

PROFESSIONAL STANDARDS COMMISSION

MAKING OUR CHURCH SAFE: A PROGRESS REPORT AND RECOMMENDATIONS FOR ACTION

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1 EXECUTIVE SUMMARY

Introduction

The Anglican Church of Australia (**the Church**) has an on-going challenge arising out of the misuse of power by some clergy and church workers and its impact on those who have been abused, as well as on the Church community.

The importance of these matters to our community is evidenced by the Victorian Parliamentary Inquiry Into The Handling Of Child Abuse By Religious And Other Non-Government Organisations (**the Victorian Inquiry**) and the Royal Commission into Institutional Responses to Child Sexual Abuse (**the Royal Commission**).

Activity

We have set out our activity since the 16th General Synod in this report.

We have received feedback from the Standing Committee, the Professional Standards Directors' Network and other Commissions in relation to some bills for canons and policies. This feedback together with the recommendations of the Royal Commission have been taken into account in our recommendations.

Safe Ministry Policies and Structures

There have been widespread efforts throughout the Church to put in place comprehensive policies and structures to make the Church safe for all.

However, both the Victorian Inquiry and the Royal Commission have observed there continue to be barriers to change around attitudes and practice for safe ministry and professional standards in the Church. The Royal Commission has emphasised that a significant barrier is the lack of national consistency in policy and practice.

For more than a decade we have advocated for, and worked towards, a nationally consistent approach to safe ministry to children that is based on minimum standards required to be observed in every diocese. We see this as integral to our identity and imperative for the future of the Church's mission in Australia.

General Synod Action

We are submitting 17 recommendations for consideration at this session of the General Synod. Some recommendations relate to legislation and financial resources. The remaining recommendations are grouped together in two notices of motion set out in the **Appendix**.

We will report to the next session of the General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

We have appreciated the support of the General Synod and many people throughout the Church. It has been a privilege for us to be involved in this important ministry.

2 BACKGROUND

The Professional Standards Commission (**the Commission**) was established in response to the report of the Child Protection Committee to the 2004 General Synod. This report addressed the emerging recognition of the child sexual abuse crisis in the Church.

Since its formation by General Synod in 2004 the function of the Commission has been:

- “(a) to examine questions of professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry, referred to it by the Primate, the Standing Committee or the General Synod, and to report thereon to the referring party and the Standing Committee;
- (b) to make recommendations to the Standing Committee on matters relating to professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry.”

(s 12A of the *Strategic Issues, Commissions, Task Forces and Networks Canon 1998*)

The Commission has produced legislation, reports, policies and resources for use by dioceses. The content and the interrelationship of professional standards legislation, reports, policies and procedures are explained in the Professional Standards Roadmap. The current versions of these documents together with the **Professional Standards Roadmap** can be accessed via the General Synod website. Historical versions of documents are also available from archive.

Membership

On 20 May 2014 the Primate appointed Ms Nicola Lock as a member of the Commission to fill the vacancy created by the resignation of Mr Glenn Murray. On 23 November 2014 the Primate appointed Mr Garth Blake SC (Chairperson), The Right Reverend Dr Greg Anderson, Ms Helen Carrig, Ms Nicola Lock, Ms Audrey Mills, Ms Marilyn Redlich, Mr Michael Shand QC, Ms Dianne Shay and The Reverend Canon Tim Spencer as members of the Commission for a term expiring on 23 November 2019. Since June 2016 we have been assisted by Ms Anne Baker, the Royal Commission Officer.

3 REVIEW OF ACTIVITIES

The work of the Commission arises from references from the General Synod and the Standing Committee. For the last 3 years our focus has been:

- updating *Faithfulness in Service* and promoting the *Faithfulness in Service* DVD;
- identifying barriers to cultural change;
- responding to the Royal Commission;
- revising the policy regarding Persons of Concern;
- advising on private confessions and abuse.

Meetings, consultations and conferences

We have met for 8 days each year and by occasional teleconference. We have sought to meet in as many dioceses as practicable and have greatly appreciated their hospitality. Where possible, we have met with the local professional standards bodies and bishops. We have met with the Directors of Professional Standards, and have consulted with Australian experts in relevant fields.

Some members of the Commission have attended and presented at various conferences related to its work.

Case Study 52 of the Royal Commission

Three of our members, Garth Blake, Audrey Mills and Michael Shand, gave evidence to the Royal Commission at its public hearing in Case Study 52 inquiring into the current policies and procedures of Anglican Church authorities in Australia in relation to child-protection and child-safety standards, including responding to allegations of child sexual abuse, which was held between 17 and 22 March 2017 (**Case Study 52**).

The Chair of the Royal Commission, the Hon Justice Peter McClellan AM, indicated that the six Commissioners were of one mind that there should not be inconsistency of approach to minimum standards in relation to child protection policies in one part of Australia in the Anglican Church to another. Much of the evidence was directed to the need for a consistency of approach in the Church relating to child protection policies and the extent to which dioceses had followed policies prepared by the Commission which had been recommended by the General Synod or the Standing Committee.

The analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia prepared by the Royal Commission showed a total of 1,115 complaints related to the Anglican Church from 1 January 1980 through to 31 December 2015. These complaints were made by 1,082 survivors against 569 named and 133 unnamed perpetrators. The alleged abuse took place at the hands of 285 laypeople and 247 ordained clergy. The Royal

Commission has referred 84 alleged perpetrators to police, four of whom have been prosecuted and 23 are still under investigation.

Recommendations

Our recommendations and supporting reasons are set out in this report. These recommendations complement and reinforce previous recommendations of the Child Protection Committee and the Commission.

Implementation of our recommendations requires ongoing change of culture and commitment to consistency within the Church. This will require financial and human resources. Our prayer is that the Church will become a safer place for everyone through implementation of these recommendations. Everyone in our communities deserves nothing less.

4 SAFE MINISTRY POLICIES AND STRUCTURES

Change of name and functions

We consider that the Commission's functions should not be limited to "professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry", but should include "the protection of children and adults from abuse", and that its name should be changed to the Safe Ministry Commission to better express the scope of its functions.

The Bill for the Strategic Issues, Commissions, Task Forces and Networks Amendment Canon 2017, which has been prepared by the Church Law Commission, includes amendments to s 12A to give effect to the change of name and functions of the Commission.

Recommendation 1

The General Synod pass the Bill for the Strategic Issues, Commissions, Task Forces and Networks Amendment Canon 2017.

A national approach to child protection

The Church has been intentionally addressing safe ministry and professional standards issues at a national level since the late 1990's. While there has been considerable progress in the development and implementation of policies and procedures, it has not been possible to achieve a nationally consistent approach to child protection.

The Royal Commission has identified the following ten elements of a child safe institution in its report *Creating Child Safe Institutions* issued in July 2016:

- “1. Child safety is embedded in institutional leadership, governance and culture;
2. Children participate in decisions affecting them and are taken seriously;
3. Families and communities are informed and involved;
4. Equity is promoted and diversity respected;
5. People working with children are suitable and supported;
6. Processes to respond to complaints of child sexual abuse are child focussed;
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training;
8. Physical and online environments minimise the opportunity for abuse to occur;
9. Implementation of child safe standards is continuously reviewed and improved;
10. Policies and procedures document how the institution is child safe.”

We consider that it is important to measure and review the Church’s progress towards being a child safe institution in the light of these elements. Further, in 2018 it will be necessary to analyse the final report of the Royal Commission and make recommendations as to actions to be taken.

Recommendation 2

The General Synod requests the Safe Ministry Commission:

- (a) to measure and review the Church’s progress towards being a child safe institution in the light of the elements identified in the report of the Royal Commission *Creating Child Safe Institutions* issued in July 2016;**
- (b) to analyse the final report of the Royal Commission and make recommendations as to actions to be taken.**

Failure to achieve a nationally consistent approach to child protection has been highlighted by the Royal Commission in Case Study 52. In evidence in this Case Study reference was made to the following policies which have been adopted, approved or recommended by the General Synod or the Standing Committee, or by the Anglican Consultative Council:

- (a) as to standards of conduct, *Faithfulness in Service*;
- (b) as to standards of screening:
 - (i) *Safe Ministry Check* (33/04(c); SC2013/2/30);
 - (ii) *A Process for Comprehensive Psychological Assessment* (SC2012/2/29);
 - (iii) Protocol for disclosure of ministry suitability information between the churches of the Anglican Communion (**the Ministry Suitability Information Protocol**) (ACC16.27);
- (c) as to standards of training, *Safe Ministry Training Benchmarks* (SC2011/2/32);
- (d) as to standards for safe ministry with Persons of Concern, *Guidelines for Parish Safety where there is a Risk of Sexual Abuse by a Person of Concern* (SC2009/3/039)).

Since 1 January 2017 child safe standards have applied to Category 2 organisations including churches providing services for children in Victoria pursuant to the *Child Safety and Wellbeing Act 2005* (Vic). The child safe standards are as follows:

“In complying with the child safe standards an applicable entity to which the standards apply must include the following principles as part of their response to each standard:

- promoting the cultural safety of Aboriginal children
- promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds
- promoting the safety of children with a disability.

To create and maintain a child safe organisation, an applicable entity to which the standards apply must have:

Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.

Standard 2: A child safe policy or statement of commitment to child safety.

Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children.

Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.

Standard 5: Processes for responding to and reporting suspected child abuse.

Standard 6: Strategies to identify and reduce or remove risks of child abuse.

Standard 7: Strategies to promote the participation and empowerment of children.”

We consider that there should be in connection with ministry to children, and have prepared the following Bills to ensure that there will be a code of conduct for clergy and church workers, and minimum standards of screening, and training, and for safe ministry with Persons of Concern in force in every diocese with compliance by each diocese with these standards being audited:

- (a) Bill for the Safe Ministry to Children (Code of Conduct) Canon 2017;
- (b) Bill for the Safe Ministry to Children (Standards and Guidelines) Canon 2017.

The Bill for the Safe Ministry to Children (Code of Conduct) Canon 2017 provides:

- (a) for a code of conduct for safe ministry to children, being the standards and guidelines of *Faithfulness in Service* set out:
 - (i) in section 3 (Putting this Code into Practice) so far as they relate to section 5 (Children), and
 - (ii) section 5 (Children),
 when read with section 1 (About this Code) and section 2 (Key Terms);

- (b) clergy and church workers shall observe the standards of conduct, and follow the guidelines for conduct unless there are cogent reasons for not doing so, contained in the code of conduct.

The Bill for the Safe Ministry to Children (Standards and Guidelines) Canon 2017 provides:

- (a) for minimum standards for observance, and guidelines to be followed, by a diocese in connection with ministry to children and the holding of an office or the election or appointment to a role under a professional standards process to be prescribed, including but not limited to standards of screening, training, and for safe ministry with Persons of Concern;
- (b) for compliance by each diocese with the prescribed standards and guidelines to be audited at intervals of three years and for the report of the audits to be published on the General Synod website;
- (c) for the following screening of the following categories of clergy and church workers:
 - (i) candidates applying for ordination:
 - (A) the applicant holds a working with children check, or a working with vulnerable people check, or a National Police History Check where the diocese is located in a jurisdiction which does not issue a working with children check or a working with vulnerable people check;
 - (B) a check under the National Register Canon 2007;
 - (C) consideration of the applicant's completed Safe Ministry Check and referees' completed Safe Ministry Check prior to being ordained;
 - (D) a psychological assessment of the applicant;
 - (E) where the applicant was previously authorised for ministry in a Province reasonable endeavours are made to comply with the Ministry Suitability Information Protocol except where reasonably satisfied this has previously been done;
 - (F) where the applicant was previously authorised for ministry in another diocese of this Church or another denomination, reasonable endeavours are made to obtain information from the responsible authority except where reasonably satisfied this has previously been done;
 - (ii) clergy applying for a licence, and church workers or prospective church workers applying for a licence or authority to undertake ministry to children or to undertake paid ministry to children:
 - (A) the applicant holds a working with children check, or a working with vulnerable people check, or a National Police History Check where the diocese is located in a jurisdiction which does not issue a working with children check or a working with vulnerable people check;
 - (B) a check under the National Register Canon 2007;
 - (C) consideration of the applicant's Safe Ministry Check and referees' completed Safe Ministry Check prior to being first licensed or authorised or commencing ministry to children;

- (D) where the applicant was previously authorised for ministry in a Province reasonable endeavours are made to comply with the Ministry Suitability Information Protocol except where reasonably satisfied this has previously been done;
 - (E) where the applicant was previously authorised for ministry in another diocese of this Church or another denomination, reasonable endeavours are made to obtain information from the responsible authority except where reasonably satisfied this has previously been done;
- (iii) church workers or prospective church workers applying for voluntary ministry to children:
- (A) the applicant holds a working with children check, or a working with vulnerable people check, or a National Police History Check where the diocese is located in a jurisdiction which does not issue a working with children check or a working with vulnerable people check;
 - (B) a check under the National Register Canon 2007;
 - (C) consideration of the applicant's completed Safe Ministry Check prior to commencing ministry to children;
- (iv) clergy and church workers holding an office or being elected or appointed to a role under a professional standards process:
- (A) the person holds a working with children check, or a working with vulnerable people check, or a National Police History Check where the diocese is located in a jurisdiction which does not issue a working with children check or a working with vulnerable people check to a person holding an office or elected or appointed to a role under a professional standards process;
 - (B) a check under the National Register Canon 2007;
 - (C) where the applicant was previously authorised for ministry in a Province reasonable endeavours are made to comply with the Ministry Suitability Information Protocol except where reasonably satisfied this has previously been done;
 - (D) where the applicant was previously authorised for ministry in another diocese of this Church or another denomination, reasonable endeavours are made to obtain information from the responsible authority except where reasonably satisfied this has previously been done;
- (d) for satisfactory completion of the following accredited training by licensed clergy and church workers involved in ministry to children, or clergy and church workers holding an office or being elected or appointed to a role under a professional standards process (within three years prior to being licensed or commencing ministry to children or holding an office or being elected or appointed to a role under a professional standards process, or as soon as practicable but not later than three months thereafter, and at intervals of not more than three years after prior satisfactory completion of accredited training):
- (i) training that:

- (A) includes the course content in the Safe Ministry Training National Benchmarks so far as it relates to ministry to children, with reasonable adjustments for cultural, linguistic and ability diversity; and
- (B) is delivered by trainers who are accredited, and/or online training which is accredited, by a diocese;
- (ii) equivalent training of another diocese, Church body or organisation;
- (e) for the implementation of the process specified in section 5 of the Policy for Safe Ministry with Persons of Concern where a Person of Concern is currently participating or wishes to participate in the life of a parish.

We consider that the maintenance of a nationally consistent approach to safe ministry to children should be based on minimum standards required to be observed, and guidelines required to be followed unless there are cogent reasons for not doing so, in every diocese. The minimum standards and guidelines prescribed in the Bill for the Safe Ministry to Children (Standards and Guidelines) Canon 2017 are not inconsistent with the child safe standards applicable to organisations including churches providing services for children in Victoria.

A nationally consistent approach to safe ministry to children can only be achieved with adequate financial and human resources.

Recommendation 3

The General Synod pass the following Bills:

- (a) Bill for the Safe Ministry to Children (Code of Conduct) Canon 2017;**
- (b) Bill for the Safe Ministry to Children (Standards and Guidelines) Canon 2017.**

Recommendation 4

The General Synod pass a budget for 2018 that includes sufficient funds to enable the maintenance of a nationally consistent approach to ministry to children that is based on minimum standards required to be observed, and guidelines required to be followed unless there are cogent reasons for not doing so, in every diocese.

References from the 16th General Synod

The 16th General Synod in 2010 referred the following matters to the Commission:

- (a) to prepare a report identifying barriers to change in the areas of safe ministry and professional standards in the Church and strategies to address them (41/14b)i);
- (b) to consult with the Primate with regard to preparing pastoral guidelines for Private Confessions with special reference to Child Sexual Abuse (41/14b)ii).

With respect to the first of these references, we have deferred the preparation of a report as the Royal Commission is considering the issue of culture in institutional contexts including religious institutions. In December 2016 the Royal Commission published the research paper *The role of organisational culture in child sexual abuse in institutional contexts*. A major barrier to a national approach to safe ministry and professional standards in the Church is diocesan autonomy. We have begun to engage with a number of culture-change experts within the Church and plan to continue this consultative process with church leaders.

With respect to the second of these references, a question arose as to the validity of Canon Concerning Confessions 1989 (Amendment) Canon 2014. It is proposed to promote a Bill for the Canon Concerning Confessions (Revision) Canon 2017 at the 17th General Synod to remove this doubt. We propose to undertake this consultation with the Primate when the outcome of this Bill is known.

References from and resources recommended by the Standing Committee since the 16th General Synod

Since the 16th General Synod in 2010 the Standing Committee has recommended to the dioceses the following resources prepared by the Commission:

- (a) Reporting Historical Child Sexual abuse to the Police (SC2014/3/29);
- (b) Faithfulness in Service Revisions – Definition of Bullying (SC2015/1/22; SC2015/2/19);
- (c) Faithfulness in Service DVD Discussion Guide (SC2015/2/18);
- (d) Statement of Principles for the Sharing of Information between the Directors of Professional Standards (SC2016/1/32);
- (e) Principles for the use of names of persons who perpetrated, or failed to take action in relation to child sexual abuse (which was prepared jointly with the Royal Commission Working Group) (SC2016/2/27);
- (f) Faithfulness in Service – Further Revision (SC2016/2/29);
- (g) National Register – Protocol for Access to and Disclosure of Information (SC2016/2/30);
- (h) Protocol for determining the responsibility of diocese for investigating and disciplining church workers for misconduct (SC2016/2/34);
- (i) Revision of the Safe Ministry Check forms (Applicant for ordination etc, Referee for ordination etc and Applicant for voluntary position) (SC2017/02/52);
- (j) Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern and the accompanying Checklist for adoption and implementation by a Diocese (SC2017/02/46).

We are proposing a further revision of the Safe Ministry Check form (Applicant for voluntary position) to enable it to be completed online as an alternative to being completed and signed by the applicant and countersigned by a parent or guardian (if the applicant is 16 years or under).

In November 2014 the Standing Committee requested the Commission to consider and report on the provision of counselling and pastoral care for survivors and perpetrators of child sexual

abuse, those who work with survivors and perpetrators and those who administer professional standards processes relating to child sexual abuse (SC2014/3/25). In relation to this reference:

- (a) the provision of counselling for survivors of child sexual abuse was addressed by the Royal Commission Working Group in its Submission dated 13 November 2015 in response to Issues Paper 10 entitled *Advocacy and Support and Therapeutic Treatment Services* of the Royal Commission. We are awaiting the recommendations in the final report of the Royal Commission before preparing our report in response to this part of the reference;
- (b) the provision of pastoral care for survivors of child sexual abuse is addressed in a draft resource which we propose to obtain feedback about through a consultation process before preparing our report in response to this part of the reference;
- (c) the provision of pastoral care for perpetrators of child sexual abuse is still in preparation;
- (d) the provision of counselling and pastoral care for those who administer professional standards processes relating to child sexual abuse is addressed in section 7 and recommendation 12 of this report.

Other activities since the 16th General Synod

We have engaged in a range of other activities since the 16th General Synod in 2010.

We had a facilitated discussion on 22 January 2017 on how the work of the Commission could be refocused to have greater impact. The key actions emerging from this discussion included:

- (a) promoting a nationally consistent approach to professional standards with properly resourced assistance;
- (b) assisting dioceses in the implementation of recommended resources.

We provided feedback to the meeting of the Standing Committee held on 10-11 February 2017 as to the draft Bill for a Canon Concerning Confessions (Revision) Canon 2017. We were concerned that the definition of “grave offence” was not sufficiently broad to capture the range of conduct that should not be subject to confidentiality.

The challenge posed by the presence of Persons of Concern (who may include a person who has been convicted of a sexual criminal offence) in parishes was been highlighted by the evidence of some of the Directors of Professional Standards to the Royal Commission in Case Study 52. We consider that the effectiveness of the to develop an audio visual resource for use in dioceses that provides information to ministers, churchwardens and parish councils about the implementation of the *Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern* and the issues raised by the participation of a Person of Concern in the life of a parish would be considerably enhanced if an audio visual resource were available that provides information to ministers, churchwardens and parish councils about its implementation and the issues raised by the participation of a Person of Concern in the life of a parish. We propose to involve a clinical/forensic psychologist, the Directors of Professional Standards, parish leadership and a bishop in the preparation of this audio visual resource.

Recommendation 5

The General Synod requests the Safe Ministry Commission to develop an audio visual resource for use in dioceses that provides information to ministers, churchwardens and parish councils about the implementation of the Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern and the issues raised by the participation of a Person of Concern in the life of a parish.

We have become aware of *The Wayne Guthrie Protocol* published in the Diocese of Sydney in April 2017. This Protocol:

- (a) is named in honour of Wayne Guthrie who was sexually abused as a child when he was a member of CEBS in a parish by Simon Jacobs and tragically died prematurely shortly before he was to give evidence to the Royal Commission at its public hearing in Case Study 36 which inquired into the response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Sydney and Brisbane to allegations of child sexual abuse;
- (b) addresses the care of families who have experienced premature death of a family member due to child sexual abuse.

We consider that this Protocol can be adapted to be made available throughout the Church as a useful resource in providing care for families who have experienced premature death of a family member due to child sexual abuse.

Recommendation 6

The General Synod requests the Safe Ministry Commission to develop a resource for use in dioceses for providing care for families who have experienced premature death of a family member due to child sexual abuse.

Private Confessions

We consider that there should be an exception to the confidentiality of a confession not only where a grave criminal offence is confessed by the penitent, but also where the conduct confessed by the penitent does not constitute a grave criminal offence, but gives the ordained minister reasonable grounds to believe that a vulnerable person is at risk of significant harm. The Bill for the for a Canon Concerning Confessions (Revision) Canon 2017 which has been prepared by the Church Law Commission gives effect to this principle.

Recommendation 7

The General Synod pass the Bill for the Canon Concerning Confessions (Revision) Canon 2017.

Family and domestic violence

We are aware that there is a significant problem of family and domestic violence both in the community and the Church. In November 2016 *Faithfulness in Service* was revised to make specific reference to family and domestic violence. In March 2017 the Church of England published a resource *Responding Well to Domestic Abuse*. We consider that resources should be identified and recommended for use in the Church for responding to family and domestic violence.

Recommendation 8

The General Synod requests the Safe Ministry Commission to identify and recommend resources for use in dioceses for responding to family and domestic violence.

5 NATIONAL REGISTER

Since the 16th General Synod in 2014 the following weaknesses have been identified in the operation of the National Register Canon 2007:

- (a) the following conduct of clergy or church workers:
 - (i) grooming of a child;
 - (ii) the failure to comply with legislation requiring the disclosure of sexual offence committed against a child to the police, or the reporting of child abuse to the applicable statutory authority,
 cannot be entered in the National Register because the conduct does not come within the definition of “child abuse”;
- (b) there has been uncertainty whether a Director of Professional Standards is required to enter a complaint against a member of the clergy or church worker in the National Register because some words and expressions used in the National Register Canon 2007 are not defined;
- (c) the report of the audit of the operation of the National Register is not required to be published on the General Synod website;
- (d) the system used for the entry of Information in the National Register involves the Director of Professional Standards directly making the entry rather than the Director of Professional Standards notifying the General Secretary who then makes the entry.

We are promoting the Bill for the National Register Amendment Canon 2017 which has the object of addressing these weaknesses.

Recommendation 9

The General Synod pass the Bill for the National Register Amendment Canon 2017.

6 DISCIPLINE AND FITNESS OF CLERGY AND CHURCH WORKERS

A national episcopal standards scheme

At its meeting held on 10-11 February 2017 the Standing Committee passed the following resolution regarding a national episcopal standards process (SC2017/1/23):

- “1 Standing Committee endorsed the principle of a national episcopal standards process in the Anglican Church of Australia for receiving and investigating complaints against a diocesan bishop and any person who has served as a diocesan bishop, relating to defined misconduct, during their term of office as diocesan bishop.

- 2 Standing Committee established an Episcopal Standards Task Force to assist the Anglican Church of Australia to move towards the implementation of a national episcopal standards process. The Standing Committee asks the Task Force to:
 - define the scope of the conduct to be subject to a National Episcopal Standards Scheme that is likely to receive broad national support.
 - give consideration to an independent body to be responsible for the investigation and prosecution of action under a National Episcopal Standards Scheme.
 - give consideration to the best means to implement a National Episcopal Standard Scheme including the applicability of the existing Canons – The Offences Canon 1962, the Episcopal Standards Canon 2007 and the Special Tribunal Canon 2007.
 - give consideration to an effective means for the discipline of bishops formerly subject to the Special Tribunal including extending the jurisdiction of the Special Tribunal.
 - brief the Church Law Commission to prepare draft legislation for consideration by the Standing Committee at its meeting in May 2017.”

We strongly support the establishment of a national episcopal standards scheme by the General Synod passing canons providing that there is an independent body responsible for receiving and investigating complaints and taking effective action relating to defined misconduct against a diocesan bishop, and any person who has served as a diocesan bishop where the defined misconduct occurs during their term of office as diocesan bishop.

Recommendation 10

The General Synod establish a national episcopal standards scheme by passing canons providing that there is an independent body responsible for receiving and investigating complaints and taking effective action relating to defined misconduct against a diocesan bishop, and any person who has served as a diocesan bishop where the defined misconduct occurs during their term of office as diocesan bishop.

Revision of the Model Professional Standards Ordinance

We advised the Standing Committee at its meeting held on 18-19 November 2016 that, in the light of the growing number of dioceses which are not using the Model Professional Standards Ordinance, putting substantial time into its revision is likely to be unproductive.

The absence of a nationally consistent approach across the dioceses in responding to child sexual abuse, including professional standards legislation, was exposed in the evidence given to the Royal Commission in Case Study 52.

We consider that the increasing fragmentation between dioceses as to professional standards legislation is an undesirable development and represents a significant departure from the 13th General Synod in 2004 at which a resolution was passed urging all Diocesan Synods which have not done so to pass the model Professional Standards Ordinance and amendments suggested from time to time by the Standing Committee or implement equivalent provisions (54/04). We consider that the Standing Committee should explore with the dioceses the development of a nationally consistent approach to professional standards legislation with particular reference to its application to child abuse.

Recommendation 11

The General Synod requests the Standing Committee to explore with the dioceses the development of a nationally consistent approach to professional standards legislation with particular reference to its application to child abuse.

7 SUPPORT FOR THOSE IN PASTORAL MINISTRY

At the 13th General Synod in 2004 a resolution was passed recommending dioceses establish a system of ministry support for clergy including peer support, coaching, mentoring, professional supervision/consultation and ministry review, and that clergy regularly seek out and utilise opportunities to maintain and enhance their ministry skills (35/04(n)). Research has clearly shown these supports significantly enhance clergy wellness and their ability to maintain healthy boundaries, and reduce their vulnerability to stress.

Professional supervision in a pastoral context is a regular, contracted meeting that is theologically and psychologically informed, where the clergy person can reflect on their ministry practice with a trained supervisor in a relationship characterised by trust, confidence and openness.

Unlike other practices listed above such as coaching and mentoring, professional supervision not only attends to the wellbeing and development of the supervisee, but also to the quality of ministry experienced by those ministered to. Within the three main aspects of professional supervision (the educational, supportive and accountability aspects) the normative or accountability function ensures that the individual is ministering according to best practice principles as determined by any relevant ethical guidelines such as *Faithfulness in Service*, along with attending to what is in the best interests of the individual. This accountability function is supportive of the supervisee, assisting them to recognise when they have reached the limits of their ability to function and cope e.g. they need some further training or coaching to deal with a particular situation. Additionally, it can attend to when the individual is verging towards, or has actually crossed, any personal or professional boundaries.

Access to professional supervision will be facilitated by publication of a list of appropriately qualified people as professional supervisors for those in pastoral ministry and the inclusion of a component for professional supervision in recommended clergy and church worker financial packages.

Recommendation 12

The General Synod recommends that each diocese:

- (a) publish a list of appropriately qualified people as professional supervisors for those in pastoral ministry and promote the use of their services;**
- (b) include a component for professional supervision in recommended financial packages for those in pastoral ministry.**

8 ANGLICAN COMMUNION

Garth Blake attended the Anglican Consultative Council in Lusaka, Zambia between 8 and 19 April 2016 (ACC-16). Representatives of the Anglican Communion Safe Church Network participated in the Networks' consultations at ACC-16. Garth Blake is the chair of this Network and some of our members are among its members.

The Anglican Consultative Council passed the following resolutions which are relevant to the work of the Commission:

Resolution 16.25: Safe Church Commission

The Anglican Consultative Council requests the Secretary General to establish a Safe Church Commission, once necessary funds have been secured, upon the terms set out in the Report of the Anglican Communion Safe Church Network including:

- to identify policies and procedures currently in place for the safety of persons in the provinces of the Anglican Communion; and
- to develop guidelines to enhance the safety of all persons especially children, young people and vulnerable adults, within the provinces of the Anglican Communion for consideration by the Anglican Consultative Council at its the next meeting, and thereafter for implementation, as far as practicable, by each province; and
- to develop resources for the effective implementation of the guidelines in the provinces.

Resolution 16.26: Anglican Communion Safe Church Charter

The Anglican Consultative Council

1. reaffirms its commitment in Resolution 15.09, to promoting the physical, emotional and spiritual welfare and safety of all people, especially children, young people and vulnerable adults, in the provinces of the Anglican Communion through the Charter for the Safety of People within the Churches of the Anglican Communion.
2. recognizes that this Charter is a practical expression of walking together in the service of God in the world.
3. requests each province of the Anglican Communion to report to ACC-17 as to the steps taken to adopt and implement the Charter.

Resolution 16.27: Protocol for the disclosure of ministry suitability information

The Anglican Consultative Council:

1. welcomes the Protocol for disclosure of ministry suitability information between the churches of the Anglican Communion set out in the Report of the Anglican Communion Safe Church Network; and
2. requests the Secretary General to provide a template of forms as a resource for the provinces to enable implementation; and
3. requests each province of the Anglican Communion to implement the Protocol, and report to the next meeting of the Anglican Consultative Council.

Resolution 16.28: Safe Church and the Lambeth Conference in 2020

The Anglican Consultative Council requests the Archbishop of Canterbury to consider including in the programme for the Lambeth Conference in 2020 a session on the Anglican Communion Safe Church Charter.

The Secretary General of the Anglican Communion in consultation with the Archbishop of Canterbury established the Anglican Communion Safe Church Commission in May 2017. Garth

Blake has been appointed as the chair. Marilyn Redlich has been co-opted as a member to assist the Commission to undertake its work by acting as facilitator.

Garth Blake gave evidence about the Ministry Suitability Information Protocol to the Royal Commission in Case Study 52.

We are promoting the Bill for the Disclosure of Information Canon 2017 which, in part, has the object of implementing the Ministry Suitability Information Protocol by providing for a system for the disclosure of information regarding church workers to other Provinces of the Anglican Communion as well as other persons and bodies.

Recommendation 13

The General Synod welcomes resolutions 16.25, 16.26, 16.27 and 16.28 passed by the Anglican Consultative Council in April 2016 (ACC-16) and requests the General Secretary to convey this resolution to the Secretary General of the Anglican Communion and the Archbishop of Canterbury.

Recommendation 14

The General Synod pass the Bill for the Disclosure of Information Canon 2017.

9 JOINT CHURCH ACTION

Some of our members attended and presented at the *Safe As Churches? 7* conference on 9-10 September 2015 in Sydney, and will be attending the *Safe As Churches? 8* conference on 16-17 May 2017 in Melbourne, organised by the National Council of Churches in Australia (**NCCA**). These biennial conferences have provided a valuable opportunity for our members to meet with representatives of other denominations dealing with professional standards issues. Garth Blake is the representative of Anglican Church of Australia on NCCA Safe Church Network.

Recommendation 15

The General Synod commends the National Council of Churches in Australia for organising the *Safe as Churches? 7* and the *Safe as Churches? 8* conferences on sexual misconduct and abuse in the Australian churches, and supports ongoing joint action by member churches and other participating Australian churches to promote the welfare and safety of all people within their communities. The General Synod requests the General Secretary to convey this resolution to the General Secretary of the National Council of Churches in Australia.

10 GOVERNMENT ACTION

At each of the General Synods in 2004, 2007, 2010 and 2014 a resolution was passed recommending that State and Territory Governments enact uniform laws that provide for: (i) the reporting of child abuse to the police and the government child protection authorities; (ii) the screening of all persons seeking to work with children in a paid or voluntary capacity (36/04(b)(i)-(ii); 67/07(c)(i)-(ii); 24/10(b)(i)-(ii); 23/14(b)(i)-(ii)).

The Royal Commission in its August 2015 report on *Working with Children Checks* identified a number of weaknesses with the current approaches: each of the eight Working with Children Checks schemes operates independently of the others; the schemes are inconsistent, complex and there is unnecessary duplication across the schemes; the schemes are not integrated; and there is inadequate information sharing and monitoring of Working with Children Checks cardholders.

The Royal Commission recommended a national model for Working with Children Checks, by introducing consistent standards that would apply in all jurisdictions, and establishing a centralised Working with Children Checks database to facilitate information sharing across state and territory borders.

The Royal Commission made a number of recommendations to be implemented within 12 months of the publication of its report, including that State and Territory governments amend their respective Working with Children Checks laws to incorporate the recommended standards. At present, each Australian state and territory retains its own Working with Children Checks scheme and no centralised database exists.

The Royal Commission at its public hearing in Case Study 51 which was held on 6-8 March 2017 inquired into the current policies and procedures of Commonwealth, State and Territory governments in relation to child-protection and child-safety standards, including responding to allegations of child sexual abuse. At this public hearing on 8 March 2017 Counsel Assisting Gail Furness SC observed that, although the mandatory reporting laws of most States and Territories share common features, there are some differences. The differences can create differing levels of safety and protection for children across jurisdictions.

The establishment of a national system for child protection that encompasses Working with Children Checks and mandatory reporting laws must be a priority for State and Territory governments so that the same levels of safety and protection for children apply across all jurisdictions.

Recommendation 16

The General Synod recommends that the Commonwealth Government promote national system for child protection and State and Territory governments as a matter of urgency enact legislation for a national system for child protection that provides for:

- (a) the mandatory reporting of child abuse by persons including ministers of religion to the police and the government child protection authorities;**
- (b) the screening of all persons seeking to work with children in a paid or voluntary capacity;**
- (c) the mutual recognition of clearances for persons to work with children in all States and Territories; and**

requests that the General Secretary conveys this resolution to the Prime Minister, the Premier or Chief Minister of each State and Territory and the Royal Commission into Institutional Responses to Child Sexual Abuse.

11 GENERAL SYNOD ACTION

It will be important for the General Synod to continue to be aware of the progress in the development and implementation of safe ministry policies and structures to ensure that the *Safe Ministry Policy Statement* adopted at the 13th General Synod in 2004 is matched by effective action. The General Synod should request the Safe Ministry Commission to report to the next session of the General Synod on the progress of the Church in the development and implementation of safe ministry policies and structures.

Recommendation 17

The General Synod requests the Safe Ministry Commission to report to the 18th General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

APPENDIX – MOTIONS FOR THE 17TH GENERAL SYNOD

Motion 1

The General Synod:

- (a) receives the report of the Professional Standards Commission;
- (b) recommends that each diocese:
 - (i) publish a list of appropriately qualified people as professional supervisors for those in pastoral ministry and promote the use of their services;
 - (ii) include a component for professional supervision in recommended financial packages for those in pastoral ministry.
- (c) requests the Standing Committee to explore with the dioceses the development of a nationally consistent approach to professional standards legislation with particular reference to its application to child abuse;
- (d) requests the Safe Ministry Commission:
 - (i) to measure and review the Church's progress towards being a child safe institution in the light of the elements identified in the report of the Royal Commission *Creating Child Safe Institutions* issued in July 2016;
 - (ii) to analyse the final report of the Royal Commission and make recommendations as to actions to be taken;
 - (iii) to develop an audio visual resource for use in dioceses that provides information to ministers, churchwardens and parish councils about the implementation of the *Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern* and the issues raised by the participation of a Person of Concern in the life of a parish;
 - (iv) to develop a resource for use in dioceses for providing care for families who have experienced premature death of a family member due to child sexual abuse;
 - (v) to identify and recommend resources for use in dioceses for responding to family and domestic violence;
 - (vi) to report to the 18th General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

Motion 2

The General Synod:

- (a) welcomes resolutions 16.25, 16.26, 16.27 and 16.28 passed by the Anglican Consultative Council in April 2016 (ACC-16) and requests the General Secretary to convey this resolution to the Secretary General of the Anglican Communion and the Archbishop of Canterbury;
- (b) commends the National Council of Churches in Australia for organising the *Safe as Churches? 7* and the *Safe as Churches? 8* conferences on sexual misconduct and

abuse in the Australian churches, and supports ongoing joint action by member churches and other participating Australian churches to promote the welfare and safety of all people within their communities. The General Synod requests the General Secretary to convey this resolution to the General Secretary of the National Council of Churches in Australia;

- (c) recommends that the Commonwealth Government promote national system for child protection and State and Territory governments as a matter of urgency enact legislation for a national system for child protection that provides for:
- (i) the mandatory reporting of child abuse by persons including ministers of religion to the police and the government child protection authorities;
 - (ii) the screening of all persons seeking to work with children in a paid or voluntary capacity;
 - (iii) the mutual recognition of clearances for persons to work with children in all States and Territories: and

requests that the General Secretary conveys this resolution to the Prime Minister, the Premier or Chief Minister of each State and Territory and the Royal Commission into Institutional Responses to Child Sexual Abuse.