



Response to the Royal Commission  
Into Institutional Responses to Child Sexual Abuse  
**Issues Paper 3 - CHILD SAFE INSTITUTIONS**  
By  
The Lutheran Church of Australia

## **Background**

The Lutheran Church of Australia has a presence in all states and territories. It is made up of 475 congregations and 82 preaching places and has over 52,000 baptised members.

The church is divided into five 'districts': Western Australia, South Australia/Northern Territory, Victoria/Tasmania, New South Wales/Australian Capital Territory and Queensland. The head of each district is a Bishop (prior to April 2013 the title was President). There is also a Bishop who is the national head of the church.

The Lutheran church is actively involved with other Christian churches at a local, district and national level through the National Council of Christian Churches in Australia and its related state bodies.

There are 86 Lutheran schools throughout Australia with a student population of over 38,000. In addition, there are 59 kindergartens and early childhood centres with over 4,000 children in attendance. There are also 44 Lutheran aged care services caring for 4,000 residents, primarily in Queensland and South Australia, but also New South Wales and Victoria. There are family and community services provided by Lutheran Community Care in Queensland and South Australia. Australian Lutheran World Service provides overseas aid.

The Lutheran Church of Australia recognizes the need to protect vulnerable people, in particular our vulnerable children, and embraces all means to provide this protection.

## **Introduction**

The Lutheran Church of Australia engages with children through its worship services, family ministry programs, Sunday Schools, schools and colleges, camping programs, services to people on low incomes, foster care and other family services. We believe that it is important that children are safe in their contacts with our church and we are committed to doing whatever we can to ensure that they are not harmed by their contact with us and that they are protected from all forms of abuse including sexual abuse.

The Lutheran Church is a faith based organisation. The core business of the Church is to teach God's Word and to administer the Sacraments of Baptism and Holy Communion. Funding for the Church is by donation and this pays the salary for the Pastor in a congregation as well as for some administrative support for him where this is affordable and warranted. The donations also support centralised functions and administration. Governance and management are largely undertaken by volunteers. The demographics of the church community have changed over the years, and reflect some of the changes in the wider community as well as a reduction in the number of 30 – 50 year olds who are actively engaged.

The activities of the Church such as schools, aged care facilities, and welfare services, are funded independently and are bound by the relevant legislation and monitoring standards. They have robust systems in place to ensure compliance with the standards that are relevant to their role and function. This is able to be achieved within their resourcing.

We note that the Royal Commission is concerned with practices which support child safety in the area of sexual abuse, and we are aware that most responses here focus on this particular aspect. We are also aware that much of what is said also relates to other areas of child safety such as physical safety.

This paper highlights our concern to ensure that children are safe within our church and its activities. It also highlights some of the challenges the church faces in ensuring the health, wellbeing and safety of children within the congregational life of the church and notes that these challenges are not unique to our organisation.

**1. The essential elements of establishing a ‘child safe organisation’ that protects children from sexual abuse in an institutional context. In particular, are there core strategies that should be present and others that are less critical?**

A Church is grounded on the belief that we are all capable of sinning/ doing wrong. A corollary of this belief is that the Church exists for those who sin, and integral to this is the desire to minister to all people including those who are the fringe dwellers of society such as sexual offenders. In order to do this, the concomitant risks need to be realistically recognised and managed.

For a robust system to be in place, a wide range of strategies needs to be implemented. These may include, but not be limited to:

- A strong culture of child safety which includes leaders who understand and are committed to the safety of children
- Finding ways for children and young people to have a voice, to be heard and encouraging them to participate fully in the life of the church
- Clear and well publicised standards of behaviour/codes of conduct which apply to all
- A well publicised policy with clearly outlined procedures. This needs to include procedures for managing risks such as ministering to all types of people including sexual offenders.
- Rigorous recruitment/screening practices for paid staff and volunteers which includes police checks/working with children checks and referee checks. The working with children checks (for those who are working with children) need to be undertaken on a regular basis e.g. every three years.
- Thorough training practices for all participants including training as part of an induction process and also refresher courses; these must be regularly reviewed and updated.
- Compliance monitoring (internal and external) – this presents challenges as it can be difficult to implement sanctions for non-compliance.
- Excellent record keeping systems with attention to the security of data.
- A rigorous but fair process for dealing with complaints that acknowledges that sexual abuse of children does happen and that it is a serious matter. All complaints of sexual abuse of children to be referred to the police and/or the relevant government authority.
- Appropriate consequences upheld for perpetrators of abuse

Where a wide range of strategies form a safety plan, there is less likelihood for failure to occur: where one aspect may have deficiencies in any given situation, such deficiencies can be covered by other strategies simultaneously in place. Thus any “loopholes” can be closed.

Furthermore, to make distinctions gives the impression that some strategies may be more effective than others, while others are less effective. This could give rise to organisations choosing only to implement the strategies perceived as being of most effect, while in fact overlooking others which could prove valuable, or even essential. The distinction of “core” and “less critical” strategies is not a recommended approach.

It is more important that the standards are national. Implementing different strategies in different states is resource intensive. It is also highly confusing for organisations that have a national base – such as churches. When people move between states it can be confusing.

We commend the resources that state child protection agencies have on their websites, and look forward to national standards which incorporate the best and most practical aspects from what we now have available.

**Recommendation 1.1: That there be a wide range of strategies be employed to ensure that organisations are child safe.**

**Recommendation 1.2: That there be no distinction between core and less critical strategies.**

**Recommendation 1.3: That national standards be developed.**

**2. The evidence base for the range of strategies associated with making an organisation 'child safe'. Does this evidence base extend to the physical environment?**

We are aware that child protection research has shown that there are several components to making an organisation "child safe". These include the way that staff members are selected, the support and supervision that is available for staff as well as ongoing training. Another key element is the organisational culture and values of the organisation.

A first step is for an organisation to value people and encourage respect for their rights. This is a basic belief of Christians who see that all people are created in God's image and therefore all have intrinsic worth. It is evidence of human frailty that not all people in churches behave perfectly all the time, hence necessitating the development of child safe policies and procedures. Valuing and respecting individuals logically leads to a holistic approach to keeping people safe – physically, emotionally, psychologically and spiritually. Sexual abuse can harm children in all of these ways.

The harmonised WH&S legislation which has been, or will soon be, enacted in all States except Victoria, focuses on the maintenance of a safe environment for all, including children. This WH&S legislation includes the provision of an environment free of bullying and harassment. When organisations focus on providing an environment which is safe for all, one of the matters considered must be protecting children from sexual abuse.

The introduction of national standards for child safe organisations would mean that there would only need to be one set of training and resources developed and available for all. Such national standards should include guidelines for all aspects of safety. It is important that such standards do not stifle the ability of organisations to involve children and young people in creative, active and fun-filled activities.

**Recommendation 2.1: That national safety standards be developed that include guidelines for physical, emotional, psychological and social aspects of child safe environments.**

**Recommendation 2.2: That such standards encourage creativity, physical activity and fun.**

**Recommendation 2.3: That resources be developed to assist organisations to implement and maintain these standards.**

### 3. How should the effectiveness of 'child safe' strategies be tested?

This can be interpreted in terms of a whole community approach, or in terms of each individual organisation.

As a community, we can institute academic research (e.g. longitudinal studies, case studies, comparative studies across different organisations) to test the systems we have in place, and record and analyse data collected, which gives a picture of trends and practice outcomes. Similarly, we can use overseas data to predict the effectiveness of various approaches.

As individual organisations, all should be encouraged to review and evaluate policies and procedures on a regular and on-going basis to determine effectiveness. This could be done by using an annual checklist which would provide a level of guidance to organisations in the areas that would need to be considered. However to be truly objective, an external review would also need to be conducted. To be of greatest assistance to organisations, this would need to be supportive in nature, standing alongside organisations and helping them work towards robust practices and benchmarks, while also having disciplinary authority to enforce such benchmarks.

We are aware that in South Australia, for example, there is an expectation that organisations will provide child safe environments that are both child safe and child friendly. There are guidelines for compliance.

As a church, we continue to learn from our colleagues in other churches and in our sister churches overseas. This is done through ongoing professional development in seminars and conferences.

It is difficult to gain a measure of the effectiveness of such practices. A practice of formally engaging with our children to hear how they perceive the level of safety within the community should be part of this process. There is an element of change in culture that is part of developing child safe communities. Such change can be slow to introduce and difficult to measure.

**Recommendation 3.1: That national standards for testing child safe strategies be developed.**

**Recommendation 3.2: That methods of engaging children in developing such standards be explored and implemented.**

### 4. How 'child safe' policies and procedures work in practice?

There are a number of issues which arise in implementing child safe practices and which need to be considered:

- A large proportion of organisations implementing child safe practices have high numbers of volunteers. To ensure the safety of our children expectations of volunteers must be as stringent as those for paid employees however practical issues arise regarding how these requirements can be enforced, and by whom, appropriate record keeping, costs associated with training and record keeping in volunteer organisations. We must keep in balance policies which are robust and enforceable but which are pertinent and easy /straightforward to implement and manage. Policies and procedures which are cumbersome will not be followed well. It is important that policies and procedures remain a means to an end and do not become an end in themselves – and an end to vital institutions within our community.

- A cultural change needs to occur so that all involved in activities with young people become aware of the potential for harm and how best practices can minimise risk. Such a change takes time and can only be achieved gradually with persistent effort and education.
- The difference between confidentiality and privacy is often misunderstood, giving rise to a reluctance to report abuse or speak up.
- Implementing training and supervising personnel and programmes is challenging.
- Organisations require a great deal of support if they are to carry out child safe strategies appropriately and effectively.
- A process of review/auditing must be implemented.

We believe that these challenges are not insurmountable. It will require a very intentional approach, persistent effort and constant review. Part of this process is a need to refocus on our values and to re-interpret these in light of the requirements of becoming a child safe community.

Such change needs to be allowed to be gradual so that community groups can own the expectations and values that are being promoted. It is not just an issue and responsibility for churches and community groups – it is a whole of community matter. We see various campaigns by government mounted through the media designed to bring about significant changes within the community regarding the dangers associated with exposure to the sun or to smoking. It may be timely for government to implement a wider community education campaign to value and protect children as a backdrop and support to churches and other organisations' policies and procedures to protect children.

Training is a critical strategy in developing and maintaining child safe communities. Face to face training is the most effective form of training and allows for conversation and reflection to occur in an iterative manner. Professionally prepared and delivered training with ongoing support for participants will ensure that the message is not forgotten. Training delivered by unskilled trainers can be counter productive. It is crucial that there are competent trainers readily available at little or no cost to community organisations. Such training needs to be undertaken regularly.

Engagement with children to hear their voices needs to be promoted. Although churches provide programs for children and young people, children's voices and opinions are not necessarily heard or heeded.

**Recommendation 4.1: That there be a national whole of community involvement in implementing child safe policies and procedures.**

**Recommendation 4.2: That such policies and procedures take into account the voluntary nature of community organisations.**

**Recommendation 4.3: That all community organisations have ongoing access to competent, professional trainers at little or no cost.**

**Recommendation 4.4: That support be provided to assist with the development of mechanisms that allow the voices of children and young people to be heard in community organisations.**

## **5. Should there be a universal framework for a 'child safe organisation' or should strategies be specifically tailored to particular types of institutional settings?**

The Lutheran Church of Australia supports the notion of a framework that is nationally based and that applies to all organisations. Such a framework needs to take into account

the different types of risk involved in different activities. For example there are greater risks when children and young people are living in a residential facility as opposed to when they attend Sunday School. The underlying values and premises are the same, but the practical details should differ.

The issue of children abusing other children must also be addressed. Adequate facilities which minimise the risks, carefully trained supervisors and thoughtful supervision of activities involving children is of importance. Again, it is important that the standards that are involved do not result in the loss of the opportunity or will for organisations to provide fun, creative activities for children and young people.

**Recommendation 5.1: That there be a national framework for a ‘child safe organisation’ that takes into account the different risks for different activities.**

**Recommendation 5.2: That consideration be given to ensuring that the standards affirm the role that community organisations play in offering activities for children and young people that are fun and creative.**

## **6. The role of staff performance management systems and disciplinary processes in a ‘child safe organisation’.**

Staff accountability, whether that of paid employees or volunteers, must be viewed as of critical importance, since staff performance (behaviour) has a direct impact on children and their safety. Any systems in place to manage staff must be of the highest order and constantly monitored both internally and externally. History has shown that peer review is insufficient, not objective and open to corruption.

Strategies to manage staff include, but are not limited to:

- Clear statement by the organisation of its values and child safe practices. (Pro-child safe culture)
- A high level of performance/accountability exhibited by the leadership of the organisation
- Clear behavioural standards – codes of conduct.
- Vigorous screening pre-employment/engagement including police and referee checks
- Training - induction, and refresher, plus opportunities for professional development which include child safe practices
- Regular supervision
- High levels of professional and personal support.
- Regular reviews of position suitability – circumstances may alter an individual's suitability in a given role.
- Clear and well publicised methods of reporting concerns about staff performance/behaviour.
- Clear and fair processes to deal with breaches of codes of conduct
- For volunteers a minimum period of membership prior to appointment to a specified role

Disciplinary processes must be fair, but rigorous, consistently applied, and with appropriate consequences *always* implemented for breaches.

A potential difficulty may be present in church or other “spiritual” organisations where the theological understanding of forgiveness is confused with accountability and natural consequences. Forgiveness is always offered by God, and forgiveness of each other is the aim of every Christian, but the consequences of abusive behaviours for perpetrators may mean exclusion from activities where children are present or even permanent exclusion from the life of a congregation. Forgiveness does not ignore this reality.

Churches have traditionally operated within their own hierarchical structures and with their own rules and governance. God is seen as the ultimate authority to whom people are responsible. The imposition of transparency and accountability that is required to become a child safe organisation is a relatively new concept for some people who work in the church. This can lead to a level of resistance to the introduction of such measures. Those who do not understand the misuse of power will not understand the need for supervision and support. This is not confined to churches – it is the basis of the challenges that are faced in dealing with domestic violence and all forms of child abuse. That is why there is the need for a wider response than just the development and implementation of policies and procedures.

**Recommendation 6.1: That performance management systems and disciplinary processes be promoted as part of child safe organisations.**

**Recommendation 6.2: That such systems are promoted through a child safe public awareness program.**

**Recommendation 6.3: That these systems are developed in consultation with community groups such as churches so that they take into account the traditional cultures of such groups.**

## **7. The role and characteristics of governance and management leadership in creating and maintaining a ‘child safe’ organisational culture.**

Strong leadership from both governance bodies and managerial leaders is also crucial in creating child safe organisations. Organisational leaders must present a strong, unified and pro-active commitment to this ethos. Any potential weakness in commitment or approach could seriously undermine the effectiveness of any strategies put in place within the organisation.

Organisational leaders must ensure that the organisation has:

- A recognisable culture that values children and young people and that is dedicated to ensuring that they are safe
- Clear and well publicised standards of behaviour/codes of conduct with the capacity to impose sanctions on those who do not comply
- a robust policy with procedures that meet best practice standards
- rigorous recruitment practices
- training practices designed to present all required materials, delivered to all in positions of responsibility and delivered in such a manner as to achieve maximum engagement
- a strong culture of child safety with zero tolerance for all types of abuse of children and young people
- a good understanding/awareness of the need to report child protection matters (children also encouraged to speak up)
- adequate resourcing (financial, personnel and physical) available for implementation of policies and procedures
- adequate systems to monitor compliance (internally and externally)
- excellent record keeping systems with attention to the security of data
- transparency in all operations
- a high level of communication to all organisational members
- a rigorous but fair process for dealing with complaints
- appropriate consequences upheld for perpetrators of abuse
- a respect for and willingness to work with all government/compliance practices and agencies

Those responsible for governance and leadership in organisations working with children and young people need to be uncompromising in their approach to running a child safe organisation.

**Recommendation 7.1: That there is a clear and enforceable mandate for the leadership to ensure that their organisation is child safe if that organisation is working with children and/or young people.**

**8. Should there be any additional enforceable requirements for institutions or particular institutions to maintain a 'child safe' environment?**

The most critical aspect for change is the need for national guidelines for child safe communities. The guidelines need to be able to be enforced and to override traditional ideas of autonomy in organisations that see themselves above the law, and answering to a "higher authority".

The level of change that is recommended throughout this paper would suggest that there is need for a regulatory body to develop, oversee the implementation of and to monitor changes. There is a need for an external regulatory body to ensure that the changes are implemented and sustained.

Strategies to protect the vulnerable must always be balanced with their ability to be effective, and so while we recommend the enforcement of some strategies as a means of risk management, too many restrictions/requirements can make a system difficult to implement, especially in the voluntary sector, and ultimately be counter-productive. A strong drive towards community education and awareness should greatly enhance the implementation of enforceable requirements.

The current fragmented approach where different legislatures have different requirements only leads to confusion in the community and a dilution of effectiveness as our society finds it hard to agree on best practice. Record-keeping, policing and community education and awareness would all benefit from a national system.

In regard to mandatory reporting, "research has shown that mandated reporters make a substantial contribution to child protection and family welfare." ([www.aifs.gov.au/cfca/pubs/factsheets/a141787/](http://www.aifs.gov.au/cfca/pubs/factsheets/a141787/)) Given this fact, we need to ensure that all legislatures follow best practices. We need to reach consensus on:

- who is mandated to report
- what types of abuse and neglect are to be reported
- the state of mind of the reporter ("having concern, suspicion or belief", or "on reasonable grounds" etc.)
- the time frame (whether the child "has suffered" or is "likely to suffer", "has been" or "is being" etc.).
- to whom concerns should be reported
- procedures for reporting
- Child Protection agencies which respond.

All efforts to improve mandatory reporting practices must be supported by adequate resourcing. Some legislatures have already faced an inability to cope with the level of activity required, because the infrastructure to deal with it has been woefully inadequate. In addition, mandatory reporters and others in the community need clear information about their responsibilities.

**Recommendation 8.1: That there are national enforceable guidelines for organisations to be child safe.**

**Recommendation 8.2: That there is a national body to oversee and implement these guidelines.**

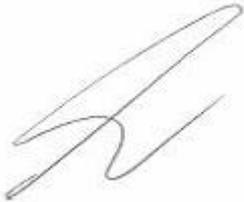
### **Conclusion**

Once again, thank you for the opportunity to contribute to this discussion. It is important to keep our children safe from sexual predators. It is also important that children and young people can feel welcome, can be heard and can be involved in community organisations in a positive and active way to encourage their growth and fulfilment of their potential. As a church we are committed to this outcome.

We encourage you in your challenging task and assure you of our prayerful support of your work as you discuss these matters, and also as you hear the stories of those who have been hurt by institutions such as ours.

Should you require further information from us, please contact the Executive Officer, Peter Schirmer by email on [peter.schirmer@lca.org.au](mailto:peter.schirmer@lca.org.au) or by phone on 0409 156 346

Submitted on behalf of the Lutheran Church of Australia,

A handwritten signature in grey ink, appearing to be 'N. Otto', written in a cursive style.

Rev Neville Otto  
Secretary of the Church

## RECOMMENDATIONS

1.1: That there be a wide range of strategies be employed to ensure that organisations are child safe.

1.2: That there be no distinction between core and less critical strategies.

1.3: That national standards be developed.

2.1: That national safety standards be developed that include guidelines for physical, emotional, psychological and social aspects of child safe environments.

2.2: That such standards encourage creativity, physical activity and fun.

2.3: That resources be developed to assist organisations to implement and maintain these standards.

3.1: That national standards for testing child safe strategies be developed.

3.2: That methods of engaging children in developing such standards be explored and implemented.

4.1: That there be a national whole of community involvement in implementing child safe policies and procedures.

4.2: That such policies and procedures take into account the voluntary nature of community organisations.

4.3: That all community organisations have ongoing access to competent, professional trainers at little or no cost.

4.4: That support be provided to assist with the development of mechanisms that allow the voices of children and young people to be heard in community organisations.

5.1: That there be a national framework for a 'child safe organisation' that takes into account the different risks for different activities.

5.2: That consideration be given to ensuring that the standards affirm the role that community organisations play in offering activities for children and young people that are fun and creative.

6.1: That performance management systems and disciplinary processes be promoted as part of child safe organisations.

6.2: That such systems are promoted through a child safe public awareness program.

6.3: That these systems are developed in consultation with community groups such as churches so that they take into account the traditional cultures of such groups.

Recommendation 7.1: That there is a clear and enforceable mandate for the leadership to ensure that their organisation is child safe if that organisation is working with children and/or young people.

8.1: That there are national enforceable guidelines for organisations to be child safe.

8.2: That there is a national body to oversee and implement these guidelines.