

3/19 Implementation of the Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse

(A report from the Standing Committee.)

Key Points

- The Synod has requested the Standing Committee to provide a report in relation to the actions set out in its 2019 report concerning implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.
- This report provides an update on the actions that have been taken to the recommendations of the Royal Commission that apply to the Anglican Church Diocese of Sydney.

Purpose

1. The purpose of this report is to respond to Synod Resolution 3/19 by providing an update on the implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the **Royal Commission**) that are applicable to the Anglican Church Diocese of Sydney.

Recommendation

2. Synod receive this report.
3. Synod request the Standing Committee to provide a further update to the next session of the Synod in relation to implementation of the actions set out in the table to the report.

Background

4. Synod resolved as follows at its 2019 session concerning implementation of the recommendations of the Royal Commission –

Synod noting the report 43/18 Implementation of Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse –

 - (a) endorses implementation of the Royal Commission's Child Safe Standards by all institutions of the Diocese of Sydney that have contact with children in conducting their operations,
 - (b) requests the Standing Committee to provide a report to the next session of the Synod in relation to implementation of the actions set out in the report, and
 - (c) pending Standing Committee's report to Synod in 2020 (and except as otherwise addressed at the 2019 session of Synod) –
 - (i) refers questions of draft ordinances or policies required to facilitate their implementation to Standing Committee, and
 - (ii) requests the Standing Committee to bring recommendations on funding to enable implementation of the actions set out in the report for approval by Synod.
5. The Royal Commission made 58 recommendations to 'religious institutions' and 'religious organisations'. Of these, 28 relate to institutions and organisations generally and 5 recommendations relate directly to the Anglican Church of Australia. The remainder relate to other specific religious institutions and organisations.

6. For the purposes of the Royal Commission's recommendations, the Diocese of Sydney is an 'institution', an 'organisation' and an 'affiliated institution' as defined by the Royal Commission. This follows because:
 - (a) The Royal Commission defines a 'religious institution' as "an entity that operates under the auspices of a particular religious denomination and provides activities, facilities, programs or services of any kind that provide the means through which adults have contact with children". It lists 'dioceses' as an example of a religious institution.
 - (b) The Royal Commission defines a 'religious organisation' as "a group of religious institutions from a particular religious denomination or faith that coordinate and/or organise together". The Anglican Church of Australia is a 'religious organisation' for this purpose.
 - (c) The Diocese of Sydney is an 'affiliated institution' for the purposes of some recommendations because of its relationship to the General Synod.

7. This report considers those recommendations of the Royal Commission that apply to the Anglican Church Diocese of Sydney in these various capacities.

Discussion

8. The table in the Appendix –
 - (a) lists each of the 33 recommendations of the Royal Commission that apply to the Diocese of Sydney (in columns 1 and 2);
 - (b) indicates whether or not the recommendation has been implemented (in column 3); and
 - (c) sets out the actions that have been undertaken in relation to the recommendations (in column 4).

For and on behalf of the Standing Committee.

DANIEL GLYNN
Diocesan Secretary

22 August 2022

Implementation of the recommendations of the Royal Commission addressed to the Anglican Church Diocese of Sydney

Key



= full or substantial implementation.




= partial implementation.





Note: Compliance with some recommendations is dependent on legislation being passed at the 2022 session of Synod. This is indicated in the 'Action Taken' column where applicable. The report assumes that the legislation will be passed to achieve compliance.





1 Framework Recommendations concerning the Child Safe Standards

No.	Recommendation	Compliance	Action Taken
16.31	All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.		<p>By resolution 3/19, Synod endorsed implementation of the Royal Commission's Child Safe Standards by institutions within the Diocese of Sydney.</p> <p>The Child Safe Scheme in the <i>Children's Guardian Act 2019</i> (NSW) requires religious bodies in NSW to implement the Child Safe Standards through systems, policies and processes.</p> <p>The Standards are implemented through many of the actions indicated below.</p>
16.32	Religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.		The recommendation for adoption is superseded by the Child Safe Scheme under the <i>Children's Guardian Act 2019</i> (NSW), which is mandatory for religious bodies.
16.33	Religious organisations should drive a consistent approach to the implementation of the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.		The Bill for the <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> (Page 153, Book 2) will, if passed, make it a function of the Safe Ministry Board to "to ensure the Child Safe Standards are implemented and maintained by Church bodies through systems, policies, and processes, including promotion of child safety, prevention of abuse and complaint handling" (cl. 6(c)).
16.34	Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.		The Bill for the <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> will provide for the Safe Ministry Board to have a consultation role with government and non-government bodies, including the Office of the Children's Guardian.

No.	Recommendation	Compliance	Action Taken
16.35	Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.		The Bill for the <i>Ministry Standards and Safe Ministry Amendment Ordinance 2022</i> (Page 163, Book 2) will, if passed, amend the Accounts, Audits and Annual Reports Ordinance 1995 to require organisations to provide reports to the Safe Ministry Board if it is required to report to a regulator regarding the Child Safe Standards or is the subject of a report concerning them.

2 Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture


No.	Recommendation	Compliance	Action Taken
16.36	Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post- appointment, including in relation to the promotion of child safety.		This recommendation is under consideration by the Safe Ministry Board for inclusion within the 'Faithfulness in Ministry' training course or as a separate course of training.
16.37	Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety. This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.		The Bill for the <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> will, if passed, include as a function of the Safe Ministry Board to "provide assistance, advice and education to Church bodies in relation to the prevention of and response to abuse of children and vulnerable persons" (cl. 7(a)). Clause 10(2) of the Bill addresses the requirement for variety of in the composition of those providing advice.
16.38	Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.		<i>Safe Ministry to Children Ordinance 2020.</i> <i>Ministry Standards Ordinance 2017.</i>
16.1	The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.		The Episcopal Standards (Child Protection) Canon 2017 was adopted in 2017 and has force in the Diocese of Sydney. A Bill to adopt the <i>Episcopal Standards (Child Protection) (Amendment) Canon 2022</i> will be considered at the 2022 session of Synod.

No.	Recommendation	Compliance	Action Taken
16.39	Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.		Conflicts of interest that may arise in relation to the role of director of professional standards, members of the PSC and PSB and Adjudicators were addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> . The Bill for the <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> will, if passed, address any conflicts of interest that may arise in the work of the Safe Ministry Board.
16.2	The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers: a. members of professional standards bodies; b. members of diocesan councils (otherwise known as bishop-in-council or standing committee of synod); c. members of the Standing Committee of the General Synod; and d. chancellors and legal advisers for dioceses.		Part a. of the recommendation overlaps with recommendation 16.39 and has been addressed through the measures outlined above. The Senior Legal Counsel has developed a statement of principles concerning the management of actual or perceived conflicts of interest in relation to the engagement of lawyers and any advice from the staff of SDS, the Chancellor or a Deputy Chancellor in respect of child sexual abuse matters. The Standing Committee has a 'Disclosure of Conflicts of Interest' regulation, which it made on 26 May 2014 under cl 6(5) of the Standing Committee Ordinance 1897. It is proposed that the scope of this regulation be reviewed following the General Synod passing <i>Rule to amend Rule II – Standing Committee (Conflict of Interest) 2022</i> .
16.49	Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.		The <i>Faithfulness in Service</i> code of conduct applies to church workers who are both clergy and lay people. Compliance with the 'children's standards' under the Code is required by the <i>Safe Ministry to Children Ordinance 2020</i> .
16.3	The Anglican Church of Australia should amend <i>Being together</i> and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.		See comment above regarding <i>Faithfulness in Service</i> , which applies to lay members who are church workers. The <i>Being Together</i> statement is not in use in the Diocese of Sydney. The <i>Safe Ministry Check</i> that is required of those who undertake ministry to children includes a pledge concerning conduct relating to children. The Safe Ministry Board is considering whether 'community' or 'lay member' based safe ministry training should be developed as part of a layered approach to safe ministry training in the Diocese.





3 Child Safe Standard 2: Children participate in decisions affecting them and are taken seriously

No.	Recommendation	Compliance	Action Taken
16.40	Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.		The Safe Ministry Board has Protective Behaviours Training for children under consideration. It will also be a topic for the Faithfulness in Ministry conference for clergy in 2023.

4 Child Safe Standard 3: Families and communities are informed and involved






No.	Recommendation	Compliance	Action
16.41	Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by publishing all policies relevant to child safety on its website, providing opportunities for comment on its approach to child safety, and seeking periodic feedback about the effectiveness of its approach to child safety.		<p>Safe ministry policies and procedures are published at safeministry.org.au. The website also includes the following statement:</p> <p>FEEDBACK</p> <p>Our aim is to support parishes and church workers to provide care and protection for everyone by building a culture of safe ministry. Any feedback to help us review and improve is welcome. Please email your feedback to the address below</p> <p>feedback@safeministry.org.au</p> <p>Feedback is also invited in published documents and in the course of Safe Ministry Training.</p>

5 Child Safe Standard 5: People working with children are suitable and supported

No.	Recommendation	Compliance	Action
16.42	Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.		The <i>Safe Ministry to Children Ordinance 2020</i> requires an assessment of the "personal, social and sexual maturity of a candidate". This is a broader definition that widens the scope of the inquiry beyond an exclusively psychosexual focus. In 2021 MT&D, in consultation with the PSU and the consultant screening psychologists, piloted a semi-structured interview process for selected candidates, tailored to address the broader definition.
16.43	Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that: <ul style="list-style-type: none"> a. equips candidates with an understanding of the Royal Commission's 10 Child Safe Standards b. educates candidates on: <ul style="list-style-type: none"> i. professional responsibility and boundaries, ethics in ministry and child safety; ii. policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies; iii. how to work with children, including childhood development; iv. identifying and understanding the nature, indicators and impacts of child sexual abuse. 		<p>All students at Moore College must complete safe ministry training which is offered at the College, and participate in four modules of PSU training which addresses much of the subject-matter listed in the recommendation. The Child Safe Standards and preventative strategies for adherence are the subject of two 4th year lectures.</p> <p>Youthworks College teaches a "Foundations of children's and youth ministry" unit (DE037-512) and TOUR unit (PC076-512i) which covers this subject matter in components on "how to work with children" and "childhood development".</p> <p>All participants in the Ministry Development Program run by MTD, which consists primarily of newly ordained ministers, complete three units on Safe Ministry conducted by the PSU.</p>
16.4	The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.		<p>This is met by the <i>Safe Ministry to Children Ordinance 2020</i> (and related <i>Safe Ministry to Children Canon 2017</i>) in relation to screening and training.</p> <p>The selection aspect of this recommendation is also under consideration by the General Synod Ministry and Mission Commission. The Diocese will contribute to its consultation process.</p>
16.44	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.		The Standing Committee has appointed a subcommittee to 'bring a proposed course of action in relation to Recommendation 16.5(c) ...for all people in religious or pastoral ministry to "undergo regular performance appraisals"'.



No.	Recommendation	Compliance	Action
16.45	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.	✓	The Standing Committee has approved a 12 month pilot program of pastoral consultation. See the separate report to the Synod – <i>Pastoral Consultation (Professional Supervision) Recommendation</i> .
16.5	<p>The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel):</p> <ul style="list-style-type: none"> a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety b. undertake mandatory professional/pastoral supervision c. undergo regular performance appraisals. 	✓	The Archbishop's Faithfulness in Ministry (FiM) conference is run triennially. Its frequency, content and format are regularly reviewed by the Safe Ministry Board. The FiM conference in 2023 will include components on part a. of the of the recommendation. Parts b. and c. of the recommendation are addressed under 16.44 and 16.45.
16.46	Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.	✓	<p>A person from overseas – whether clergy or a lay person undertaking ministry to children - is subject to the requirements in the <i>Safe Ministry to Children Ordinance 2020</i>.</p> <p>This includes the same requirements applying to all such clergy and lay workers in relation to screening and training, but also includes additional requirements if the person is from another Province of the Anglican Church – most particularly a 'church ministry assessment', which involves obtaining information about the person from an authority in the other Province.</p> <p>People from overseas will also be included in the pilot program of pastoral consultation if they meet the applicable criteria.</p>

6 Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused


No.	Recommendation	Compliance	Actions
16.51	All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.		This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> to require a risk assessment if a complaint relates to children.
16.52	All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.		This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> to require suspension if the Director is satisfied that – <ul style="list-style-type: none"> (a) the complaint or the substance of the complaint involves allegations of serious child-related conduct, (b) the complaint is not false, vexatious or misconceived, and (c) there is a risk that the respondent may come into contact with children in the course of their functions as a church worker.
16.53	The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> .		This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> (see cl 29(4) and associated footnote).
16.54	Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.		This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> concerning the investigation of complaints referred to Adjudicators.
16.55	Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> , or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.		<p>The General Synod has passed the <i>Constitution Amendment (Mandatory Suspension) Canon 2022</i>, the <i>Constitution Amendment (Mandatory Disposition) Canon 2022</i> and the <i>Safe Ministry Legislation Amendments Canon 2022</i> to provide for mandatory suspension and deposition.</p> <p>The constitutional amendments have not been brought to the Synod for assent in 2022 as the Synod rules require 3 months' notice to members for constitutional amendments.</p> <p>The <i>Safe Ministry Legislation Amendments Canon 2022</i> amends a number of canons, not all of which are in force in the Diocese of Sydney. Some are in force in the form of mirror ordinances and the changes cannot be affected by simply adopting the canon. More time is needed to work through the amendments to determine what is required.</p>

No.	Recommendation	Compliance	Actions
16.56	<p>Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:</p> <ol style="list-style-type: none"> a. in the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious b. in the case of Anglican clergy, be deposed from holy orders c. in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn d. in the case of an ordained person in any other religious denomination that has a concept of ordination, holy orders and/or vows, be dismissed, deposed or otherwise effectively have their religious status removed. 	*	See comment immediately above.
16.57	<p>Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should:</p> <ol style="list-style-type: none"> a. assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community b. take appropriate steps to manage that risk. 	✓	The <i>Safe Ministry to Children Ordinance 2020</i> requires compliance with a <i>Person of Concern</i> Policy in these instances, which includes a risk assessment.
16.58	Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.	✓	A national register has been in force in the Anglican Church of Australia since 2007.

7 Child Safe Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

No.	Recommendation	Compliance	Action
16.47	Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures. They should also be provided with opportunities for external training on best practice approaches to child safety		The <i>Safe Ministry to Children Ordinance 2020</i> requires all people undertaking ministry to children to undertake Safe Ministry Training on commencing to undertake than ministry and thereafter at 3 yearly intervals. This requirement has been in force for many years and was previously contained in the <i>Parish Administration Ordinance 2008</i> .
16.50	Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct. This training should include: <ol style="list-style-type: none"> what kinds of allegations or complaints relating to child sexual abuse should be reported and to whom; identifying inappropriate behaviour which may be a precursor to abuse, including grooming; recognising physical and behavioural indicators of child sexual abuse; that all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour. 		<p>This recommendation needs further consideration by the Standing Committee. Potentially it could involve:</p> <ol style="list-style-type: none"> Amending the <i>Parish Administration Ordinance 2008</i> (with suitable transitional arrangements) to – <ol style="list-style-type: none"> extend the Safe Ministry Training requirements in Chapter 7 to parish councillors and wardens, make it a qualification for election or appointment as a parish councillor or warden that a person must have completed Safe Ministry Training (clauses 2.6 and 2.12), and provide that a person's office as a parish councillor or warden becomes vacant if they do not maintain the currency of their Safe Ministry Training in compliance with Chapter 7 (clauses 2.8 and 2.14). Amending the definition of 'Qualified Person' in the <i>Synod Membership Ordinance 1995</i> to include a requirement that the person has undertaken Safe Ministry Training.

8 Child Safe Standard 8: Physical and online environments minimise the opportunity for abuse to occur

No.	Recommendation	Compliance	Action
16.48	Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.		There is no rite of confession for children in the Diocese of Sydney.