



# BREAKING DREAMING THE SILENCE

## TOP-UP TRAINING PACKAGE

Conduct Protocol Unit, Presbyterian Church of NSW  
2015 edition - Updated June 2019

# STAY UP TO DATE

Top-Up Training is the yearly refresher of the key aspects of the Breaking the Silence training. The Presbyterian Church of NSW requires that this 'top-up' is completed by those working directly with children or young people as part of their role in the church. This ensures that these people will have regular reminders of the information they need to know in order to help prevent and identify abuse in churches.

We recommend going through this package as a ministry group (eg. all Sunday School leaders/helpers, Pastoral Care team) at the beginning of each year before regular activities commence.

The Top-Up training reinforces the Breaking the Silence Basic Training and does not substitute the full training. Basic Training is still required every three years.

Each church is responsible for ensuring their leaders and helpers annually revise this package. It should be read together and any concerns related to the particular ministries should be discussed.

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# POLICY STATEMENT

This statement applies to all persons holding a **position of authority within the church**, and all congregations, presbyteries, organisations, and committees within **the church**. It is our commitment to dealing with **abuse** within **the church**.

This policy statement relates to **abuse** as defined in **Breaking the Silence**. It does not apply to any other forms of abuse, grievance or personal injury claim.

- We commit ourselves to respect other people's minds, emotions and bodies. We have established **Breaking the Silence** as the public criteria according to which the community may judge the resolve of **the church** to address issues of **abuse** within **the church**.
- We acknowledge and accept the trust granted to us by those who are taking part in church activities, their families, and the wider community. We therefore commit ourselves to striving to ensure that all our actions are morally upright.
- We acknowledge that, as a church, our responses to **victims** in the past have varied greatly. We express regret and sorrow for the hurt caused whenever the response has denied or minimised the pain that **victims** have experienced or caused them to experience further pain.
- We are committed to establishing a process that strives for truth and confidentiality. We will ensure as far as possible that a compassionate response is the first priority in all **allegations**, even at a time when it is not yet certain that the **allegations** are accurate, through offering assistance, protection and care without passing judgement or prejudicing the rights of the **alleged offender**. We acknowledge that concealing the truth is contrary to the character of God, unjust to **victims** and a disservice to **offenders**.
- We understand and value the need for support to all parties involved in an **allegation**, including the **aggrieved person** and the **alleged offender**, and we actively seek to provide this support.
- We acknowledge the personal and public difficulties that a **false, misconceived, malicious or vexatious allegation** can cause for the person accused. We will take whatever steps are possible to address these difficulties.
- We are willing to know the full extent of the problem of **abuse** and the causes of such behaviour within **the church**. We will strive to be aware of our legal responsibilities and obligations in relation to prevention, reporting and processing requirements and seek to meet them at all times.
- We acknowledge that we have had to make changes in the way that we relate to **children** and **young people** and others, as a result, some good things have been lost, however we will bear this loss to ensure as far as possible that the vulnerable are safe.
- We will ensure as far as possible that all people in **positions of authority within the church** and/or working with **children** and **young people** are aware of the appropriate

standard of conduct and boundaries. We require those who work on behalf of **the church** to indicate their agreement with this policy statement and work towards providing an environment that prevents **abuse**.

- We believe that churches ought to be places of safety and refuge for **children, young people** and others, where they should be and feel safe from any threat when on church property or involved in activities operated by **the church**, or accessing services provided by **the church**. We believe that **the church** should be a place where people can disclose **abuse** and have it dealt with effectively.
- As a church we are committed to the implementation of the **Royal Commission's Child Safe Standards**.
- We will establish a prevention strategy that includes screening, sound recruitment and selection procedures, clear boundaries, risk identification and management, education, support, supervision and training.
- We acknowledge that the age of consent for sexual activity is determined by legislation. However, we are mindful that this must be read in the light of our moral and spiritual responsibility. All people in a position of authority within the church, be it real or perceived, paid or unpaid, have a moral and spiritual responsibility towards those over whom they have authority. In this situation it is never appropriate to take part in sexual activity of any kind, regardless of the person's age. We affirm that sexual behaviour belongs in a marriage relationship only and that in this context it is a good gift of God.
- All **allegations** will be notified to the appropriate external authorities, overseen by the **CPU**, investigated thoroughly and determined as described in **Breaking the Silence**.
- Irrespective of any other action that may be taken by authorities outside **the church**, **the church** reserves the right to exercise its powers according to the **Code of Discipline** and **Breaking the Silence** wherever this action is deemed necessary.

# CODE OF CONDUCT

The following constitutes **the church's** Code of Conduct for behaviour for a person in a **position of authority within the church**:

1. As a person in a **position of authority within the church** you must always be concerned about the integrity of your position, likely perceptions of **the church** and the wider community, and the need to acknowledge the real or perceived power given to you as a result of holding this position. You should avoid situations where you are vulnerable to temptation or where your conduct may be construed to be a breach of this Code of Conduct. You will make yourself familiar with the provisions of **Breaking the Silence**.
2. You must not fail to take action to prevent to the best of your ability and report as required any of the following:
  - **child abuse,**
  - **a child or young person at risk of significant harm,**
  - **reportable conduct,**
  - **sexual misconduct,** and / or
  - conduct that breaches the **Breaking the Silence** Code of Conduct.
3. **Sexualised behaviour** is any behaviour that may reasonably be perceived to be of a sexual nature according to the standards of the time by the person to whom it is directed. **Sexualised behaviour** is only permitted as set out in the Word of God. Except with one's own marriage partner, all **sexualised behaviour** is forbidden. If you are not married you must abstain from all sexual or **sexualised behaviour**.
4. You must not engage in or condone any behaviour that could be considered to be:
  - **child abuse,**
  - putting a **child or young person at risk of significant harm,**
  - **reportable conduct,** and / or
  - conduct that breaches this **Breaking the Silence** Code of Conduct.
5. You must not engage in or condone any behaviour that could be considered to be **sexual misconduct**, understanding that **sexual misconduct** is contact or invitation, via any means, of a sexual nature which is inconsistent with the integrity of a person **in a position of authority within the church**. **Sexual misconduct** includes any behaviour that could be reasonably considered to be **sexual assault, sexual exploitation, sexual harassment, coercion or grooming** of an **adult** or a **child or young person**.

6. **Sexual exploitation** refers to any form of **sexualised behaviour** with an **adult, child or young person**, whether or not there is consent and regardless of who initiated the behaviour, where that behaviour is contrary to the Word of God. Therefore, you will not among other things engage in or condone any of the following:

- behaviour or a pattern of behaviour aimed at the involvement of others in sexual acts, including but not limited to **coercion** or **grooming behaviour**,
- **sexualised behaviour** with a person below the age of consent,
- **sexualised behaviour** with a person with whom there is a supervisory, **pastoral care**, or counselling relationship,
- the production, distribution, possession of or accessing of pornographic material of any kind,
- taking advantage of the conscious or unconscious use of sexually provocative behaviour that some victims of **abuse** display,
- engaging the services of a prostitute, or soliciting or providing such services,
- visiting, without legitimate reason, a brothel or any place maintained for the abuse-of-sex industry,
- viewing or reading, in print or otherwise, material of a sexually explicit nature, except for a legitimate purpose,
- participating in sexually explicit conversation via social media, chat rooms, gaming or any other means, and
- asking, without legitimate reason, any questions about the intimate details of a person's sexual life or providing details of your own sexual life.

7. **Sexual harassment** means unwelcome **sexualised behaviour**, whether intended or not, in relation to an **adult, child or young person** where that person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. Therefore, you will not, among other things engage in or condone:

- implicit or explicit demands or suggestions for sexual activities,
- making any gesture, action or comment of a sexual nature to a person or about a person in their presence,
- making jokes containing sexual references or innuendo using any form of communication,
- exposure to any form of sexually explicit or suggestive material, including but not limited to pornography of any kind,
- physical contact that is inappropriate to the situation or uncomfortable or confusing for the receiver, including kissing, hugging, touching, pinching, patting or aggressive physical conduct,
- touching any sexual part of the body, including the "only kidding" or accidental occasions of sexual touch,

- generating or participating in inappropriate personal correspondence (including electronic communication) in respect of sexual or romantic feelings or in breach of the Code of Conduct,
- inappropriate giving of gifts, including those of a sexual, suggestive or romantic nature that is in breach of the Code of Conduct,
- inappropriate or unnecessary discussion of, or inquiry about, personal matters of a sexual nature,
- inappropriate intrusion of personal space or physical privacy, including being alone in a bedroom or bathroom or allowing inappropriate exposure during activities that require dressing or changing clothes,
- voyeurism, and
- persistent following or stalking.

8. **Coercion or grooming behaviour** refers to physical or psychological actions intrinsic to initiating or hiding abusive behaviour, which involved the manipulative cultivation of relationships with vulnerable **adults, children** and / or **young people**, their **carers** and others in authority. You will not exhibit any behaviour that could be considered to be **coercion** or **grooming behaviour**.

9. With regard to **children** and **young people**:

- You will not visit a **child** or **young person** in their own home unless a parent is present or you visit with another person in a **position of authority within the church** with parental permission.
- You will not conduct a camp or other activity involving overnight accommodation without appropriate “camp parents” (ideally a married couple over the age of 25 years, of known maturity and Christian commitment) approved by the **supervising body**.
- You will not provide any form of accommodation for any reason where there is not strict segregation by sex, with the exception of married couples and families. Supervision of **children** and/or **young people** must be provided by a person of the same sex.
- You will ensure that any activity involving **children** and / or **young people** is open to observation by parents and other adults with a legitimate interest.

10. With regard to **adults, children** and **young people**:

- You will not condone or participate in **bullying** behaviour, where **bullying** is the repeated seeking out or targeting of an **adult, child** or **young person** to cause them distress and humiliation or to exploit them, including exclusion from a peer group, intimidation and extortion.
- You will not condone or participate in **domestic or family violence**, which involves violent, abusive or intimidating behaviour carried out by a partner, carer or family member to control, dominate or instil fear. This includes physical, emotional, psychological, sexual, financial or other types of **abuse**,

- You will not participate in or allow nude swimming or other such activities.
- You will not participate in or allow initiations and secret ceremonies.

11. With regard to **adults, children and young people**, either the Presbytery or Session may make temporary variations in respect to the details of the following. These temporary variations will be formally recorded by the Presbytery or Session and will be made on a restricted basis for individuals in specific circumstances for a specific period of time. Where no temporary variation is formally recorded, the following will apply without change:

- You will take care to ensure an appropriate balance of transparency and confidentiality so that the private concerns of others are not disclosed or revealed improperly. In ordinary circumstances, when you are providing **pastoral care** to, or working with members of the opposite sex, you will strive to do so in an environment that allows visual surveillance and, where reasonable, have other people within hearing distance.
- You will not allow a **child** to sleep in close proximity to an adult, other than a parent or guardian, unless there is a significant separation, and privacy of all parties is respected.
- You will not allow an **adult** to share accommodation with one **child or young person** only unless they are a parent or guardian of that **child or young person**.
- You will not drive a **child or young person** unaccompanied.

Where specified provisions cannot be followed in an emergency, the circumstances of the emergency and the actions taken should be reported to and approved by the **supervising body**. Where the actions taken are not approved, they will be considered to be a breach of the Code of Conduct.

Any breaches of this Code of Conduct for any reason will be reported to the appropriate **supervising body** as soon as possible. The **supervising body** will then report the matter to the **CPU**.

# REPORTING

Every day we come into contact with people, (**adults, children and young people**) who are vulnerable in one way or another. As a church we are privileged to be in a position where these people trust us.

We therefore need to be clear that when we become aware someone has been abused we have an obligation to report. The legal reporting requirements can differ depending upon what kind of **abuse** has taken place and who is involved.

All **abuse** will be reported to the appropriate **civil authorities** and the **CPU**.

**Abuse** is a broad term. For the purposes of **Breaking the Silence**, **abuse** includes:

- **child abuse**
- **risk of significant harm,**
- **reportable conduct,**
- **sexual misconduct,** and/or
- conduct that breaches the **Breaking the Silence** Code of Conduct.

All **abuse** is unacceptable. In **the church** we aim to provide a safe environment for **adults, children and young people** no matter how they come into contact with us. Further, many of our leaders and employees are required under law to report any evidence of **reportable conduct** or **risk of significant harm**. Therefore it is essential that we clearly understand what it is and how to recognise it.

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The following will cover:

- **Notifiable circumstances**
  - **Reportable conduct**
  - **Risk of significant harm**
  - **Other notification information**
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## What is a notifiable circumstance?

**Notifiable circumstance:** The **CPU** must be advised of all **notifiable circumstances**, including:

- any fact, circumstance, **allegation**, notification, knowledge of, verbal advice of, direct or indirect connection to, or attempt of **abuse**, and
- all **allegations, complaints, reportable allegations** and **allegations: reportable conduct**.

A **notifiable circumstance** may identify someone who is currently or has been a member of the **church**, someone who is currently or has been a person in a **position of authority within the church**, a current or ex-employee, a current or ex-student, a current or ex-volunteer and / or a current or ex-third party.

## Who needs to report?

All **notifiable circumstances** must be reported to the **CPU** immediately.

Anyone may make a report to the Police or **Community Services** if they have reasonable grounds to believe a **child** is at **risk of significant harm**.

In **the church** it has been agreed that any person with a **position of authority within the church**, be it paid or unpaid, or any person working with **children** or **young people** in any capacity will consider themselves to be mandatory reporters, even where they may only be voluntary reporters under legislation.

In all States and Territories, regardless of whether mandatory reporting is required under legislation, any person in a **position of authority within the church** who knows, believes or suspects on reasonable grounds, that a **child** or **young person** is at risk of harm or has suffered **abuse** must make a report.

In States and Territories where mandatory reporting applies to a person because of their role within **the church** this report must be made to the appropriate authority. For those whose role within **the church** does not make them a mandatory reporter, and in those States and Territories where mandatory reporting does not apply, the report must be made within **the church** to the **CPU**.

The **CPU** makes appropriate notification to insurers on behalf of **supervising bodies**.

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**KEY POINT: Report all notifiable circumstances to the Conduct Protocol Unit**

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## Reportable conduct

**Reportable conduct:** is a defined term that appears in the Ombudsman Act 1974 (NSW) and **also in the** Commission for Children and Young People Act 1998 (NSW). Section 25A of the Ombudsman Act defines **reportable conduct** as:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- any assault, ill-treatment or neglect of a child, or
- any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

**Reportable conduct** does not extend to:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

**Reportable conduct** is a standard that is applied to all people in a **position of authority within the church** under the Ombudsman Act 1974 (NSW). **Reportable conduct** includes conduct that is defined in relevant legislation that occurs within a leader's public ministry as well as their personal life. All **reportable conduct** is a **notifiable circumstance**.

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**KEY POINT:** Report all reportable conduct (concerning abuse of children or young people) to the Ombudsman by contacting the Conduct Protocol Unit.

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## Risk of significant harm

**Risk of significant harm** is a term used by **Community Services** for situations where a reasonable person has current concerns about the safety, welfare or wellbeing of a child or young person.

In New South Wales, this includes current concerns for any of the following reasons:

- the basic physical or psychological needs of the child or young person are not being met (neglect),
- the parents or caregivers have not arranged necessary medical care (unwilling or unable to do so),
- risk of physical or sexual abuse or ill-treatment (physical or sexual abuse),
- parent or caregiver's behaviour towards the child causes or risks psychological harm (emotional abuse), and / or
- incidents of domestic violence and as a consequence a child is at risk of serious physical or psychological harm (domestic or family violence).

Conduct putting a **child** or **young person** at **risk of significant harm** may also be **reportable conduct** and is a **notifiable circumstance**.

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**KEY POINT:** Report instances where a child or young person is at risk of significant harm to Family and Community Services using their mandatory reporter guide (<https://reporter.childstory.nsw.gov.au/s/>) and contact the Conduct Protocol Unit.

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## Notification of the Police

An **aggrieved person** always has the right to seek lawful remedies outside **the church** and our internal procedure may not always be a substitute for other actions. A matter must be reported to the Police if:

- someone is in danger,
  - **Community Services** or the **CPU** requests that a report is made,
  - there is knowledge which would assist authorities to apprehend or convict a person of a serious offence, or
  - the incident involves either physical or **sexual assault** regardless of age.
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## Notification of external agencies

The **CPU** will assist in identifying which **civil authorities** (including **Community Services**, the NSW Ombudsman, the Commission for Children and Young People etc) need to be notified in relation to each specific report.

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## Protection of persons making reports

If, in relation to a **child** or **young person**, a person makes a report in good faith to **Community Services** or to a person who has the power or responsibility to protect the **child** or **young person**, such as the Police, legislation in most States and Territories provides significant protection. If you have any concerns about this aspect of reporting, please contact the **CPU**.

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**KEY POINT:** If someone is in immediate danger, contact the Police (000).  
If in doubt, contact the Conduct Protocol Unit - 02 9690 9325.

# DISCUSSION

Use these questions to discuss the ministry activities that you are involved in. It is important to know the risks involved in your ministry and to have things in place to keep your activities safe.

## 1. PEOPLE

- a. Have all leaders registered their WWCC with the CPU to be verified?
- b. Have all leaders had full Breaking the Silence training in the past three years?
- c. Have all leaders had Top Up training in the past 12 months?
- d. Is the Session fully aware of who is leading in your ministry?
- e. Who is your church's BTS contact person and how would you contact them?

## 2. PLACES

- a. What are the spaces that your activities take place?
- b. How do you ensure that your activities are safe?
- c. Are there any visibility considerations needed?

## 3. PRACTICES

- a. Does your ministry involve pastoral care?
  - i. What are the risks?
  - ii. How do you minimise these risks?
- b. Does your ministry involve children/young people?
  - i. Do you have a registration process?
  - ii. Are parents fully informed?
  - iii. How would you manage a first-aid incident?
  - iv. Where are the toilets and how should children be supervised in this area?
  - v. How would you respond to unhelpful behaviour?

For more information, go to [breakingthesilence.org.au](http://breakingthesilence.org.au) or contact the Conduct Protocol Unit on (02) 9690 9321.