

Amendments to *Faithfulness in Service*

(A report from the Standing Committee.)

Background

1. The General Synod Professional Standards Commission recommended changes to *Faithfulness in Service (FIS)* that were adopted by the General Synod Standing Committee in April 2011.
2. The changes to *FIS* do not take effect in this Diocese unless they are ratified by a resolution of the Synod.
3. The purpose of this report is to present the proposed amendments to enable the Synod to consider whether they should be adopted in this Diocese.
4. The amendments to *FIS* adopted by the General Synod Standing Committee are set out in the Annexure to this report.

Proposed changes

Bullying

5. A new and more expansive definition of bullying is proposed, as set out in item 1(a) of the Annexure.
6. The new definition incorporates the “reasonable person” test in assessing whether the subject behaviour would be expected to victimise, humiliate, undermine or threaten the person or persons to whom the behaviour is directed and requires consideration of the context in which the behaviour occurred. The new definition also requires the subject behaviour to create a risk to the health and safety of the person or persons to whom the behaviour is directed.
7. “Cyberbullying” is specifically mentioned in the new definition which would include bullying through the use of social media.
8. The new definition also describes behaviour which is not bullying.
9. At the time of writing this report, Safe Work Australia is in the process of drafting a model Code of Practice to deal with bullying, *Preventing and Responding to Workplace Bullying*. Consideration is also being given to a definition of bullying used in Episcopal Standards legislation passed by the Diocese of Melbourne. Both the Code, once finalised, and the Melbourne legislation may have implications for how bullying should be defined.
10. For this reason it is not considered desirable to defer consideration of the new definition of bullying until the next ordinary session of Synod in 2013.

Child Pornography and Child Exploitation Material

11. Amendments to the definition of “child pornography” are proposed together with the insertion of a new and further category of “child exploitation material”.
12. The concept “child pornography” in the existing *FIS* lacks clarity. In the time since this part of *FIS* was drafted, a number of child protection agencies and others have moved towards more accurately defining child pornography for what it actually represents: the exploitation of a child or children.
13. The proposed changes, set out in items 1(b) and (c) of the Annexure, more closely link *child pornography* to *child exploitation* and seek to better describe what this type of pornographic material includes.

Pastoral Relationships

14. A number of changes to the standards and guidelines concerning pastoral relationships are proposed. These are set out in item 3 of the Annexure.
15. These changes place the onus on the member of clergy or church worker to assess whether a conflict of interest may exist between themselves and the person with whom they have a pastoral relationship and to take appropriate action in response.

Children

16. A number of the proposed amendments concerning children provide further clarity in respect of discipline and electronic communication in this area. These changes are set out in item 3 of the Annexure.

Personal Behaviour

17. Proposed changes in the area of personal behaviour are largely consequential to the revision of the definition of bullying. In particular these deal with the concept of 'abuse of power' and how this can affect the churches and communities in our Diocese.

18. These changes identify the impact of abuse and the environments in which bullying might occur in order for such behaviours and circumstances to be better recognised and avoided. The changes are set out in item 4 of the Annexure.

Sexual Conduct and Financial Integrity

19. Two short amendments are proposed (i) to include the child exploitation definition in Sexual Conduct, and (ii) to clarify that Financial Integrity includes all forms of tax evasion, not simply tax avoidance. These are set out in items 5 and 6 of the Annexure.

Recommendation

20. The Standing Committee recommends that consideration of the new definition of bullying be deferred until the next ordinary session of the Synod but that the remaining amendments to *FIS* in the Annexure be approved by the Synod.

For and on behalf of the Standing Committee.

LACHLAN BRYANT

Director, Professional Standards Unit

28 May 2012

Amendments Summary

1. The following amendments be made in section 2 “**Key Terms**”:
 - a. delete the definition of “bullying” and substitute the following definition:

“**bullying** means repeated behaviour directed to a person or persons which a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the person or persons, and which creates a risk to their health and safety. Where it involves the use of information and communication technologies, it is often called cyberbullying. It can include:

 - making derogatory ,demeaning or belittling comments or jokes about someone’s appearance, lifestyle, background, or capability;
 - communicating in an abusive manner;
 - spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
 - dismissing or minimising someone’s legitimate concerns or needs;
 - inappropriately ignoring or excluding someone from information or activities;
 - touching someone threateningly or inappropriately
 - invading someone’s personal space or interfering with their personal property;
 - teasing, or making someone the brunt of pranks or practical jokes;
 - displaying or distributing written or visual material that degrades or offends.

Behaviour which is not bullying includes:

 - respectfully disagreeing with or criticising someone’s beliefs or opinions;
 - setting reasonable performance goals, standards or deadlines;
 - giving reasonable directives, feedback or assessments of performance or behaviour;
 - taking legitimate disciplinary action.”
 - b. add the following definition after the definition of “**child abuse**”:

“**child exploitation material** means material that describes or depicts a person who is or who appears to be a child –

 - (a) engaged in sexual activity; or
 - (b) in a sexual context; or
 - (c) as the subject of torture, cruelty or abuse (whether or not in a sexual context)

in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image or any other depiction.”
 - c. delete the definition of “**child pornography**” and substitute the following definition:

“**child pornography** means sexually explicit or suggestive material depicting children. Child pornography is a form of child exploitation material.”
2. The following amendments be made in section 4 “**Pastoral Relationships**”:
 - a. add the following standard after paragraph 4.6 and renumber the following paragraphs:

“4.7 When exercising pastoral ministry you are to act in the best interests of those to whom you are ministering. You must recognise any potential conflict of interest and take steps to resolve it.”
 - b. add the following guidelines after paragraph 4.13 as renumbered and renumber the following paragraphs:

“4.14 Where your ministry responsibility to one person may conflict with your responsibility to another person to whom you are ministering, or with your own needs, you should seek advice from a colleague or supervisor. Consider the possibility of transferring ministry responsibility for one or both of these to another minister.

4.15 If you are unable to act in the best interest of the person to whom you are ministering because of your own interests you should seek advice from a colleague or supervisor and transfer ministry responsibility for the person to another minister.”

c. delete the guideline in paragraph 4.32 as renumbered, add the following guidelines and renumber the following paragraphs:

“4.32 Any communication in a ministry context, whether formal or informal, is a pastoral encounter. Communication may be face-to-face, in writing or involve some form of technology. Consider the appropriateness and impact of your words and actions.

4.33 Innuendoes or compliments of a sexual nature are always inappropriate. When a person asks questions or seeks advice around topics of a sexual nature, be aware that they may have motives or needs that you do not understand. Be realistic about your own ability to assist them.”

d. add the following guideline after paragraph 4.34 as renumbered and renumber the following paragraphs:

“4.35 When considering using technology for communication, you should apply the same principles as you would in any other form of communication. Minimise the risk of harming others or yourself by asking:

- is this an appropriate way to communicate about this matter?
- should this communication be confidential? If so, do not use electronic media;
- how will the language and images used impact upon the person receiving the communication and any other person who may access it?
- could the circumstances of the communication, including the language and images used, suggest your relationship with the other person(s) is inappropriate?”

e. add the following material after paragraph 4.35 as renumbered:

“Risks associated with using technology in communication

Clergy, church workers, and other participants in church activities – including children – often communicate using text and picture messaging, email, instant messenger services and chat rooms, video conferencing, blogs and internet forums, websites, social networking sites, and other forms of electronic interaction.

Remember information posted online is tracked and can be retrieved. Dangers associated with the use of communication technology are not always appreciated by clergy and church workers. These dangers include:

- losing your privacy;
- losing control of information (such as photographs or emails);
- ignoring personal security settings on social networking sites;
- being unable to determine if people are who they say they are;
- being exposed to unwanted information; and
- becoming a victim of cyberbullying when someone sends or spreads threatening or embarrassing information.”

3. The following amendments be made in section 5 **“Children”**:

a. add the following guideline after the heading “Discipline” and renumber the following paragraphs:

“5.41 If you have overall responsibility in a Church body, you should ensure that:

- there is a strategy to prevent child abuse from occurring during church activities. This includes giving age-appropriate warnings to children about their own behaviour; and
- parents or guardians are advised that abuse of any child during children’s activities will not be tolerated.”

b. In the material after the heading “Disciplining children” substitute “; and” for the fullstop at the end and add the following line commencing with a bullet point:

“you make a record of the circumstances of the incident and discipline.”

- c. add the following heading and guidelines after paragraph 5.44 as renumbered:

“Communication

5.45 If you have overall responsibility in a Church body, you should ensure there is a policy for clergy and church workers which deals with the use of technology to communicate with children in pastoral ministry.

5.46 When considering using technology for communication, you should apply the same principles as you would in any other form of communication with children. You should take care that:

- it is an appropriate way to communicate with a child;
- it is an appropriate way to communicate about the matter;
- you are sensitive to the impact of your words, images and actions on the child and any other person who may access it;
- you do not use sexually suggestive, explicit or **offensive language** or images; and
- the circumstances of the communication, including the language and images used, do not suggest your relationship with the child is inappropriate.”

- d. add the following material after paragraph 5.46 as renumbered:

“Risks associated with using technology in communication with children

Clergy, church workers and other participants in church activities – including children – often communicate using texting and picture messaging, email, instant messenger services and chat rooms, video conferencing, blogs and internet forums, websites, and group social networking sites.

Remember information posted online is tracked and can be retrieved. Dangers associated with the use of communication technology with children are not always appreciated by clergy and church workers. These dangers include:

- ignoring personal security settings on social networking sites;
- disclosing contact details or images of the child in the communication;
- being unable to determine if people are who they say they are;
- exposing the child to unwanted or inappropriate information;
- the child becoming a victim of cyberbullying; and
- sexual predators gaining access to the child.

Clergy and church workers can assist children to stay safe when using technology to communicate with others by:

- educating children and their parents or guardians about the risks associated with the use of this technology;
- encouraging children to exercise care in disclosing personal information about themselves and others such as their contact details;
- encouraging children to talk about anything that worries them with their parents or guardians, older siblings, friends, and clergy and church workers with whom they have a **pastoral relationship** instead of posting their problems in a chat room or blog; and
- encouraging children to talk about anything they see or experience online that worries them.”

4. The following amendments be made in section 6 **“Personal Behaviour”**:

- a. add the following sentence at the end of paragraph 6.1:

“In a context where their responsibility is to care for others, people will especially observe the way in which clergy and church workers exercise power.”

- b. add the following paragraphs after paragraph 6.1 and renumber the following paragraphs:

“6.2 Abuse of power is at the heart of many relationship problems in the Church and the community. In essence, abuse is one person’s misuse of power *over* another. Sometimes abuse will be a one off event and at other times it will be a pattern of behaviour.

6.3 **Abuse** can take any of several overlapping forms: **bullying, emotional abuse, harassment, physical abuse, sexual abuse or spiritual abuse.**"

c. add the following guidelines and material after the heading 'Guidelines' and renumber the following paragraphs:

"6.15 You need to be aware of the impact that abuse can have on people.

The impact of abuse

A person who is abused may suffer emotionally, psychologically, physically, socially and spiritually. The impact can be life long and affect the person, their relationships and their capacity for ministry.

How abuse affects the person and their relationships

The person who is abused may experience:

- feelings of shame, humiliation, rejection, powerlessness, insecurity, anger and resentment;
- sadness, tearfulness, depression, anxiety;
- fatigue, disturbed sleep, changed appetite and ill health;
- substance abuse, gambling and use of pornography;
- becoming more withdrawn or aggressive;
- burn out;
- suicidal thinking and action;
- loss of self-esteem and self-confidence;
- marital and family problems;
- breakdown in community and collegial relationships.

How abuse affects ministry

Clergy or church workers who are abused may experience:

- loss of coping skills;
- disillusionment;
- inability to concentrate;
- loss of motivation;
- decreased productivity and competence;
- bad decision-making and poor judgement;
- loss of faith or crisis of vocation;
- difficulty trusting others;
- diminished employability;
- premature desire to cease employment.

6.16 You need to be able to identify **bullying** and the cultures and environments which encourage it.

Cultures and environments which encourage bullying

Contexts in which bullying is likely to flourish are characterised by:

- overbearing or inadequate leadership;
- poor management;
- a high level of competition;
- a climate of uncertainty and insecurity;
- lack of support and governance structures;
- poor handling of conflict;
- rigid structures;
- low level of participation or consultation;
- excessive demands on time;
- unclear role description and processes;
- inadequate grievance procedures."

5. The following amendments be made in section 7 “**Sexual Conduct**”:
 - a. add before the fullstop at the end of the standard in paragraph 7.5 the words “or **child exploitation material**”.
6. The following amendments be made in section 8 “**Financial Integrity**”:
 - a. In paragraph 8.5 delete the word “avoidance” and substitute the word “evasion”.

10 April 2011