

PROFESSIONAL STANDARDS COMMISSION

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

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REPORT OF THE PROFESSIONAL STANDARDS COMMISSION

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

Contents

1	Executive Summary	5-077
2	Review of Activities	5-082
3	Safe Ministry Policies and Structures	5-084
	Recommendation 1	
4	Recruitment	5-087
	Recommendation 2	
	Recommendation 3	
	Recommendation 4	
5	Standards of Behaviour	5-091
	Recommendation 5	
6	Formation for Pastoral Ministry	5-092
7	Safe Ministry Training	5-093
	Recommendation 6	
8	Pastoral Support of the Abused	5-093
9	Pastoral Support and Supervision of Abusers	5-094
	Recommendation 7	
10	Discipline of Clergy and Church Workers	5-095
	Recommendation 8	
11	Joint Church Action	5-097
	Recommendation 9	
12	Government Action	5-098
	Recommendation 10	
13	Anglican Communion Action	5-099
14	General Synod Action	
	Recommendation 11	
	Appendix 1 – Professional Standards Commission Documents	5-100
	Appendix 2 – Motions for General Synod 2010	5-103
	Motion 1	
	Motion 2	

1 EXECUTIVE SUMMARY

INTRODUCTION

The Church has an ongoing 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 the Church community. The Professional Standards Commission has continued to implement the instructions of the 13th & 14th General Synods and the Standing Committee. Existing policies and procedures have been reviewed and improved but some significant issues are to be addressed.

The Professional Standards Commission has met for at least 10 days a year since the last General Synod. Appendix 1 contains a list of documents produced by the Commission and its predecessor since 2002.

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.

SAFE MINISTRY POLICIES AND STRUCTURES

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

In June 2009 the Study of Reported Child Sexual Abuse in the Anglican Church of Australia was released. It contains significant findings and there has been an extensive response by the Standing Committee.

The use of technology including social networking sites in communications with children raises issues of how to ensure children and young people are protected and the integrity of church workers is safeguarded.

Recommendation 1

The General Synod refers to the Professional Standards Commission the development of a policy for the use of technology in pastoral communications for consideration by the Standing Committee.

RECRUITMENT

The emergence of cybersex suggests it may be wise practice to screen candidates for pastoral ministry about their use of sexual sites on the internet or about their use of chat rooms.

Recommendation 2

The General Synod refers to the Professional Standards Commission the consideration of whether screening for cybersex should be included in the Safe Ministry Check forms, and the preparation of any amendments to those forms.

A number of amendments are needed to the *National Register Canon 2007* to ensure the effective operation of the National Register. A check on the National Register should be undertaken before the appointment of anyone to a professional standards responsibility or to ministry with children.

Recommendation 3

The General Synod pass the Bill for the National Register Canon 2007 (Amendment) Canon.

Recommendation 4

The General Synod recommends that each diocese adopts the policy that there be disclosure of any Information in the National Register to the appropriate person or body before the appointment of persons to any office or position involving the following responsibilities:

- (a) ministry with children;***
- (b) disciplinary functions;***
- (c) giving advice, or making policy on professional standards matters.***

STANDARDS OF BEHAVIOUR

A significant issue brought to our attention in consultations around the country was the bullying of clergy and church workers by lay members of the Church, leading to the substantial impairment of their ministry. Because *Faithfulness In Service* only applies to clergy and church workers, there is no articulated expectation of behaviour for lay members.

Recommendation 5

The General Synod refers to the Professional Standards Commission the preparation of a statement of expectations regarding the behaviour of lay members of the Church for consideration by the next ordinary session of the General Synod.

SAFE MINISTRY TRAINING

Dioceses have developed high quality safe ministry training and some are currently reviewing their training. We believe the dioceses have much to learn from each other about safe ministry training. This will be further enhanced if the expectations and experience of dioceses is brought together in national benchmarks.

Recommendation 6

The General Synod refers to the Professional Standards Commission the development of national benchmarks for safe ministry training after seeking advice from the dioceses about their expectations and experience of safe ministry training for consideration by the Standing Committee.

PASTORAL SUPPORT AND SUPERVISION OF ABUSERS

Some dioceses are yet to license priests with the particular responsibility of hearing confessions of child sexual abuse. There is little knowledge of the identity of these priests in the dioceses where they have been appointed. This creates difficulty for those who wish to avail themselves of this ministry and clergy who are asked to hear a confession.

Recommendation 7

The General Synod recommends that dioceses ensure the name and contact details of clergy licensed to hear confessions in cases of child sexual abuse are readily available, including in their diocesan year book.

DISCIPLINE OF CLERGY AND CHURCH WORKERS

The protection of members of the Church and the public will be enhanced if there is a greater range of sentences that can be imposed in the disciplinary tribunals specified in the Constitution. The impediment to the effective functioning of the Episcopal Standards Commission will be enhanced if the requirement of the consent in writing of the Chancellors of each of the metropolitan dioceses be obtained for the appointment of a member of the Episcopal Standards Commission is removed.

Recommendation 8

The General Synod pass the following Bills:

- (a) the Bill for the Constitution Amendment (Sentences of Tribunals) Canon; and***
- (b) the Bill for the Special Tribunal Canon 2007 (Amendment) Canon.***

JOINT CHURCH ACTION

The National Council of Churches has continued its important initiative in promoting effective action by Australian churches in preventing sexual abuse in their communities and responding to those who have been abused.

Recommendation 9

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

GOVERNMENT ACTION

We believe the absence of uniform legislation in the States and Territories as to mandatory and voluntary reporting of child abuse, and the screening of persons seeking to work with children in a paid or voluntary capacity, is unsatisfactory, and that the same standards should apply throughout Australia.

Recommendation 10

The General Synod recommends that State and Territory Governments enact uniform laws that provide for:

- (a) the reporting of child abuse 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, and***

requests that the General Secretary conveys this resolution to the Premier or Chief Minister and the Children's Commission of each State and Territory, and to the Community Services Ministers' Advisory Council.

GENERAL SYNOD ACTION

The Professional Standards Commission will report to the next ordinary session of the General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

Recommendation 11

The General Synod requests the Professional Standards Commission to report to the 16th General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

2 REVIEW OF ACTIVITIES

BACKGROUND - THE 13TH AND 14TH GENERAL SYNODS

The 13th and 14th General Synods held in October 2004 and October 2007 respectively passed a series of resolutions referring particular issues to the Professional Standards Commission for its consideration. Our activities since the 14th General Synod have entailed dealing with these resolutions as well as references from the Standing Committee.

MEMBERSHIP

Bishop David Farrer resigned in May 2008 and Philip Gerber in September 2009. Bishop John McIntyre was appointed in February 2009 and Glenn Murray in October 2009. All members were reappointed in October 2009 with a term expiring at the time that the Primate appoints the members of the Professional Standards Commission following the first meeting of the Standing Committee in 2011.

MEETINGS

We have had four meetings each year. We have sought to meet in as many dioceses as practicable and have greatly appreciated their hospitality on these occasions. Where possible, we have met with the local professional standards bodies. On some occasions we have met with the Professional Standards Directors' Network. In October 2008 we addressed the Archbishop's Council of the Diocese of Melbourne. In September 2009 we met with the Church Law Commission.

LEGISLATION, REPORTS, POLICIES AND RESOURCES

Since its formation in 2005 the Professional Standards Commission has produced legislation, reports, policies and resources. These documents together with similar documents of the Clergy Discipline Working Group (1998-2001) and the Child Protection Committee (2001-2005) are set out and categorized in **Appendix 1**. We are working on a 'roadmap' to assist the understanding of both individual documents and the interrelationship of professional standards legislation, policies and procedures.

CONSULTATIONS

We conducted consultations on bullying in 2009 and 2010 in Adelaide, Brisbane, Hobart, Melbourne, Perth, and Sydney. We have appreciated the participation of those who attended these consultations.

TRAINING

In May 2010 we joined with St Mark's National Theological Centre in conducting a one day workshop *Concealing Sin or Declaring Forgiveness? Hearing Private Confessions* in Canberra.

RECOMMENDATIONS

Our recommendations and supporting reasons are set out in this report.

These recommendations are unanimous. They complement and reinforce previous recommendations of the Child Protection Committee and the Commission. To facilitate the consideration of our recommendations by the General Synod, we have consolidated 9 recommendations in 2 motions which are set out in **Appendix 2**.

Implementation of our recommendations will require ecclesiastical will, financial resources and an ongoing change of culture within the Church. Our prayer is that the Church will become a safer place for everyone through implementation of these recommendations. Clergy, church workers and those whom they serve deserve nothing less.

3 SAFE MINISTRY POLICIES AND STRUCTURES

PROGRESS SINCE THE 14TH GENERAL SYNOD

We are conscious that there have been extensive efforts throughout the Church to put comprehensive policies and procedures in place to make the Church safe for all. In particular, many dioceses have made a significant attempt to implement the resolutions of the 13th and 14th General Synods. While implementation is continuing, substantial progress has been achieved in most dioceses. We wish to acknowledge the enormous commitment of many members of the Church who are involved in the prevention and response aspects of safe ministry in their dioceses. This work, particularly in the response aspect, is often emotionally and spiritually draining.

While it is impossible to summarise what has happened in each diocese, we wish to draw attention to the following achievements across the Church:

- most dioceses have safe ministry training for clergy and church workers who minister to children;
- most dioceses screen all applicants for positions which involve working with children;
- most dioceses have adopted *Faithfulness in Service*;
- some dioceses have schemes for providing pastoral care and assistance for those who have been abused in the Church;
- there is a Director of Professional Standards in each diocese, and the Defence Force, as well as a Director of Episcopal Standards;
- there is an effective Professional Standards Directors' Network which meets three to four times a year;
- in some dioceses extensive professional standards information is included on the diocesan website
- in most dioceses there has been extensive use of the National Register.

Dioceses continue to receive complaints of abuse. Some of these complaints concern alleged recent abuse.

While there has been a significant change in the culture of the Church, continuing vigilance is required to ensure all clergy and church workers follow safe ministry practices. Challenges include ensuring all parishes understand the importance of having comprehensive processes in place to maintain safe church communities.

STUDY OF REPORTED CHILD SEXUAL ABUSE WITHIN THE CHURCH

In June 2009 the Study of Reported Child Sexual Abuse in the Anglican Church of Australia (CSA Study) was released. The CSA Study was commissioned by the 13th General Synod (resolution 34/04(c)(i)) and prepared by leading child sexual abuse experts, Emeritus Professor Kim Oates AM of the Medical Faculty of the University of Sydney and Professor Patrick Parkinson AM of the University of Sydney Faculty of Law, with the help of research assistant, Amanda Jayakody. This research project was the first of its kind in Australia, with a project by the Roman Catholic Church in the USA being the only similar undertaking anywhere in the world.

The aims of this research study were to understand the characteristics of accused persons and complainants and the circumstances of the offence; ascertain patterns of abuse in relation to similarities or differences in gender and age of the child complainants; and inform the Church on what steps could be taken towards better prevention of sexual abuse within church communities.

The CSA Study examines 191 alleged cases of child sexual abuse reported between 1990 and 2008 from 17 dioceses around Australia. This represents most, but not all of the reported cases across Australia in that period. The key findings were:

- unlike the patterns of abuse in the general population, three quarters of complainants were male (of 180 complainants, 135 were male and 45 were female) and most were between the ages of 10 to 15 at the time of abuse;
- almost all the accused persons were male (of 135 accused persons, 133 were male and 2 were female) with two thirds being clergy or clergy candidates, and one third being lay church employees and volunteers;
- that there were 27 accused persons with more than 1 allegation in the sample. These 27 people accounted for 43% of all cases;
- ongoing abuse lasting 3 years or more was significantly more common amongst male complainants;
- most of the alleged abuse episodes occurred in the accused person's home or on church premises;
- there were long delays in reporting offences to the Church by the complainants, with an average delay of 23 years (18 years for females and 25 years for males);
- three quarters of the cases were investigated by Church authorities, with just over half substantiated and a third found to be inconclusive, with erroneous allegations by child complainants being rare (less than 2%);
- that there are similarities in pattern of abuse found between the Anglican and Roman Catholic Churches. Similarities were found in patterns of male victim characteristics, location and types of abuse, accused person characteristics, and delayed reporting and disclosure of abuse.

In June 2009 the Standing Committee considered and made an extensive response to the CSA Study:

- the review of the selection and accreditation for leaders of youth groups/organisations ministering in particular to children aged from 10 to 18 years;
- a check on National Register in connection with new clergy and youth ministry licences, and the employment and appointment of an adult leader of a youth group/organisation ministering to children aged from 10 to 18 years;
- the review of protocols for youth work;
- the review of *Faithfulness in Service* (the national code for personal behaviour and the practice of pastoral ministry by clergy and church workers);
- diocesan safe ministry policies are implemented in each parish and church organisation without reliance solely on members of the clergy, children's/youth leaders or their spouses;
- safe ministry training for all clergy and church workers, particularly youth workers, includes insights from the CSA Study, especially the risk of abuse of boys;
- the preparation and use of a common form for recording child sexual abuse information;
- the setting out of principles for a system of pastoral care and assistance for those who have been sexually abused.

The full CSA study can be found on the General Synod website.

COMMUNICATIONS INVOLVING THE USE OF TECHNOLOGY

Many church workers are using technology in their pastoral communications, especially with children and young people. The widespread use of technology including social networking sites in communications with children raises issues of how to ensure children and young people are protected and the integrity of church workers is safeguarded. It is important that a policy be developed to ensure that the risk of harm arising from the use of technology in pastoral communications be reduced.

Recommendation 1

The General Synod refers to the Professional Standards Commission the development of a policy for the use of technology in pastoral communications for consideration by the Standing Committee.

4 RECRUITMENT

SAFE MINISTRY CHECK

We are currently revising the format of the *Safe Ministry Check* forms which were approved by the 13th General Synod.

The emergence of cybersex (certain forms of sexual expression accessed through the internet) suggests it may be wise practice to screen candidates for pastoral ministry about their use of sexual sites on the internet or about their use of chat rooms. Anecdotal evidence suggests cybersex is a significant problem for some clergy and church workers in Australia.

Recommendation 2

The General Synod refers to the Professional Standards Commission the consideration of whether screening for cybersex should be included in the Safe Ministry Check forms, and the preparation of any amendments to those forms.

RISK ASSESSMENT

We have prepared *Guidelines for Dioceses Undertaking Risk Assessments relating to Sexual Abuse* (Risk Assessment Guidelines) as requested by the 14th General Synod.

In February 2009 the Standing Committee recommended that each diocese has a policy for undertaking risk assessments arising from information obtained from a *Safe Ministry Check* or equivalent and commended the Risk Assessment Guidelines as a resource for dioceses.

NATIONAL REGISTER

Operation

The National Register has been operational since June 2009.

Inclusion of information in the national register

In February 2009 the Standing Committee amended the *Protocol for provision of Information for inclusion in the National Register 2007* to overcome confusion where it was unclear entries with the same name related to the same person or different persons.

We consider that the *National Register Canon 2007* should be amended in the following respects:

- requiring the entry of a caution in the National Register where Historical Information and/or Current Information is incomplete for so long as these circumstances exist;

- amending the definition of “Church body” to include provincial bodies;
- adding bullying as a new category of child abuse to be included in the National Register;
- adding a notifiable charge, an adverse admission and an adverse finding of sexual misconduct or child abuse in civil, criminal or disciplinary proceedings as new categories of Information to be included in the National Register.

Disclosure of information on the national register in the context of elections and appointments within the church

In October 2009 the Standing Committee adopted the policy that there be disclosure of any Information in the National Register before the appointment of persons by the Standing Committee or the Primate to any office or position involving any the following responsibilities:

- ministry with children;
- functions under the *Special Tribunal Canon 2007*, or the *Episcopal Standards Canon 2007*;
- giving advice, or making policy on professional standards matters;
- the administration of the *National Register Canon 2007*.

We consider each diocese should adopt a similar policy. It is likely that there would be significant questions raised about the safety of children and the integrity of disciplinary matters, and professional standards matters if it emerged subsequent to appointment of such a person that there was Information in the National Register relating to the person.

The Standing Committee has amended the *Protocol for access to and disclosure of Information in the National Register 2007* to authorise:

- the General Secretary to have access to and disclose to the Standing Committee any Information in the National Register relating to the giving of advice by the Standing Committee to the Primate as to the appointment of the members of the Professional Standards Commission;
- the Primate to have access to and disclose to the Standing Committee any Information in the National Register relating to the appointment of the General Secretary;
- access to any information in the National Register in the context of an election of a bishop where a person is nominated and consents to disclosure.

As requested by the 14th General Synod (resolution 66/07(a)(ii)) we have prepared a draft Bill to amend Rule III to provide for the disclosure of any Information on the National Register in connection with the election of members of the Appellate Tribunal and the Special Tribunal, together with amendments to each of the *Appellate Tribunal Canon 1981* and the *Special Tribunal Canon 2007* to provide for the same disclosure where there is an election to fill a casual vacancy on the Appellate Tribunal and the Special Tribunal. We are continuing discussions with the Church Law Commission in relation to these matters.

Exclusion of Church bodies and church workers from the National Register

In February 2009 the Standing Committee decided to apply the following criteria proposed by the Professional Standards Commission in determining an application for exclusion of a Church body or any category of church workers from the National Register:

- that the Church body is an educational or welfare institution;
- that the relevant category of church worker:
 - does not exercise a chaplaincy or equivalent ministry; and
 - holds a position or performs a function with the actual or apparent authority of a Church body;
- that the Church body has, or there is applicable to the relevant category of church worker, a system of screening for, inter alia, sexual misconduct in relation to adults and child abuse;
- that the Church body has, or there is applicable to the relevant category of church worker, a code of conduct;
- that the Church body has, or there is applicable to the relevant category of church worker, a system for making and dealing with complaints of, inter alia, sexual misconduct in relation to adults and child abuse against all employees or volunteers of the Church body or the relevant category of church worker.

We consider that the *National Register Canon 2007* should be amended in the following respects:

- to ensure that the power to exclude a Church body or a category of church workers from the operation of this Canon is effective, provided that the General Synod or the Standing Committee is satisfied that there are minimum safe ministry policies which are applicable;
- to require the Directors of Professional Standards to notify the General Secretary of Excluded Information which arises when a notifiable complaint is exhausted.

Recommendation 3

The General Synod pass the Bill for the National Register Canon 2007 (Amendment) Canon.

Recommendation 4

The General Synod recommends that each diocese adopts the policy that there be disclosure of any Information in the National Register to the appropriate person or body before the appointment of persons to any office or position involving the following responsibilities:

- (a) ministry with children;***
- (b) disciplinary functions;***
- (c) giving advice, or making policy on professional standards matters.***

5 STANDARDS OF BEHAVIOUR

FAITHFULNESS IN SERVICE

As requested by the 14th General Synod we have given consideration to the development of a policy for identifying, dealing with, and preventing, abusive behaviours by clergy and church workers. Part of this development involved holding consultations on bullying in 2009 and 2010 in Adelaide, Brisbane, Hobart, Melbourne, Perth and Sydney. We appreciate the participation of those who attended these consultations. There was overwhelming support for use of the word bullying to refer to abusive behaviour; and for elucidation of what constitutes and does not constitute bullying.

The Commonwealth and every State and Territory government has provisions within Occupational Health and Safety regulation aimed at preventing bullying and harassment which applies to those Church bodies which employ clergy and church workers.

We are considering expanding the existing standards and guidelines relating to bullying in *Faithfulness in Service*. We are also considering new guidelines that deal with the impact that abuse can have on people and help to identify bullying behaviour and the cultures and environments which encourage it.

Since the 13th General Synod when *Faithfulness in Service* was adopted there has been a growing use of technology for communication in ministry contexts both with adults and children. There has also been the growing phenomenon of cyberbullying particularly of children, which has resulted in significant harm being suffered by some. We are considering amending the existing guideline that deals with conversations in ministry contexts, and adding new guidelines that deal with communications using technology in ministry contexts.

We are also considering a new guideline that deals with conflicts of interest by clergy and church workers, and clarifying the existing guideline that deals with the discipline of children.

We have yet to consider the development of an education programme and grievance policy as strategies for dealing with, and preventing, bullying.

A significant issue brought to our attention in each consultation was the bullying of clergy and church workers by lay members of the Church, leading to the substantial impairment of their ministry. Because *Faithfulness In Service* only applies to clergy and church workers, there is no articulated expectation of behaviour for lay members of the church. We consider that the incidence of bullying of clergy and church workers would be more effectively addressed if the Church had a clear statement of expected behavioural standards.

Recommendation 5

The General Synod refers to the Professional Standards Commission the preparation of a statement of expectations regarding the behaviour of lay members of the Church for consideration by the next ordinary session of the General Synod.

FAITHFULNESS IN SERVICE IN ACCESSIBLE ENGLISH

We are continuing exploration of an appropriate way to provide a version of FIS in accessible English.

6 FORMATION FOR PASTORAL MINISTRY

We have had preliminary discussions with the Australian College of Theology about developing a course in human sexuality.

In May 2010 we joined with St Mark's National Theological Centre in conducting a one day workshop *Concealing Sin or Declaring Forgiveness? Hearing Private Confessions* in Canberra, attended by 60 people. This seminar explored the topic of private confessions from historical, theological, liturgical, pastoral, legal and practical perspectives through both lecture and case study. Anecdotal evidence suggests there is great interest in training in private confessions at both pre-ordination and post-ordination levels. We are considering how the material from this seminar might be disseminated.

7 SAFE MINISTRY TRAINING

Dioceses have provided safe ministry training for some years based on their own particular capabilities and needs. Some national programs exist from other sources such as the Safe Church Training Project developed by the National Council of Churches in Australia. It appears that while current training deals comprehensively with children, training around the protection of adults is less detailed and not as widely available.

Dioceses have developed high quality safe ministry training and some are currently reviewing their training. We believe the dioceses have much to learn from each other about this. Safe ministry training will be further enhanced if the expectations and experience of dioceses is brought together in national benchmarks.

The use of online training is now widespread in the Australian community and has helped some dioceses to overcome the difficulties in delivering safe ministry training to a broader audience. A range of training delivery modes need to be available to ensure this training is accessible to all those who need it.

Recommendation 6

The General Synod refers to the Professional Standards Commission the development of national benchmarks for safe ministry training after seeking advice from the dioceses about their expectations and experience of safe ministry training for consideration by the Standing Committee.

8 PASTORAL SUPPORT OF THE ABUSED

One of the Church's greatest challenges is how to care appropriately for those who have been abused. We still have much to learn about both pastoral care of the abused and the impact of abuse on them and those who care for them. We are committed to developing better ways for the Church to respond to and support people who have been abused and those who care for them.

Since the 14th General Synod we have developed a resource for clergy and church workers in providing pastoral care to those who have been abused. In August 2009 we received valuable feedback about this from a focus group in the Diocese of Sydney. We are currently exploring publication of this resource.

9 PASTORAL SUPPORT AND SUPERVISION OF ABUSERS

PARISH SAFETY WHERE THERE ARE PERSONS OF CONCERN IN A PARISH

In October 2009 the Standing Committee approved a revised document entitled *Guidelines for Parish Safety where there is a Risk of Sexual Abuse by a Person of Concern*. As well as providing information about sexual abuse and some of the attendant theological issues, this resource addresses the pastoral supervision and support of persons of concern. It also includes a template of an Agreement between the person of concern, the parish and the diocese, which can be adapted for local use. This document can be downloaded from the General Synod website.

RESTORATION TO MINISTRY

We are preparing *Guidelines for the Restoration to Licensed Ministry of Clergy and Church Workers who have Engaged in Sexual Abuse or Misconduct* as requested by the 14th General Synod.

PRIVATE CONFESSIONS

In *Private Confession: Pastoral Guidelines with Special Reference to Child Sexual Abuse* the House of Bishops recommended that private confessions, in cases of child sexual abuse should be reserved to a priest or priests holding a special licence or authority from the bishop. We understand that some dioceses are yet to license such clergy and that there is little knowledge of the existence of these clergy in the dioceses where they have been appointed. This creates difficulty for those who wish to avail themselves of this ministry and clergy who are asked to hear a confession. Dioceses should ensure the name and contact details of clergy licensed to hear confessions in cases of child sexual abuse are readily available, including in their diocesan year book.

Recommendation 7

The General Synod recommends that each diocese ensure the name and contact details of clergy licensed to hear confessions in cases of child sexual abuse are readily available, including in their diocesan year book.

10 DISCIPLINE OF CLERGY AND CHURCH WORKERS

MODEL PROFESSIONAL STANDARDS ORDINANCE

In February 2008 the Standing Committee approved the following amendments to the Model Professional Standards Ordinance to ensure it would be consistent with the *National Register Canon 2007*:

- the investigation and discipline of child abuse other than where there is sexual harassment or assault, or sexually inappropriate behaviour;
- an obligation on the Director of Professional Standards to notify the General Secretary of Information for inclusion in the National Register.

We have prepared further amendments to facilitate the means by which sexual misconduct and child abuse are proven. These amendments are being considered by the Church Law Commission.

CHAPTER IX OF THE CONSTITUTION

We consider that the system of discipline of clergy and licensed lay persons provided for in Chapter IX of the Constitution would be improved if

- there is a separation between the exercise of judicial powers and the exercise of the prerogative of mercy (**Separation Principle**);
- that there is a mechanism to ensure that there can be a full membership of the Appellate Tribunal for disciplinary matters (**Membership Principle**);
- that its protective purpose be enhanced through a greater range of sentences which can be recommended by a tribunal (**Protection Principle**).

We have prepared the following bills to amend the Constitution to give effect to the Separation, Membership and Protection Principles:

- Bill for the Constitution Amendment (Appeals to the Appellate Tribunal) Canon;
- Bill for the Constitution Amendment (Membership of the Special Tribunal) Canon;
- Bill for the Constitution Amendment (Membership of the Provincial Tribunal) Canon;
- Bill for the Constitution Amendment (Membership of the Diocesan Tribunal) Canon;
- Bill for the Constitution Amendment (Membership of the Appellate Tribunal) Canon;
- Bill for the Constitution Amendment (Sentences of Tribunals) Canon.

After consultation with Standing Committee, we are promoting the Bill for the Constitution Amendment (Sentences of Tribunals) Canon at this General Synod and will be discussing the other Bills with the Church Law Commission in the future.

EPISCOPAL STANDARDS COMMISSION

The requirement under the *Special Tribunal Canon 2007* of the consent in writing of the Chancellors of each of the metropolitan dioceses for the appointment of a member of the Episcopal Standards Commission has prevented the Standing Committee from appointing an additional member and could prevent the replacement of a member should a vacancy occur. We consider that the *Special Tribunal Canon 2007* should be amended to remove this requirement.

Recommendation 8

The General Synod pass the following Bills:

- (a) the Bill for the Constitution Amendment (Sentences of Tribunals) Canon; and***
- (b) the Bill for the Special Tribunal Canon 2007 (Amendment) Canon.***

11 JOINT CHURCH ACTION

SAFE AS CHURCHES? CONSULTATIONS

Helen Carrig attended the *Safe as Churches? IV* consultation on sexual abuse and misconduct in Australian Churches held in Adelaide in June 2009, organised by the National Council of Churches in Australia. This consultation, like its predecessors, provided valuable opportunities for consultation and networking across denominational boundaries.

Planning has commenced for the *Safe as Churches? V* consultation to be held in Sydney in 2011.

SAFE AS CHURCHES – TRAINING AGREEMENT

The National Council of Churches in Australia has developed the Safe Church Training Agreement which provides a common approach to safe ministry training across the participating denominations with resultant cost and human resource savings. A number of dioceses are participating in this training.

Recommendation 9

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

12 GOVERNMENT ACTION

SPECIAL COMMISSION OF INQUIRY INTO CHILD PROTECTION SERVICES IN NSW

In February 2008 we made a submission to the Special Commission of Inquiry into Child Protection Services in NSW.

UNIFORM LAWS

As set out in the Report of the Child Protection Committee and in resolutions of the 13th & 14th General Synod, we believe that the absence of uniform legislation in the States and Territories as to mandatory and voluntary reporting of child abuse, and the screening of persons seeking to work with children in a paid or voluntary capacity, is unsatisfactory. The differences between the laws of the States and Territories are well known.¹ The same standards should apply throughout Australia.

Recommendation 10

The General Synod recommends that State and Territory Governments enact uniform laws that provide for:

- (a) the reporting of child abuse 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, and***

requests that the General Secretary conveys this resolution to the Premier or Chief Minister and the Children's Commission of each State and Territory, and to the Community Services Ministers' Advisory Council.

¹ The scope of mandatory reporting of child abuse and the applicable legislation are set out on the Resource Sheet of the National Child Protection Clearinghouse within the Australian Institute of Family Studies which can be found online at <http://www.aifs.gov.au/nch/pubs/sheets/rs3/rs3.html>. Relevant legislation and State and Territory screening programs are set out on the Resource Sheet of the National Child Protection Clearinghouse within the Australian Institute of Family Studies which can be found online at <http://www.aifs.gov.au/nch/pubs/sheets/rs13/rs13.html>.

13 ANGLICAN COMMUNION ACTION

Tim Spencer, Helen Carrig and Garth Blake of the Commission, as well as Cindy Shay (Director of Professional Standards for the Church Missionary Society Australia) attended *Creating a Safer Church: An International Anglican Conference* on 18-20 July 2008 in London. 34 persons from seven Provinces of the Anglican Communion attended this Conference. The Anglican Church of Australia appears to have a more comprehensive approach to professional standards than that in the other Provinces represented, although some Provinces have particular policies and procedures which are ahead of where we are in Australia. The outcome of the Conference was a sharing of resources, networking and the decision to approach the Anglican Consultative Council for recognition as a network.

In May 2009 the group attending the July 2008 conference in London was recognized as the Anglican Communion Safe Church Consultation. The group is planning a conference for interested persons from the Anglican Communion to be held in Victoria, Canada in June 2011.

14 GENERAL SYNOD ACTION

PROFESSIONAL STANDARDS COMMISSION

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* is matched by effective action. The General Synod should request the Professional Standards 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 11

The General Synod requests the Professional Standards Commission to report to the 16th General Synod on the progress of the Church in the development and implementation of safe ministry policies and structures.

Appendix 1 – Professional Standards Commission Documents

as at 22/5/2010

PROFESSIONAL STANDARDS COMMISSION DOCUMENT LIST

No.	Name	Primary Category	Primary Purpose	Secondary Purpose	Document Type	Status	Published version date
0001	2004 CPC Report				Education / Principles	published	
0002	2007 PSC Report				Education / Principles	published	
0003	Australian College of Theology Professional Standards Curriculum	Preventing	Educating		Education		
0004	Faithfulness In Service (4)	Preventing	Setting Standards	Educating	Education / Principles	published anglican.org.au	200610
0005	Faithfulness In Service (4) Amendments	Preventing	Educating		Education	published anglican.org.au	200610
0006	Faithfulness In Service Discussion Guide	Preventing	Educating		Education	published anglican.org.au	200605
0007	Faithfulness In Service Feedback Sheet	Preventing	Educating		Education	published anglican.org.au	200605
0008	Faithfulness In Service Introduction	Preventing	Educating		Education	ready to publish	200909
0009	Guidelines - Risk Assessment	Preventing	Managing Risk		Procedure	ready to publish	
0010	Guidelines for Parish Safety where there is a risk of sexual abuse by a person of concern	Preventing	Managing Risk		Education / Procedure	ready to publish	
0011	Study of Reported Child Sexual Abuse in the Anglican Church May 2009	Preventing	Managing Risk	Educating	Research / Education	published anglican.org.au	200905
0012	Model System for Selection & Accreditation of Lay Parish Workers	Preventing	Selecting & Accrediting	Managing Risk	Risk Management	published anglican.org.au	200610
0013	Safe Ministry Check - Applicant - Appendix C	Preventing	Selecting & Accrediting	Managing Risk	Risk Management	published anglican.org.au	200410
0014	Safe Ministry Check - Referee - Appendix D	Preventing	Selecting & Accrediting	Managing Risk	Risk Management	published anglican.org.au	200410
0015	Safe Ministry Check - Volunteers - Appendix E	Preventing	Selecting & Accrediting	Managing Risk	Risk Management	published anglican.org.au	200507

No.	Name	Primary Category	Primary Purpose	Secondary Purpose	Document Type	Status	Published version date
0016	Sample List of Lay Ministry Positions - Appendix A	Preventing	Selecting & Accrediting	Managing Risk	Risk Management	published anglican.org.au	200610
0017	Sample Ministry Position Template - Appendix B	Preventing	Selecting & Accrediting	Managing Risk	Risk Management	published anglican.org.au	200610
0018	Sample Questions Referee Check - Appendix F	Preventing	Selecting & Accrediting	Managing Risk	Risk Management	published anglican.org.au	200610
0019	Screening Checklist - Appendix G	Preventing	Selecting & Accrediting	Managing Risk	Risk Management	published anglican.org.au	200610
0020	National Register Canon 2007	Preventing Responding	Managing Risk	Disciplining	Register / Procedure	published anglican.org.au	200710
0021	National Register Protocol 1 - Inclusion of information	Preventing Responding	Managing Risk	Disciplining	Procedure	published anglican.org.au	200902
0022	National Register Protocol 2 - Access & disclosure of information	Preventing Responding	Managing Risk	Disciplining	Procedure	published anglican.org.au	200710
0023	National Register Protocol 3 - Ascertaining information	Preventing Responding	Managing Risk	Disciplining	Procedure	published anglican.org.au	200710
0024	National Register Protocol 4 - Amending information	Preventing Responding	Managing Risk	Disciplining	Procedure	published anglican.org.au	200710
0025	Pastoral Supervision of Abusers - Model Guidelines for the Pastoral Supervision & Support of Known & Suspected Sexual Abusers in Parishes	Preventing Responding	Managing Risk	Caring Pastorally	Procedure	published anglican.org.au	200612
0026	Pastoral Supervision of Abusers - Parish Memorandum of Understanding	Preventing Responding	Managing Risk	Caring Pastorally	Procedure	published anglican.org.au	200612
0027	Pastoral Care & Assistance Principles	Responding	Caring Pastorally		Principles	ready to publish	
0028	Private Confession - Pastoral Guidelines with Special Reference to Child Sexual Abuse	Responding	Caring Pastorally		Education / Procedure	published anglican.org.au	200603

No.	Name	Primary Category	Primary Purpose	Secondary Purpose	Document Type	Status	Published version date
0029	Private Confession Report (Clergy Discipline Working Group)	Responding	Caring Pastorally		Education	published anglican.org.au	200103
0030	Providing Pastoral Care to those Affected by Sexual Abuse	Responding	Caring Pastorally		Education	in progress	
0031	Constitution & Professional Standards Canons	Responding	Disciplining		Legal	in progress	
0032	Model Professional Standards Ordinance	Responding	Disciplining		Legal	published anglican.org.au	200802
0033	Model Professional Standards Ordinance - Amendments	Responding	Disciplining		Legal	published anglican.org.au	200808
0034	Guidelines - Restoration of Clergy & Licensed Church Workers to Ministry including sample Covenant	Responding	Restoring		Procedure	ready for Standing Committee	
0035	2010 Report to General Synod	N/A	N/A		Principles	published General Synod Reports	201008

Documents under consideration

000A	FIS in Accessible English (or graphic novel format)	Preventing	Setting Standards	Educating	Education / Principles	planning phase	N/A
000B	Private Confessions Training Course	Preventing	Educating		Education	pilot complete 21/5/2010	
000C	Comprehensive Psycho Sexual Assessments	Preventing	Managing Risk		Procedure	planning phase	N/A
000D	Professional Standards Liturgical Resources	Preventing	Educating		Education	planning phase	N/A
000E	Education Documents relating to prevention of Bullying	Preventing	Educating		Education	planning phase	N/A
000F	Road map for Professional Standards documents in the Australian Anglican Church	Preventing Responding	Educating		Education	planning phase	

APPENDIX 2 – MOTIONS FOR GENERAL SYNOD 2010

Motion 1

The General Synod:

- (a) receives the report of the Professional Standards Commission;
- (b) recommends that each diocese:
 - i) adopts the policy that there be disclosure of any Information in the National Register to the appropriate person or body before the appointment of persons to any office or position involving the following responsibilities:
 - A ministry with children;
 - B disciplinary functions;
 - C giving advice, or making policy on professional standards matters.
 - ii) ensure the name and contact details of clergy licensed to hear confessions in cases of child sexual abuse are readily available, including in their diocesan year book
- (c) refers to the Professional Standards Commission:
 - i) the development of a policy for the use of technology in pastoral communications for consideration by the Standing Committee.
 - ii) the consideration of whether screening for cybersex should be included in the *Safe Ministry Check* forms, and the preparation of any amendments to those forms.
 - iii) the preparation of a statement of expectations regarding the behaviour of lay members of the Church for consideration by the next ordinary session of the General Synod.
 - iv) the development of national benchmarks for safe ministry training after seeking advice from the dioceses about their expectations and experience of safe ministry training for consideration by the Standing Committee.
 - v) to report to the 16th General Synod on the progress of the Church in the development and implementation of safe ministry policies and structures

Motion 2

The General Synod:

- (a) commends the National Council of Churches in Australia for organising the *Safe as Churches? IV* national ecumenical consultation on sexual misconduct and abuse in the Australian churches, supports ongoing joint action by member churches and other participating Australian churches to promote the welfare and safety of all people within their communities and requests that the General Secretary conveys this resolution to the National Council of Churches in Australia.
- (b) recommends 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; and
 - ii) the screening of all persons seeking to work with children in a paid or voluntary capacity; and

requests that the General Secretary conveys this resolution to the Premier or Chief Minister and Children's Commission of each State and Territory, and to the Community Services Ministers' Advisory Council.