

## Child Protection Matters

(A report of the Standing Committee.)

### Introduction

1. In his 2002 Presidential Address, the Archbishop made the following comments -

*... the single most significant thing which has diverted me from (the Mission) has been the task of attending to issues of sexual abuse. But has it been a diversion from Mission, or an integral part of it? This may well reflect one of the barriers to evangelism that we are going to find in the community, as our good name has been compromised. Our reputation cannot be restored by acting as though certain events never occurred. We are going to have to learn once more what it is to live by grace and thus to show repentance as a community. Indeed, there is a deep connection between the Mission and our response to this problem. The Diocese as a whole has a good reputation for care with integrity in churches, schools, welfare work, retirement villages. But shameful cases of abuse of trust do exist, and, as we look back at our history we see that we have not always handled matters well. I do not claim to have responded adequately in all cases either, but I am seeking to be fair, to redress wrongs and to prevent recurrences. Ministry is a character business; lose your character and, effectively, you lose your ministry. Of course there is grace and forgiveness for those who have erred; but part of the very business of coming to grips with what we have done is the recognition by our erring pastors or lay leaders that various forms of ministry are no longer an option. Sometimes this involves the loss of a position or a licence; sometimes a surrender or deprivation of orders. On the broader front of our own church's life, there is also need for public contrition and apology as well as active care for victims. If the public recognition of our weaknesses brings our church into disrepute, it is still necessary to live the truth. It may be that we will all the more effectively witness to the grace of God by living under it ourselves: but this involves painful repentance, not easy grace.*

2. In response to the above comments and in continuing to deal with the issues, there has been continuing policy development in the area of child protection and related matters, both in the diocese and in the national church. This report reviews progress, assesses where the Diocese of Sydney is up to and suggests a way forward.

### Proposed uniform National Church Legislation and Protocols

3. General Synod in 2002 established a Child Protection Committee (Blake Committee) to look into the issue of child protection in the Anglican Church of Australia. In 2003 Mr Garth Blake SC was appointed Chairman of this committee. Mrs Helen Carrig of Adelaide Diocese, Mrs Marilyn Redlich of Brisbane Diocese, Bishop David Farrer of Wangaratta and Mr Philip Gerber of Sydney Diocese were also appointed to the committee. The Blake Committee will make its final report to General Synod in 2004. However, it has issued a Draft National Uniform Code of Professional Ethics is being considered by Sydney Standing Committee and by other dioceses in consultations around the country.

4. It is anticipated that the Blake Committee will recommend to the national church detailed child protection benchmarks in relation to -

- (a) curricula for professional ethics in ministry and child protection for students undertaking undergraduate courses in Anglican theological colleges in Australia,
- (b) best practice training courses in child protection for volunteer church workers and members of the clergy,
- (c) screening procedures for the employment of workers and volunteers in child related positions, and
- (d) National Uniform Code of Professional Ethics.

5. In the meantime, the Professional Standards Board of the Diocese of Sydney, established by Standing Committee in 2002, is considering these policy issues, and will, over time, provide recommendations as to how the diocese should take action in all these matters to ensure, as far as possible, a child safe environment in the Diocese.

6. In 2002 the Standing Committee of General Synod appointed a Working Group (the Bleby Group) to consider the issue of sexual abuse in the Church. The Bleby Group was Chaired by Mr Justice David Bleby of Adelaide and other members were Mr Garth Blake SC of Sydney, Mr Philip Gerber of Sydney, Mr Jim Anderssen of Brisbane and Ms Susan Gribben of Melbourne.

7. In March 2003 the Bleby Group and the General Synod Church Law Commission produced model legislation for procedures to receive and consider complaints and allegations in relation to child abuse and sexual misconduct. The Bleby Group recommended, and Standing Committee of General Synod has accepted, that it would be in the best interest of all Dioceses to have legislation and procedures which are consistent throughout the country. It is recognised that if this is not achieved then the public will perceive that the Anglican Church has not dealt with the issue satisfactorily.

8. The proposed national model legislation and procedures contain seven basic principles. These are -
- (a) National uniform code of professional ethics for clergy and church workers;
  - (b) Legislation and procedures for receiving and dealing with allegations relating to members of the clergy and church workers;
  - (c) Professional Standards Committee to implement procedures for receiving and dealing with allegations;
  - (d) appointment of a paid Director of Professional Standards;
  - (e) Professional Standards Board to determine fitness for office of members of the clergy or church workers against whom allegations are made;
  - (f) removing the diocesan bishop from direct involvement in the process of receiving and considering allegations;
  - (g) recording and sharing of information nationally.

9. In relation to all but the final principle the Diocese of Sydney already has ordinances and procedures, which are consistent with the proposed national model. The current situation in the Diocese of Sydney is discussed below.

#### **Code of Conduct**

10. The Standing Committee of the Diocese of Sydney adopted the Code of Conduct for Clergy in January 1998. This Code of Conduct deals comprehensively with the issues of child abuse and sexual misconduct. The Professional Standards Board has been working on a redraft to improve that Code of Conduct. In the meantime, the Blake Committee has produced a national draft code of professional ethics. The Diocese of Sydney has made submissions in relation to the national draft code of professional ethics. If the final national code of professional ethics is suitable, then the Diocese of Sydney should adopt it together with any amendments or additions which are considered appropriate. In the meantime, the 1998 Code of Conduct continues to apply.

#### **Legislation and Procedures for handling of information and complaints**

11. The Diocese of Sydney has had a protocol for receiving and handling information and complaints in relation to abuse since 1996. It consists of a system of Contact Persons who are available to collect information and report to the Director of Professional Standards. The protocol is legislatively under-pinned by the Church Discipline Ordinance. As mentioned below in this report, the Church Discipline Ordinance has been substantially rewritten in 2002, and it is considered that it will provide a satisfactory procedure until 2004 when another rewrite takes into account the principles and procedures suggested in the national model legislation and procedure.

#### **Professional Standards Committee to implement protocol**

12. The Diocese of Sydney has not, at this stage, appointed a Professional Standards Committee. Rather, matters are handled by the Director of Professional Standards with advice from "Advisors" as set out in the Church Discipline Ordinance 2002. This is similar to the national model legislation and procedure in function though the descriptions vary. Consideration needs to be given to making Sydney's procedures more consistent by adopting similar terminology to the national model and by further clarifying the role of the Advisors and the Director.

#### **Director of Professional Standards**

13. The Diocese of Sydney has had a paid Director of Professional Standards for some years. The position was formally legislated for in the Church Discipline Ordinance 2002.

#### **Professional Standards Board to determine fitness for office of Minister or Church Worker**

14. The Church Discipline Ordinance 2002 provides for a Church Discipline Tribunal which considers the issues of fitness for ministry in relation to lay people and members of the clergy (if not covered by the Diocesan Tribunal). It would be appropriate to consider changing the name of the Church Discipline Tribunal to Professional Standards Board when the Church Discipline Ordinance is reconsidered in 2004. In the meantime, functional equivalents are in place enabling fitness for office to be considered in relation

to both lay people and members of the clergy when the Diocesan Tribunal is not relevant. The current Professional Standards Board in the Diocese of Sydney is a Child Protection Policy Advisory Group. It would be appropriate to consider changing the name of that body to differentiate it from Professional Standards Boards who it is proposed will have the role of considering fitness for ministry of clergy and church workers.

### **The Role of the Bishop**

15. The national model proposes that the diocesan bishop only be involved in the process at the end when he receives a recommendation in relation to the church worker or member of the clergy. The Church Discipline Ordinance 2002 has already clarified the situation in relation to the Archbishop of Sydney. The procedural functions up to the point where a recommendation is made are carried out by the Director of Professional Standards with a group of Advisors. So the Sydney procedures as they currently stand are consistent with the national model in this respect.

### **Recording and Sharing Information Nationally**

16. The recording and sharing of information on a national basis in relation to decisions as to fitness for ministry is something which has not been clarified, either in the Sydney Ordinances, or in the national model. Sydney Diocese needs to give consideration as to whether they will co-operate in such a process, and if so, how this will be achieved. It would certainly be advantageous to the Diocese of Sydney and all other dioceses for decisions made in relation to church workers and members of the clergy to be notified between all dioceses.

### **Tribunal Ordinance**

17. In 1994 Standing Committee promoted to Synod the Clergy Discipline Ordinance 1994 which was a repeal and rewrite of the Tribunal Ordinance 1962. The 1994 Ordinance was written in plain English. It streamlined the procedures under the Diocesan Tribunal processes. However, it retained essentially the same structure and procedure as contained in the 1962 Ordinance.

18. The 1994 Ordinance was not passed. It was referred to the 1994 Select Committee re clerical enquiries arising from the Pymble case, along with other matters. That Select Committee was asked to review the administration of the Tribunal Ordinance and report. The Select Committee reported to the Synod in 1997 and presented the Tribunal Ordinance 1962 Amendment Ordinance 1998. The 1998 Ordinance proposed changes regarding the priority of the Tribunal Ordinance proceedings in relation to other bodies, clarification as to when a Board of Enquiry might report that there is a prima-facie case and proposed the appointment of assistant advocates.

19. In the Synods of 1998, 1999, 2000, 2001 and 2002, the matter of further consideration of amendments to the Tribunal Ordinance 1962 was deferred.

20. In 2003 the Diocesan Tribunal sat in a contested matter. The members of the Tribunal have made comprehensive recommendations as to ways in which the tribunal procedures could be streamlined and improved.

21. While there is general agreement that many aspects of the structure and procedures under the Diocesan Tribunal are cumbersome and need updating, the system is workable for the time being. It is proposed that the 1994 Plain English Ordinance be looked at together with the numerous suggestions that have been made as a result of the recent tribunal and that a completely rewritten Tribunal Ordinance be brought to Synod in 2004.

### **Church Discipline Ordinance**

22. Synod made significant amendments to the Church Discipline Ordinance in 2002. Whilst there are matters which could be improved in that Ordinance, it provides a workable system which allows for dealing with complaints and allegations. Comprehensive suggestions have been made as to how the drafting of the Ordinance could be improved. It is therefore proposed that a redraft of this Ordinance also be brought to the Synod of 2004. The redraft should take into account the principles contained in the proposed national model legislation as set out above.

**Recommendations**

23. Standing Committee recommends to the Synod that it appoint a committee consisting of Mr Michael Orpwood QC, Mr Garth Blake SC, Mr Neil Cameron, Mr Philip Gerber and Mr Robert Wicks to -

- (a) review the Tribunal Ordinance 1962, the Church Discipline Ordinance 2002 and the Relinquishment of Holy Orders Ordinance 1994 in light of recent experience and the basic principles contained in the proposed national model legislation for dealing with abuse matters, and
- (b) prepare any draft amending ordinances for consideration by the Synod in 2004.

For and on behalf of the Standing Committee

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10 September 2003