

Safe Ministry Board Annual Report for 2006

(Report from the Safe Ministry Board)

1. The Safe Ministry Board (the Board) was established by the *Safe Ministry Ordinance 2001* (the Ordinance). It was previously called the Professional Standards Board. Members of the Board are: Rev Keith Condie (Chair), Mr Tim Barrett, Rev Mark Charleston, Rev David Clarke, Ms Stephanie Cole, Mr Philip Gerber, Rev Andrew Heron (appointed May 2006), Dr Grant Maple, Mr Glenn Murray, Deaconess Patti Mutton, Rev Janice Rees, Rev Janine Steele, and Dr Ruth Shatford. The ordinance indicates that the primary function of the Board relates to the matter of child protection. In particular, it is responsible for promoting and developing an environment within the Parishes and Organisations of the Diocese that is free from the risk of child abuse and is compliant with Child Protection Legislation. The Board has also been involved in promoting and maintaining appropriate standards of conduct amongst clergy and church workers and safe ministry generally at a broader level than child protection matters only. The ordinance was amended by Synod at its 2005 session to reflect this development in emphasis.

2. The Board is also charged with *reviewing and making recommendations on the operation of the Church Discipline Ordinance 1996 and the Sexual Misconduct Protocol*. An amending Discipline Ordinance was released as an exposure draft in Synod in 2005. After a process of wide consultation an amended draft will be brought before Synod in 2006 for consideration.

Professional Standards Unit (the Unit)

3. The Unit carries out the day-to-day work relating to the Board's responsibilities as well as undertaking all child protection and employment screening work on behalf of the Archbishop. Established in 2000, the Unit consists of a full-time Director of Professional Standards (the Director), Philip Gerber, who is a lawyer, one full-time administrative officer, Carol Newton, a part-time chaplain to victims/counselling co-ordinator, Jenni Woodhouse, a social worker, who cares for claimants and their families, and a part-time administrator, Lisa Watts, who supervises the Pastoral Care & Assistance Scheme. Counselling continues to be provided to victims from PSU funds provided by Synod. When pastorally appropriate, the chaplain arranges for the Archbishop or one of his Episcopal team to see particular victims of clergy or church worker misconduct or abuse.

Care And Assistance Scheme

4. A care and assistance scheme is in place as an alternative to litigation to provide for financial assistance to victims to meet their needs which arise from the abuse or misconduct. An independent

panel has been appointed for external independent assessment of claims. At 30 June 2006 there have been nine payments under the scheme, four relating to ANGLICARE and five relating to the Diocese. There are fifteen known claimants at various stages in the scheme.

Complaints and Allegations of Abuse

5. The Unit administers the complaints and discipline procedure in relation to clergy and church workers and undertakes screening of all ordination candidates and clergy appointments on behalf of the Archbishop. In 2005-2006 this involved the screening of 302 people. A database is maintained which records all allegations and complaints and information received from other Dioceses, other denominations and other sources which may be relevant to screening and risk issues. This database currently has 502 individual entries. The Unit, under the Archbishop, also has the overall responsibility throughout the Diocese to ensure that all parishes and other activities of the Diocese are child protection compliant, as well as providing ongoing support and advice to parishes and organisations. The Director represents the Diocese on the General Synod Professional Standards Commission and various other national, provincial, interdenominational, government and community child protection groups.

6. Since 1996 the Diocese has had in place a Protocol for receiving complaints and allegations of child abuse or sexual misconduct by clergy or church workers. Five independent contact persons, all trained counsellors, are available for people to contact. Their details are advertised in the Diocesan newspaper, on the Internet website and by leaflet to all parishes and organisations. Through an abuse report line (**1800 77 49 45**), the contact persons provide information and support enquirers as they consider their options. They can then assist in the documenting and reporting of allegations or complaints of abuse.

7. The handling of complaints that are received under the Protocol regarding sexual misconduct or child abuse by clergy or church workers is governed by the Church Discipline Ordinance, introduced in 1996 and substantially amended in 2002. Complaints are verified in writing, put to the respondent, investigated, considered at a prima facie level by an experienced lawyer, if necessary considered by a Tribunal and recommendations made to the Archbishop for action. The strongest sanction available is a Prohibition to prevent a respondent from undertaking ministry or being in a particular or any role in the church. There are also conciliation provisions in appropriate circumstances. The process is administered independently by the Director PSU with advice in particular cases from Advisor panels of three persons which include a lawyer, clergyperson and a mix of genders. The Archbishop is excluded from procedural decisions. He considers the final recommendations and implements "discipline". He

is entitled to enquire as to progress of matters and the Director is obliged to keep him informed.

8. The Church Discipline Tribunal considers matters in relation to lay church workers. There have been two such tribunals in 2005-2006.

9. Where clergy are involved the Tribunal Ordinance 1962 and Offences Ordinance 1962 may also be relevant. The specific offences are: unchastity, drunkenness, neglect of ministerial duty, non-payment of just debts, disgraceful conduct and secular criminal conviction. The Diocesan Tribunal has not sat in 2005 – 2006.

10. In the period July 2005 to June 2006 twenty-eight new allegations or complaints of sexual misconduct or child abuse in the Diocese came to the attention of the Unit. Five of these related to clergy or former clergy of the Diocese and twenty-three related to lay church workers or former lay church workers.

Co-operation with Secular Authorities

11. The Diocese is, since July 2001, signatory to a Memorandum Of Understanding between the NSW Department of Community Services and other participating Churches in relation to a Protocol for dealing with allegations of abuse involving a child or young person by a church worker. The Director is a member of the NSW Police Child Protection and Sex Crimes Squad Advisory Council. All complaints that allege criminal conduct are reported to the police.

Training

12. Since 1996 all candidates for ordination and all clergy being authorised or licensed in Sydney for the first time had completed two screening documents which asked questions about drug use, alcohol use, occult practice, use of pornography, homosexual conduct, sexual conduct outside of marriage, police or child protection authority investigations, apprehended violence orders, and criminal charges or convictions. From 2004 the same questions have been incorporated into a comprehensive screening questionnaire based on the safe ministry check recommended by the General Synod in 2004. This has now been extended to all stipendiary lay workers licensed by the Archbishop.

13. Ordination/ministry candidates also undergo extensive assessment and screening by way of reference checking, general psychological testing, interviews, chaplaincy supervision reports and college reports. The Church Discipline Ordinance 2002 provides a mechanism for pre-ordination disclosure and consideration of prior sexual misconduct or child abuse. The Director administers the consideration of such disclosures.

14. The Board has produced guidelines regarding sexual and child abuse offenders and persons of suspicion. A copy was provided to every parish in March 2006. The PSU continues to provide “help-desk”

assistance to clergy and church workers in parishes on child protection issues. Advice and support has been provided by telephone and email in relation to a wide range of issues. e.g. Mandatory DoCS reporting, questions of reasonable suspicion of child at risk, screening issues, risk assessment, details of appropriate child safe practices, caring for complainants and victims, handling allegations or concerns about church workers, pastoring congregations where allegations have been made, dealing with known offenders or people who pose a risk in congregations, disciplinary issues against church workers and supporting clergy and church leaders as they deal with misconduct and abuse issues.

15. Ministry Training and Development includes child protection issues in the Sydney candidate training conferences/retreats and the after college training syllabus for junior ministers. All candidates are required to read the Code of Conduct and to undertake basic Safe Ministry Training before entering Moore College. Ministry chaplains are required to discuss the Code with each candidate during their candidacy before they are ordained.

16. The extent of specific training in Safe Ministry issue which needs to be included in the Moore College Curriculum is being considered by a working group of the Board refer paragraph 39 below.

17. The Director and Chaplain to the PSU provide lectures on child protection and safe ministry issues to Youthworks College students, ordination candidates, junior clergy, third year ordination candidates, deacon/diocesan lay worker and priest ordination candidates annually.

Structure and Accountability of PSU

18. At the request of the Archbishop, the Board has reviewed the relationship between the Director, the Archbishop and the Board.

19. The Archbishop is ex-officio the President of the Board. He appoints a Chair to act as delegate in his absence. This involves chairing the Board meetings, dealing with correspondence and convening an annual Board planning day. If the appointed Chair is absent the Board members present elect a person to the chair on that occasion.

20. The Director, Professional Standards Unit (PSU) is currently appointed by the Archbishop and has two (2) principle roles.

(a) *Chief Executive Officer of the Board*

Responsible, under the direction of the Board, for management of safe ministry policy, procedure and practice throughout the Diocese under the general governance and policy setting of the Board.

- (b) *Director of the PSU under clause 14 of the Church Discipline Ordinance 2002*

Administer the protocols for receipt, investigation, consideration and determination of complaints and allegations of child abuse and sexual misconduct against members of the clergy and church workers.

21. How this currently works out in practice is that the Director presents a report to each Board meeting. He also reports directly to the Archbishop or his Executive Officer regarding the discharge of the functions under the Church Discipline Ordinance 2002.

22. What is needed in both of the Director's roles is a line of reporting and accountability which describes the duties and responsibilities of the Director and sets out the demarcations between the Director and the Archbishop. Also, the Archbishop's power to appoint and remove the Director needs to be have input from a wider group to ensure that there cannot be a perception of bias.

23. The role of the proposed Professional Standards Committee (SC) will be to deal operationally with current cases of complaint. The role of the Board is to formulate and review policy. Because policy needs to be informed by operational experience it is desirable for the PSC to report to the Board in general terms.

Proposal for structure and accountability

24. It is proposed that the –

- (a) Director be appointed by Archbishop-in-Council taking into account any recommendation of the Board. (Amendment needed to Discipline Ordinance 2006 Bill).
- (b) Professional Standards Committee (Discipline Ordinance 2006 Bill) be appointed by Archbishop-in-Council taking into account any recommendation of the Board and to be accountable in the first instance to the Board. (Amendment needed to Discipline Ordinance 2006 Bill).
- (c) Professional Standards Committee (Discipline Ordinance 2006 Bill) be a sub-committee of the Board (with the possibility of some common membership).
- (d) Director report generally in the first instance to the Board with the Archbishop's rights to be informed of particular matters and to enquire being reserved.

General Synod 2004 Child Protection Resolutions

25. The 13th General Synod 2004 passed a series of resolutions relating to child protection including the adoption of a national Safe

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Ministry Policy and a national code of conduct for clergy and church workers (*Faithfulness in Service*).

26. The Sydney Diocesan 2004 Synod passed Resolution 18/04 on Child Protection as follows:

“Synod -

- (a) notes Child Protection Resolutions Nos. 1 to 4 and the *Strategic Issues, Commissions, Task Forces and Networks Canon (Amendment) Canon 2004* passed by the 13th General Synod and requests the Professional Standards Board to further develop policies for implementing safe ministry practices in parishes and diocesan organisations and report to the first session of the 47th Synod,
- (b) adopts as the diocesan Safe Ministry Policy Statement -

The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety to all people, particularly within its own community. To ensure the safety of children and vulnerable people in our communities, the Church will -

- carefully recruit and train its clergy and church workers,
 - adopt and encourage safe ministry practices by its clergy and church workers,
 - respond promptly to each concern raised about the behaviour of its clergy and church workers,
 - offer pastoral support to any person who has suffered abuse, and
 - provide supervision of and pastoral accountability to any person known to have abused a child or another vulnerable person.
- (c) recommends that each parish and diocesan organisation adopts the diocesan Safe Ministry Policy Statement,

- (d) adopts *Faithfulness in Service* as the diocesan code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers and recommends to each Regional Council and parish the careful study of this document,
- (e) recommends that each diocesan organisation adopt *Faithfulness in Service* as the code for personal behaviour and practice of pastoral ministry by clergy and employed and voluntary lay church workers who exercise a pastoral ministry."

27. The Board has continued to meet monthly and held a full strategy and planning meeting in January 2006. It has continued to consider the matters set out in the General Synod resolutions and adopted as a policy guideline by the Sydney Synod in 2004. This has resulted in the following activity of the Board during 2005-2006, each matter being handled initially by a working group of the Board.

Code of Conduct - Faithfulness in Service

28. An additional 5,000 copies of this document have been printed and 1,700 distributed to forty parishes. Across the regions thirteen seminars were held between May and September 2005 to discuss the code. In the invitation to all 863 clergy and stipendiary lay workers (SLW) to attend a seminar the Archbishop expressed his expectation that everyone who holds a licence or authority would participate. A "catch-up" seminar was provided in February 2006. Feedback received indicates that these seminars have helped promote understanding of the code and implementation of safe ministry practices in parishes. 943 clergy and SLWs attended one of nine seminars. (Includes some guests, interested lay people and double counted regional staff and presenters). One member of the clergy declined to attend a seminar.

Safe Ministry in Parishes

29. Synod passed the Safe Ministry Ordinance 2005 at its October 2005 session. This Ordinance inserted a new "Part 7A Safe Ministry" into the Church Administration Ordinance 1990. Part 7A requires persons in a parish who hold any position, whether paid or unpaid, that primarily involves contact with children where the contact is not directly supervised, to undertake safe ministry training within three months of an initial appointment and every three years thereafter. Where they fail to comply with this regime their appointment is revoked unless "just cause" is shown to the person appointing them (the rector) for non-compliance.

30. The Ordinance also provided for the appointment of a safe ministry representative in each parish. The functions of the safe ministry representative are as follows:

- (a) ensure compliance by the minister or the minister's delegate with the Child Protection Prohibited

Employment Act 1998 in relation to persons appointed to a children's ministry position within the parish ;

- (b) maintain records of safe ministry training;
- (c) provide an annual report to the parish council on safe ministry policies and practices in the parish;
- (d) report to the Director of Professional Standards or to the minister any knowledge or reasonable suspicion that a child who attends or who has attended any activity of the parish has suffered child abuse or is at the risk of harm of child abuse from a parish office holder.

31. The Board developed a document setting out the requirements of this ordinance. That document was forwarded to all parishes in March 2006. The Ordinance commenced on 01 April 2006. Parishes were asked to advise the Professional Standards Unit of the name and contact details of their appointed safe ministry representative. As of 30 June 2006 100 parishes have advised of the appointment of a safe ministry representative. Parishes were followed up in late June 2006 and reminded of the requirement to appoint a safe ministry representative.

32. There have been a large number of children's ministry workers seeking to undertake training with Youthworks to become compliant with the Ordinance within the three months from 01 April 2006. The Board wrote to Rectors in June 2006 indicating that during the start-up period the difficulties in having training completed within the three-month period would be a reasonable ground for "just cause" in the short term for not satisfactorily completing the safe ministry training in the time frame required by the Ordinance.

33. Strategies are being developed for ongoing training, encouragement and support of the safe ministry representatives.

Training - Child Protection Essentials

34. The Board continues to endorse the Synod-funded Child Protection Essentials (CPE) Seminar training by the Youthworks Regional Children's Ministry Advisors on a 'Train the Trainer' model as the continuing Sydney Diocesan process for training parish volunteers in safe ministry.

35. Ministry Training and Development has decided, on recommendation from the Board, that all ordination applicants candidates will be required to complete CPE training before commencing ordination candidature. This is delivered to all first year Moore College students prior to the start of the academic year.

Screening of volunteers

36. Presently Rectors and other responsible employers are required to undertake the screening of child related "employees"

(including volunteers) in accordance with the Child Protection (Prohibited Employment) Act 1998. This involves obtaining prohibited employment declarations and, in the case of paid employees, a working with children check (criminal history, relevant employment proceedings and apprehended violence orders regarding children) through the Commission for Children and Young People. Identity and reference checking is strongly recommended but not mandated by legislation. In addition to secular legislative requirements, prohibited persons under the NSW State legislation (those convicted of serious sexual offences) cannot be appointed or elected as churchwardens, parish councillors or parish nominators.

37. In 2004 the Diocese participated in a pilot screening of volunteer (unpaid) child-related workers for all CEBS/boys-only ministries (204 leaders screened) and Camp Howard volunteers. There were no problems identified from this screening. The pilot program informed the L'Orange review of the Commission for Children & Young People Legislation. That review recommended to government that mandatory working with children screening checks be extended to volunteers in fostering regular boarding or overnight care, child mentoring services, overnight camps, volunteer students on placement, and personal care situations such as respite care. By inference there is not a recommendation that all volunteers undergo screening. The recommendations have not as yet been acted on by government.

38. The Board is still considering whether the additional Safe Ministry Check questionnaire screening of volunteers as suggested by the General Synod should be undertaken, whether it should be legislated for and if so whether responsibility should rest upon Rectors and other responsible employers or whether a more centralised system should be in place. The Board will keep this matter on its agenda while it awaits possible policy changes at a government level (Commission for Children and Young People; Department of Education and Training).

Parish response capability working group

39. Each year throughout the Diocese there are a number of incidents of moral failure and abuse perpetrated by clergy or laity within congregations and diocesan organisations. Due to the nature of Christian community, the impact of these is felt well beyond those persons immediately involved and there are always a considerable number of secondary victims. The Board believes that existing Diocesan and parish structures cannot adequately respond to these incidents. Response teams are being trained to assist in these situations with the goal of restoring health in the congregation or organisation. The plan is to have six teams of two people trained to respond to these incidents at the request of the regional bishop and the parish or organisation. A highly experienced and skilled trainer

from John Mark Ministries has commenced the training of twelve persons who will be available to make up these teams. As an interim measure John Mark Ministries were engaged as consultants to assist a particular parish to deal with a situation where an abuser who was recently convicted had occupied a lay leadership role.

Review of safe ministry curriculum content at Moore College, Youthworks College and Ministry Training and Development program

40. A working group has reviewed the existing programs in these organisations and is working towards a proposal for training in safe ministry that follows the standards set out in the General Synod recommendations. The goal is to have a curriculum that ensures ongoing training in professional ethics and safe ministry for all involved in pastoral ministry on undertaking any leadership role in the Diocese.

Development of accountability and care processes in parishes of known offenders and persons who may pose a risk to children

41. Every person who attends church is entitled to feel and be safe and protected and the Board is committed to ensuring that this is achieved. The priority is the protection of children and other vulnerable people from abuse. Whilst persons who are known offenders, against whom allegations are made or who are suspected of child abuse are also welcomed into congregations, they need to be protected from the opportunity to commit offences and from false allegations. The congregation and staff need protection from the secondary trauma of abuse or allegations of abuse.

42. As reported above, guidelines have been prepared to assist parishes with these issues. The guidelines have been sent to all parishes.

For and on behalf of Safe Ministry Board

KEITH CONDIE
Chair

31 July 2006