working with Children Check

All people working with children (aged under 18 years), in paid or voluntary positions, on behalf of or in association with the Uniting Church, and who are conducting activities or providing services mainly directed towards young people, must undergo a criminal history check – the Working with Children Check, obtaining a Blue Card in accordance with the *Commission for Children and Young People and Child Guardian Act 2000*⁷. Under this legislation some parents whose child receives the same or similar service may be exempt, along with police officers and registered teachers who are required to hold an exemption card if they are providing services which are outside of their professional duties.

4. Uniting Church schools in Queensland

All schools under the Uniting Church in Australia banner have an approved Child Protection Policy and rigorous related processes as required by the Non State Schools Accreditation Board. This includes mandatory reporting by school nurses; details of the school's system of reporting suspected abuse or child protection issues by all other staff and students.

5. Complaints about past abuse

The Uniting Church in Queensland takes very seriously its responsibility to respond to allegations about past abuse, with UnitingCare Queensland⁸ and the Schools Commission⁹ having *Past Abuse and Mistreatment Complaints Policy and Procedures* in place. The Church actively supports people who have experienced abuse in the past within the Church or institutions run by the Church.

Issues

1. Definitions and guidelines need to be clear

People who are required to report their suspicion of child abuse or neglect require clear guidelines and definitions of what is reportable to avoid over-referring families with lower levels of need to statutory authorities. We note that the Queensland *Child Protection Guide*¹⁰ is being trialled in the Helping out Families trial sites to assess whether

⁷ Queensland Government, 2012, *Commission for Children and Young People and Child Guardian Act 2000*, <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/COMMISChildA00.pdf>

⁸ UnitingCare Queensland, *Past Abuse & Mistreatment Complaints Policy & Procedures*, http://www.ucareqld.com.au/index.php?option=com_content&task=view&id=17&Itemid=27

⁹ Schools Commission, 2008, *Past Abuse and Mistreatment Complaints Policy and Procedures*, Uniting Church in Australia Queensland Synod, http://www.schoolscommission.ucaweb.com.au/data/UCAQ_SC_PAMCPP_v1_1.pdf

¹⁰ Queensland Government, *Child Protection Guide*, Department of Communities <http://www.communities.qld.gov.au/resources/childsafety/partners/government/child-protection-fact-sheet.pdf>.

professionals such as teachers can become more skilled in assessing child protection risk.

We believe that the *Child Protection Guide* will be very helpful when adapted for a broader audience including people in Ministry roles. Naturally these community members want to ensure vulnerable children and families get the best assistance they can when and where they need it. No-one wants to be in a situation where children with lower levels of risk are referred to Child Safety Services knowing that it is most unlikely that these families will be assisted through the statutory system.

We recommend the Department of Communities, Child Safety and Disability Services make this guide more widely available to other professionals and community members including those in the church environment.

2. Cost and challenges of implementation for the Church

The Uniting Church in Queensland has concerns regarding the financial costs required to implement legislative reform around mandatory reporting. We would welcome the decision but would appreciate support to develop and implement training and resources. This may include elements of the *Child Protection Guide* which would help Ministers understand how they can be helpful to families and when the risk is too high and a referral needs to be made.

It is likely that a similar system of support and training to that used by the South Australian Uniting Church Synod¹¹ could be implemented in the Uniting Church in Queensland. Mandatory reporting requirements in South Australia require ministers of religion and employees or volunteers in religious or spiritual organisations to report suspected or actual harm or abuse. The Uniting Church in South Australia has received positive feedback from their Ministers that they have found it to be a good thing - it takes the legal responsibility off their shoulders and leaves them free to get on with pastoral care.

In South Australia, they trained 12 Church staff who are now accredited trainers. They then conduct training regionally in all faith communities, using materials supplied by the relevant authorities. Each Minister, employee and volunteer must undergo initial training, then an update at least every three years. This has required significant initial and ongoing investment in resources.

There are additional challenges and costs in implementing training programs across such wide-spread locations in Queensland. The costs of travel and staff wages to move around the state are high.

Ministers in Queensland have expressed unease about the implications of being required to report when 'on duty', since they are 'on duty' 24 hours per day, seven days

¹¹ Uniting Church South Australia, *Training: Code of Ethics and Child Safe Environments – Reporting Abuse and Neglect*, <http://resources.sa.uca.org.au/called-to-care/cse-training.html>

a week. This has also been an issue of concern for Ministers in South Australia. Other professionals, for example Registered Nurses, are required to report when 'on duty' but tend to work defined hours.

3. Identity protection for a Minister making a report

A Minister in the Uniting Church making a report about suspected abuse or neglect of a child will need absolute assurance that their identity and the information provided will be kept confidential.

The Department of Communities booklet *Child abuse: What you need to know*¹² indicates that this information will be kept confidential except in certain prescribed circumstances for example when required by a court or tribunal. In any review of legislation, the existing level of confidentiality for mandatory reporters must be retained for Ministers of the Church when they are placed in these extremely difficult situations. The situation is all the more difficult in remote and small communities where the identity of the person making the report is likely to be worked out. In these communities support networks for Ministers are essential.

4. Protection of children with disabilities and their families

People with a disability can be more vulnerable to abuse, neglect or exploitation than other members of the community¹³. For example research suggests that children with disabilities are seven to ten times more likely to experience sexual abuse than children without disabilities¹⁴.

The Uniting Church in Queensland recommends that the child protection guidelines related to children with disability should be reviewed and enhanced whether or not organised church communities are included in the list of mandatory notifiers. All agencies and organisations working with children with disability should have clear guidelines for preventing, identifying and reporting child abuse, with specific information and training to support that.

There is also a need to protect families of children with disabilities from unnecessary allegations and investigations where the child may experience frequent injuries due to clumsiness, associated medical conditions etc. Mandatory reporters should be equipped with the necessary knowledge to competently identify suspected or actual harm or abuse to children and how to distinguish abusive injuries from accidental injuries.

¹² Queensland Government, *Child abuse: what you need to know*, Department of Communities Child Safety Services, <http://www.communities.qld.gov.au/resources/childsafety/child-protection/child-abuse-booklet.pdf>, 31.

¹³ Queensland Government, 2012, *Criminal history screening – frequently asked questions*, Department of Communities, Child Safety and Disability Services, <http://www.communities.qld.gov.au/disability/key-projects/criminal-history-screening/criminal-history-screening-frequently-asked-questions>.

¹⁴ Child Wise, 2012, *National Prevention Program Update*, http://www.childwise.net/index.php?option=com_acymailing&ctrl=archive&task=view&mailid=92&key=9c116b83f8a7d54fff78886bec385bf2&subid=45360-a3756ecd9c6f445c1f3552840ae79ba1.

Anecdotal evidence suggests that some families of children with disabilities, particularly when the child has high levels of behavioural problems, self-refer when desperate and unable to cope any longer. This has resulted in very significant intrusion in their lives and for some families, loss of control over their child/children's lives. It is feared that without adequate support in the first place to prevent that spiral out of control, this will continue to occur. The importance of adequate levels of family support, including respite care, cannot be overstated. Families must feel supported so they may feel confident to reach out for help when necessary.

The Uniting Church in Queensland endorses the recommendations made by UnitingCare Community in its submission to this Inquiry¹⁵. UnitingCare Community is one of the Uniting Church in Queensland's service agencies and has significant experience in child safety matters related to children with disabilities.

Recommendations

The Uniting Church in Queensland recommends the following actions to the Queensland Child Protection Commission of Inquiry:

1. broaden the mandatory reporting requirements to include a legislated requirement for Ministers¹⁶ in organised church communities to report suspected or actual child abuse and neglect
2. ensure definitions and guidelines are clear and transparent; this includes adapting and making the Department of Communities Child Safety Services *Child Protection Guide* widely available as soon as possible
3. support organised church communities to develop resources and implement specific training for their Ministers
4. ensure the identity of the Minister making mandatory reports remains confidential unless required by a court of tribunal
5. ensure information and training about the specific needs of children with disabilities and their families is developed and made widely available
6. amend legislation to enable a range of options including shared care arrangements for parents with a child with a disability who is not abused or neglected

¹⁵ UnitingCare Community, 2012, *UnitingCare Community Submission Queensland Child Protection Commission of Inquiry*, http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0016/165130/UnitingCare_Community_Moynihan_Anna.pdf

¹⁶ See Footnote 1

7. prevent or delay children with a disability from entering the child protection system by mandating that they have a specialist support plan and funds to implement it so they get the supports and services needed.

Conclusion

We believe that every person is precious to God and, in following Jesus' example, we are Child Safe Church for all people, particularly those who are vulnerable. The Uniting Church has a deep concern for the wholeness and wellbeing of individuals, and seeks to safeguard the welfare of all people. It is the responsibility of each individual within the fellowship of the Church to ensure the physical, sexual and emotional safety of children and young people.

We are committed to ensuring that children and young people are cared for and ministered to in an environment that is free from danger and harm. Church communities should at all times be places where children and young people are affirmed, nurtured and safe from physical, emotional and spiritual harm¹⁷.

The Uniting Church supports the broadening of mandatory reporting requirements to include Ministers because of our deep and active concern about the safety and wellbeing of all children in the state and our commitment to acting responsibly when faced with suspected or actual child abuse or neglect.



(Rev) Kaye Ronalds

Moderator

30 October 2012

¹⁷ The Uniting Church in Australia, Queensland Synod, 2009, *Child Safe Church policy*.