

## Guidelines for parishes regarding persons of concern

The Anglican Church in the Diocese of Sydney is committed to actively ensuring that every person attending the church feels safe. At the same time, generally speaking, all people should be welcome to be a part of the church, including any referred to as **persons of concern (POC)**. A POC is a person who has been convicted, accused, is reasonably suspected of or has admitted to child abuse or sexual offences.

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. POCs also need protection from the opportunity to commit offences and from false allegations.

POCs 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 POC. This can leave the POC without accountability or protection from himself or herself. 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.

Given the priority of the protection of children and other vulnerable persons, it is 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 a level of certainty emerges that any accusation is false, vexatious or misconceived, the restrictions may be lifted. The NSW Office of the Children's Guardian, through the Working with Children Checks, will also give guidance and direction on the suitability of a person to work with children if it has the relevant information concerning the allegations or criminal charges.

A person who has been convicted of a child abuse offence or a sexual offence (and indeed any *Child Protection (Working with Children) Act 2012* Schedule 2 offence), will automatically be barred from obtaining a Working With Children Check. Those who are unable to obtain a Working With Children Check clearance are prevented by law from being in any child-related position. This is not negotiable; but these persons may still be members of a congregation. Processes must be put in place to ensure that children are protected. These 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.

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.

## The seven-step process for developing a safety plan

**This seven step process must be undertaken in consultation with the Director of Safe Ministry, especially when it comes to steps 3, 4 and 5.**

### STEP 1: IDENTIFY POCs - Identifying persons who are potentially a risk

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:

- the person themselves,
- friends or relatives of the person,
- a victim or a person who makes an allegation,
- friends or relatives of a victim or person who makes an allegation,
- public sources such as newspapers, other media or court reports,
- Police, Parole Boards, Community Services or Department of Corrective Services,
- private information from third parties,
- records kept by the Professional Standards Unit,
- previous parishes or “employers” of the offender or suspect,
- predecessor senior ministers or other members of church staff.

All sources need to be carefully checked. No action should be based on rumour or innuendo. Inevitably, checking will ultimately require communication with the POC concerned. The Office of Safe Ministry (OSM) has a database which contains information on many POCs. Upon enquiry being made by a parish and subject to the appropriate exercise of confidentiality and transparency, this information can be given to the parish. The POC will be informed that this information has been provided.

### STEP 2: BE PROACTIVE - Authority for dealing with cases where a risk is identified

At a Diocesan level the Archbishop licenses clergy and stipendiary or 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. 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.

In the parish the senior minister has the power to appoint and remove almost all leaders and office- holders in the congregation. The wardens and the parish council can consult with him as he carries out his responsibilities.

Effectively the senior minister is locally responsible, in consultation with the wardens and the parish council, for ensuring that POCs are supervised and held accountable. He and his delegates must keep their eyes and ears open for any POCs. 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 POCs is communicated to the relevant parish and in particular to newly appointed senior ministers. The PSU is a resource to advise and support the senior minister, wardens and parish council in the discharge of their responsibilities.

### **STEP 3: ASSESS RISK - The unacceptable risk test**

No-one should be permitted to work with children and young people if there is an unacceptable risk that children may be abused.

As noted above, those convicted of sex offences against children are prohibited by law from working with children. There will ordinarily be an unacceptable risk in other circumstances where, in relation to child sexual abuse or criminal sexual misconduct, there is a criminal charge which has yet to be dealt with, an accusation, allegation or complaint currently under consideration or an admission by the person concerned.

The situation is more difficult when there have merely been allegations in the past which have not been resolved, including situations where charges have been dropped or a person acquitted. Allegations of physical or emotional abuse of children in the past also need to be evaluated with awareness of the context. The assessment of risk in such a case will depend upon an evaluation of the seriousness of the allegation, the source of the allegation, the level of investigation of the allegation and what is known about how the complaint was resolved. Where there has been more than one unrelated complaint, there is reason for extra caution.

The PSU should always be consulted before anyone about whom concerns have been raised is allowed to volunteer to help in a ministry involving children or youth. If there is conflict about whether the person should be involved in ministry with children and young people, then a determination about whether there is an unacceptable risk should be made by qualified persons from outside of the parish.

Any such risk assessment may take into consideration a number of factors:

- whether there has been a finding about an allegation of abuse,
- the nature of any position (including non-child related position) in which the POC might be employed or engaged,
- the type of contact that any position has with children,
- the supervision which will be available,
- the nature and frequency of the event or events from which the report arose,
- whether there have been any other allegations or concerns about the person's conduct in relation to children,
- the circumstances in which an Apprehended Violence Order (where the protected person was a child) was taken out,
- requirements and conditions laid down in bail or parole orders,
- presence of victims in the congregation or parish and the effect that the presence of the POC may have on those victims including the possibility that the POC needs to be asked to attend a different parish or congregation,
- the level of understanding and willingness of the POC to cooperate regarding the requirement for the church to protect children and other vulnerable people, and
- any additional information which may be relevant in assessing risk.

A person who has either admitted to, or been found to have perpetrated, sexual abuse need not remain forever under a cloud in the ordinary life of the parish. However, someone who is repentant for what he has done in the past will understand the need for child protection measures. There are many other ways in which someone can volunteer in the life of the church other than by working with children and young people.

#### **STEP 4: SET BOUNDARIES**

A common characteristic of POCs 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 POC will be protected from any opportunity to offend and the possibility of false allegations.

If a POC represents an unacceptable risk to the safety of children, he or she must not be involved in any positions of leadership or authority. He or she 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 POC 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 of the PSU, appropriate professional advisors and the Diocesan insurer if necessary.

The setting of boundaries for the POC should include a clear written statement of:

- which services and activities he or she may and may not attend. In extreme cases of high risk, consideration should be given to complete exclusion from parish activities altogether,
- the buildings and rooms into which the POC may go,
- the times the POC can be on church premises,
- who the POC may associate with at church, and
- the supervision and accountability which has been put in place.

In the case of a POC who is subject to supervision, the senior minister should write or cause to be written a clear record of the arrangement that has been agreed, called a Safety Plan. This should be signed and dated by the POC, the senior minister, the wardens and the mentors, as applicable. A copy of the record should be provided to the PSU within 10 days and should include:

- acknowledgement of past conduct or allegations and consequent risk,
- acknowledgement of the need for others to be informed of the risk, such as key leaders or parents if necessary,
- undertaking to participate in treatment,
- definition of boundaries,
- undertaking to abide by boundaries,
- nomination of mentor/s,
- statement (if relevant) as to the relationship between this Safety Plan and any supervision by the Probation and Parole Service,
- agreement to meet regularly with mentors,
- acknowledgment of consequences of failure to comply i.e. exclusion,
- undertaking to notify of attendance at or move to another parish,
- permission from the POC for information to be passed on to the PSU and to another parish in the case of transfer, and
- willingness to participate in reasonable restorative justice processes or counselling which may aid the healing of victims.

A Safety Plan template is available at <https://safeministry.org.au/safety-plans/>

Complete and signed copies of all Safety Plans must be provided to the OSM for inclusion on the OSM register of Safety Plans.

In cases where the POC refuses to co-operate but remains a member of a congregation, a letter setting out boundaries, stating the consequences of a breach, identifying mentors and offering support should be provided to the POC in place of a signed Safety Plan. A copy of such a letter should also be provided to the PSU.

## STEP 5: SUPERVISE/MENTOR

There should be at least two persons who undertake the task of being mentors. Whilst the senior minister can undertake the task, it is preferable to have other persons involved with the senior minister acting as their supervisor.

Mentors need to:

- be recognised as appropriately gifted, experienced and respected congregation or parish leaders,
- understand the nature of offenders (refer Faithfulness in Service 5.17),
- understand the demanding and onerous nature of the task,
- be prepared and available to meet with the POC at least fortnightly, attend church services and activities at the same time as the person, be of an appropriate gender in relation to the POC, and
- report regularly to the senior minister on the progress of the POC.

It will be necessary to inform preferably in writing or orally (with notes kept of the interview) key leaders and (if considered necessary) parents of any perceived risk. 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 POC should be obtained.

Mentors and other senior leaders, such as wardens, should be aware of the boundaries that have been set and agreed upon. There should be a system in place to ensure that the POC is monitored at all times during church services and church activities.

## STEP 6: REVIEW of supervision and support

The senior minister must ensure that at least every three months he meets with the POC being supervised and held accountable, the mentors and key leaders to ensure that the boundaries are being adhered to, the POC is coping and continuing in treatment and to get feedback as to any change in the level of risk.

Where there is a change in the level of risk because of the POC’s re-offending or failure to comply with the Safety Plan there needs to be a careful re-evaluation, re-negotiation and variation of the boundaries and, if necessary, the Safety Plan. 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 Community Services.

## STEP 7: BE RESPONSIBLE - Inter-parish, Diocesan and inter-agency co-operation

Senior ministers need to be committed to ensuring that they inform the OSM of all situations where a POC is a risk. They also need to pass full details of the risk on to any other parish or congregation to which the POI transfers. Further, they need to pass on to the OSM information about any transfers or departures.

The Registrar will inform the OSM of all appointments of senior ministers. The OSM will ensure that the Archdeacon informs the incoming appointee of the POC 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 (*Child Protection (Offenders Prohibition Orders) Act 2004*). This process should be considered where arrangements such as those set out 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. They must consider a number of factors and hear from the person against whom the orders are proposed to be made

Download the template for a Safety Plan at: <https://safeministry.org.au/safety-plans/>