

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 the Churches of Christ in Queensland's Constitution. It 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, activity or service offered or operated by Churches of Christ in Queensland, including all subsidiary entities and Affiliated Churches, defined collectively as 'CofCQ'.
- 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 reduce 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 all CofCQ environments, communities and services.
- 1.5 This policy responds to the following provisions of 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

Risk Rating: HIGH

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

This means that:

- all adults must report sexual offending against children to the police unless they have a reasonable excuse
- adults in an institutional setting (e.g. a school, church or sporting club) must protect children from the risk of a sexual offence being committed against them.

Note: This legislation requires all persons over the age of 18 years in Queensland to report, unless they have a reasonable excuse not to*, 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.

* Please see legislation in section 6 of this document for more information.

1.6 This policy responds to the Victorian Crimes Act 1958 that states:

- s 49O Failure by a person in authority to protect a child
- s 327 Failure to disclose sexual offence committed against child under the age of 16 years

2. SCOPE

- 2.1 This policy applies to all environments, communities and subsidiary entities of CofCQ, including all Affiliated Churches in Queensland and services in Victoria.
- 2.2 This policy applies to anyone seeking to participate in the life of CofCQ including volunteers, congregation members, ministers, pastors and leaders in Affiliated Churches in Queensland.
- 2.3 This policy sits alongside the processes that are in place to screen and manage staff, Ministering Persons and volunteers who participate or wish to participate in a CofCQ community or service, including Working With Children Checks and National Police Checks.
- 2.4 This policy does not remove any mandatory reporting obligations to report information about a Person of Concern under any other existing 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"/> Corporate Services	

3. POLICY STATEMENT

- 3.1 CofCQ is committed to making every possible effort to reduce the risk of sexual abuse of children and young people that interact with its communities, services and entities, including Affiliated Churches in Queensland and services in Victoria.
- 3.2 The safety of a child or children will be prioritised above the interests of any individual, service or entity connected with CofCQ in Queensland and services in Victoria.
- 3.3 CofCQ services and Affiliated Churches in Queensland and CofCQ services in Victoria 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

3.4 Who is a Child?

Under the United Nations Convention on the Rights of the Child and the Child Protection Act 1999 (Queensland), a child means a person who has not attained 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. 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.

3.5 Child sexual offences are legally 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.

3.6 Who is a Person of Concern?

A Person of Concern is a person whose presence or interaction with CofCQ and their current or historical behaviour and/or actions, create a risk of a child sexual offence being committed. A Person of Concern includes, but is not limited to a person who:

- 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

Risk Rating: HIGH

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 by or to the satisfaction of the Safeguarding Response Group, 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.

Responsibility to Reduce Risk and Increase Safety

- 3.7 CofCQ will maintain a child focussed, risk reduction approach to sexual abuse or sexual misconduct involving children.
- 3.8 A person that has knowledge of a Person of Concern must report the presence or suspected presence of the Person of Concern to the appropriate responsible person as soon as reasonably practical and within 48 hours of becoming aware of their involvement with CofCQ.
- 3.9 Each business area of CofCQ including Affiliated Churches must comply with relevant guidelines and procedures associated with this Policy.
- 3.10 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 terminating employment or excluding the Person of Concern from CofC activities if the risk is considered significant. For some business areas the Safeguarding Response Group may recommend implementing a Safety Agreement if it is considered the risk can be managed and there is adequate capability, willingness and ability of leadership to do this.

4. PRINCIPLES

Responsible, Accountable, Consulted and Informed (RACI)

4.1 This policy is supported by roles and responsibilities in adherence to the following:

Policy Risk Rating	Accountable	Responsible	Consulted	Informed
<input checked="" type="checkbox"/> High	<input checked="" type="checkbox"/> Board <input checked="" type="checkbox"/> Conference Council	<input checked="" type="checkbox"/> CEO	Director of Governance Director Church and Community Engagement General Manager, Risk and Assurance Child Safe Practice Lead, Governance	All workforce

Risk Rating: HIGH

Accountable Person

- is the owner and is accountable for the controlled document; and
- other than minor formatting and editing (known as admin changes), must approve all changes.

Responsible Person

- encourages a culture of good governance through the purpose or intent of a controlled document towards the culture of this organisation;
- ensures effective processes, reporting and management strategies are in place across Churches of Christ in Queensland;
- ensure risk-rated reviews are conducted in accordance with this Document Management Policy and the Policy Writing Information Sheet;
- ensures robust processes are in place to monitor compliance legislative requirements and obligations; and
- identifies risks and opportunities that can support continuous improvement opportunities.

Consulted Person/s

- identify areas within the organisation that policies and other controlled documents should be developed or reviewed for presentation to those accountable and responsible;
- evaluate and review Governing Principles and Benchmarks, providing suggestion where necessary, to the consultation process for improvements;
- provide peer support and facilitate communication between Senior Managers;
- ensure quality practice is applied through regular review;
- inform the Executive Group of any issues, within the context of the Document Management Policy, which may impact on the organisation;
- review the actions taken or proposed for significant systems improvements made by the consultation team; and
- identifies risks and opportunities that can support continuous improvement opportunities.

Informed Persons

- are identified by the term Workforce and include: Employees, Volunteers, Contractors, Students and Consultants; and
- are expected to remain informed and knowledgeable of all policies related to their own areas of work within the organisation.

Risk Rating: HIGH

Compliance, Monitoring and Review

4.2 This policy is mandatory and binding upon:

- the Board of Churches of Christ in Queensland;
- the Conference Council of Churches of Christ in Queensland
- CEO;
- Executive, Senior Leadership and all other Managers;
- Affiliated churches;
- Services in Victoria; and
- Workforce.

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

Reporting and Records Management

4.3 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. Content may be de-identified as necessary.

4.4 If requested by the CEO, a de-identified version or summary thereof, will be shared with the Executive Group.

4.5 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 48 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.

4.6 Relevant information can be made available to key roles such as the Director, Communications should an issue become public and require a public statement by CofCQ.

4.7 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

Term	Definition
Affiliated Churches	Means churches which have been admitted into membership of CofCQ as a member congregation pursuant to the CofCQ Constitution and any subsidiary or entity associated with those churches.
Accountable	The person who has ultimate ownership of a policy. Ownership cannot be transferred.
Consulted	The people who contribute valuable subject matter expertise to the development/review of the policy.

Risk Rating: HIGH

Informed	The people expected to remain informed and knowledgeable of the policy.
Organisation / CofCQ	Means Churches of Christ in Queensland Group of Entities including Churches of Christ in Queensland, Churches of Christ Care, Churches of Christ Housing Services Limited and all Churches of Christ subsidiary entities. This includes Residential Aged Care Facilities, Retirement Living Services and Chaplains in Victoria.
Person of Concern	<p>A Person of Concern is a person whose presence or interaction with CofCQ and their current or historical behaviour and/or actions, create a risk of a child sexual offence being committed. A Person of Concern includes, but is not limited to a person who:</p> <ul style="list-style-type: none"> —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 by or to the satisfaction of the Safeguarding Response Group, 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.
RACI	A matrix describing the participation by various roles in completing tasks or deliverables in support of business processes.
Responsible Person	The person who is implements the process and monitors compliance.
Safeguarding Response Group (SRG)	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 children are protected and CofCQ fulfils its legal duties.
Subject Matter Expert	The person/s with definitive sources of knowledge who contribute their expertise to enhance organisational efficiency.

Risk Rating: HIGH

6. RELATED LEGISLATION AND DOCUMENTS

Category	Related Reference Document(s)
<p>Related Churches of Christ in Queensland Policies</p>	<p>Minimum Standards Policy (Church and Community Engagement only)</p> <p>Safe Church Policy (Church and Community Engagement only)</p> <p>Privacy Policy</p> <p>Redress Policy</p> <p>Harm, Neglect and Abuse Policy</p> <p>Personal History Check Policy</p> <p>Volunteer Management Policy</p> <p>CofCQ Insurance Policy</p> <p>Child and Youth Risk Management Strategy Policy</p> <p>Incident and Care Management Policy</p> <p>Complaints Feedback and Appeals Policy</p> <p>Internal Audit Policy</p> <p>Risk Management Policy</p>
<p>Related Legislation, Industry Standards and Care Standards</p>	<p>Criminal Code Act 1899 (Queensland)</p> <p>s 229BB Failure to protect child from child sexual offence</p> <p>s 229BC Failure to report belief of child sexual offence committed in relation to child</p> <p>For more information please visit: Failing to report sexual offences against children Your rights, crime and the law Queensland Government (www.qld.gov.au)</p> <p>Failing to report sexual offences against children Your rights, crime and the law Queensland Government (www.qld.gov.au)</p> <p>Crimes Act 1958 (Victoria)</p> <p>s 49O Failure by a person in authority to protect a child</p> <p>s 327 Failure to disclose sexual offence committed against child under the age of 16 years</p> <p>National Principles for Child Safe Organisations (endorsed by Coalition of Australian Governments 2019)</p>
<p>Related Churches of Christ in Queensland Procedures, Supporting Documents and references</p>	<p>Person of Concern Procedure for Churches</p>

Risk Rating: HIGH

7. FEEDBACK

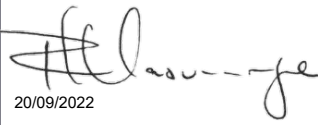

7.1 Churches of Christ in Queensland workforce and consumers may provide feedback about this document by one of the following mechanisms:

- internal workforce is 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.

Risk Rating: HIGH

8. REVIEW AND APPROVAL DETAILS

Approval and Review	Details		
Policy Author and Position	Samantha Patterson, Child Safe Practice Lead		
Accountability (endorsed)	<input checked="" type="checkbox"/> Board <input checked="" type="checkbox"/> Conference Council <input type="checkbox"/> CEO		
Responsibility (approved)	<input checked="" type="checkbox"/> CEO <input type="checkbox"/> Executive Group		
Consulted	No.	Name	Date
	1	Rue Masunungure, Director of Governance	21/04/2022
	2	Tim McMenamin, Director Church and Community Engagement	21/04/2022
	3	Darryn Hammond, General Manager, Risk and Assurance	29/11/2021
Informed	The workforce of the organisation known as Churches of Christ in Queensland.		
Date Endorsed	5/09/2022		
Next Review Date (calculate from the date endorsed and risk category)	5/09/2023		

Signatories	Please sign here
Accountable Owner/Endorser	 20/09/2022
Name: Rue Masunungure	
Responsible Approver	 20/09/2022
Name: Gary Edwards	

Revision History	Details
Previous Endorsed Date	NA
Amendment History	New Policy
Notes (if any)	NA