

## **Amendments to *Faithfulness in Service***

(A report from the Standing Committee.)

1. The Standing Committee of the General Synod has, in accordance with the authority given to it by the General Synod, recommended that *Faithfulness in Service* be amended in accordance with the matter set out in the attachment.
2. *Faithfulness in Service* was adopted by the Sydney Synod as the Code of Conduct for clergy and church workers in the Diocese of Sydney at its October 2004 session.
3. In adopting the Code the Synod effectively adopted it only for all clergy and church workers who are in parishes. It recommended to organisations such as schools and other bodies constituted by Synod that their separate governing bodies should adopt *Faithfulness in Service* separately themselves. Therefore, by implication *Faithfulness in Service* does not apply in Sydney to employees of organisations and schools unless they happen to be members of the clergy.
4. The amendments recommended by the General Synod Standing Committee fall into two parts.
5. Firstly, there is an amendment to the definition of church worker. The recommended amendment effectively confines the definition of church worker to lay people who hold certain positions and “in respect of whom the Diocesan Synod, the Diocesan Council, the Church Authority or the Church Body has adopted this Code”.
6. It seems clear from the action taken by the Sydney Synod in 2004 that Synod recognised that the Code should not automatically apply to lay employees in schools and other organisations unless the separate governing bodies of those schools and organisations adopted the Code as shown by the wording used in the 2004 adopting motion.
7. Therefore, the amendment to the definition of church worker now recommended by the Standing Committee of General Synod, in fact, implements the approach which was taken by the Sydney Synod in 2004.
8. The other amendments that are recommended are all re-definitions, improvements, clarifications or stylistic changes aimed at improving the Code. None of the amendments make any substantive or material changes to the meaning or intent of the Code.
9. The Drafting Committee considering the Discipline Ordinance 2006 has recommended to Synod that the definitions of sexual abuse and child abuse from the Code *Faithfulness in Service* be incorporated into an offence for clergy and church workers in the Diocese of Sydney.

**Action taken by the Standing Committee**

10. Standing Committee adopted the amendments to *Faithfulness in Service* specified in the attachment to this report. Standing Committee also requested that –

- (a) a consolidated version of *Faithfulness in Service* incorporating these amendments be published on the internet and made available to the forthcoming session of the Synod, and
- (b) parishes and other bodies which have adopted *Faithfulness in Service* be notified about the existence of the amendments.

For and on behalf of the Standing Committee.

PHILIP GERBER  
*Director, Professional Standards Unit*

24 July 2006

Attachment

## General Synod Standing Committee Recommendations of Amendments to *Faithfulness In Service* March 2005 & 2006

(deleted words have been struck through and added words have been underlined)

### Section 2 'Key Terms':

In 'church worker' the following definition be substituted:

~~church worker~~ means a lay person:

- ~~• who is employed by a church body; or~~
- ~~• who, for payment or not, holds a position or performs a function with the actual or apparent authority of a church authority or church body, including an office, position or function:
  - ~~— of leadership in a parish, diocese or General Synod body;~~
  - ~~— as a member of the General Synod or a diocesan synod;~~
  - ~~— as a member of a body incorporated by the General Synod, a diocese or a diocesan synod;~~
  - ~~— s a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council.~~~~

**church worker** means a lay person:

- who is licensed or authorised by the bishop of a diocese;
- who is employed by a church body in respect of whom this Code is part of their employment contract; or
- who, for payment or not, holds a position or performs a function with the actual or apparent authority of a church authority or church body, including an office, position or function:
  - of leadership in a parish, diocese or General Synod body;
  - as a member of the General Synod or a diocesan synod;
  - as a member of a body incorporated by the General Synod, a diocese or a diocesan synod;
  - as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

in respect of whom the diocesan synod, the diocesan council, the church authority or the church body has adopted this Code.

In 'grooming' the following definition be substituted:

~~grooming is a process that involves the manipulative cultivation of relationships with vulnerable adults or children, their parents or guardians and others in authority as the means of initiating or hiding abusive behaviour.~~

grooming is the manipulative cultivation of a relationship in order to initiate or hide sexual abuse of an adult or a child. In the case of child sexual abuse, an offender may groom not only the child, but also the child's parents or guardians, and clergy and church workers.

In 'individual pastoral ministry' delete the words "one-to-one" and insert the words "between a member of the clergy or church worker and one other person", delete the word "It" and insert the word "Examples" and delete the letter "s" in the word "includes".

**Individual pastoral ministry** means pastoral ministry carried out ~~one-to-one~~ between a member of the clergy or church worker and one other person. ~~Examples includes~~ Examples includes spiritual direction, or pastoral counselling arising out of bereavement, divorce or other life crises.

In 'pastoral ministry' the word "others" be substituted for the word "another":

**pastoral ministry** means the work involved or the situation which exists when a member of the clergy or church worker has responsibility as part of their role for the wellbeing of ~~another~~ others. This includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need.

In 'emotional abuse' the following sentence be substituted for the second sentence:

**emotional abuse** means acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. ~~Such acts include:~~

- ~~• name calling;~~
- ~~• threats;~~
- ~~• ridicule;~~
- ~~• intimidation;~~
- ~~• isolation; and~~
- ~~• ill treatment in the form of coldness, hostility or rejection.~~

It includes:

- subjecting a person to excessive and repeated personal criticism;
- ridiculing a person, including the use of insulting or derogatory terms to refer to them;

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- threatening or intimidating a person;
- ignoring a person openly and pointedly; and
- behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.

In 'harassment' the following dot points be substituted for the dot points in the third sentence:

**harassment** means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- ~~physical contact;~~
- ~~gestures or language (overt or implied) including continual and unwarranted shouting;~~
- ~~unjustified or unnecessary comments about a person's capacities or attributes;~~
- ~~openly displayed pictures, posters, graffiti or written materials;~~
- ~~communications in any form (for example, phone calls, email, text messages); and~~
- ~~following or stalking.~~
- making unwelcome physical contact with a person;
- making gestures or using language that could reasonably give offence, including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- making unwelcome communication with a person in any form (for example, phone calls, email, text messages); and
- stalking a person.

In 'sexual abuse of a child' the following dot points be substituted for the dot points in the first sentence:

**sexual abuse of a child** means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. It includes:

- ~~sexual touching and fondling;~~
- ~~being forced to touch or fondle another person;~~
- ~~kissing or holding in a sexual manner;~~
- ~~being forced to perform oral sex;~~
- ~~vaginal or anal intercourse;~~
- ~~vaginal or anal penetration with an object or any bodily part;~~

- ~~• making any gesture or action of a sexual nature in a child's presence;~~
- ~~• making sexual references or innuendo using any form of communication;~~
- ~~• voyeurism;~~
- ~~• exposure to any form of sexually explicit or suggestive material;~~
- ~~• discussion of, or inquiry about, personal matters of a sexual nature;~~
- ~~• being forced to masturbate self or others, or watch others masturbate or engage in other sexual activity; and~~
- ~~• indecent exposure.~~
- exposing oneself indecently to a child;
- having vaginal or anal intercourse with a child;
- penetrating a child's vagina or anus with an object or any bodily part;
- sexually touching or fondling a child;
- kissing, touching, holding or fondling a child in a sexual manner;
- staring at or secretly watching a child for the purpose of sexual stimulation or gratification;
- making any gesture or action of a sexual nature in a child's presence;
- making sexual references or innuendo in a child's presence using any form of communication;
- discussing or inquiring about personal matters of a sexual nature with a child;
- exposing a child to any form of sexually explicit or suggestive material;
- forcing a child to sexually touch or fondle another person;
- forcing a child to perform oral sex;
- forcing a child either to masturbate self or others, or to watch others masturbate; and
- forcing a child to engage in or watch any other sexual activity.

Sexual abuse of a child does not include:

- sex education with the prior consent of a parent or guardian; or
- age appropriate consensual sexual behaviour between peers (i.e. the same or a similar age).

In '**sexual assault**' the following dot points be substituted for the dot points in the second sentence:

**sexual assault** means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent. It includes:

- ~~• sexual touching and fondling;~~
- ~~• being forced to touch or fondle another person;~~
- ~~• kissing or holding in a sexual manner;~~
- ~~• being forced to perform oral sex;~~
- ~~• vaginal or anal intercourse; and~~
- ~~• vaginal or anal penetration with an object or any bodily part.~~
- having vaginal or anal intercourse with a person without their consent;
- penetrating another person's vagina or anus with an object or any bodily part without that person's consent;
- sexually touching and fondling a person without their consent;
- kissing another person without their consent;
- holding another person in a sexual manner without their consent;
- forcing a person to sexually touch or fondle another person; and
- forcing a person to perform oral sex.

In '**sexual harassment**' the following dot points be substituted for the dot points in the third sentence:

**sexual harassment** means unwelcome conduct of a sexual nature, whether intended or not, in relation to an adult where the person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes –

- ~~• implicit or explicit demands or suggestions for sexual activities;~~
- ~~• making any gesture, action or comment of a sexual nature to a person or about a person in their presence;~~
- ~~• making jokes containing sexual references or innuendo using any form of communication;~~
- ~~• exposure to any form of sexually explicit or suggestive material;~~
- ~~• unwelcome physical contact such as touching, pinching, patting or aggressive physical conduct;~~
- ~~• unwelcome or unnecessary discussion of, or inquiry about, personal matters of a sexual nature;~~
- ~~• unwelcome and inappropriate intrusion of personal space;~~
- ~~• voyeurism; and~~
- ~~• persistent following or stalking.~~
- asking a person for sex;
- giving a person to understand that you would like sexual favours from them;
- making any gesture, action or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence;

- making jokes containing sexual references or innuendo using any form of communication;
- exposing a person to any form of sexually explicit or suggestive material;
- making unwelcome physical contact such as touching, pinching, or patting;
- making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual nature;
- deliberately intruding on an individual's personal space;
- staring at or secretly watching a person for the purpose of sexual stimulation or gratification; and
- stalking a person.

In 'spiritual abuse' the following dot points be substituted for the dot points in the second sentence:

**spiritual abuse** means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:

- ~~the use of a position of spiritual authority to dominate or manipulate another person or group;~~
- ~~isolation from friends and family members;~~
- ~~claims for inappropriate deference to a person with spiritual authority; and~~
- ~~the use of Christian terminology to justify abuse.~~
- using a position of spiritual authority to dominate or manipulate another person or group;
- using a position of spiritual authority to seek inappropriate deference from others;
- isolating a person from friends and family members; and
- using biblical or religious terminology to justify abuse.

Delete 3.9 and insert a new paragraph 3.9 instead:

~~3.9 If you know or reasonably suspect that another member of the clergy or another church worker has failed to meet a standard of this Code, other than for **child abuse**, you should report this to the **Director of Professional Standards** (the reporting of child abuse is addressed in paragraphs 5.14 and 5.15). If you know or reasonably suspect that another member of the clergy or another church worker has not followed a guideline of this Code, approach the person and identify the concern. If that person persists in wilfully disregarding the guideline without good reason then you should report this to the person's immediate superior or **church authority** with responsibility for the person.~~

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3.9 If you know or have reason to believe that another member of the clergy or another church worker has failed to meet a standard of this Code, other than for **child abuse** (the reporting of child abuse is addressed in paragraphs 5.14 and 5.15), you should:

- where you believe that a person has not suffered harm or is not at the risk of harm, approach the member of the clergy or church worker and identify the concern; or
- where you believe that a person has suffered harm or is at the risk of harm, report this to the **church authority** having responsibility for the member of the clergy or church worker or the **Director of Professional Standards**.

If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.

New paragraph 3.10:

3.10 If you know or have reason to believe that another member of the clergy or another church worker has not followed a guideline of this Code, you should approach the member of the clergy or church worker and identify the concern. If you consider that the member of the clergy or church worker is persisting in disregarding the guideline without good reason and a person has suffered harm or is at the risk of harm, you should seriously consider reporting this to the church authority with responsibility for the member of the clergy or church worker or the Director of Professional Standards. If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.

In each of the following paragraphs the word “not” be moved so that it precedes the word “to”:

- 3.8: You are not to ~~not~~ penalise, discriminate or take action against other clergy or church workers because of any action taken in good faith under this Code.
- 5.10: You are not to ~~not~~ abuse children.
- 5.11: When engaged in pastoral ministry you are not to ~~not~~ administer **corporal punishment** to children in your care.
- 5.12: You are not to ~~not~~ make available to children any **prohibited material**, except wine in the context of a Holy Communion service.
- 6.3: You are not to ~~not~~ engage in:
- bullying;

- emotional abuse;
- harassment;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

- 6.4: You are not to ~~not~~ **abuse** your spouse, children or other members of your family.
- 6.6: You are not to ~~not~~ undertake any pastoral ministry when you are impaired by alcohol or any other mind-altering or addictive substances.
- 6.7: You are not to ~~not~~ use any **prohibited substance**.
- 6.11: Without a legitimate purpose you are not to ~~not~~ view, possess, produce or distribute **restricted material**.

In section 5 '**Children**':

In the material headed '**Characteristics and effects of child abuse**' under paragraph 5.16 the words "Sexual abuse" be substituted for the word "Abuse" in the sentence 'Abuse of a child is often preceded by grooming.':

Sexual abuse ~~Abuse~~ of a child is often preceded by grooming.

That the sentence "A sexual offender may be a friend, a family member, a neighbour, a peer, or a person in authority." be added at the end of paragraph 5.17:

You need to be aware of the characteristics of sexual offenders. A sexual offender may be a friend, a family member, a neighbour, a peer, or a person in authority.

In paragraph 5.18:

- a. substitute the words "prepare a risk management plan which considers" for the word "consider";
- b. substitute the words "capacity to perform it" for the word "capability" in the second dot point;
- c. delete the word "and" from the second last dot point and insert a new second last dot point "photographs and images; and";

The sentence "These issues are considered in paragraphs 5.19 to 5.47." be added at the end:

Taking all reasonable steps to ensure the safety and welfare of children for whom you have overall responsibility or are in your care requires you to prepare a risk management plan which considers ~~consider~~ the following issues:

- screening and selection of personnel;
- your role and ~~capability~~ capacity to perform it;
- use of external service providers;
- supervision and support;
- planning of activities;
- venue;
- health and safety;
- transport;
- disciplinary arrangements;
- physical contact; ~~and~~
- photographs and images; and
- record keeping.

These issues are considered in paragraphs 5.19 to 5.47.

The sentence "You should ensure that any parents or guardians assisting with these activities are screened." be added at the end of paragraph 5.19:

If you have responsibility for compliance with civil and Church screening and selection requirements, you should exercise care with the selection of leaders involved in mixed age or children's activities. You should ensure that any parents or guardians assisting with these activities are screened.

In paragraph 5.21:

- a. the words "capacity to perform it" for the word "capability" in the heading;
- b. the matter "depression," be inserted before the word "abuse" in the fourth sentence;

#### **Your role and ~~capability~~ capacity to perform it**

You need to recognise your own limits and not undertake any ministry that is beyond your competence or certification or that is not part of the role for which you have been or are being trained. Arrange for any such ministry to be provided by an experienced person or specialist agency. This applies particularly to outdoor or adventure activities such as canoeing, abseiling and hiking. Refer any child who requires specialised help (e.g. counselling for depression, abuse or addiction) to an appropriately qualified person or agency.

In paragraph 5.32:

- a. in the second last dot point delete the word “and” after the semicolon;
- b. in the last dot point substitute the matter “; and” for the fullstop;
- c. insert the words “make a record of the time, location, duration and circumstances of any meeting where it is impracticable to follow these guidelines.” as a new last dot point:

When meeting a child privately, you should:

- have parental or guardian consent, where practicable;
- ensure where appropriate that a parent, guardian or suitable adult is present;
- inform another member of the clergy, an adult church worker or another adult of the time, location and duration of the meeting; ~~and~~
- not invite or have children to your home or visit children in their home when no other adult is present; and
- make a record of the time, location, duration and circumstances of any meeting where it is impracticable to follow these guidelines.

In paragraph 5.36 the words “the risk management plan includes relevant contact details (e.g. emergency services and specialised help) and that” be inserted after the word “that” in the first sentence:

Ensure that the risk management plan includes relevant contact details (e.g. emergency services and specialised help) and that a first aid kit appropriate to the activity is available. In the case of camps and similar activities, ensure that at least one adult present has first aid training.

In paragraph 5.38:

- a. the words “physical and mental” be inserted before the word “health”;
- b. the matter “, depression” be inserted after the word “allergies”:

Obtain information from parents or guardians about the particular physical and mental health or safety needs of children in your care (e.g. allergies, depression).

In the material headed “**Disciplining children**” under paragraph 5.41:

- a. in the fifth dot point substitute the words “, does not ridicule or humiliate, or is not” for the word “or”;

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- b. in the second last dot point delete the word “and” after the semicolon;
- c. in the last dot point substitute the matter “; and” for the full stop;
- d. insert the words “you make a record of the circumstances of the incident and discipline.” as a new last dot point:

### Disciplining children

When a child’s behaviour requires correction, either for the safety and welfare of themselves or the group, it is important that:

- a warning precedes any discipline, where the situation permits;
- the discipline is explained to the child;
- the child is given an opportunity to explain;
- the discipline is appropriate to the occasion and age of the child;
- the form of discipline is not corporal punishment, does not ridicule or humiliate, or is not otherwise abusive;
- very young children are not isolated as a form of discipline;
- physical restraint is only used to protect children from harm or to avoid an accident;
- when physical restraint is used, a record is kept that identifies the restraint used, the member of the clergy or church worker and child involved and any witnesses, and sets out the incident’s circumstances; ~~and~~
- the child’s parents or guardians are informed of the circumstances of the incident and discipline; and
- you make a record of the circumstances of the incident and discipline.

Before the heading “**Record keeping**” insert the heading “**Photographs and images**” and a new paragraph 5.44:

“If you have overall authority in a church body, you should ensure that there is a policy requiring clergy and church workers to obtain the permission of relevant parents and guardians before making or using images

(including photographs and videos) of children who are engaged in children's activities. The form of permission should clearly indicate the intended use of the images."

Paragraphs 5.44, 5.45 and 5.46 be renumbered as 5.45, 5.46 and 5.47 respectively.

In paragraph 5.46 as renumbered:

- a. in the first dot point delete the word "and" after the semicolon;
- b. in the last dot point substitute the matter "; and" for the full stop;
- c. insert the words "keep and store in a secure place all permission forms and records relating to discipline and private meetings." as a new last dot point:

If you have overall authority in a church body, you should:

- ensure that a register of attendance of children and leaders and their emergency contact details is kept for each pastoral ministry involving children; ~~and~~
- consider including such registers in the church archives; and
- keep and store in a secure place all permission forms and records relating to discipline and private meetings.

The words "restrictive material" in the fifth dot point of paragraph 7.5 be in bold print:

You are to not:

- sexually abuse an adult;
- sexually abuse a child;
- engage in prostitution;
- visit brothels and other places associated with the sex industry without a legitimate purpose;
- view, possess, produce or distribute **restricted material** containing sex or nudity without a legitimate purpose; and
- view, possess, produce or distribute any form of child pornography.

Insert immediately below the heading '**Standards for clergy and church workers**' in each of sections 3 to 8 inclusive "*These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry*".

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Insert immediately below the heading '**Guidelines**' in each of sections 3 to 8 inclusive "*These guidelines explain and illustrate best practice and highlight practical ways to achieve it*".

The words "restricted material" in paragraph 7.5 be in bold print.