

18/04 Safe Ministry Policy

Professional Standards Board Annual Report

(Report from the Professional Standards Board)

1. The Professional Standards Board (the Board) was established by the *Professional Standards Ordinance 2001*. Members of the Board are: the Rev Keith Condie, (Chair) the Rev Mark Charleston, the Rev Janice Rees, Deaconess Patti Mutton, Dr Grant Maple, Dr Ruth Shatford, Mr Tim Barrett, Ms Stephanie Cole, Mr Glenn Murray and Mr Philip Gerber. There are currently three clergy vacancies. The ordinance indicates that the primary function of the Board relates to the matter of child protection. In particular, it is responsible for promoting and developing an environment within the Parishes and Organisations of the Diocese that is free from the risk of child abuse and is compliant with Child Protection Legislation. The Board has also been involved in promoting and maintaining appropriate standards of conduct amongst clergy and church workers and safe ministry generally at a broader level than child protection matters only. It is recommended that the ordinance be amended to reflect this development in emphasis.

1A. The Board is also charged with reviewing and making recommendations on the operation of the Church Discipline Ordinance 1996 and the Sexual Misconduct Protocol. Having regard to the significant amendments to that Ordinance in 2002 and the structures in place and operating as described below the Board has not focussed on this aspect during the past year.

Professional Standards Unit (the Unit)

2. The Unit carries out the day-to-day work relating to the Board's responsibilities as well as undertaking all child protection and employment screening work on behalf of the Archbishop. Established in 2000, the Unit consists of a full-time Director of Professional Standards (the Director), Philip Gerber, a solicitor, one full-time administrative officer, Carol Newton, and a part-time chaplain to victims/counselling co-ordinator, Jenni Woodhouse, a social worker, who cares for claimants and their families. This supplements counselling which is provided to victims from PSU funds provided by Synod. Encouragement and support is given to Towards a More Appropriate Response (TAMAR), a Sydney Anglican victims advocacy group which, in conjunction with Anglicare, produced the child abuse information video and kit, "Behind Closed Doors".

3. A care and assistance scheme is in place as an alternative to litigation to provide for financial assistance to victims to meet their needs

which arise from the abuse or misconduct. An independent panel has been appointed for external independent assessment of claims if necessary. When pastorally appropriate, the chaplain arranges for the Archbishop or one of his Episcopal team to see particular victims of clergy or church worker misconduct or abuse.

4. The Unit administers the complaints and discipline procedure in relation to clergy and church workers and undertakes screening of all ordination candidates and clergy appointments on behalf of the Archbishop. In 2004-2005 this involved the screening of 233 people. A database is maintained which records all allegations and complaints and information received from other Dioceses, other denominations and other sources which may be relevant to screening and risk issues. This database currently has 447 individual entries. The Unit, under the Archbishop, also has the overall responsibility throughout the Diocese to ensure that all parishes and other activities of the Diocese are child protection compliant, as well as providing ongoing support and advice to parishes and organisations. The Director represents the Diocese on the General Synod Professional Standards Commission and various other national, provincial, interdenominational, government and community child protection groups.

5. Since 1996 the Diocese has had in place a Protocol for receiving complaints and allegations of child abuse or sexual misconduct by clergy or church workers. Five independent contact persons, all trained counsellors, are available for people to contact. Their details are advertised in the Diocesan newspaper, on the Internet website and by leaflet to all parishes and organisations. Through an abuse report line (**1800 77 49 45**), the contact persons provide information and support enquirers as they consider their options. They can then assist in the documenting and reporting of allegations or complaints of abuse.

6. The handling of complaints that are received under the Protocol regarding sexual misconduct or child abuse by clergy or church workers is governed by the Church Discipline Ordinance, introduced in 1996 and substantially amended in 2002. Complaints are verified in writing, put to the respondent, investigated, considered at a prima facie level by an experienced lawyer, if necessary considered by a Tribunal and recommendations made to the Archbishop for action. The strongest sanction available is a Prohibition to prevent a respondent from undertaking ministry or being in a particular or any role in the church. There are also conciliation provisions in appropriate circumstances. The process is administered independently by the Director PSU with advice in particular cases from Advisor panels of three persons which include a lawyer, clergy person and a mix of genders. The Archbishop is excluded from procedural decisions. He considers the final recommendations and

implements “discipline”. He is entitled to enquire as to progress of matters and the Director is obliged to keep him informed.

7. Where clergy are involved the Tribunal Ordinance 1962 and Offences Ordinance 1962 may also be relevant. The specific offences are: unchastity, drunkenness, neglect of ministerial duty, non-payment of just debts, disgraceful conduct and secular criminal conviction. The Diocesan Tribunal has considered two matters in 2004 – 2005. The Relinquishment of Holy Orders Ordinance 1994 was amended in 2002 to allow for relinquishment with admissions and for notification to other relevant potential employers and publicly. It is used as an alternative to Tribunals where the clergy respondent admits his misconduct and accepts that he is no longer fit for ordained ministry.

8. In the period July 2004 to June 2005 twenty-three new allegations or complaints of sexual misconduct or child abuse in the Diocese came to the attention of the Unit. Four of these related to clergy or former clergy of the Diocese and nineteen related to lay church workers or former lay church workers.

9. The Diocese is, since July 2001, signatory to a Memorandum Of Understanding between the NSW Department of Community Services and other participating Churches in relation to a Protocol for dealing with allegations of abuse involving a child or young person by a church worker. The Director is a member of the NSW Police Child Protection and Sex Crimes Squad Advisory Council. All complaints that allege criminal conduct are reported to the police.

10. Since 1996 all candidates for ordination and all clergy being authorised or licensed in Sydney for the first time had completed two screening documents which asked questions about drug use, alcohol use, occult practice, use of pornography, homosexual conduct, sexual conduct outside of marriage, police or child protection authority investigations, apprehended violence orders, and criminal charges or convictions. From 2004 the same questions have been incorporated into a comprehensive screening questionnaire based on the safe ministry check recommended by the General Synod in 2004. Ordination/ministry candidates also undergo extensive assessment and screening by way of reference-checking, general psychological testing, interviews, chaplaincy supervision reports and college reports. The Church Discipline Ordinance 2002 provides a mechanism for pre-ordination disclosure and consideration of prior sexual misconduct or child abuse. The Director administers the consideration of such disclosures.

11. In 2001 all parishes and organisations were provided with Child Protection Guidelines, First Edition 2001 which explains in detail the

requirements of the NSW Child Protection Legislation. This document was preceded by five introductory circulars and seminar training throughout the Diocese. In March 2003 all parishes were provided with a checklist entitled "Dealing with Child Abuse Allegations in the Church". The PSU continues to provide "help-desk" assistance to clergy and churchworkers in parishes on child protection issues. Advice and support has been provided in relation to a wide range of issues. e.g. Mandatory DoCS reporting, questions of reasonable suspicion of child at risk, screening issues, risk assessment, details of appropriate child safe practices, caring for complainants and victims, handling allegations or concerns about church workers, pastoring congregations where allegations have been made, dealing with known offenders or people who pose a risk in congregations, disciplinary issues against church workers and supporting clergy and church leaders as they deal with misconduct and abuse issues.

12. Ministry Training and Development includes child protection issues in the Sydney candidate training conferences/retreats and the after college training syllabus for junior ministers. All candidates are required to read the Code of Conduct. Ministry chaplains are required to discuss the Code with each candidate during their candidacy before they are ordained. The Director provides lectures on child protection and safe ministry issues to Youthworks College students, ordination candidates, junior clergy, third year ordination candidates, deacon/diocesan lay worker and priest ordination candidates annually.

General Synod 2004 Child Protection Resolutions

13. The 13th General Synod 2004 passed a series of resolutions relating to child protection including the adoption of a national Safe Ministry Policy and a national code of conduct for clergy and church workers (*Faithfulness in Service*).

14. The Sydney Diocesan 2004 Synod passed Resolution 18/04 on Child Protection as follows:

Synod -

- (a) notes Child Protection Resolutions Nos. 1 to 4 and the *Strategic Issues, Commissions, Task Forces and Networks Canon (Amendment) Canon 2004* passed by the 13th General Synod and requests the Professional Standards Board to further develop policies for implementing safe ministry practices in parishes and diocesan organisations and report to the first session of the 47th Synod,

- (b) adopts as the diocesan Safe Ministry Policy Statement -

The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety to all people, particularly within its own community. To ensure the safety of children and vulnerable people in our communities, the Church will -

- carefully recruit and train its clergy and church workers,
 - adopt and encourage safe ministry practices by its clergy and church workers,
 - respond promptly to each concern raised about the behaviour of its clergy and church workers,
 - offer pastoral support to any person who has suffered abuse, and
 - provide supervision of and pastoral accountability to any person known to have abused a child or another vulnerable person.
- (c) recommends that each parish and diocesan organisation adopts the diocesan Safe Ministry Policy Statement,
- (d) adopts *Faithfulness in Service* as the diocesan code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers and recommends to each Regional Council and parish the careful study of this document,
- (e) recommends that each diocesan organisation adopt *Faithfulness in Service* as the code for personal behaviour and practice of pastoral ministry by clergy and employed and voluntary lay church workers who exercise a pastoral ministry.

15. In seeking to fulfil Synod's request to further develop policies the Board has held a full Saturday strategy and planning meeting and now meets monthly. The Board has prioritised a range of issues and formed three working groups to deal with matters where immediate action is believed to be necessary. These working groups are also meeting regularly and have co-opted several people who are not on the Board to assist in the respective tasks. This has resulted in the following activities of the Board during 2005:

(1) Code of Conduct - Faithfulness in Service

16. 10,000 copies of these documents have been printed and 9,100 distributed to all Parishes. Across the regions thirteen seminars were planned between May and September 2005 to discuss the code. In the "invitation" to all 863 clergy and stipendiary lay workers (SLW) to attend a seminar the Archbishop expressed his expectation that everyone who holds a licence or authority would participate. Those who have not yet attended are being followed up and a "catch-up" seminar will be provided later in 2005. Feedback received indicates that these seminars have helped promote understanding of the code and implementation of safe ministry practices in parishes. As at 21 July 2005 467 clergy and SLWs had attended one of eight seminars. (Includes some guests, interested lay people and double counted regional staff and presenters). 440 had indicated their intention to attend the last five proposed seminars. 33 currently active clergy and 65 SLWs were being followed up.

(2) Safe Ministry in Parishes

17. The Board recognised that the responsibility for safe ministry must be taken up at all levels. In considering how this might be encouraged the Board recommends that each parish and organization should appoint at least one safe ministry representative and a committee, if required, to take responsibility under the senior minister or CEO to implement safe ministry policies in their parish or organization. The person or persons would need to have appropriate maturity, qualifications or experience. Duties would include:

- (a) identify all child related positions;
- (b) implement selection and screening procedure including identification, reference checking for all child related positions;
- (c) ensure compliance with Prohibited Person declarations for volunteers and employed persons;
- (d) ensure Commission of Children and Young People Working With Children Check screening for paid workers;
- (e) undertake Youthworks Child Protection Essentials (CPE) trainer accreditation;
- (f) provide parish CPE training;
- (g) keep records of CPE training;
- (h) undertake a safe ministry audit of all ministries and activities;
- (i) promulgation of information about abuse report line.

18. Sixty five per cent of 144 parishes who responded to a survey indicated that they would be prepared to nominate such a person.

19. An amendment to the Church Administration Ordinance 1990 is proposed to achieve this in parishes. The governing body of each organisation will need take their own action to implement this proposal and it is strongly recommended that they do so.

(3) Training - Child Protection Essentials

20. After considering various options the Board has endorsed the continuation of the Synod-funded Child Protection Essentials (CPE) Seminar training by the Youthworks Regional Children's Ministry Advisors on a 'Train the Trainer' model as the continuing Sydney Diocesan process for training parish volunteers in safe ministry. A sub-committee has been established to review the content and delivery of CPE. Discussion is also taking place with Youthworks to ensure that appropriate records are kept for accreditation of trainers and those trained, as well as the need for regular updates both for the trainers and those trained.

21. Ministry Training and Development has decided, on recommendation from the Board, that all ordination applicants will be required to complete CPE training before commencing ordination candidature.

22. A survey of parishes was conducted to ascertain to what extent CPE or other child protection training was being used and/or encouraged in the parishes. 144 parishes responded. There is a strong stated commitment to such training. 33% per cent of surveyed parishes indicated that they provide moderate encouragement for people to undertake training and 57% say they provide considerable encouragement. Encouragingly, the majority of child related workers in the surveyed parishes have undertaken some sort of child protection training at some stage. However the evidence is that many have completed it with non-accredited trainers or providers other than Youthworks. A further concern is that only 38% of surveyed parishes require any refresher training and of those who do only 23% take any action when refresher training is not completed.

23. An amendment to the Church Administration Ordinance 1990 is proposed to require all people in parishes who have unsupervised contact with children to have undertaken CPE training within the last three years.

(4) Screening of volunteers

24. Presently Rectors and other responsible employers are required to undertake the screening of child related "employees" (including volunteers) in accordance with the Child Protection (Prohibited Employment) Act 1998.

This involves obtaining prohibited employment declarations and, in the case of paid employees, a working with children check (criminal history, relevant employment proceedings and apprehended violence orders regarding children) through the Commission for Children and Young People. Identity and reference checking is strongly recommended but not mandated by legislation. In addition to secular legislative requirements, prohibited persons under the NSW State legislation (those convicted of serious sexual offences) cannot be appointed or elected as church wardens or parish councillors.

25. In 2004 the Diocese participated in a pilot screening of volunteer (unpaid) child-related workers for all CEBS/boys-only ministries (204 leaders screened) and Camp Howard volunteers. There were no problems identified from this screening. The pilot programme will inform any legislative changes.

26. The Board is considering whether the additional Safe Ministry Check questionnaire screening of volunteers as suggested by the General Synod should be undertaken, whether it should be legislated for and if so whether responsibility should rest upon Rectors and other responsible employers or whether a more centralised system should be in place. The Board will keep this matter on its agenda while it awaits possible policy changes at a government level (Commission for Children and Young People; Department of Education and Training).

(5) Parish response capability working group (Working Group 1)

27. Each year throughout the Diocese there are a number of incidents of moral failure and abuse perpetrated by clergy or laity within congregations and diocesan organisations. Due to the nature of Christian community, the impact of these is felt well beyond those persons immediately involved and there are always a considerable number of secondary victims. The Board believes that existing Diocesan and parish structures cannot adequately respond to these incidents. Response teams need to be trained to assist in these situations with the goal of restoring health in the congregation or organisation. The plan is to have six teams of two people trained to respond to these incidents at the request of the regional bishop and the parish or organisation. A highly experienced and skilled trainer from John Mark Ministries has been approached and it is hoped that these teams will be trained and available to begin their work early in 2006.

(6) *Review of safe ministry curriculum content at Moore College, Youthworks College and Ministry Training and Development program (Working Group 2)*

28. A working group has reviewed the existing programs in these organisations and is working towards a proposal for training in safe ministry that follows the standards set out in the General Synod recommendations. The goal is to have a curriculum that ensures ongoing training in professional ethics and safe ministry for all involved in pastoral ministry.

(7) *Development of accountability and care processes in parishes of known offenders and persons who may pose a risk to children (Working Group 3)*

29. Every person who attends church is entitled to feel and be safe and protected and the Board is committed to ensuring that this is achieved. The priority is the protection of children and other vulnerable people from abuse. Whilst persons who are known offenders, against whom allegations are made or who are suspected of child abuse are also welcomed into congregations, they need to be protected from the opportunity to commit offences and from false allegations. The congregation and staff need protection from the secondary trauma of abuse or allegations of abuse.

30. A working group from the Board is meeting with a number of clergy who have some experience in relation to this subject with the aim of developing appropriate policies, procedures and resources. They have identified the following issues:

- Identifying persons who are potentially a risk;
- Action required upon confirmation of information;
- Assessment of risk;
- Negotiation and setting of boundaries;
- Recording arrangements, possibly in an "agreement" for supervision, accountability and support;
- Appointment of mentor/s or supervisors;
- Implementation of supervision and accountability;
- Review of supervision and support;
- Inter-Parish, Diocesan and Inter-agency Co-operation.

31. It is intended that appropriate policies, procedures and resources will be available for parishes and organisations before the end of 2005.

Synod Motions

- (1) Each parish council and diocesan organization be asked again to specifically adopt the following Safe Ministry Policy.
- The (name of Parish or organization) is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. To ensure the safety of children and vulnerable people in our communities, the Church will –
- Carefully recruit and train its clergy and church workers,
 - Adopt and encourage safe ministry practices by its clergy and church workers,
 - Respond promptly to each concern raised about the behaviour of its clergy and church workers,
 - Offer pastoral support to any person who has suffered abuse, and
 - Provide supervision of and pastoral accountability to any person known to have abused a child or another vulnerable person
- (2) That each non-parish organization be asked to appoint at least one safe ministry representative equivalent to the parish safe ministry representative or a committee, if required, to take responsibility under the CEO to implement safe ministry policies in their organization.
- (3) That Synod pass the Safe Ministry Ordinance 2005.

For and on behalf of Professional Standards Board

KEITH CONDIE
Chair

17 August 2005