

**Anglican Church of Australia
Diocese of Gippsland**

POWER AND TRUST IN THE CHURCH

**A PROTOCOL FOR RESPONDING TO
ABUSE AND HARASSMENT
WITHIN THE CHURCH**



**Revised by Synod
18 May 2013**

(Adapted from a document formerly used in the Province of Victoria dated 7 June 2005)

This document is published by the Anglican Diocese of Gippsland and is based on a document issued by the Diocese of Melbourne on behalf of the Dioceses in the Province of Victoria on 7 June 2005.

**Anglican Diocese of Gippsland
P.O. Box 928, Sale, Victoria 3850
Phone: (03) 5144 2044**

POWER & TRUST IN THE CHURCH

A PROTOCOL FOR RESPONDING TO ABUSE AND HARASSMENT WITHIN THE CHURCH

CONTENTS

1	Statement of Basic Principles	5
1.1	The Protocol adopts the following principles	5
1.2	Scope	5
2	Role of the Director of Professional Standards	6
3	The Role and Composition of the Professional Standards Committee	7
4	Commencing the Process	7
5	Support Persons	8
6	The Complaint	8
7	The Respondent	9
8	The Investigation	10
9	Outcomes	10
10	Pastoral Response	11
11	Completion of the Process	11
12	Records	11
13	Co-operation with Government Authorities	11
14	Co-operation with other Dioceses, other Denominations and other Child Related Employers.....	11

FOREWORD

Abuse of power and breach of trust occur when one human being disregards, ignores or deliberately overbears the interests, wishes and feelings of another. Abuse and bullying result from one person treating another human being, a knowing, feeling subject, as an object. Such an act denies that the other person is a knowing, feeling subject and suggests that the person is an object to be used. It is a denial of the dignity God gives to every created being. If abuse is experienced from a member of the clergy or other church worker, it is also a gross misuse of the trust expected of the spiritual role and professional status of an ordained person, or any person authorised to minister to another.

The damage caused by abuse never just goes away by itself. It may be pushed down and hidden for a time, but it festers and eventually resurfaces, often with damage multiplied and the pain intensified. We have seen this in the lives of victims of sexual abuse where the hurt wreaks havoc for decades, destroying the life of the individual concerned and distorting close relationships. The damage can even impact succeeding generations. What is true in the lives of individual victims is also true in the lives of institutions and parish communities. We can move only on if we face the hurtful reality of what has happened, extend care and support to those harmed, and take steps to ensure that as far as possible it never happens again.

It is acknowledged that the Church has not dealt effectively and in some cases not dealt at all with issues of child abuse, sexual harassment, harassment, sexual assault, assault and sexually inappropriate conduct involving church workers. This failure of the Church has caused spiritual, mental, psychological and physical harm, pain and loss to many people; Complainants, Respondents, and secondary victims. The Church deeply regrets our failure and the consequent effects. We unreservedly apologise to those who have been harmed. We state our resolve to do all in our power to avoid such failure and to avoid being the cause of such harm in the future.

All people should be able to live and work in an environment that is free from abuse. This “Protocol for Responding to Abuse and Harassment within the Church” is intended to respond to all complaints of abuse – physical, sexual, spiritual, financial or emotional, including bullying - by church workers. Through this protocol and a process of screening church workers, the Church is also seeking to ensure the chance of future abuse occurring is minimized.

When it is alleged or reasonably suspected that a church worker has engaged in conduct constituting abuse, harassment or inappropriate conduct or there has been a process failure in dealing with these matters, the Church will always take these concerns seriously.

Protocols and processes to respond to complaints of sexual abuse and sexual harassment in the Diocese of Melbourne have been in place since 1994. An updated protocol was introduced in 2003. The current version arose out of a review by representatives of province in 2005 and has now been adapted for use in the Diocese of Gippsland.

By using this Protocol the Anglican Diocese of Gippsland aims to:

meet the pastoral needs of Complainants, Victims, Respondents and communities, address their concerns; and
ensure that no further harm is caused.

Using this protocol we will:

promptly respond and provide support to every Complainant, Victim or Informant,
document the allegation, complaint or information;
offer conciliation if appropriate;
investigate the circumstances;
determine, as far as possible, the truth of the matter;
assess what action should be taken to resolve the allegation, complaint or information and to prevent further harm; and
deal fairly with and facilitate support of the Respondent.

Related documents are:

Faithfulness in Service

Standard Operating Procedures – Professional Standards (dated June 2005)

1 Statement of Basic Principles

This Protocol for Responding to Abuse and Harassment within the Church is integrated with the Code of Good Practice for clergy that recognizes, provides a positive framework for and legitimises their pastoral work.

1.1 The Protocol adopts the following principles

The Anglican Diocese of Gippsland within the Anglican Church of Australia will not tolerate abuse or harassment within its communities.

1.1.1 All complaints will be taken very seriously.

1.1.2 We offer respect, pastoral care and ongoing long-term or episodic support, including professional counselling where appropriate, to anyone who makes a complaint and for those who have suffered the secondary effects of abuse. We will do all we can to lessen harm by providing the best care possible.

1.1.3 We will also offer support to any church worker who is accused of abuse or harassment. The rights of a person accused of wrongdoing must be respected.

1.1.4 We will be as open, transparent and accountable as possible while respecting the rights of Complainants to privacy and to make their own informed choices about whether to engage with Diocesan processes or to seek assistance elsewhere.

1.1.5 We will use confidentiality clauses in agreements settling claims only where there is clear justification for doing so with respect to the rights of individuals to privacy.

1.1.6 Where allegations of abuse involve illegal behaviour, we will support Complainants if they decide to report those matters to police.

1.1.7 We will continue to invite any person who has been abused, no matter when, to come forward and make the matter known, so that his or her ongoing needs can be addressed.

1.1.8 Any person engaged in ministry or in our employ who is alleged to have committed criminal or non-criminal abuse must face the appropriate diocesan process.

1.1.9 Confidentiality must be respected by all participants in this protocol.

1.1.10 No person may interfere with or attempt to influence Support Persons, the Committee, the Director, Respondent Carers, or the investigator in the exercise of their functions.

1.2 Scope

Nothing in this Protocol shall exclude the jurisdiction of a secular court or tribunal or prevent any person from pursuing other actions and procedures which are available at law. It is not intended that this Protocol shall protect people from the law.

In this Protocol:

- 1.2.1 “**Bishop**” means for the purposes of this protocol, the Bishop of Gippsland..
- 1.2.2 “**Abuse**” includes physical, sexual, spiritual, financial or emotional abuse, including bullying, and any breach of the Code of Good Practice for Clergy;
- 1.2.3 “**Church authority**” means the Bishop or a person or body having administrative authority of or in a Church body to license, appoint, authorise, dismiss or suspend a Church worker;
- 1.2.4 “**Church body**” includes a parish, school, any body corporate, organization or association that exercises ministry within, or on behalf of, the Church;
- 1.2.5 “**Church worker**” means a person who exercises the authority of the Church including: all members of the clergy; and any person holding an office in the diocese or parish including volunteers.
- 1.2.6 “**Committee**” means the Professional Standards Committee established by this Protocol;
- 1.2.7 “**Complainant**” means a person who makes an allegation of abuse, harassment or inappropriate behaviour involving a church worker under this protocol;
- 1.2.8 “**Director**” means the Director of Professional Standards;
- 1.2.9 “**National register**” means the national register established under the National Register Canon 2004 of the General Synod of the Anglican Church of Australia;
- 1.2.10 “**Respondent Carer**” – means a person engaged by the Director to support the Respondent and be the Respondent’s main contact person in respect of the processes under this protocol.
- 1.2.11 “**Respondent**” means the church worker against whom an allegation of abuse, harassment, inappropriate behaviour or omission is made;
- 1.2.12 “**Support Person**” – means a qualified professional engaged by the Director to support a person engaged in this protocol, and who, in the case of the Claimant is that person’s main contact person in respect of the processes under this protocol.

2 Role of the Director of Professional Standards

There shall be a paid Director of Professional Standards, whose responsibility will be to implement all actions under this protocol. The Director will be appointed by the Registrar with the consent of Bishop-in-Council for a minimum negotiated specified term. The Director will be a full member but not the Chair of the Committee.

Each individual is encouraged and expected to refer any matters of concern to their appropriate church officer. In matters subject to this protocol, they should directly contact the Director. It is expected that individuals in leadership roles will promptly contact the Director to advise of matters of concern relevant to this protocol.

2.1 The Director must:

- 2.1.1 be independent of the Church administration and structures,
- 2.1.2 have qualifications or experience in legal practice or procedure, or in counselling or an associated area; and
- 2.1.3 not be a member of the clergy or married to a member of the clergy.

2.2 The Director assists the Diocese in:

- 2.2.1 Providing a central focus in matters involving personal ethics and behaviour including advice about appropriate standards and enforcement;
- 2.2.2 Managing and implementing this Protocol;
- 2.2.3 Assisting in the screening process for church workers;
- 2.2.4 Providing input into education and vocational training programs for members of the diocese, including those involved in managing or providing pastoral care and other community services; and

2.2.5 Providing confidential advice to all those who seek to appoint clergy or church workers to positions within the Church. Applicants will be expected to provide their appointer or employer with authority to obtain that advice.

2A Role of Deputy Director of Professional Standards

2A.1 There shall be a Deputy Director of Professional Standards who will perform the functions of the Director when the Director is unavailable or has stood aside in relation to a particular matter. The deputy director shall be appointed by the Registrar with the consent of Bishop-in-Council. In addition to or instead of the appointment of a deputy director, a Director of Professional Standards of another Diocese may be appointed to perform the functions of director in relation to a specific matter.

3 The Role and Composition of the Professional Standards Committee

3.1 There shall be a Professional Standards Committee comprising not less than 4 and up to eight people, being the Director and up to seven other individuals. Its role will be to review and monitor the work of the Director and provide advice to the Bishop on matters referred to it by the Director. The Chair of the Professional Standards Committee will be appointed by the Registrar and will not be a clergy person, or the Director.

3.2 The Committee shall be constituted to collectively provide experience in Law and experience and appropriate professional qualifications in child protection, social work, ethics or counselling. No more than one member of the Professional Standards Committee will be a member of the clergy.

3.3 The Committee shall include at least one person who is not a member of this Church and so far as it is reasonably practicable, it shall have an equal number of men and women.

3.4 The members of the Committee shall be appointed by and shall hold office on such terms and conditions as may be determined by the Registrar after discussions with the Director.

3.5 The Registrar may attend the meetings of the Committee but will not vote.

3A The Role of the Safe Ministry Administrative Committee

3A.1 There shall be a Safe Ministry Administrative Committee of 4 to 6 people appointed by Bishop-in-Council and shall include the Director of Professional Standards and the Registrar. Its role is to co-ordinate in a proactive way the preventative dimensions and activities of Safe Ministry within the Diocese and to make recommendations on training and safe ministry accreditation requirements for clergy and other church workers engaged in liturgical and pastoral ministry.

3A.2 The committee reports to Bishop-in-Council annually.

4 Commencing the Process

4.1 **The Director** will be the first point of formal contact for disclosures of abuse by clergy or church workers. All complaints and disclosures of abuse by church workers must be immediately referred to the Director.

4.2 **When the disclosure of a complaint or abuse occurs**, the matter remains confidential until and unless the Director has obtained informed consent from the Complainant/Complainant's Support Person to provide information to other participants in the process, or the report has been found to be valid.

The Director shall assess the complaint as to whether abuse as defined in this protocol has occurred and whether the Respondent is a person defined as a church worker under this Protocol.

If the Director is of opinion that the complaint does not fall within the provisions of this Protocol, or that the behaviour or subject matter of the complaint does not represent

a serious breach of the Code of Good Practice for Clergy, or can properly be dealt with by other means, the Director shall advise the Complainant accordingly.

4.3 If the Director considers that the **complaint is of such a serious nature** that the Complainant or others are in need of immediate protection or there appears to be a likelihood of a continuation of the alleged behaviour, or that there is other good reason, the Director immediately shall notify other relevant authorities as appropriate and in accordance with the law, e.g. police or child protection authorities and co-operate fully with them. Where possible a formal protocol for co-operation will be sought from these authorities.

4.4 Upon advice from the Director the appropriate Church authority may require the Respondent to stand down from any office held by the Respondent.

4.5 The Director may take independent professional advice as s/he considers necessary when assessing/ investigating a complaint. Such professional advisors shall not be associated with the Professional Standards Committee.

5 Support Persons

5.1 The Director will engage suitably qualified professionals (“Support Persons”) to provide assistance to Complainants, Respondents, church workers, informants, and victims involved in disclosures of abuse by church workers. Support Persons may also provide informal advice to the Director from time to time as requested.

5.2 Support Persons will act in their individual capacity in their work for the Diocese. Their duty is to the person, for whom they are providing services, and they are required to always act in that person’s best interests even when there is a difference between that interest and their own personal interests or those of the Diocese or other parties involved in the matter.

5.3 Support Persons will be independent of Diocesan organisations, structures, and office holders and not have any other role under the Protocol in respect of the current matter.

5.4 The Complainant’s Support Person will assist the Complainant by providing counselling, explaining the process, and clarifying what outcomes are possible and what the Complainant may seek from disclosure. They may also assist the Complainant where this is requested, to document their complaint. The Support Person will also provide acknowledgement to the Director of the Complainant’s informed consent to the process.

5.5 Support Persons’ services are available to all parties involved in this process. A Support Person may not provide services to, or receive information from, a Complainant and Respondent in the same matter.

6 The Complaint

6.1 When a **complaint or disclosure of abuse** is reported or referred to the Director, the Director will contact the Complainant and seek to obtain preliminary information about their story. The Director will advise the Complainant that the Director is required to keep a record of the name of the Respondent if that is provided. The Director will also advise the Complainant that the matter is to be referred to the police if it is alleged that child abuse is currently occurring or any other serious criminal offence is disclosed.

6.2 The Director will **explain the processes** available through this Protocol and obtain informed consent to proceed on the basis of these procedures. The Director will also explain the voluntary nature of the Protocol as far as the Complainant is concerned and advise the Complainant of alternative avenues of formal and informal redress that are open to them e.g. make a report to police, or complain to the Equal Opportunity Commission.

6.3 With **permission of the Complainant**, the Director may refer the Complainant to counselling or other services as appropriate from a Support Person, irrespective of whether a formal complaint is subsequently provided. This Support Person will usually be the main contact person for the Complainant throughout the process. They will listen fully, honestly and compassionately to the person making the complaint or disclosure, both concerning the facts of the situation and its emotional psychological and spiritual effects. They may assist the Complainant in deciding whether to make a formal complaint to the Director and whether there

are other measures that can be provided by the Respondent or the Diocese to meet the needs of the Complainant.

6.4 As part of this process, the Director may receive a **written and signed formal complaint** or written notes of the details of the complaint confirmed by the Complainant's signature. The Director will assess whether the written complaint is abuse and whether the Respondent may be defined as a church worker under this Protocol.

6.5 If the complaint does not concern a matter which is dealt with by **this Protocol** or the behaviour does not represent a serious breach of pastoral ethics and can be properly dealt with by correction or an informal personal apology, the Director, or Support Person, will advise the Complainant of this and of other means to address the issue.

6.6 If the Director assesses that **mediation** is likely to resolve the issues raised by the Complainant, the Director will seek consent to mediate or refer the matter to a mediator.

6.7 In cases arising from a **report made by someone other than the direct victim** of the abuse complained about, the Director must advise the relevant officer of the diocese as soon as it has been determined that the matter should be investigated, and the process shall be commenced as outlined in this document. The protocol will be followed until the matter is finally determined.

6.8 No person should have any **contact with a Complainant** in the course of a resolution of a complaint except through or on the advice of the Director.

6.9 Nothing should be done or said that the Complainant or others could reasonably interpret as **questioning their capacity to make the complaint**, denying them their right to determine whether or not to speak publicly about their complaint or the Church's response to it, questioning their right to pursue alternative therapy or redress, or questioning or qualifying their ability to continue their active participation in the life of the Church.

6.10 The Director will determine if, when, and to whom in the diocese, the existence of a matter is made known.

7 The Respondent

7.1 When a formal complaint has been made and accepted as valid under the Protocol, and after obtaining informed consent from the Complainant, the Director (or delegate) will contact the Respondent. This will occur within one week of receipt of the formal complaint or informed consent, whichever is the later.

7.2 The Director (or delegate) will provide the Respondent with a copy of the complaint and inform the Respondent of their right to obtain independent legal or other professional advice, at their cost, before responding to the complaint. The Respondent will be offered the services of a Support Person to provide professional counselling. If the Support Person is engaged by the Director, reasonable costs for the service will be borne by the Diocese.

7.3 The Director will contact a relevant Church Worker to select an appropriate Respondent Carer. The person selected will become the Respondent's Carer in respect of the matter before the Director and will liaise with the Director. The Respondent will be advised that a Respondent Carer has been engaged on their behalf, that the Respondent Carer will be provided with a copy of the complaint, and that the Respondent Carer will become the main contact person for the Respondent throughout the process.

7.4 The Respondent Carer will contact the Respondent within 24 hours of accepting the role. They will follow up on the initial advice provided regarding the availability of professional counselling support and if the Respondent seeks a Support Person, contact the Director to provide a referral. The Respondent Carer will also advise the Respondent that in order to determine whether the facts of the case are significantly disputed, a written response to the complaint is required to be provided to the Director, through the Respondent Carer, within 3 weeks of the Respondent being provided with a written copy of the complaint. They will offer pastoral support and liaise with the Director as required.

7.5 In the event that the Respondent chooses not to actively participate in the process, an unresolved matter will be maintained by the Director on a register and taken into account when

the Director is next required to provide a clearance to any licensing or employing authority, whether for paid or voluntary work. The matter will also be reported in the National Register when this is commenced.

7.6 If both parties have given their consent and, in the opinion of the Director and the Respondent Carer this is an appropriate way to proceed, the Director will arrange a face-to-face or written apology or mediation between the parties.

7.7 In consultation with the Director, the Respondent Carer should also consider whether there should be a recommendation that the Respondent be stood down until the process is complete.

7.8 The Respondent Carer will be in regular contact with the Respondent, and if appropriate with the Support Person assisting them, to inform them of how the matter is proceeding and of any actions that will involve or affect the Respondent.

7.9 The Respondent Carer must keep all information associated with the matter strictly confidential.

7.10 Throughout this process nothing should be done or said such that the Complainant or others could reasonably interpret as questioning their capacity to make the complaint, denying them their right to determine whether or not to speak publicly about their complaint or the Church's response to it, questioning their right to pursue alternative therapy or redress, or questioning or qualifying their ability to continue their active participation in the life of the Church.

8 The Investigation

8.1 Where there is **significant difference** between the facts reported by the Complainant and the Respondent or where the report is made by someone other than the person directly affected by the abuse complained about and the matter appears to justify investigation, the Director may investigate the matter or appoint another person to do so. During the course of any investigation the Respondent and Complainant will be provided with ongoing care and support.

8.2 If the subject matter is **under investigation** by some other competent body or is the subject of legal proceedings, the investigation in the terms of this protocol will be discontinued until these other proceedings are concluded.

8.3 The role of the **investigator**, who is appointed by the Director and is a person skilled and experienced in investigation, is to gather information about complaints and allegations and to make a report to the Director.

8.4 The Complainant and the Respondent will be afforded an **opportunity to be interviewed** by the investigator.

8.5 All investigation **reports** remain the property of and confidential to the Director. Parties shall be advised of this prior to being interviewed by the investigator.

9 Outcomes

9.1 When the Director **receives a report** from the Investigator s/he will form a view as to whether:

- 9.1.1 no further action will be taken, in which case all parties will be advised;
- 9.1.2 the matter should be referred to the Committee for consideration;
- 9.1.3 s/he will make a recommendation to the Bishop;
- 9.1.4 s/he will make a recommendation to another appropriate body; or
- 9.1.5 another appropriate action should be taken.

9.2 Where the Director has formed a view that a recommendation is to be made to the Bishop, where penalties or discipline in relation to a Respondent are in consideration, the Professional Standards Committee will review the matter, prior to the recommendation being provided to the Bishop unless the provisions of clauses 4.3 and 4.4 apply.

9.3 Where a matter is **referred to the Committee**, the Committee may, amongst other recommendations:

9.3.1 seek further information from the Director;

9.3.2 recommend what action, if any, should be taken in regard to the Respondent;

9.3.3 recommend what action, if any, should be taken in regard to the Complainant/Victim; and

9.3.4 recommend what action, if any, should be taken in regard to supporting the parish and congregation.

9.3.5 In such cases where the Director may disagree with the recommendations of the Committee, s/he will present the Committee's recommendations of the Bishop and may make note of how and why his/her recommendation differs from that of the Committee.

9.4 Where a **recommendation is made** to the Bishop by the Director and/or the Committee, this may include a recommendation about appropriate action to be taken in respect of the Respondent. The Bishop may:

9.4.1 exercise his discretion in relation to implementing any penalties or discipline or in taking any other actions recommended by the Director and/or the Committee;

9.4.2 bring a charge before the Diocesan Tribunal; or

9.4.3 where requested by appropriate bodies, refer the matter to a **Board of Reference** constituted under the Appointments Act 1994.

9.5 The **Bishop should not have any contact** with a Respondent or Complainant in relation to a formal complaint except through the Director until he determines his response to the advice of Director and/or the Committee.

10 Pastoral Response

The Director will ensure that where appropriate a pastoral response is developed for the care of any church community or congregation affected by the matter.

11 Completion of the Process

11.1 As appropriate the Director will **liaise** with those involved in this Protocol at the completion of the case and will seek feedback about the process and may discuss possible improvements.

11.2 Proposals regarding any **changes** within the structures of the Church which may assist to prevent further occasions of abuse will be considered.

11.3 Any **recommendations** resulting from this activity will be provided to the Registrar.

12 Records

12.1 **The Director will keep a record of all disclosures** that come to his/her notice including the names of the Complainant and the Respondent, the parish or organization where the alleged abuse occurred, the history of the matter and the outcomes.

12.2 **Completed files** under this protocol will be retained separate from any other files relating to the parties.

12.3 **The Director will keep all records** under the Protocol confidential and secure.

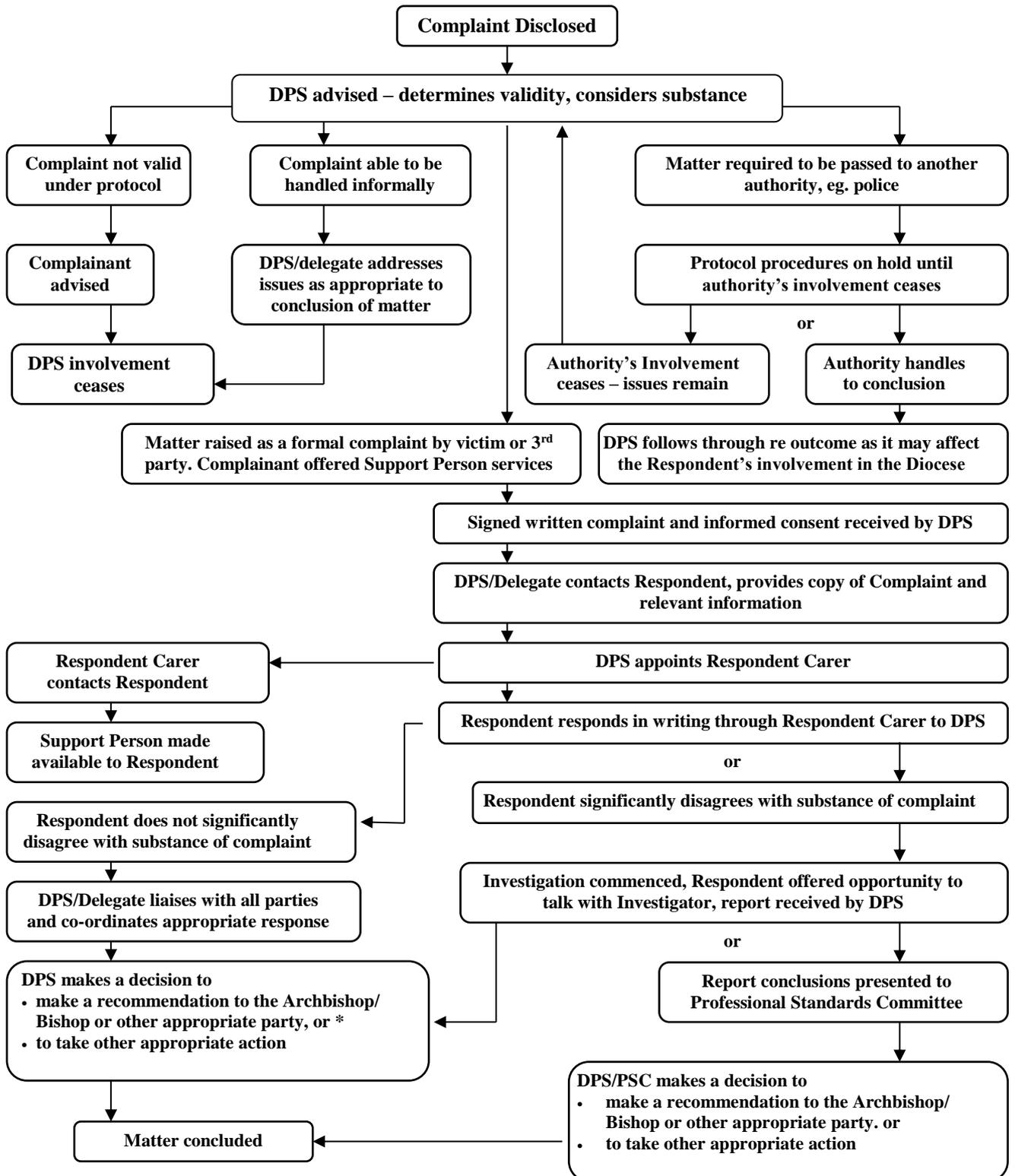
13 Co-operation with Government Authorities

13.1 **If there are reasonable grounds to suspect** that a child or children are at current risk of harm the relevant child protection authorities will be notified.

13.1 **The Police** will be notified where the conduct disclosed is a serious criminal offence.

14 Co-operation with other Dioceses, other Denominations and other Child Related Employers

For employment purposes the Director will **co-operate** with other Dioceses, church bodies of other denominations and child-related employers and respond appropriately to inquiries.



* If the recommendation to Archbishop/Bishop involves penalties or discipline, matter to be first reviewed by the Professional Standards Committee unless complaint is of such a serious nature that Director considers immediate action/referral to a relevant authority is required.

STANDARD OPERATING PROCEDURES

Professional Standards

TABLE OF CONTENTS

<u>The Director of Professional Standards</u>	14
<u>DPS and Police Checks</u>	15
<u>Support Persons:</u>	15
<u>For the Complainant:</u>	15
<u>For the Respondent:</u>	15
<u>Respondent Carer</u>	3
<u>The Investigator</u>	16
<u>The Committee</u>	16
<u>Range of Outcomes</u>	17
<u>Pastoral Response</u>	5
<u>Funding</u>	18

The Director of Professional Standards

The Director of Professional Standards will:

- 1 Assist Church bodies to ensure they have in place protection policies to satisfy statutory and Diocesan requirements;
- 2 Assist Church bodies to ensure they screen all workers to satisfy statutory and diocesan requirements;
- 3 Consult and co-operate with Church associated organisations to ensure consistency between them and the Diocesan protection policies and procedures;
- 4 Keep records of employment screening details, including Police Checks;
- 5 Manage all complaints of abuse by Church workers according to Diocesan protocols;
- 6 In cases of illegal behaviour, support the Complainant in making a report to police;
- 7 Keep records of people affected by allegations of abuse;
- 8 Co-ordinate the pastoral response to complaints or disclosures of abuse in the Diocese;
- 9 Monitor, conduct and advise in relation to education and other prevention programs aimed at preventing abuse;
- 10 Advise the Registrar about structural changes that would reduce the risk of abuse in the Diocese;
- 11 Answer and respond to the potential professional standards matters raised by calls made to the designated phone number.

DPS and Police Checks

- 1 A church worker holding the Bishop's licence must obtain a "DPS Clearance" from the Director prior to commencing any role or position within the Diocese.
- 2 Whilst this role/position remains unaltered, an updated "DPS Clearance" must be obtained for each subsequent three year period.
- 3 If there is any alteration to the clergy person's or church worker's role or position after a three month period from the last "DPS Clearance" a new "DPS Clearance" must be obtained before this role/position may be commenced.

In considering the provision of a "DPS Clearance", the Director will take into account advice obtained from Victoria Police and any other information at his/her disposal.

Support Persons

- 1 Support Persons must demonstrate to the Director that they understand their role and will abide by the protocol procedures.
- 2 They must exercise strict confidentiality, write clear, informative and factually accurate reports and understand the legal processes and implications.

For the Complainant

Complainants must be able to discuss the matter confidentially with the Support Person, find out what options they have under the Protocol and what processes will occur once they provide any information or make a complaint and then have the opportunity to think about it or discuss it further before deciding what to do.

The Support Person must be knowledgeable about the protocol and advise the Complainant of:

- 1 options available under the Protocol, i.e. conciliation/mediation or investigation and determination;
- 2 the Complainant's rights to take external action and other avenues of redress;
- 3 the rights of the Respondent to be informed and to respond;
- 4 any action which the Director may take of his/her own initiative eg. Investigation;
- 5 the responsibility of the Director to report alleged serious criminal conduct to the police and where it is alleged that child abuse is currently occurring, to report this to Child Protection Authorities (subject to relevant State laws).

For the Respondent

- 1 A Support Person engaged on behalf of the Respondent will provide immediate initial assessment, advice and counselling. This may include addressing the Respondent's on-going professional and pastoral needs, admissions and mitigating issues.
- 2 The Support Person may also assist the Respondent to prepare his/her response to the Director.
- 3 With the Respondent's authority appropriate issues may be discussed with the Respondent's Carer.
- 4 Where appropriate, issues relating to the possibility of a face-to-face or written apology or mediation will be addressed.

Respondent Carer

A Respondent Carer MUST disclose to the Director any reason by which it may be perceived that they have a conflict of interest in regard to the matter made known to them. In such cases the Director will provide an alternative Respondent Carer.

The following examples illustrate some of the circumstances where a conflict of interest would exist:

- 1 A belief that there may be personal or professional prejudices in respect of the substance of the allegation,
- 2 A prior relationship with any person involved in the matter, or
- 3 Previous involvement in the matter.

Where it is determined that a conflict of interest does exist the initial Respondent Carer must have nothing more to do with the matter and must keep confidential any information which they have been privy to in their preliminary involvement, including the fact that they have been involved.

The Investigator

The investigator must:

- 1 Carry out the investigation promptly;
- 2 Interview and obtain a written and signed statement from the Complainant or victim unless the investigator considers that any statement already obtained under the Protocol is sufficient;
- 3 Interview and obtain a written statement or record from relevant witnesses;
- 4 Advise each witness that the statement is to be used for the purposes of the Protocol;
- 5 Liaise with the Respondent Carer;
- 6 Notify the Respondent of the complaint or allegations at an appropriate time if they have not already been notified, offer them an opportunity to be interviewed on the matter, and invite them to provide a response and any material relevant to the complaint or allegation;
- 7 Make a written, or with the consent of the Respondent, a taped record of all interviews with the Respondent and provide the Respondent with a copy of any such record;
- 8 Allow each person interviewed to have another person present who is not likely to be a witness to the complaint or allegations;
- 9 Inform the Director of any matter or circumstance which causes the investigator to form the view that the investigation should be terminated; and
- 10 Provide to the Director a written report setting out the results of the investigation together with copies of all statements, records of interviews and any other relevant material.

The Committee

Where a matter is referred to the Committee by the Director, the Committee will:

- 1 not be permitted to meet with, or to consider information directly presented by, any parties involved in the formal complaint;
- 2 not be bound by the rules of evidence;
- 3 make whatever inquiry is considered appropriate;
- 4 be assisted by the Director;
- 5 be satisfied that procedural fairness has been provided to the Respondent;

- 6 be satisfied that all available information has been considered;
- 7 determine whether they are reasonably satisfied that the disclosed conduct has occurred;
- 8 determine to what extent, if any, the conduct affects the Respondent's fitness to hold office; and
- 9 recommend what action, if any, should be taken in regard to the Respondent, the Complainant/Victim and the parish or other community.

The proceedings and deliberations of the Committee are to be kept confidential. The Committee may meet from time to time as determined by the Director or a majority of its members and may conduct its business by telephone or electronic communication.

- 1 The procedures of the Committee shall be as determined by the Committee.
- 2 A majority of the members shall constitute a quorum.
- 3 A decision taken other than at a meeting of the Committee, if supported by a majority of members of the Committee, constitutes a decision of the Committee.
- 4 The Committee shall act in all things as expeditiously as possible.
- 5 An act or proceeding of the Committee is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
- 6 Subject to the provisions of this Protocol, a member of the Committee, or any person employed or engaged on work related to the affairs of the Committee must not divulge information that comes to his or her knowledge by virtue of that office or position except:
 - 6.1 in the course of carrying out the duties of that office or position; and
 - 6.2 as may be authorised by or under this Protocol, or as required by Law.

Range of Outcomes

At any stage in the process a range of actions are possible. These include but are not restricted to, one or more of the following:

- 1 dismissal of the complaint;
- 2 mediation;
- 3 an apology;
- 4 agreed forms of subsequent behaviour;
- 5 counselling of either or both of the parties;
- 6 a recommendation to the Bishop in regard to appropriate actions
- 7 suspension of or leave by the Respondent without loss of entitlements;
- 8 suspension of or leave by the Respondent with loss of entitlements;
- 9 transfer or dismissal of the Respondent;
- 10 withdrawal of licence;
- 11 a conditional licence;
- 12 referral of the complaint to an appropriate civil authority;

- 13 postponement of further action pending the resolution of any criminal charges;
or
- 14 referral of the complaint to a Board of Reference.

15 Pastoral Response

The pastoral response will address, but is not limited to:

- 1 issues of confidentiality, as related to natural justice;
- 2 consultation with the clergy in any congregation which may be affected by the complaint;
- 3 issues of safety for the Complainant, Respondent, and members of the congregation;
- 4 education required relating to the matter within the congregation;
- 5 strategy for pastoral care, healing, counselling within the congregation;
- 6 strategy for pastoral care of the individuals affected, i.e. Complainant, Respondent, their family members and friends;
- 7 de-briefing if a number of people involved;
- 8 consultation where appropriate (including the vestry for any congregation in which the Respondent and Complainant are members or adherents);
- 9 management and care of the congregation or other community that may be affected;
- 10 overall management strategy;
- 11 provision of professional, pastoral and spiritual support for subsequent clergy in their role of healing the parish; and
- 12 where appropriate, the appointment of a local member of the congregation or other member of the community to implement the strategy.

The Director will monitor and facilitate implementation of the pastoral response.

Funding

The Diocese will provide sufficient funds to enable the Protocol to operate.

Extract from Safe Ministry Questionnaire

**APPLICANT'S SCREENING QUESTIONNAIRE
FOR VOLUNTARY CHURCH WORKERS**

Please tick either "yes" or "no" for each question. If the answer to any of the following questions is "yes", please give details. A yes answer will not automatically rule an applicant out of selection.

1. Do you have any health problem(s), which may affect your work with children or young people?

Yes **No**

2. Have you ever been convicted of a criminal offence?

Yes **No**

3. Have you ever been charged with a criminal offence?

Yes **No**

4. Have you ever had permission to undertake paid or voluntary work with children refused, suspended or withdrawn in Australia or any other country?

Yes **No**

5. Has your driver's licence ever been revoked or suspended?

Yes **No**

6. Have you ever had an apprehended violence order, order for protection or the like issued against you as a result of allegations of violence, abuse, likely harm, harassment, stalking, etc?

Yes **No**

7. Has a child or dependent young person in your care (as a parent or in any other capacity) ever been removed from your care, or been the subject of a risk assessment by the authorities?

Yes **No**

8. Have you done anything in the past or present that may result in allegations being made against you of child abuse?

Yes **No**

Child abuse means:

- bullying;
- emotional abuse;
- harassment;
- neglect;
- physical abuse; or
- sexual abuse.

**APPLICANT'S SCREENING QUESTIONNAIRE FOR ORDINATION
CANDIDATES, CLERGY AND PAID CHURCH WORKERS**

Please tick either "yes" or "no" for each question.

If the answer to any of the following questions is "yes", please indicate the question number and provide relevant information regarding your response. Please also indicate the current status of the issue(s) if any.

A yes answer will not automatically rule an applicant out of selection.

Throughout this document **charged*** or **charges*** indicates charges made in a court, disciplinary tribunal or other disciplinary process in Australia or in any other country.

1. Have you ever, since the age of eighteen, been known by any name other than the one given above?

Yes **No**

2. Do you have any health problem(s), which may affect your work with children or young persons?

Yes **No**

- 3a. Has disciplinary action of any sort ever been taken against you by a licensing board, professional or community association, employer, educational institution, Church or any other body?

Yes **No**

- 3b. Have there been charges* against you to the above named bodies that did not result in discipline?

Yes **No**

- 3c. Are there charges* pending against you before any of the above-named bodies?

Yes **No**

4. Have you ever been convicted of a criminal offence?

Yes **No**

5. Have you ever been charged* with a criminal offence?

Yes **No**

6. Have you ever been asked to resign or been terminated by a training program, employer or Church body?

Yes **No**

7. Have you ever had permission to undertake paid or voluntary work with children refused, suspended or withdrawn in Australia or any other country?

Yes **No**

- 8a. Have you ever had a civil suit brought against you arising out of alleged professional misconduct, or is any such pending?

Yes **No**

- 8b. Have you ever had professional indemnity insurance declined, suspended or revoked for any reason?

Yes **No**

9. Have you ever been charged* with having engaged in sexual conduct or attempted sexual conduct with a person with whom you had a pastoral or professional relationship (e.g. a parishioner, a client, a patient, an employee, a student, a subordinate)?

Yes **No**

Sexual conduct includes sexually motivated touch and conversation through to sexual intercourse of any kind.

10. Have you ever been charged* with having engaged in sexual conduct with persons under the legal age of consent?

Yes **No**

11. Have you ever been charged* with the production, sale or distribution of, or illegal access to pornographic materials?

Yes **No**

12. Have you ever been charged* with an offence related to sexual misconduct?

Yes **No**

Sexual misconduct includes:

- abuse of power or role for sexual purposes
- sexual conduct with a person under the age of consent or an adult incompetent to give consent
- sexual assault (e.g., rape)
- soliciting for sexual purposes
- an offence related to pornography or public indecency (e.g., indecent exposure)

13. Have you ever been charged* with an offence related to sexual harassment?

Yes **No**

Sexual harassment includes:

- sexual advances
- requests for sexual favours
- sexually motivated physical contact
- verbal or physical domination of a sexual nature?

14. Have you ever been charged* with verbal or physical harassment?

Yes **No**

15. Do you have a history of alcohol abuse?

Yes **No**

16. Do you have a history of substance abuse including prescription, over-the-counter, recreational or illegal drugs?

Yes **No**

17. Do you have a history of problem gambling?

Yes **No**

18. Have you ever been charged* with any offence related to cruelty to animals?

Yes **No**

19. Have you ever been charged* with a traffic offence which required you to attend court?

Yes **No**

20. Has your driver's licence ever been revoked or suspended?

Yes **No**

21. Have you ever had an apprehended violence order, order for protection or the like issued against you as a result of allegations of violence, abuse, likely harm, harassment, stalking, etc?

Yes **No**

22. Have you ever had a licence to own firearms refused or revoked?

Yes **No**

23. Has a child or dependent young person in your care (as a parent or in any other capacity) ever been removed from your care, or been the subject of a risk assessment by the authorities?

Yes **No**

24. Have you ever been charged* with misappropriating funds, or otherwise breaching fiduciary duties in any capacity?

Yes **No**

25. Have you ever been charged* with an offence under the taxation laws?

Yes **No**

26. Have you ever had an order made against you or entered into a composition with creditors or an assignment for the benefit of creditors under the Bankruptcy Act or have you ever had an order made against you under any Act regulating corporations?

Yes **No**

27. Have you done anything in the past or present that may result in allegations being made against you of child abuse?

Yes **No**

Child abuse means:

- bullying;
- emotional abuse;
- harassment;
- neglect;
- physical abuse; or
- sexual abuse.