Anglican Diocese of Gippsland

**SAFE CHURCH POLICY**

1. **Introduction**

The Anglican Diocese of Gippsland (the **Diocese**) is committed to providing a safe place for worship and fellowship. We all have a duty to protect all who participate in the life of the church from abuse, especially children, young people, aboriginal children and children from diverse cultural backgrounds – all vulnerable people.

1. **Purpose**

The purpose of the Safe Church Policy (the **policy**) is to set out the approach of the Diocese to:

* expected standards of behaviour with children;
* the screening of clergy and church workers;
* the training of clergy and church workers;
* reporting concerns relating to child safety;
* complaint handling, including in relation to reportable conduct; and
* persons of concern.

The policy incorporates the legal obligations set out in the legislation in **Schedule 1**. It also addresses the minimum standards of the Anglican Church of Australia set out in the Safe Ministry to Children Canon 2017.

1. **Scope**

This policy applies to every member of our Diocesan family – clergy and laity.

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| Please tell someone if you feel uneasy or have the slightest concern:   * about the behaviour of an adult towards a child or vulnerable person; * about the welfare of a child; or * that someone may have been abused.   Please contact: The Director of Professional Standards |

1. **Definitions**

**Bishop in Council** works with the Bishop, to act in initiating, developing and maintaining the life and mission of the Church both within and beyond the diocese. It deliberates upon all matters affecting the interests of the Church and/or referred to it by Synod. Membership is through determined by the Bishop or Synod.

**Child** means a person under 18 years of age.

**Child-related work** has the same meaning as in section 9 of the *Working with Children Act 2005*.

**Church worker** means a lay person undertaking any ministry to children:

* who is licensed or authorised by the Bishop of the Diocese;
* who is employed by a Parish or other entity associated with the Diocese; or
* who, for payment or not, holds a position or performs a function with the actual or apparent authority of the Diocese.

**Clearance Officer** means the person employed by the Diocese to:

* ensure the satisfactory completion of screening by clergy and church workers
* assist in undertaking assessments as to the suitability of people to be engaged in ministry; and
* support the Safe Ministry Authority in its role.

**Clergy** means a person in Holy Orders (such as a bishop, priest or deacon).

**Diocesan Corporation** means the Anglican Diocese of Gippsland Administration Limited (ABN 66 605 813 205)

**Diocese** the Anglican Diocese of Gippsland.  
  
**Director of Professional Standards** means the person appointed under section 19 of the Professional Standards Act 2017.

**Faithfulness in Service** means the document titled ‘Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers’ and endorsed by Bishop in Council for use in the Diocese on 15 August 2019.

**Mandatory Report** means a report made to Child Protection pursuant to section 184 of the *Children, Youth and Families Act 2005*.

**Ministry to children** means work of a kind where a person:

* is required to hold a WWCC by reason that the person engaged in child-related work; or
* exercises a pastoral ministry which has direct, regular and not incidental contact with children; or
* provides services to children that are ancillary to the exercise of a pastoral ministry above, which involves:
  + contact with children during an overnight activity (such as camps and similar activities); or
  + close, personal contact with children (such as changing clothes, washing and toileting); or
* supervises the ministry of a person within any one or more of the categories above; or
* performs a professional standards role; or
* performs a safe ministry role.

**Parish Safe Ministry Officer** means the person nominated by the Parish to ensure voluntary church workers satisfactorily complete the required screening.

**Person in religious ministry** means a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution.

**Person of concern** means a person who is currently participating or wishes to participate in the life of a parish or congregation and whose presence constitutes a risk of harm from sexual abuse to others in the parish or congregation.

**Professional Standards Committee** means the body established under section 10 of the Professional Standards Act 2017.

**Reportable Conduct Scheme** means the scheme established by Part 5A of the *Child Wellbeing and Safety Act 2005*.

**Safe Ministry Authority** means the body established by Bishop in Council to oversee the implementation of the Safe Ministry to Children Canon 2017.

**WWCC** means the process for assessing whether a person is suitable to work in child-related work set out in the *Working with Children Act 2005*.

1. **Code of Conduct**

The Diocese has adopted *Faithfulness in Service* as its code of conduct and requires that **all** members of the Diocesan family abide by it. Section 5 of Faithfulness in Service sets out the clear expectations of the Diocese in relation to appropriate behaviour when working with children.

Faithfulness in Service is the code of conduct approved by Bishop in Council in accordance with section 7 of the Professional Standards Act 2017.

Having a single code of conduct for both clergy and church workers ensures there is a shared understanding of the high standards of behaviour expected of people in ministry. This shared understanding (or shared language) is part of building a culture of safe ministry in the Diocese.

As set out in **Schedules 2** and **3** to this policy, clergy and church workers are required to provide signed acknowledgement that they have received, and agree to abide by, Faithfulness in Service.

1. **Screening**

The Diocese has adopted screening practices to reduce the risk of child abuse by new and existing personnel.

In addition to the screening required by law, the Diocese undertakes additional screening of all members of the clergy, and all church workers who are engaged in ministry to children, in accordance with the requirements set out in the *Safe Ministry to Children Canon 2017.*

The Diocese also undertakes screening of other church workers who are not necessarily engaged in ministry to children, including those with governance responsibilities. The requirements for each role are set out in **Schedules 2** and **3** to this policy. A third category of ‘Volunteer Worker’ assists in Parish activities but is not a member of the congregation. Eg Op Shop workers, assistants as Community meals programs.

The screening required by the Diocese generally involves the following steps (which must occur **prior** to appointment for clergy and those engaged in ministry to children):

**WWCC**

In accordance with the requirements of the *Working with Children Act 2005*, ‘ministers of religion’ (clergy) and people who engage in child-related work in a ‘religious organisation’ (church workers) are required to undergo at WWCC unless there is an available exception. The cost of the application for a WWCC will be met by the relevant Parish for those in paid roles. Volunteers are able to apply for a WWCC free of charge.

**Safe Ministry Check**

Clergy and church workers are required to complete a Safe Ministry Check, which involves:

* completing a statutory declaration that relates to their suitability to engage in ministry;
* providing relevant referees; and
* acknowledging receipt of, and agreeing to be bound by, Faithfulness in Service.

The person will be required to complete one of two Safe Ministry Checks depending on their role:

* Safe Ministry Check: Clergy, Ordination Candidates or Paid, Licensed or Authorised Church Workers (includes Lay Readers and Pastoral Visitors); or
* Safe Ministry Check: Volunteers.

The Safe Ministry Authority will assess each Safe Ministry Check to ensure that the person is suitable for appointment to ministry. Where a person was recently engaged in ministry in another Diocese, Province of the Anglican Communion, or other denomination, the Diocese will make reasonable endeavours to acquire information about the person’s suitability for ministry from that body. Accordingly, the Diocese may request a reference be provided by that body.

Volunteer workers must complete a ‘Cade of Conduct screening document and also obtain a WWWC and Police Check.

**National Criminal History Check**

Clergy and church workers are required to complete a National Criminal History Check. The costs of the National Criminal History Check will be met by the Diocese. Safe Ministry Authority will assess each National Criminal History Check to ensure the person is suitable for appointment to ministry.

**National Register Check**

The Diocese will also undertake a check with the National Register of the Anglican Church of Australia.[[1]](#footnote-1) The purpose of this check is to confirm whether there is relevant information relating to the suitability of a person for appointment to ministry contained on the National Register. The Safe Ministry Authority will assess each National Register Check to ensure the person is suitable for appointment to ministry.

**Additional screening for candidates for ordination**

Candidates for ordination have additional screening required prior to being ordained. This includes a psychological assessment and a medical assessment.

**Responsibility for ensuring screening and training occurs**

The Safe Ministry Authority has responsibility for ensuring screening and training occurs.

The Registry will confirm with the Safe Ministry Authority that clergy and paid, authorised or licenced church workers have satisfactorily completed the required screening steps prior to issuing the licence.

A nominated Parish Safe Ministry Officer (as approved by the Director of Professional Standards) will assist the Safe Ministry Authority by ensuring that voluntary church workers in each parish have satisfactorily completed the required screening steps. All members of the clergy and all church workers set out in **Schedules 2** and **3** must undergo safe church training (which must occur **prior** to appointment for clergy and those engaged in ministry to children).

1. **Training**

Training in the matters set out in *Faithfulness in Service,* and in relation to reporting concerns relating to child abuse, is one of the ways that the Diocese reduces the risk of child abuse by new and existing personnel. It is also ensures that there is a shared understanding of what safe ministry entails throughout the Diocese.

**Induction Training**

It is required that **all** clergy and church workers undergo initial induction training by:

* attending a Safe Church Awareness Workshop held at various locations in the Diocese throughout the year; **or**
* attending an online Induction Workshop run by Safe Ministry Resources.

There is no requirement for a person to undergo induction training more than once.

**Refresher Training**

It is required that all clergy and church workers undergo refresher training within three years of having undergone induction training by:

* attending a Safe Church Refresher Workshop held at various locations in the Diocese throughout the year; **or**
* attending an online Refresher Workshop run by Safe Ministry Resources.

Note: At times ‘Refresher’ and ‘Induction’ training sessions are combined.

**Safe Church Training Agreement (SCTA)**

The Diocese is a signatory to the National Council of Churches of Australia SCTA.

Accordingly, where a person is taking up a ministry position in the Diocese and they have completed SCTA accredited training within the last 3 years, they are not required to complete the above training prior to appointment. However, the person must complete the Awareness or Induction workshop within 3 years of having completed that SCTA training.

For clergy and paid, authorised or licenced church workers, the Registry will ensure that the person has satisfactorily completed the required training (**prior** to appointment for clergy, and church workers engaged in ministry to children).

For voluntary church workers at a parish-level, a nominated Parish Safe Ministry Officer (as approved by the Director of Professional Standards) will assist in ensuring that the person has satisfactorily completed the required training (**prior** to appointment for voluntary church workers engaged in ministry to children).

**Other Accredited Training**

The Safe Ministry Authority may from time to time recognise other training as being equivalent to induction training or refresher training. Persons who have undergone this equivalent training within the required period are deemed to have undergone induction training or refresher training.

1. **Incident Reporting**

Allegations of any form of abuse are very serious and must be handled with care and sensitivity. There are a number of different external reports that must be made in the event of a person receiving a disclosure relating to alleged child abuse. The Diocese may also need to make external reports if the subject of the alleged abuse is an adult.

In addition to external reporting to government agencies, clergy and church workers are required to make internal reports to the Director of Professional Standards, including in relation to reportable conduct. An internal report may form the basis of a complaint to be handled in accordance with the Professional Standards Act 2017. The Director of Professional Standards is available to provide advice to you in relation to whether any report needs to be made, and can assist you in making that report.

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| Please contact: Director of Professional Standards |

**Report immediate danger**

Where there is an **immediate** danger to a child or an adult:

* contact the Police immediately on 000 and report the information;
* follow any instructions given by the Police;
* address any immediate safety needs of others present; and
* organise support for the person who has disclosed the complaint or information (if required).

**Mandatory reporting**

In accordance with Parts 4.1 and 4.4 of the *Children, Youth and Families Act 2005*, a ‘person in religious ministry’ has a duty to make a mandatory report as soon as practicable, where, in the course of their role, they form a belief on reasonable grounds that:

* a child is in need of protection due to the child having suffered, or being likely to suffer, significant harm as a result of physical injury, or sexual abuse; and
* the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory report must be made to Child Protection by phone on 1300 655 795.

By law all members of the church are ‘mandatory Reporters’.

A breach of the duty to make a mandatory report is an offence. However, there is an available defence if the person honestly and reasonably believes that all the grounds for their belief have already been subject to a mandatory report.

**Failure to report offence**

In accordance with section 327 of the *Crimes Act 1958*, a person (being any individual in the Diocese) over the age of 18 years, who has information that has lead them to form a reasonable belief that a sexual offence as been committed in Victoria against a child under the age of 16 years, by a person over the age of 18 years, must disclose that information to Police as soon as practicable unless they have a reasonable excuse not to.

Where the matter is not an emergency, the Police can be contacted by calling 131 444, or by attendance at the local Police station.

Reasonable excuses not to report to Police include:

* having reasonable grounds to fear for the safety of other persons (other than the person alleged to have committed the offence) and the failure to disclose the information is reasonable in the circumstances; or
* having reasonable grounds to believe the information has already been disclosed to the Police.

A person does not contravene section 327 of the *Crimes Act 1958* if the information:

* came from the alleged victim of the offence, who is over the age of 16 years at the time of making the disclosure and has requested that it not be disclosed to the police; or
* was obtained by the person when they were a child.

**Reportable conduct**

In accordance with Part 5A of the *Child Wellbeing and Safety Act 2005*, the Diocese is subject to the Reportable Conduct Scheme.

All clergy and church workers are required to notify the head of entity (via the Director of Professional Standards) of any ‘reportable allegation’ which means any information that leads them to form a reasonable belief that an employee (which for the purposes of the Reportable Conduct Scheme includes clergy and church workers) has committed:

* reportable conduct; or
* misconduct that may involve reportable conduct,

whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

‘Reportable conduct’ includes:

* a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or
* sexual misconduct, committed against, with or in the presence of, a child; or
* physical violence committed against, with or in the presence of, a child; or
* any behaviour that causes significant emotional or psychological harm to a child; or
* significant neglect of a child.

Where the reportable allegation relates to the head of entity or their delegate, the person should report the information directly to the Commission for Children and Young People (**CCYP**).

Following receipt of the reportable allegation, the head of entity or their delegate will notify the CCYP of the following within 3 business days:

* that a reportable allegation has been made against an employee of the entity;
* the name (including any former name and alias, if known) and date of birth, if known, of the employee concerned;
* whether Police has been contacted about the reportable allegation;
* the name, address and telephone number of the entity; and
* the name of the head of the entity.

1. **Complaint-handling Procedure**

All complaints and reports of misconduct are to be directed to the Director of Professional Standards. This process is outlined on the Diocesan website and on notices displayed on every Parish noticeboard and in every Parish bathroom.

Where the Diocese receives a complaint or information relating to reportable conduct, or a complaint that relates to issues of whether a member of clergy or a church worker is fit to engage in ministry, the Diocese may consider that complaint in accordance with the Professional Standards Act 2017 and the Protocol for responding to complaints of abuse and harassment.

1. **Persons of concern**

From time to time, clergy and church workers may learn that a person of concern is attending a congregation in the Parish. It is important that clergy and church workers notify the Director of Professional Standards as soon as practicable to ensure that a risk management process can be put in place to ensure:

* the safety of other members of the Parish, particularly children;
* there is accountability and supervision of the person of concern; and
* appropriate limits to the kinds of activities the person of concern can participate in.

The Diocese has adopted the ‘Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern’ (**Policy for Safe Ministry with a Person of Concern**) which sets out the approach to persons of concern in the Diocese.

The following is a summary of the process that occurs. For more detail, please refer to the Policy for Safe Ministry with a Person of Concern.

**Step 1: Identify a Person of Concern**

Clergy and church workers may become aware that a person of concern is attending a congregation in the Parish or other activities in the Diocese. You may receive this information from anybody, including directly from the person of concern.

**Step 2: Notify the Director of Professional Standards**

Clergy and church workers are to notify the Director of Professional Standards as soon as practicable after becoming aware that a person of concern is attending a congregation in the Parish or other activities of the Diocese.

A person of concern includes someone who has admitted to an offence (whether or not they have been charged) or who has recently been charged with an offence, and accordingly the Director of Professional Standards may subsequently:

* be required to make the necessary reports in accordance with this policy and the Professional Standards Act 2017; and
* handle the information as a complaint under the Professional Standards Act 2017.

**Steps 3 and 4: Develop an interim safety plan & decide whether to proceed further**

The Director of Professional Standards liaises with the relevant clergy and members of Parish Council at the Parish to develop an interim safety plan. This plan is focused on minimising risk relating to any attendance by the person of concern until the Director of Professional Standards has an opportunity to interview the person of concern. Non-compliance with the interim safety plan by the person of concern may result in a direction for them not to participate in the life of the Parish or other activities of the Diocese.

The Director of Professional Standards interviews the person of concern. The Director of Professional Standards may be accompanied by another member of the Professional Standards Committee.

During the interview, the Director of Professional Standards explains the process set out in the Policy for Safe Ministry with a Person of Concern and confirms whether the person of concern is willing to proceed with a process of assessment and to enter into an agreement in order to continue to participate in the life of the Parish or in other activities of the Diocese.

If a person of concern is not willing to proceed with a process of assessment they may be directed not to participate in the life of the Parish or in other activities of the Diocese.

**Steps 5 and 6: Conduct assessments and establish safeguards**

On the basis of the interview, the Director of Professional Standards conducts a risk assessment, and liaises with the Parish about:

* its capacity to risk manage the person of concern; and
* any assessments or other steps that will need to be taken.

It may be that the Director of Professional Standards (in consultation) decides that a person of concern may not participate in the life of the Parish or other activities of the Diocese.

Subject to proceeding beyond the risk assessment, the Director of Professional Standards:

* conducts further assessments as required; and
* drafts a safety agreement (often in the form of a memorandum of understanding) or safety plan relating to the person of concern; and
* if necessary, arranges for the safety agreement to be signed by the relevant persons including the person of concern.

A ‘Support & Accountability Group’ is formed from the most appropriate people in the Parish or outside the Parish. The Director of Professional Standards trains the group according to the allegations received.

**Step 7: Monitor the arrangements made**

The person of concern is then able to participate in the life of the Parish or other Diocesan activities under the terms of the agreement or plan.

Reviews of the arrangements are to be conducted regularly in accordance with the Policy for Safe Ministry with a Person of Concern.

Non-compliance with the terms of the agreement or plan by the person of concern may result in them being directed not to participate in the life of the Parish or in other activities of the Diocese.

1. **Record-keeping**

Information and documents that contain personal information must be stored confidentially and securely in accordance with the Diocesan Privacy Policy.

Information about screening and training is recorded on a database (Safe Ministry Online (SMOnline)). This includes soft copies of all screening documents. The input of data and maintenance of the database is the responsibility of the clearance officer.

Hardcopy records relating to individual clergy and church workers will be kept at the Registry or securely locked at the local Parish.

Documents generated in the course of managing persons of concern are kept in a secure location by the Professional Standards Director.

1. **Governance**

The Diocesan bodies responsible for oversight of this policy are:

* Diocesan Corporation
* Bishop In Council
* Director of Professional Standards
* Professional Standards Committee
* Safe Ministry Authority

Clergy and Parish Council are responsible for oversight in their own Parish.

1. **Review**

This policy must be reviewed and updated by the Diocesan Corporation

This policy was endorsed by Diocesan Corporation 2021

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**Schedule 1: Relevant Legislation and Authority**

**Relevant legislation**

* *Child Wellbeing and Safety Act 2005*
* *Children, Youth and Families Act 2005*
* *Crimes Act 1958*
* *Privacy Act 1988* (Cth)
* *Working With Children Act 2005*

**Church rules**

* Episcopal Standards (Child Protection) Canon 2017
* Safe Ministry to Children Canon 2017
* Professional Standards Act 2017
  + Protocol for responding to complaints of abuse and harassment

**Schedule 2: Safe Ministry requirements for CLERGY**

This includes Clergy, PTOs, Ordination Candidates and salaried Ministry Workers. (Visiting clergy engaging in ministry who do not hold the Bishop’s Licence and do not hold a PTO require a ‘Letter Of Good Standing’ and National Professional Standards Screening.)

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| **Licence, Authorisation, Appointment renewal** | **Safe Ministry Screening** | **Safe Ministry Training** | **Records kept** |
| As per relevant Act or terms of appointment | * Understand and agree to abide with the Diocesan Code of Conduct (Faithfulness In Service). This includes completing the acknowledgement sign-off at the conclusion of the Safe Ministry Check * Safe Ministry Check Clergy, Ordination Candidates or Paid, Licensed or Authorised Church Workers (includes Lay Readers and Pastoral Visitors – once only * National Criminal History Record Check – every 3 years at Diocesan expense. * Working With Children Check – subject to renewal – at Parish expense * National Register Check. | * Safe Church Awareness Workshop – once only.   OR  SMR online Induction Workshop.   * Safe Church Refresher Workshop – once every 3 years after Safe Church Awareness Workshop has been completed   OR  SMR online Refresher Workshop. | * Diocese * SMOnline. |

**Schedule 3: Safe Ministry requirements for voluntary and paid church workers**

This includes: Lay Readers, Pastoral Assistants, Lay Spiritual Directors, Children and youth workers in Parishes, Liturgical Assistants, Eucharistic Assistants, Parish Council members including wardens treasurers and secretaries, synod members and voluntary parish administrative staff, Op Shop coordinators, members of Bishop In Council and its committees, members of Trust Corporation and Diocesan Corporation, Directors of Anglican Retired Living Limited, Finance Committee, Safe Ministry Authority, Professional Standards Committee. Administrative staff – Diocese, salaried Administrative staff – Parish.

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| --- | --- | --- | --- |
| **Licence, Authorisation, Appointment renewal** | **Safe Ministry Screening** | **Safe Ministry Training** | **Records kept** |
| As per terms of appointment | * Understand and agree to abide with the Diocesan Code of Conduct (Faithfulness In Service). This includes completing the acknowledgement sign-off at the conclusion of the Safe Ministry Check * Safe Ministry Check – once only (excludes Admins staff at Diocese and Parish) * National Criminal History Record Check – every 3 years at Diocesan expense. * Working With Children Check – subject to renewal – at Parish expense * National Register Check (for those engaged in Ministry to Children) | * Safe Church Awareness Workshop – once only.   OR  SMR online Induction Workshop.   * Safe Church Refresher Workshop – once every 3 years after Safe Church Awareness Workshop has been completed   OR  SMR online Refresher Workshop.   * Role specific training eg Lay Reader Training | * Diocese * SMOnline. |

1. [↑](#footnote-ref-1)