



Guidelines for Parishes

**regarding sexual and
child abuse offenders
and
persons of suspicion**

**in the Anglican Church
Diocese of Sydney**

March 2006

**Anglican Church Diocese of Sydney
Safe Ministry Board
Professional Standards Unit (PSU)
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Related Documents

- **Code for personal behaviour and the practice of pastoral ministry by clergy and church workers *Faithfulness in Service***
- **Screening of church workers**
- **Dealing with Child Abuse Allegations in the Church**
- **Reporting Abuse**
- **Safe Ministry in the Anglican Church Diocese of Sydney**
- **Pastoral Care & Assistance Scheme**

Introduction:

1. The Anglican Church in the Diocese of Sydney is committed to actively ensuring that every person attending the church feels safe.
2. At the same time, all people should be welcome to be a part of the church, including any generally referred to as **persons of interest** (i.e. **POI** means those who have been convicted, accused, are reasonably suspected of or have admitted to child abuse or sexual offences).
3. While considering how to balance these two concerns, any parish or church entity must have as its priority the protection of children and other vulnerable persons from abuse.
POIs also need protection from the opportunity to commit offences and from false allegations.
Individuals and groups need protection from the trauma wrought by abuse or allegations of abuse.
4. POIs may take some time to fully realise the implications of their actions. If hasty assurance of restoration is offered before such realisation, there is the risk that proper boundaries will not be set around the POI, leaving him not held accountable nor protected from himself. The consequences of an offence, the potential for ongoing risk and future offence must be borne in mind together with the need to give an all-encompassing protection to church members.
5. Given the priority of the protection of children and other vulnerable persons, it may be a necessary safeguard for all to impose restrictions on a person accused or suspected of child abuse, even though that person is innocent until proved guilty. If there emerges a level of certainty that any accusation is false, vexatious or misconceived, the restrictions may be lifted.
6. *Prohibited persons*, being those convicted of a *serious sexual offence*, are prevented from being in any *child related position*, i.e. any role which potentially involves unsupervised contact with children. This is legislated for and not negotiable.¹ But such prohibited persons may still be members of a congregation. Processes and procedures must be put in place to ensure that children are protected. The prohibited persons must have clear boundaries as to where they can go and what they can do in the church context and they must be supervised and held accountable.
7. Similarly, persons accused or suspected of child abuse, even if not convicted, need clear boundaries as to where they can go and what they can do in the church context; they too must be supervised and held accountable.

¹ Child Protection (Prohibited Employment) Act 1998 – contains definitions *italicised* in this paragraph

Identifying persons who are potentially a risk:

8. The sources of information as to who might pose a risk to children and therefore who might need to be supervised and held accountable can come from:
 - i. the person themselves;
 - ii. friends or relatives of the person;
 - iii. a victim or a person who makes an allegation;
 - iv. Friends or relatives of a victim or person who makes an allegation;
 - v. public sources such as newspapers, other media or court reports;
 - vi. Police, Parole Boards, Department of Community Services (DoCS) or Department of Corrective Services;
 - vii. private information from third parties;
 - viii. records kept by the Professional Standards Unit (PSU);
 - ix. previous parishes or “employers” of the offender or suspect;
 - x. predecessor rectors or other members of church staff.

9. In New South Wales all preferred applicants for **paid** child-related positions must consent to a *Working with Children Check* conducted through the Commission for Children and Young People. Otherwise, to obtain information from police, court or other public records requires the payment of fees and consent from the person concerned.

NSW Police FOI: Form 3 – Application for Bail Report / Criminal Record Check of NSW records only (\$30.00). Forms at www.police.nsw.gov.au Send to: The Co-ordinator Freedom of Information Unit Locked Bag 5102 PARRAMATTA NSW 2124

National Criminal History Record Check (NSW). (\$50.00). Requires personal attendance at police station and 3 forms of identification. NOT available for child-related employment.

Australian Federal Police check: (\$36.00). Forms at www.afp.gov.au Send to: AFP Locked Bag 1 Weston ACT 2611.

Court records: Apply to the court where the charge was heard.

10. In **every** case it is essential to verify exactly what you are dealing with. All sources need to be carefully checked. No action should be based on rumour or innuendo. Inevitably, checking will ultimately require communication with the POI concerned.

11. The PSU has a database which contains information on many POIs. Upon enquiry being made by a parish and subject to appropriate exercise of confidentiality and transparency,² this information can be given to the parish.

² The policy of the PSU is to inform the person concerned when information is passed on about them.

12. At a diocesan level the Archbishop licenses clergy and stipendiary/paid lay workers. He is responsible for ensuring that they are suitable persons to be licensed. He can remove them only after due process and for specified and proved causes.³ The PSU on his behalf is responsible for ensuring that relevant parishes are aware of previously licensed persons who may now pose a risk to children or other vulnerable persons.
13. In the parish the rector/minister in charge has the power to appoint and remove almost all leaders and office-holders in the congregation.⁴ The churchwardens and the parish council can consult with him as he carries out his responsibilities. Effectively the rector/minister-in-charge is locally responsible, in consultation with the churchwardens and the parish council, for ensuring that POIs are supervised and held accountable. He and his delegates must keep their eyes and ears open for any POIs. They must take responsibility for ensuring that enquiries are made of the PSU and any other source if they have a concern. For its part the PSU will endeavour to ensure that information about POIs is communicated to the relevant parish and in particular to newly appointed rectors/ministers-in-charge. The PSU is a resource to advise and support the rector/minister-in-charge, churchwardens and parish council in the discharge of their responsibilities.

Action required upon confirmation of information:

Assessment of risk.

14. Having clarified the subject matter of the offences, allegations or suspicions it will be necessary to consider what risk the POI poses to children. Risk assessment may take into consideration a number of factors:
 - i. whether the concern arises from a conviction or finding, an accusation or a suspicion;
 - ii. the nature of any position (including non-child related position) in which the POI might be employed or engaged;
 - iii. the type of contact that any position has with children;
 - iv. the supervision which will be available;
 - v. the nature and frequency of the event or events from which the report arose;
 - vi. the circumstances in which an Apprehended Violence Order (where the protected person was a child) was taken out;
 - vii. requirements and conditions laid down in bail or parole orders;

³ **Clergy:** Unchastity, Habitual drunkenness, failure to pay just debts, disgraceful conduct, failure to comply with lawful written admonition of the Bishop, criminal conviction, breach of faith ritual ceremonial, irretrievable breakdown of the pastoral relationship.

Laity: Unacceptable behaviour i.e. sexual misconduct or child abuse.

⁴ Church Administration Ordinance (1990) Elected church wardens, elected parish councilors, parish nominators and Synod Representatives are the exception

- viii. presence of victims/survivors in the congregation or parish and the effect that the presence of the POI may have on those victims including the possibility that the POI needs to be asked to attend a different parish or congregation;
 - ix. the level of understanding and willingness to co-operate of the POI of the requirement for the church to protect children and other vulnerable people;
 - x. the period of time since relevant offences were committed or allegations made; and
 - xi. any additional information which may be relevant in assessing risk.
15. There will be a level of risk requiring the application of the steps as set out in this document below to supervise the POI and hold them accountable in all of the following circumstances relating to child abuse or sexual misconduct:
- i. criminal conviction;
 - ii. finding of criminal guilt without proceeding to conviction;
 - iii. criminal charge;
 - iv. accusation, allegation or complaint currently under consideration;
 - v. accusation, allegation or complaint which is not false, vexatious or misconceived;
 - vi. admission by POI.
16. Prohibited persons⁵ are never used in child-related positions. Prudence also requires that a risk assessment also be undertaken in relation to a POI who is the subject of an allegation even if it is still unsubstantiated. Depending on the level of risk it may be prudent not to use the such a POI in a child-related position.
17. An assessment of risk may result in forming a reasonable suspicion that a child is currently at risk of harm and therefore require reporting to DoCS. The voluntary reportline telephone number is **133 627**. The mandatory reportline telephone number is **132111**.

Negotiation and setting of boundaries

18. A common characteristic of POIs is their failure to understand why their movements or activities in a church context should in any way be constrained. They will often minimize their past and be overly optimistic about their future. It is important to work with them pastorally to encourage them to see the mutual benefit in keeping them away from contact or potential contact with children. Children will be safe. Parents and the congregation will have confidence that children are protected. The POI will be protected from any opportunity to offend and the possibility of false allegations.

⁵ Child Protection (Prohibited Employment) Act 1998

19. If a POI is regarded as of higher risk than average, he / she must not be involved in any positions of leadership or authority. They must not participate in any “up-front” activity including but not limited to greeting visitors at the door, taking up the collection, reading lessons or leading prayers. To allow such activity can suggest apparent endorsement which might be used by the POI to the disadvantage of children or other vulnerable persons. Any variation to this would only be after a lengthy period of treatment and upon advice from the treating practitioner, confirmed by the Director PSU and a majority of advisors appointed under clause 16 of the *Church Discipline Ordinance 2002* (“the Ordinance”) who have considered the matter including the matters contained in clause 18 of the Ordinance.
20. The setting of boundaries for the POI should include a clear written statement of:
 - i. which services / activities he / she may / may not attend. In extreme cases of high risk, consideration should be given to complete exclusion from parish activities altogether;
 - ii. the buildings and rooms the POI may go into;
 - iii. the times the POI can be on church premises;
 - iv. who the POI may associate with at church;
 - v. the supervision and accountability which has been put in place.

Recording arrangements for supervision, accountability and support

21. In the case of a POI who is subject to supervision, the rector should write / cause to be written a clear record of the arrangement that has been agreed. This should be signed and dated by the POI, the rector, the churchwardens and the mentors. A copy of the record should be provided to the PSU within 10 days and should include:
 - i. Acknowledgement of past conduct or allegations and consequent risk;
 - ii. Acknowledgement of the need for others to be informed of the risk; e.g. key leaders, parents;
 - iii. Undertaking to participate in treatment;
 - iv. Definition of boundaries;
 - v. Undertaking to abide by boundaries;
 - vi. Nomination of mentor/s;
 - vii. Statement (if relevant) as to the relationship between this agreement and any supervision by the Probation and Parole Service;
 - viii. Agreement to meet regularly with mentors;
 - ix. Acknowledgment of consequences of failure to comply i.e. exclusion;
 - x. Undertaking to notify of attendance at or move to another parish;
 - xi. Permission from the POI for information to be passed on to the PSU and to another parish in the case of transfer;

- xii. Willingness to participate in reasonable restorative justice processes or counseling which may aid the healing of victims/survivors.
22. In cases where the POI refuses to co-operate but remains a member of a congregation, a letter setting out boundaries, stating consequences of a breach, identifying mentors and offering support should be provided to the POI in place of a signed record of arrangements. A copy such a letter should also be provided to the PSU.
23. A template Memorandum of Understanding is provided.

Appointment of mentor/s

24. There should be at least two persons who undertake the task of being mentor. Whilst the rector/minister-in-charge can undertake the task it is preferable to have other persons involved with the rector acting as their supervisor. They need to:
- i. be recognised as appropriately gifted, experienced and respected congregation or parish leaders ;
 - ii. understand the nature of offenders (refer *Faithfulness in Service* 5.17);
 - iii. understand the demanding and onerous nature of the task;
 - iv. be prepared and available to meet with the POI at least fortnightly;
 - v. attend church services and activities at the same time as the person;
 - vi. be of an appropriate gender in relation to the POI;
 - vii. report regularly to the Rector on the progress of the POI.

Implementation of supervision and accountability

25. It will be necessary to inform preferably in writing or orally (with notes kept of the interview) key leaders and parents of any perceived risk either orally or in writing. There should be sufficient information provided so that it is clear what risks are involved. This should be carried out sensitively. Expressions such as “X is considered a risk to children” or “X has agreed to remain away from children” are preferable to “X is a paedophile”. If possible the consent of the POI should be obtained.
26. Mentors and other senior leaders e.g. churchwardens, should be aware of the boundaries that have been set and agreed upon. There should be a system in place to ensure that the POI is monitored at all times during church services and church activities.

Review of supervision and support

27. The rector/minister-in-charge must ensure that at least every three months he meets with the POI being supervised and held accountable, the mentors and key leaders to ensure that the

boundaries are being adhered to, the POI is coping and continuing in treatment and to get feedback as to any change in the level of risk.

28. Where there is a change in the level of risk because of the POI's re-offending or failure to comply with the arrangements there needs to be a careful re-evaluation, re-negotiation and variation of the boundaries and if necessary the agreement. Any additional risk may constitute a further reasonable suspicion that a child is currently at risk of harm and therefore may require further reporting to DoCS.

Inter-Parish, Diocesan and Inter-agency Co-operation

29. Rectors/ministers-in-charge need to be committed to ensuring that they inform the PSU of all situations where a POI is a risk. They also need to pass on to any other parish or congregation to which the POI transfers full details of the risk and to the PSU the fact of any transfers or departures.

30. The Registrar will inform the PSU of all appointments of rectors/ministers-in-charge. The PSU will ensure that the Archdeacon informs the incoming appointee of the POI and the level of risk.

The Police (and only the Police) have the capacity to apply to the Local Court for orders prohibiting certain offenders who pose a risk to the lives or sexual safety of children from engaging in specified conduct.⁶ This process should be considered where arrangements such as that set above do not work. The Court has to be *satisfied that there is reasonable cause to believe, having regard to the nature and pattern of conduct of the person, that the person poses a risk to the lives or sexual safety of one or more children, or children generally, and that the making of the order will reduce that risk.*⁷ They must consider a number of factors and hear from the person against whom the orders are proposed to be made.⁸

⁶ Child Protection (Offenders Prohibition Orders) Act 2004. Commenced 1 July 2005

⁷ supra. s. 5

⁸ supra. s. 9

[TEMPLATE]

[Square brackets indicate choices that need to be made and possible additions/deletions for the particular circumstances of the case]

Memorandum of Understanding

between Mr/s [.....] and the Anglican Parish of [name] (the Parish).

The purpose of this Memorandum of Understanding is to protect children [and other vulnerable people] in the Parish of [name] from [child abuse] [sexual misconduct] by [name]; and to ensure that he/she is not provided with opportunities in the parish which may lead to his/her [re-offending] [offending].

We all agree as follows:

1. We recognise and celebrate God's forgiveness and grace through Christ and affirm that all people are loved by God and are called into relationship with God and God's people.
2. We acknowledge that the Church has a duty of care towards children and young people in the Church; and that we seek to ensure they are safe and protected from harm.
3. We acknowledge that [.....] has [offended in the past] [and that he/she has been convicted of offences involving children or other vulnerable persons;] or [has been charged with such offences and is awaiting court proceedings] or [has had allegations made against him/her which have resulted in concerns for the safety of children or other vulnerable people] **[set out particulars].**
4. We note that [.....] wishes to worship in the Anglican Parish of [name].
5. We all acknowledge that this Memorandum of Understanding (MoU) sets out the appropriate arrangements to ensure the safety and protection from harm of children and vulnerable people in the Parish and commit ourselves to abide by its provisions.

[.....] agrees as follows:

6. [.....] agrees not to have any role in the Church that will involve children or take any leadership role in any group or activity in the Parish that may involve children.
7. [.....] agrees not to nominate for or stand for election or to accept appointment to any leadership position in the Church.
8. [.....] agrees not to attend any Parish activity or camp being held away from the parish property where children may be present, **[unless** he/she has family and children who will be attending,] **and** supervision arrangements have been approved by the [Rector/Curate in Charge] (the "Minister").
9. [.....] understands that the details of the general arrangements may be made available to people in the Parish; and details of the MoU made available to those who may be asked to care for him/her; and to future Churchwardens and Ministers of the Parish.
10. [.....] will notify the Minister if he/she joins any other parish, congregation or ministry unit in this or any other Anglican Diocese or other denomination.
11. [.....] will attend only the worship services nominated and agreed to at the commencement of this MoU.
12. [.....] agrees to meet any requirement placed on him/her by any parole agreement, and will not behave in any way which may place a child in the

community at risk; and will seek professional assistance if any breach of this MoU or the parole agreement is likely.

On behalf of the Parish, the Church Wardens and the Minister agree as follows:

13. The Parish accepts [.....] as a member of the Parish community [and encourages him/her to use his/her gifts in the Parish].
14. The Parish agrees that [.....] will be cared for at all times while in the Church precincts and that he/she will never be placed nor place himself/herself in a situation where he/she may be alone with children.
15. The Parish agrees that there will always be at least two adults present if [.....] is attending any church activity at which child-related activities may take place; and that he/she will never be left alone with children of any age.
16. When [.....] leaves the Parish for whatever reason, [.....] and the Churchwardens or the Minister will notify the Director of Professional Standards (the "Director").

We all further agree as follows:

17. We all agree that if any of these conditions are breached, [.....] will no longer participate in Parish activities and cease to participate in the activities of the Church until he/she has entered into a MoU in similar terms with another Parish.
18. We agree that if there is any complaint made by any child or adult regarding [child abuse] [or sexual misconduct] that it will be reported to the Director immediately and may be reported to the police and the Department of Community Services.
19. The operation of this MoU may be reviewed by the Minister and the Church Wardens from time to time; and will be reviewed at least each twelve months.
20. The Director may from time-to-time liaise with officers of government departments [including the Probation and Parole Service of NSW] to further the aims and objectives of this MoU.
21. There must be a full report of the progress of the MoU each twelve months by the Minister or Churchwardens to the Director.

Name/Position	Signature	Date
[Person]		
Minister		
Churchwardens		

Distribution:

Director of Professional Standards (original)
 Rector (for the Parish)
 Church Wardens
 Mr/s [.....]