

## PERSON OF CONCERN POLICY

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### 1. PURPOSE

- 1.1 This policy is informed by the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse and helps to ensure the safety of children and young people is prioritised where a Person of Concern is currently participating, or wishes to participate, in a community or service offered or operated by Churches of Christ in Queensland Group of Entities (CofCQ) and Affiliated Churches (Churches).
- 1.2 This policy seeks to promote a culture within CofCQ that is committed to reducing the risk of sexual abuse of children.
- 1.3 This policy outlines the legal obligations of all adults who interact with CofCQ to protect children and report the risk of child sexual abuse.
- 1.4 CofCQ must ensure appropriate measures are in place to reduce the risk of the sexual abuse of children in each of our Affiliated Churches, CofCQ environments, communities and services.
- 1.5 This policy responds to the Queensland Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020 that states:
  - Section 229BB - Failure to protect a child from a child sexual offence – possible penalty of five years imprisonment

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- Section 229BC – Failure to report belief of child sexual offence committed in relation to child - possible penalty of three years imprisonment

**Note:** This legislation requires all persons over the age of 18 years in Queensland to report either of the above offences to Queensland Police Service if the offences relate to a child under the age of 16 years, or under the age of 18 years with an impairment of the mind.

## 2. SCOPE

- 2.1 This policy applies to all environments, communities and entities connected with CofCQ.
- 2.2 This policy applies to churches which have been admitted into membership of CofCQ as a member congregation pursuant to the CofCQ Constitution (an Affiliated Church).
- 2.3 This policy applies to anyone seeking to participate in the life of an Affiliated Church including volunteers, congregation members, ministers, pastors and leaders in the church.
- 2.4 This policy sits alongside the processes that are in place to screen and manage staff, Ministering Persons and volunteers in all of CofCQ services and affiliated churches, including Working With Children Checks and National Police Checks.
- 2.5 This policy does not remove any mandatory reporting obligations to report information about a Person of Concern under any other existing Affiliated Church or CofCQ processes or to the Queensland Police Service as required by legislation. Any requirement to notify and report suspected cases of child abuse or neglect to relevant government authorities including the police will also continue to apply.

<input checked="" type="checkbox"/> All			
<input type="checkbox"/> Children Youth and Families	<input type="checkbox"/> Seniors Living	<input type="checkbox"/> Housing Services	<input type="checkbox"/> Integrated Communities
<input type="checkbox"/> Centenary Development Foundation	<input type="checkbox"/> Church and Community Engagement	<input type="checkbox"/> WHS	<input type="checkbox"/> Corporate Services

## 3. POLICY STATEMENT

- 3.1 The safety of a child or children will be prioritised above the interests of any adult individual, any church, or the CofCQ organisation.
- 3.2 CofCQ and affiliated churches must:
  - have an appropriate child protection policy in place
  - ensure that the policy is followed
  - ensure all volunteers and staff are appropriately screened (e.g. Working With Children Check, National Police Check)
  - monitor the risk profile of attendees and adherents
  - have a policy and resources to manage the risk of persons of concern.

### Relevant Definitions

#### 3.3 Who is a Child?

- A child, means a person who has not attained the age of 18 in accordance with the United Nations on the Rights of the Child and the Child Protection Act 1999

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(Queensland). However, for the purpose of this policy, a child is considered anyone under the age of 16 and persons under the age of 18 with an impairment of the mind. This includes persons over the age of 16 with a disability which results in a substantial reduction of the person's capacity for communication, social interaction or learning and the person needing support.

### 3.4 Child sexual offences are defined as:

- indecent treatment of a child
- carnal knowledge with, or of, a child
- rape of a child
- incest with a child
- grooming a child (or their parent or carer)
- making child exploitation material
- maintaining a sexual relationship with a child

### 3.5 Who is Person of Concern?

A Person of Concern is a person whose presence or interaction with our organisation or movement and their current or historical behaviour and/or actions, create a risk of committing a child sexual offence. A Person of Concern can fit any of the following criteria, but is not limited to:

- Has pleaded guilty to, been convicted of, or has admitted to a child sexual offence and/or is on the Queensland Child Protection Offender Registry or the equivalent from another Australian state, territory or international jurisdiction; or
- Has been identified as someone who has committed a child sexual offence. This may occur through self-disclosure; disclosure by an adult with reference to their childhood, or disclosure by a child or a person on their behalf; or through due diligence checks that may include recruitment screening, Working with Children Checks or advice from other sources; or
- Is currently charged with a child sexual offence; or
- Has been the subject of an allegation or complaint of a child sexual offence; which has not been properly investigated; or
- Is deemed to be a risk to the safety of children because of an adverse risk assessment relating to sexual misconduct; or
- Demonstrates behaviours toward children that make children or other people feel there is risk of a child sexual offence occurring, for example, a person who exhibits concerning and/or constant wandering across other peoples' safety and personal boundaries; or
- Exhibits behaviour consistent with grooming children and or adults.

## Responsibility to Reduce Risk and Increase Safety

3.6 CofCQ will maintain a child focussed, risk reduction approach to sexual abuse or sexual misconduct involving children.

3.7 A person that has knowledge of a Person of Concern must report the presence or suspected presence of a Person of Concern to the appropriate responsible person as soon as reasonably practical and within 24 hours of becoming aware of their involvement with CofCQ.

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- 3.8 Each business area of CofCQ including affiliated churches must comply with relevant guidelines and procedures associated with this Policy.
- 3.9 Each business area of CofCQ including affiliated churches must take an appropriate course of action to remove or reduce the risk of child sexual abuse in accordance with the procedures that accompany this policy. This may result in excluding the Person of Concern if the risk is considered significant, or implementing a Safety Agreement if it is considered that the risk can be managed and there is adequate capability of leadership to do this.

## 4. PRINCIPLES

### Responsible and Accountable

- 4.1 Throughout the organisation, all workforce roles/types have some level of responsibility or accountability for adherence to this policy and the associated procedures. The key roles and responsibilities are defined in the following statements.
- 4.2 The **Board** of CofCQ:
- is the owner and is accountable for this policy; and
  - other than minor formatting and editing, must approve all changes.
- 4.3 The **Chief Executive Officer** supported by the **Safeguarding Response Group (SRG)**:
- encourages a culture committed to reducing the risk of sexual abuse of children and young people;
  - encourages a culture of reporting harm and risk of harm and prompt and proactive management of identified Persons of Concern;
  - ensures effective processes, reporting and management strategies are in place in relation to the implementation of the Persons of Concern Policy;
  - ensures robust processes are in place to monitor compliance to reporting of and Responses to Persons of Concern as well as legislative requirements and obligations to report to Queensland Police Service and other relevant entities; and
  - identifies risks and opportunities that can support continuous improvement opportunities.

### Compliance, Monitoring and Review

- 4.4 This policy is mandatory and binding upon
- the Conference Council;
  - CofCQ Affiliated Churches;
  - The Board of CofCQ;
  - Chief Executive Officer;
  - Executive, Senior Leadership and all other Managers; and
  - CofCQ workforce, volunteers

Breaches to this policy may result in investigation, disciplinary action and reporting to the Executive/Board.

Affiliated Churches found to be in breach of this policy will be referred to the Conference Council in the first instance and the Ministry Ethics Unit as necessary.

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## Reporting and Records Management

- 4.5 The SRG will maintain a summary dashboard of the status of each safeguarding issue reported to that group. This will be provided to the CEO, Chair of the Board and Chair of Conference Council on a monthly basis or at their request.
- 4.6 If requested by the CEO, the dashboard, or a de-identified summary thereof, will be shared with the Executive Group.
- 4.7 Verbal reports of new safeguarding issues will be made to the CEO by the Chairperson of the SRG. Reports that are considered to present significant risk to the safety of children and others will be reported within 24 hours of receipt. Reports considered lower risk will be reported to the CEO as soon as reasonably practical. Detailed reports of all safeguarding issues reported will be kept by the SRG.
- 4.8 Relevant information can be made available to key roles such as Director, Communications should an issue become public and require a public statement by CofCQ.
- 4.9 Staff must maintain all records relevant to administering this policy in a recognised CofCQ record keeping system. Particular care will be given to the confidentiality of records relating to safeguarding issues and Persons of Concern.

## 5. DEFINITIONS AND TERMINOLOGY

### Terms and definitions

Term	Description
<b>Accountability</b>	The person who has ultimate ownership of a policy. Ownership cannot be transferred.
<b>Child</b>	The United Nations on the Rights of the Child and the <i>Child Protection Act 1999</i> (Queensland) defines a child as 'a human being below the age of 18 years. However, for the purpose of this policy, a child is considered anyone under the age of 16 and persons under the age of 18 with an impairment of the mind.
<b>Consulted</b>	The people who contribute valuable subject matter expertise to the development/review of the policy.
<b>Informed</b>	All staff, volunteers, students, ministering persons, board members and elders of churches
<b>Organisation/COFCQ</b>	Means Churches of Christ in Queensland Group of Entities including Churches of Christ in Queensland, Churches of Christ Housing Services Limited and all Churches of Christ subsidiary entities.
<b>Churches</b>	Means any or all churches affiliated to Churches of Christ in Queensland or any Churches of Christ subsidiaries.
<b>Person of Concern</b>	<p>A Person of Concern is a person whose presence or interaction with our organisation or movement and their current or historical behaviour and/or actions, create a risk of committing a child sexual offence. A Person of Concern can fit any of the following criteria, but is not limited to:</p> <ul style="list-style-type: none"><li>• Has pleaded guilty to, been convicted of, or has admitted to a child sexual offence and/or is on the Queensland Child Protection Offender Registry or the equivalent from another Australian state, territory or international jurisdiction; or</li><li>• Has been identified as someone who has committed a child sexual offence. This may occur through self-disclosure; disclosure by an adult with reference to their childhood, or disclosure by a child or a person on their behalf; or through due diligence checks that may include recruitment screening, Working with Children Checks or advice from other sources; or</li></ul>

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	<ul style="list-style-type: none"> <li>• Is currently charged with a child sexual offence; or</li> <li>• Has been the subject of an allegation or complaint of a child sexual offence; which has not been properly investigated; or</li> <li>• Is deemed to be a risk to the safety of children because of an adverse risk assessment relating to sexual misconduct; or</li> <li>• Demonstrates behaviours toward children that make children or other people feel there is risk of a child sexual offence occurring, for example, a person who exhibits concerning and/or constant wandering across other peoples' safety and personal boundaries; or</li> <li>• Exhibits behaviour consistent with grooming children and or adults.</li> </ul>
<b>Responsibility</b>	The person who implements the process and monitors compliance.
<b>Safeguarding Response Group</b>	An internal multidisciplinary group who meet following a disclosure of a Person of Concern. The SRG does not meet to ascertain truth of allegations brought to it as it is not a legal entity rather it reviews matters brought to it as part of the risk reduction process and then provides advice to expedite risk reduction and ensure that the vulnerable (both children and adults) in CofCQ are protected and CofCQ fulfils its legal duties.

## 6. RELATED LEGISLATION AND DOCUMENTS

Category	Related Reference Document(s)
<b>Related Churches of Christ Policies</b>	NA
<b>Related Legislation, Industry Standards and Care Standards</b>	Child Protection Act (Queensland) 1999 Churches of Christ Insurance Policy Human Rights Act (International) National Principles for Child Safe Organisations (endorsed by Coalition of Australian Governments 2019) National Strategy to Prevent and Respond to Child Sexual Abuse (2021-2030) (An initiative of the Australian, State and Territory Governments) Queensland Criminal Code (Queensland) 1899 <ul style="list-style-type: none"> <li>• S218B</li> <li>• S229BB</li> <li>• S229BC</li> </ul> Safeguarding Responses Group – Terms of Reference (CofCQ)
<b>Related Churches of Christ in Queensland Procedures, Supporting Documents and references</b>	AICD Good Governance Principles & Guidance for NFP Organisations

## 7. FEEDBACK

- 7.1 Churches of Christ in Queensland workforce and consumers may provide feedback about this document by one of the following mechanisms:
- internal workforce are invited to open a Quality Support Ticket by selecting 'Enquiry' from the available options; and
  - consumers are invited to provide Feedback via the Churches of Christ in Queensland website.

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## 8. REVIEW AND APPROVAL DETAILS

Approval and Review	Details		
<b>Policy Author and Position</b>	Samantha Patterson – Child Safe Practice Lead		
<b>Accountability</b>	Board of Churches of Christ in Queensland		
<b>Responsibility</b>	Executive Group		
<b>Consulted</b>	<b>No.</b>	<b>Name</b>	<b>Date</b>
	1	Rue Masunungure, Director of Governance	03/12/2021
	2	Tim McMenamin, Director Church and Community Engagement	29/11/2021
	3	Darryn Hammond, Manager Risk and Assurance	29/11/2021
<b>Informed</b>	The workforce of the organisation known as Churches of Christ in Queensland.		
<b>Date Endorsed by the Council</b>	13/12/2021		
<b>Date Endorsed by Board</b>	13/12/2021		
<b>Date Approved by the Executive Group</b>	01/12/2021		
<b>Next Review Date</b> (calculate from the date endorsed by Board and risk category)	13/12/2022		

Signatories	Please sign here
<b>On behalf of Board of Churches of Christ Group of Entities</b>  Name:	
<b>On behalf of Council of Churches of Christ Group of Entities</b>  Name:	
<b>On behalf of the Executive Group Churches of Christ Group of Entities</b>  Name:	

Revision History	Details
<b>Previous Review Date</b>	None
<b>Amendment History</b>	New Policy
<b>Notes (if any)</b>	NA