

**PROFESSIONAL STANDARDS
COMMISSION**

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

**GARTH BLAKE SC (CHAIRPERSON)
HELEN CARRIG
BISHOP JOHN McINTYRE
AUDREY MILLS
GLENN MURRAY
MARILYN REDLICH
DIANNE SHAY
TIM SPENCER**

7 March 2014

REPORT OF THE PROFESSIONAL STANDARDS COMMISSION

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

Contents

1	Executive Summary	5-049
	Introduction	5-049
	Activity	5-049
	Safe Ministry Policies and Structures	5-049
	General Synod Action	5-049
2	Review of Activities	5-050
	Background - the 13 th and 14 th and 15 th General Synods	5-050
	Membership	5-050
	Meetings and Consultations	5-050
	Legislation, reports, policies and resources	5-050
	Recommendations	5-050
3	Safe Ministry Policies and Structures	5-051
	Progress since the 15 th General Synod	5-051
	Barriers to change	5-051
	Recommendation 1	5-051
	Implementation of policies and procedures	5-052
	Recommendation 2	5-052
	Standards of Behaviour - Being Together	5-052
	Recommendation 3	5-052
	Faithfulness in Service - a DVD resource for clergy and church workers	5-052
	Recommendation 4	5-053
	Private Confessions of Child Sexual Abuse	5-053
	Recommendation 5	5-053
	Recommendation 6	5-053
	Recommendation 7	5-053
4	National Register	5-053
	Recommendation 8	5-054
	Recommendation 9	5-054
5	Disciplinary Tribunals	5-054
	Composition of Tribunals	5-054
	Recommendation 10	5-054
	Recommendation 11	5-054
	Recommendation 12	5-054

	Vacancies on the Appellate Tribunal	5-054
	Recommendation 13	5-055
6	Support for those in Pastoral Ministry	5-055
	Recommendation 14	5-055
7	Anglican Communion	5-055
	Recommendation 15	5-055
8	Joint Church Action	5-056
	Recommendation 16	5-056
9	Government Action	5-056
	Recommendation 17	5-056
10	General Synod Action	5-056
	Recommendation 18	5-056
	Appendix 1 – Being Together	5-057
	Appendix 2 – Charter for the Safety of People within the Churches of the Anglican Communion	5-058
	Appendix 3 – Motions For General Synod 2014	5-060
	Motion 1	5-060
	Motion 2	5-060
	Motion 3	5-060
	Motion 4	5-060

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 completed consideration of each of the items referred by the last three sessions of the General Synod. *Faithfulness in Service - a DVD resource for clergy and church workers* will be launched at this session of the General Synod.

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 has 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.

Some in the Church consider the practice of safe ministry burdensome and a barrier to mission. However, it is critical for the mission of the Church that the practice of safe ministry is a core activity in our communities.

General Synod Action

We are submitting 18 recommendations for consideration at this session of the General Synod. Some recommendations relate to legislation. The remaining recommendations are grouped together in four notices of motion set out in **Appendix 3**.

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 REVIEW OF ACTIVITIES

Background - the 13th and 14th and 15th General Synods

The 13th, 14th and 15th General Synods held in 2004, 2007 and 2010 passed a series of resolutions referring particular issues to the Professional Standards Commission for its consideration. Our activities since the 15th General Synod have entailed dealing with these resolutions as well as references from the Standing Committee.

Membership

All members of the Commission were reappointed in 2013 with a term expiring in 2015.

Meetings and Consultations

We have held three or four meetings each year. 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 registrars. We have met with the Directors of Professional Standards, and have consulted with Australian and international experts in relevant fields. In May 2013 in Adelaide we consulted with members of the Dioceses of Adelaide and The Murray on the development of a curriculum for the training of Professional Standards Committees and Boards.

Some members of the Commission attended the *Partnering for Prevention* Conference on 23-26 June 2011 in Victoria, Canada which was organised by the Safe Church Network of the Anglican Communion.

Legislation, reports, policies and resources

Since its formation in 2005 the Professional Standards Commission has produced legislation, reports, policies and resources. 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.

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 on-going change of culture within the Church plus financial resources. 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 15th General Synod

The 15th General Synod referred the following matters to the Professional Standards Commission:

- (a) the development of a policy for the use of technology in pastoral communications for consideration by the Standing Committee;
- (b) 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;
- (c) 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;
- (d) 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.

We have completed these references. The statement of expectations is before this General Synod and the remaining matters have been approved by the Standing Committee.

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, this work continues to be crucial to the mission of the Church. This has been highlighted by recent and current inquiries: the Victorian Inquiry and the Royal Commission.

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.

Barriers to change

Continuing to change the culture, attitudes and practices around safe ministry and professional standards is critical to the mission of our Church. We have identified that there continue to be barriers to change in our Church. This concern is consistent with observations made by the Royal Commission and the Victorian Parliamentary Inquiry. Naming and addressing these barriers requires consultation across the Church.

Recommendation 1

The General Synod refers to the Professional Standards Commission the preparation of a report identifying barriers to change in the areas of safe ministry and professional standards in the Church and strategies to address them.

Implementation of policies and procedures

Dioceses have adopted policies and procedures for safe ministry and professional standards. Implementation is just as important but has not been as consistent.

Recommendation 2

The General Synod recommends that each diocese conducts a regular audit of the implementation of its Professional Standards and Safe Ministry policies and procedures.

Standards of Behaviour - Being Together

Prior to the last session of the General Synod our consultations identified the need for a document describing the expectations for behaviour in our Church communities. *Being Together*, which is set out in **Appendix 1**, has been developed consultatively to fulfil this need. It complements *Faithfulness in Service* and responds to legislative changes dealing in bullying in organisations including churches. It is important to understand that *Being Together* is a statement of expectations of behaviour not a code of conduct.

Recommendation 3

The General Synod:

- (a) adopts *Being Together* as the statement of expectations regarding the behaviour of members of Church communities;**
- (b) authorises the revision of *Being Together* by the Standing Committee;**
- (c) recommends that each diocese adopt *Being Together* as the statement of expectations regarding the behaviour of members of Church communities in the diocese.**

Faithfulness in Service - a DVD resource for clergy and church workers

We have produced a DVD of *Faithfulness in Service* in order to broaden its availability to the whole church community. This work commenced with the need to simplify the language of *Faithfulness in Service* and focuses on better serving Aboriginal and Torres Strait Islander communities in our Church. Since its production many sections of the Church around Australia have expressed interest in using the DVD.

We are grateful for the generous cooperation of the communities involved in the production of the DVD. We thank the Anglican Board of Mission, the Diocese of Sydney and the Standing Committee for their financial support which enabled this project to be completed. We acknowledge the professionalism and expertise of the filmmaker Mr Greg Opie.

Recommendation 4

The General Synod commends the use of *Faithfulness in Service* - a DVD resource for clergy and church workers in all Australian dioceses.

Private Confessions of Child Sexual Abuse

In some jurisdictions, legislation requiring mandatory reporting of child sexual abuse applies to ministers of religion. In 21 dioceses of the Church, where there is a confession of child sexual abuse, the member of clergy is required to maintain the confidentiality of the confession, except where the penitent consents to its disclosure. In the other dioceses there is no exception to the requirement to maintain confidentiality.

We consider there should be no conflict between the rules of the Church regarding the confidentiality of confessions of child sexual abuse and the law requiring mandatory reporting, and permitting the voluntary reporting, of child sexual abuse.

In the light of the Report of the Doctrine Commission on Confidentiality and Confessions prepared in January 2014 we propose to seek permission for the Bills we have prepared to be moved in an amended form to encompass the more extensive exception to the confidentiality of confessions proposed in that Report.

Recommendation 5

The General Synod pass the Bill for the Canon concerning confessions 1989 (Amendment) Canon 2014.

Recommendation 6

The General Synod pass the Bill for the Canon Law Alteration (the proviso to Canon 113 of the Canons of 1603) Canon 2014.

Recommendation 7

The General Synod refers to the Professional Standards Commission the revision of the protocol entitled *Private Confessions: Pastoral Guidelines with special reference to Child Sexual Abuse* for consideration by the House of Bishops.

4 NATIONAL REGISTER

Currently the General Secretary is required to notify the member of the clergy or lay person of an entry concerning him or her on the National Register. Sometimes the police request that the person not be notified so as not to prejudice an Investigation.

We consider that the entry of Information on the National Register should not prejudice Investigations by the police, and are proposing amendments to the National Register Canon 2007 and National Register Protocol 2 to accomplish this.

In the light of our discussion with the Professional Standards Directors' Network in February 2014 we propose to seek permission for the Bill for the National Register Canon 2007 (Amendment) Canon 2014 we have prepared to be moved in an amended form to reflect their experience in dealing with the police.

Recommendation 8

The General Synod pass the Bill for the National Register Canon 2007 (Amendment) Canon 2014.

Recommendation 9

The General Synod pass the Bill to amend "Protocol for Access to and Disclosure of Information in the National Register 2007" (National Register Protocol 2).

5 DISCIPLINARY TRIBUNALS

Composition of Tribunals

Diocesan bishops have a constitutional right to be a member of the Diocesan Tribunal and the Provincial Tribunal respectively. The Primate has a constitutional right to be a member of the Appellate Tribunal. Therefore the situation could arise where a diocesan bishop or the Primate participates in the findings and making of recommendations by the applicable Tribunal and then is required to pass sentence. This is a conflict of both roles and responsibilities which is prejudicial to justice.

Recommendation 10

The General Synod pass the Bill for the Constitution Amendment (Appeals to the Appellate Tribunal) Canon 2014.

Recommendation 11

The General Synod pass the Bill for the Constitution Amendment (Membership of the Provincial Tribunal) Canon 2014.

Recommendation 12

The General Synod pass the Bill for the Constitution Amendment (Membership of the Diocesan Tribunal) Canon 2014.

Vacancies on the Appellate Tribunal

There is no mechanism for the filling of vacancies on the Appellate Tribunal where one or more members are unable to be present for the hearing and determination of a disciplinary appeal or other matter.

Recommendation 13

The General Synod pass the Bill for the Constitution Amendment (Membership of the Appellate Tribunal) Canon 2014.

6 SUPPORT FOR THOSE IN PASTORAL MINISTRY

In 2004 the General Synod passed a resolution 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. Research has clearly shown these supports significantly enhance clergy wellness and their ability to maintain healthy boundaries, and reduce their vulnerability to stress.

The use of such a system will be enhanced by publication of a list of appropriately qualified people as supervisors for those in pastoral ministry and the inclusion of a component for supervision in recommended clergy and church worker financial packages.

Recommendation 14

The General Synod *recommends that each diocese:*

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

7 ANGLICAN COMMUNION

Members of the Professional Standards Commission attended the Anglican Consultative Council in Auckland, New Zealand in 2012 (ACC-15). They participated in the Networks' consultations and successfully promoted the formal recognition of the Anglican Communion Safe Church Network by the ACC. Garth Blake is the founding chair of this Network and Commission members are among the founding members.

The Anglican Consultative Council adopted the *Charter for the Safety of People within the Churches of the Anglican Communion* which is set out in **Appendix 2**. *This Charter is a Communion wide recognition of standards for the conduct of safe ministry.*

Recommendation 15

The General Synod *adopts the Charter for the Safety of People within the Churches of the Anglican Communion.*

8 JOINT CHURCH ACTION

Members of the Professional Standards Commission attended the National Council of Churches in Australia *Safe as Churches?* conferences in each of 2011 and 2013. Garth Blake is the representative of Anglican Church of Australia on NCCA Safe Church Network.

Recommendation 16

The General Synod commends the National Council of Churches in Australia for organising the *Safe as Churches?* 2011 and the *Safe as Churches?* 2013 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 National Council of Churches in Australia.

9 GOVERNMENT ACTION

The establishment of a national system for child protection will assist the Church in consistent action across all dioceses.

Recommendation 17

The General Synod recommends that the Commonwealth Government promote a national system 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.

10 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* 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 18

The General Synod requests the Professional Standards Commission to report to the 17th General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

APPENDIX 1 – BEING TOGETHER

Being Together

Expectations of behaviour in our church community

Jesus told us to love one another as he loves us. As Christians we know our life together is strengthened when our behaviour is consistent with our faith. However, our experience of being together can be difficult, particularly when there are differences. So it is important to be clear about how we will behave towards each other.

Being a community:

- We will **value the wellbeing of others**.
- We will **encourage each other to participate** in the life of the church.
- We will **consider the impact of our behaviour** on others.

Relating to each other:

- We will **treat each other with respect and dignity**, irrespective of ability, gender, sexuality, race, age or contribution to the church.
- We will **act with integrity and honesty** in our interactions with each other.

Communicating with each other:

- We will **communicate respectfully** with others, and not in a way that threatens, belittles or humiliates.
- We will **speak with integrity and honesty**, and refrain from speculation and gossip.

Acknowledging difference:

- We will **respect those who are different** from us and not isolate or ridicule them.
- We will **listen to and seek to understand** the beliefs, opinions and practices of others, even when we do not share their views.

Responding to conflict:

- We will **accept responsibility** for our part in a conflict.
- We will be willing to **play our part** in resolving a conflict.

APPENDIX 2 – CHARTER FOR THE SAFETY OF PEOPLE WITHIN THE CHURCHES OF THE ANGLICAN COMMUNION

The Anglican Consultative Council recognising and affirming:

- (a) the witness of Scripture to God's love for all members of the human family and the priority given in Jesus' ministry to children and the vulnerable of society;
- (b) the resolution of the Lambeth Conference in 1998 that each member Church represented make an intentional effort to work toward eliminating abuses affecting women and children (Resolution 1.3);
- (c) the commitment of the Anglican Consultative Council in 2005 to the highest standards of care for all young and vulnerable people, seeking to ensure their protection (ACC Resolution 13.50);
- (d) the testimony of the Lambeth Conference in 2008 to the many forms of abuse of power within society as well as the church from which women and children suffer disproportionately, and the challenge to reclaim the gospel truth of the dignity of the human person and to exercise power in ways that would always be life giving (*Lambeth Indaba: Capturing Conversations and Reflections*, paragraphs 47 to 50);
- (e) the call of the Anglican Consultative Council in 2009 to member Churches to take appropriate steps to assist the healing of indigenous families, including the protection of women and children from violence and human trafficking (ACC Resolutions 14.19 and 14.33);
- (f) the statement of the Primates in 2011 that our churches must accept responsibility for our own part in perpetuating oppressive attitudes towards women, and in penitence and faith we must move forward in such a way that our churches truly become a living witness to our belief that both women and men are made in the image of God (Letter to the Churches of the Anglican Communion);

commits itself to promoting the physical, emotional and spiritual welfare and safety of all people, especially children, young people and vulnerable adults, within the member churches of the Anglican Communion, and to this end calls upon all member churches to adopt and implement the *Charter for the Safety of People within the Churches of the Anglican Communion*, and report to the next meeting of the Anglican Consultative Council as to steps taken to adopt and implement the Charter.

Charter for the Safety of People within the Churches of the Anglican Communion

Pastoral support where there is abuse

1. We will provide pastoral support for the abused, their families, and affected parishes and church organizations by:
 - (a) listening with patience and compassion to their experiences and concerns;
 - (b) offering spiritual assistance and other forms of pastoral care.

Effective responses to abuse

2. We will have and implement policies and procedures to respond properly to allegations of abuse against clergy and other church personnel that include:
 - (a) making known within churches the procedure for making complaints;
 - (b) arranging pastoral care for any person making a complaint of abuse;
 - (c) the impartial determination of allegations of abuse against clergy and other church personnel, and assessment of their suitability for future ministry;
 - (d) providing support for affected parishes and church organizations.

Practice of pastoral ministry

3. We will adopt and promote by education and training standards for the practice of pastoral ministry by clergy and other church personnel.

Suitability for ministry

4. We will have and implement policies and procedures to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church including checking their background.

Culture of safety

5. We will promote a culture of safety in parishes and church organizations by education and training to help clergy, other church personnel and participants prevent the occurrence of abuse.

APPENDIX 3 – MOTIONS FOR GENERAL SYNOD 2014**Motion 1**

The General Synod:

- (a) receives the report of the Professional Standards Commission;
- (b) recommends that each diocese:
 - (i) conduct a regular audit of the implementation of its Professional Standards and Safe Ministry policies and procedures.
 - (ii) *publish* a list of appropriately qualified people as supervisors for those in pastoral ministry and promote the use of their services;
 - (iii) include a component for supervision in recommended financial packages for those in pastoral ministry.
- (c) *commends the use of Faithfulness in Service - a DVD resource for clergy and church workers* in all Australian dioceses;
- (d) refers to the Professional Standards Commission:
 - (i) the preparation of a report identifying barriers to change in the areas of safe ministry and professional standards in the Church and strategies to address them;
 - (ii) the revision of the protocol entitled *Private Confessions: Pastoral Guidelines with special reference to Child Sexual Abuse* for consideration by the House of Bishops;
- (e) requests the Professional Standards Commission to report to the 17th 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) *adopts Being Together* as the statement of expectations regarding the behaviour of members of Church communities;
- (b) authorises the revision of *Being Together* by the Standing Committee;
- (c) *recommends that each diocese adopt Being Together* as the statement of expectations regarding the behaviour of members of Church communities in the diocese.

Motion 3

The General Synod *adopts the Charter for the Safety of People within the Churches of the Anglican Communion.*

Motion 4

The General Synod:

- (a) commends the National Council of Churches in Australia for organising the *Safe as Churches? 2011 and the Safe as Churches? 2013* 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; and requests the General Secretary to convey this resolution to the National Council of Churches in Australia;
- (b) recommends that the Commonwealth Government promote a national system 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.