

## Establishment of the Professional Standards Board

(A report from the Standing Committee.)

### Introduction

1. Following the recommendations of the Wood Royal Commission into the New South Wales Police Service, the New South Wales Parliament introduced a comprehensive legislative scheme for the protection of children. The Child Protection (Prohibited Employment) Act 1998, the Commission for Children and Young People Act 1998 and the Ombudsman Amendment (Child Protection and Community Services) Act 1998 came into effect on 3 July 2000. The Children and Young Persons (Care and Protection) Act 1998 came into effect on 18 December 2000. In this report those Acts are collectively referred to as the Child Protection Legislation.

2. In summary, the main features of the Child Protection Legislation are –

- (a) A category of "prohibited persons" is created, being persons who have been convicted of a "serious sexual offence". Prohibited persons may not apply for, be appointed to, undertake or remain in child-related employment, which includes paid or unpaid activities. Every "employer" must request and every "employee" must complete a declaration that they are not a prohibited person. Failure to complete the declaration excludes the employee from continuing in a child related activity. Criminal sanctions apply to both employers and employees for failure to comply. There is a 6 month transitional period.
- (b) All new paid employees in child related employment (which includes all ministers of religion) must be screened before appointment. This involves a check of the person's criminal record, relevant apprehended violence orders and relevant disciplinary proceedings. It can also involve a relevant probity check with previous employers, and an assessment of the risk to children arising from anything disclosed. At this stage all screening is undertaken for the Diocese by the Commission for Children and Young People (CCYP).
- (c) Relevant completed disciplinary proceedings for the past 5 years must be reported so that they can be included on the database of the CCYP.
- (d) The Ombudsman is charged with keeping child abuse prevention systems and handling and responding to child abuse allegations under scrutiny. The "head of agency" of schools, licensed child care and residential child care centres, substitute residential child care providers and of other prescribed bodies must report to the Ombudsman any child abuse allegation or conviction and full particulars of the action taken in response to the allegation or conviction.
- (e) The category of persons who must report to the Department of Community Services (DoCS) about children or young persons who are reasonably suspected of being at risk of harm from sexual or other abuse has been extended. Clergy and church workers are no longer exempt. Relevantly, reporting responsibilities are imposed upon professionals, paid deliverers, organisational managers and direct supervisors of children's services, health care, welfare, education or residential services provided to children.

### The Panel's Recommendations

3. Archbishop Goodhew appointed a reference panel to recommend a plan for addressing the criticism of churches made in the report of the Royal Commission and the implementation of the Child Protection Legislation. In their report the reference panel concluded that the Church must focus on the protection of children and fulfill the legal obligations incumbent upon all Anglican organisations. These will include -

- reporting disclosures to DoCS
- conducting employment screening
- reporting allegations involving employees
- investigating such allegations
- reporting completed disciplinary proceedings
- satisfying the Ombudsman that to ensure effective management of allegations, adequate systems are -
  - established
  - effectively implemented
  - effectively monitored.

4. The main recommendation of the panel was that a Professional Standards Board (PSB) should be established, made up of people with a range of professional expertise to develop guidelines and address in

## 2 Establishment of Professional Standards Board (2001)

---

principle issues, monitor and oversee the administration of the Protocol, and advise the Archbishop on child protection and disciplinary matters. The PSB should be accessible to all dioceses of the province.

### Creation of the Professional Standards Board

5. Subsequently, the Standing Committee made the Professional Standards Board Ordinance 2001 to establish the PSB. Under the ordinance the immediate functions of the PSB are -

- (a) to promote and facilitate the development of an environment in parishes and organisations that is free from the risk of child abuse, including the promotion and facilitation of compliance with the requirements of the Child Protection Legislation, and
- (b) to monitor, review and make recommendations about compliance, training, investigatory and management practices and procedures and pastoral care in parishes and organisations in relation to the prevention of and response to child abuse and the requirements of the Child Protection Legislation, and
- (c) to review and make recommendations about ordinances passed or to be passed by the Synod or its Standing Committee to ensure compliance and compatibility with the Child Protection Legislation, and
- (d) to make representations to relevant government bodies about the operation of the Child Protection Legislation, and
- (e) to liaise with persons and bodies outside the Diocese to facilitate cooperation and consistency of conduct about the prevention of and response to child abuse and compliance with the Child Protection Legislation.

6. The ordinance also proposes that in the longer term the Board will also have the following functions -

- (a) to exercise a delegated head of agency function for the purposes of the Ombudsman Amendment (Child Protection and Community Services) Act 1998, and
- (b) to provide services, advice, and assistance to parishes, organisations and office holders within the church about the prevention of and response to child abuse and the Child Protection Legislation, and
- (c) to provide services, advice, and assistance to parishes, organisations and office holders in the Church outside the Diocese about the prevention of and response to child abuse and the Child Protection Legislation, and
- (d) to conduct employment screening on behalf of Anglican employers within the Province of New South Wales and the Diocese of Wangaratta for the purposes of the Commission for Children and Young People Act 1998.

7. Negotiations with government, parishes and organisations must be undertaken before the functions referred to in paragraph 6 can be exercised.

8. The PSB will not replace or take on the particular roles of a parish or organisation under the Child Protection Legislation but will work through and with them in their respective areas to achieve its goals.

### Constitution of the Professional Standards Board

9. The PSB will comprise -

- the Archbishop (as President)
- the Director of the PSB (who is the Director of the Professional Standards Unit)
- 3 licenced ministers and 3 persons who are not licenced ministers appointed by the Archbishop
- 3 licenced ministers and 3 persons who are not licenced ministers elected by the Standing Committee.

10. The membership of the PSB must include an experienced lawyer, at least 4 men and at least 4 women. The ordinance also states that the Archbishop and the Standing Committee are to have regard to the need for the membership of the Board to include persons with professional training and experience in the areas of child protection, social welfare or counselling.

11. Appointments to the PSB have not yet been made.

For and on behalf of the Standing Committee

*PHILIP GERBER*

*Director, Professional Standards Unit*

28 August 2001