SEXUAL MOLESTATION INSURANCE CHANGES

*Advice for Baptist Churches*

**Context:**

Thank you for your commitment to the safety and well-being of all people within your church community. We recognise that your commitment to the safety of children and vulnerable adults will be reflected in many different elements of your church culture and practice as well as your written policies and procedures.

Resulting from the Royal Commission in to Child Sexual Abuse, requirements for insuring organisations against liability for child sexual abuse/molestation have tightened considerably. In late September 2019 your insurer contacted every local church and requested they complete a form titled **Implementation of Policies & Procedures Declaration**.The form outlines six points which your church’s policies and procedures must cover in order to continue to receive insurance coverage against liability for sexual abuse/molestation.

It is important to note that compliance is required whether your church is a constituted church, a faith community or a missional community.

**What do you need to do?**

BUV churches are required to ensure their policies and procedures meet the requirements of the insurer. The BUV is recommending that churches review their policies; or, where a church does not have a current relevant police, that you introduce a new policy that meets the needs of the insurer’s requirements.

The BUV is providing resources to assist churches to comply with the insurer’s requirements. These resources can be found on the BUV website. These documents are explained below.

Once you have updated or completed the required policies you need to complete the following steps:

1. Complete the form ‘**Implementation of Policies & Procedures Declaration’** with your church’s contact details and tick the six boxes;
2. Sign and return the form to your Baptist Insurance Services Manager on insurance@baptistinsurance.com.au by **29 May 2020.**

Please note: The wider church does not need to vote on these policies and procedures (unless your local church constitution requires it). These steps must be completed by 29 May 2020, to ensure your insurance cover continues beyond September 2020.

Should a molestation claim be directed to your church and you have not met this deadline and do not have the required policies in place, there will be no cover. All claim and defence costs will be borne by the church.

**The Resources**

The BUV has created a package of resources to assist churches to comply with insurance requirements. These documents can be found at: <https://www.buv.com.au/resources/safe-church-resources/safe-churches-resources> under the heading “Safe Places” and sub heading “insurance Compliance” (or use the search bar in the top right hand corner of the home page).

The documents provided include:

* **Implementation of policies procedures declaration**
* **Molestation Insurance Explanatory Notes** (this current document)
* **Sample Molestation Insurance Code of Conduct** (Note- The phrases Code of Practice and Code of Conduct may be used interchangeably.)
* **Sample Safe Church Concerns Form Template**
* **Sample Leader Application Screening Form**
* **Sample Church Safety Policy**
* **Sample Reporting and Handling Allegations of Sexual Abuse**
* **Sample Flowchart Reporting Process**

These documents (when put into practice) meet the six requirements of the insurer regarding molestation insurance. In brief, the **Church Safety Policy** covers insurer requirement points 1, 3, 6; the Code of Conduct covers point 2; **Reporting and Handling Allegations of Sexual Abuse** covers # 4 and 5.

These policies and processes must address the safety of children AND vulnerable adults. Information in *italics* is optional. These template documents should be reviewed and adapted to your church’s unique situation.

You may want to add more details to these documents, such as a diagram or separate procedure.

You may want to include additional topics, such as your motivation for having such a policy (e.g. theological foundations, community expectations, legal and insurance requirements).

You may change the name of the documents and/or refer to your existing policies and procedures, if you have them.

Remember to remove the word “sample” from anywhere the title is referred to. E.g. **Sample Molestation Insurance Code of Conduct** 🡪 Kew East Baptist Church Code of Conduct

Please do not ‘copy and paste’ from the sample anything from the sample document that is not true of your church.

Once you have carefully considered and adapted the documents, they should be confirmed your church governance group (church council, board or elders), made publicly available and applied consistently across the life of your church. These policies should be communicated to all relevant parties (such as your staff, leaders, volunteers, ministry participants, parents and carers) in a way they can understand and access. Ongoing training should be provided to ensure all parties have the knowledge and skills to uphold the policies. Finally, review the policies regularly to ensure they remain relevant and helpful.

Additional notes for adapting the documents ‘Sample Molestation Insurance Code of Conduct’, ‘Church Safe Policy’ and ‘Process for handling allegations of sexual abuse, including complying with mandatory reporting obligations (point 4 and 5)’ are provided in Appendix A.

**How do these documents relate to Child Safe Standards?**

Please be aware that there is very significant overlap between the seven Child Safe Standards and these new molestation insurance requirements. If you already have policies and practices that meet the Child Safe Standards (which have been a legal requirement for churches since 1 January 2017) you are almost totally meeting the insurance requirements already. The main difference is that the insurer requires you to consider adults as well as children. In these samples BUV has included reference to pastoral care and best practice recommendations that are above the minimum required by the law or insurance.

The Child Safe Standards are covered within these documents in the following way:

**Sample Molestation Insurance Code of Conduct** - standards 1, 3, 6, 7

**Sample Safe Church Concerns Form Template –** standards 4, 5

**Sample Leader Application Screening Form –** standards 4, 6

**Sample Church Safety Policy –** standards 2, 6, 7

**Sample Reporting and Handling Allegations of Sexual Abuse** and **Sample Flowchart Reporting Process**– standards 5, 6

If your church already has the equivalent of some or all of the above documents, you can use the spreadsheet of the CCYP document “A guide for creating a Child Safe Organisation” (Appendix 1) to check if they fulfil each of the seven standards. You can then draw on the BUV templates or CCYP templates to fill any gaps as required.

<https://ccyp.vic.gov.au/assets/resources/CSSGuideFinalV4-Web-New.pdf>

It is important to prayerfully consider each aspect of these documents. It is culture and practice that creates a safe church, not just policies and procedures. Completing these template documents does not cover every aspect of all legal, insurance or ethical obligations with which churches should comply, such as OHS and Child Safe Standards. Pastors and leadership teams need to carefully consider the need to balance risks and public perception while still being able to get stuck into doing ministry. For example, you should have guidelines about social media use that protect both ministry participants and leaders, however, this should not be so restrictive as to make effective pastoral care for young people almost impossible or leaders fearful to make contact at all.

**Further assistance from the BUV:**

The BUV Church Health & Capacity Building Team is able to provide support to your church in working through your current requirements. Please contact the Church Health Team on 9880 6133 to make an appointment to discuss your situation in detail.

We acknowledge Glenn Dixon (Business and Systems Manager of Baptist Churches of SA), Baptist Churches of NSW & ACT and Mitcham Baptist Church for generously allowing BUV to draw upon their work in developing our documents.

Additional Resources:

A additional resources available to you can be found on the BUV website. You can search for key terms (in the top right hand corner of the website) such as “Safe Ministry Check”, “Risk Assessment Action Plan”, “Safe Church Concerns Person” and more.

The Commission for Children and Young People (CCYP) has a range of helpful resources, including in various languages. Please see their website for further information: <https://ccyp.vic.gov.au/>

A guide for churches to understand and respond to the Reportable Conduct Scheme:

<https://ccyp.vic.gov.au/assets/Uploads/religious-orgs-guidance-web-lower-resolution.pdf>

Information on the Child Safe Standards:

<https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/the-child-safe-standards/>

A guide to creating a Child Safe Organisation:

<https://ccyp.vic.gov.au/assets/resources/CSSGuideFinalV4-Web-New.pdf>

Also see this comprehensive resource created to assist churches to put the Child Safe Standards into practice in meaningful ways:

<https://www.childsafestandards.org.au/wp-content/uploads/Toolkit-v2.pdf>

You can also refer to your workbook from Safe Church Awareness Workshop (SCAW).

**For more information:**
If after reading these resources you require further assistance please contact Vicky Dyer, Safe Church Consultant. Vicky.dyer@buv.com.au or 03 9880 6100 (free call 1800 815 821 from landlines)

You may also contact Vicky for general advice, resources, policies and procedures about a range of topics to make your church and ministry(ies) safe, more welcoming and more inclusive.

Appendix A

**1.** Notes regarding **‘*Sample Molestation Insurance Code of Conduct’:***

If the group you minister to, and/or your leaders themselves are highly vulnerable, you may need to be more specific about certain topics in your Code of Conduct and/or ongoing training, such as social media use, photography/videography, physical touch, lifestyle choices.

Examples:

\*Physical punishment of children is not allowed. If physical restraint to protect the child, program participants or leaders from harm is required, that individual’s attendance, or the nature of the program, must be re-assessed.

\*Youth group leaders should prioritise face-to-face or telephone conversations where possible, especially pastoral conversations. Permission from parents/guardians should be sought before contacting young people via social media. Group communications are preferred over private messages.

\*Leaders should not initiate unnecessary physical contact with children or vulnerable adults to do things of a personal nature that they can do for themselves, such as toileting or changing clothes. Any physical contact should occur out in the open and/or with other leaders present.

If you have leader(s) who are under 18, consider creating a slightly different Code of Conduct. You may like to consider and detail in writing which ministry(ies) are suitable for leaders under 18. Some reporting legislation does not apply to them, however are considered children and in need to protection from possible sexual abuse.

1. Notes regarding **Church Safety Policy**, section titled ‘Screening process’:

The law requires all people working with children in any capacity to have a current WWCC (employee or volunteer, as appropriate) and the church to proactively confirm it is valid.

Insurance requires every church to be certain that their leaders have never committed sexual abuse of any person of any age, whether in Australia or overseas. Churches must ask this question directly and take a ‘zero tolerance’ approach to reporting child sexual abuse by their leaders, due to legal requirements, including Failure to Protect legislation.

In order to confidently fulfil other legislative and insurance requirements (as well as BUV’s best practice recommendations), it is recommended that all leaders complete a “**Leader Application Screening Form**”. For safety, fairness and transparency, your church should also screen all people who are already in ministry/leadership/volunteering and have not previously been screened according to your policy.

However, other aspects of the screening process have some flexibility. The more power given to the role, the more thorough the screening process should be. For example, a ‘helper’ who turns up on a roster occasionally and is directed and supervised by a senior leader would need only basic screening. A leader who has more responsibility, including: access to vulnerable people; or finances; and/or has decision-making authority would need to undertake all forms of screening mentioned. Having two people conduct an interview is best practice, including for ‘just a volunteer’ role. It is a big responsibility for one person, and having two people helps ensure an objective result. This practice also reiterates the importance of the volunteering role.

For insurance purposes, sexual abuse is the only criminal action/offense which 100% precludes a person from insurance cover and therefore from holding a leadership position. If a person with a history of committing sexual abuse wants to attend your church please contact the Professional Standards Consultant to discuss, as even their attendance at your church may impact your ability to comply with Failure to Protect laws.

1. Notes regarding: **Process for handling allegations of sexual abuse, including complying with mandatory reporting obligations (points 4 and 5)**

This insurance requirement addresses sexual abuse of both adults and children, particularly by people affiliated with your church. The insurer wants your church to show that you are aware of the risk of sexual abuse occurring, know how to report it, and have training and procedures in place to ensure it is reported appropriately.

There are many types of abuse, including:

* Physical;
* Emotional;
* Spiritual;
* Financial;
* Family violence; and
* Neglect.

Reporting Requirements:

All abuse types can be reported both within the church as well as to external authorities. There are several pieces of legislation regarding the reporting requirements of abuse. All reporting requirements apply to abuse against children only; however, they differ as to what type(s) of abuse are included.

The following ‘Range of Reporting Requirements’ table can assist in identifying the reporting requirements for churches:



Whether your church is a constituent church, a faith community or a missional community the **Guidelines for Healthy Pastor & Church Relations (**<https://www.buv.com.au/documents/item/317>) says that the church must contact the Director of Mission and Ministries (DOMM) when there are allegations of serious misconduct (which includes sexual abuse) against a pastor.

Recommended Church Policy wording:

As this is a very complex and sensitive area the BUV recommends you stick very closely to the templates provided. Any church policy must comply with the Range of Reporting Table (Appendix B).

In order to avoid confusion regarding what types of abuse should be reported to whom and by whom, BUV recommends your church adopts the following Ethical Safe Church Statement:

*Any person in a position of leadership and authority (paid or unpaid) or any person working with children or young people in any capacity, who may suspect that a child is at risk of harm, MUST report these concerns to the appropriate statutory authorities.*

The BUV recommends you include an additional statement in relation to sexual abuse. Consider carefully the wording of the following statement and edit accordingly: “*All leaders will report disclosures or suspicions of sexual abuse (towards any child or vulnerable adult) to the appropriate statutory authorities*.”

Your church may choose to require leaders to report concerns of all abuse towards all people, with the risk of disciplinary measures if they fail to do so. OR you may instead require leaders to report all concerns of abuse towards children, and recommend they report concerns of abuse towards adults.

In order to fulfil insurance and legal requirements your church must have a written process for handling allegations of sexual abuse in relation to both children and vulnerable adults, ensure leaders comply with mandatory reporting obligations and provide training around both.

Responding to a disclosure:

Providing pastoral support to those who experience abuse is not required by legislation or insurance, but it is important for churches to provide. When providing pastoral support, support should be offered to the survivor and their family, as well as the wider church (if the situation becomes public). Provide, or refer for, support according to your capacity (considering skill, time available, and ability to be objective about the situation).

Do not force victims to report.

Discuss with them any mandatory reporting requirements as well as supports available to them.

For more details on how to respond during a disclosure, reporting historical child abuse, and mandatory reporting see page 46 of the Safe Church Awareness Workbook 2019.

Please note: Religious leaders were added to the list of mandatory reporter professions in February 2020. BUV will advise churches what leadership positions will be covered by this legislation.

Safe Church Concerns Person:

The BUV recommends that all churches appoint a Safe Church Concerns Person. The Safe Church Person is the first point of call for anyone with a question or concern about possible abuse. They are responsible for ensuring that the church fulfil their legal obligations and that all concerns are managed appropriately. This should also include support for those involved in the incident.

Although the Safe Concerns Church person is the first point of call for any question or concern, this does not mean they do all the work themselves.

The Safe Church Concerns Person should have at least a basic level of pastoral skills, administration/organisation skills and the ability to maintain confidentiality. If your church does not have a Safe Church Concerns Person, you will need to consider the appropriate person/authority to contact in each situation and carefully edit **Sample Reporting and Handling Allegations of Sexual Abuse** and **Sample Flowchart Reporting Process** accordingly.

Record Keeping:

Records must be adequate and kept secure. Records may be kept on paper or electronically. They must be kept confidentially and accessed only by a limited number of pre-determined people/roles. You may choose to specify in this policy when and how records are to be kept.

Pastoral Accreditation:

The BUV requires any person, in a pastoral or missional leadership role within a BUV church or agency more than one day per week, to be accredited. This includes those who are locally appointed or ordained through the BUV, Accreditation requirements involve a number of elements, such as signing the BUV Code of Ethics, as well as undertaking regular professional development. For further information regarding accreditation or support as well as resources available to pastoral leaders, please contact the Pastoral Leadership Support and Development team on (03) 9880 6132 or pastoral.support@buv.com.au

Further information:

For information for victims about the National Redress Scheme see: <https://www.nationalredress.gov.au/>

For information on your church joining the National Redress Scheme: <https://www.buv.com.au/documents/item/2876>

For further information on making complaints about misconduct of pastoral staff see:

 [https://www.buv.com.au/documents/item/198](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.buv.com.au%2Fdocuments%2Fitem%2F198&data=02%7C01%7Cvicky.dyer%40buv.com.au%7Cf209ed0ca47b4dcf83e908d78743598b%7Cd9cb005d0f804e64b0b31e0673c206b5%7C0%7C0%7C637126595640503216&sdata=sJniZiWyxHhgc39%2B1D0GwyCSdMHrAOApyAlBpYYdmUc%3D&reserved=0) “**Complaints Procedure for Allegations of Misconduct by Pastoral Leaders**”

For more information about how to make a report to Child Protection (including regional office phone numbers) see the DHHS website: <https://providers.dhhs.vic.gov.au/making-report-child-protection>

Appendix B

