

Robert Apps Ministries

Child Safety
Seminar
Central
Mountains
Baptist Church
Sunday 20
August 2011

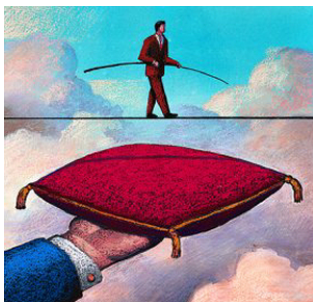


Duty of Care

A church owes a duty of care towards children to provide:-

- reasonable supervision;
- a safe and supportive environment;
- safe and suitable premises and equipment;

Balancing Act



A Church's Duty of Care

The measure of duty of a person undertaking control and supervision of a child to exercise reasonable care for the safety of the child is to be gauged by the standard of the average reasonable parent.

Wallace v Boys Club of Albany, GA (1993)



A School's Duty of Care



- Justice Murphy of the High Court said:-
The notion that a school teacher is in loco parentis does not fully state the legal responsibility of a school, which in many respects goes beyond that of a parent. A school should not be equated to a home. Often hazards exist in a home which would be unreasonable to allow in a school.

Commonwealth v Introvigne 1982

Limits of the Duty of Care

- Generally speaking, a duty of care will arise whenever a church is 'ministering' to a child.
- That issue will be answered by determining whether the child was placed under the authority of the church (or one of its leaders) by the parents, and/or, when the church accepts that responsibility.

Time Limits of the Duty



- A church will be responsible for a child's safety before and after ministry times if a leader is present.
- If parents know that supervision is provided during those times they may rely upon that continuing supervision.

Time Limits of the Duty

- We may need to consider the need to make it clear to parents that we accept no responsibility for the actions or safety of children before or after certain times.



Geographical Limits of the Duty



- A church has an obligation to supervise children not only within its premises, but also immediately outside church grounds.
- This is true particularly if special circumstances of risk are known to the church, such as a busy nearby intersection.

Dealing with a 'runaway' child



- If a child leaves church premises without permission, take the following steps:-
- leader to report incident to ministry leader
- ensure other children are properly supervised

Dealing with a 'runaway' child

- a leader (or possibly two) to attempt to find the 'runaway'
- -if the leader returns the child, the ministry leader should speak to the child and the parent concerned

Dealing with a 'runaway' child

- -if the leader cannot find the child, the parents and/or police should be immediately notified
- -decision be made whether child can continue attending the ministry