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## **PROFESSIONAL STANDARDS**

Approved by: Diocesan Council

23 November 2016

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### **PREAMBLE**

"There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace." Kofi Annan

### **From the Most Reverend Roger Herft (Archbishop of Perth)**

"We do not inherit the world from our parents – we borrow it from our children."

Rabbinic wisdom challenges every generation to be attentive to this truth. If we do not recognise this reality, we steal the future of our children – and our future with it!

The policy and procedures for the protection of children is a framework of "common sense" that creates a safe environment in parish communities. Church workers, and all who form a part of the community of the Church, are entrusted with the privilege and responsibility of making the world of the child under our care safe and protected from harm.

Our Lord Jesus reminds us that the reign of God belongs to those with the innocence and wonder of children.

I pray that the policy and procedures outlined in this document may encourage each and all to create safe communities for young people and children.

### **Policy Statement**

The Diocese is committed to providing a safe and secure environment for all its members and leaders, and especially its children.

It recognises the vulnerability of children and their right to be safe. The core beliefs of the Church require us to treat all people with love and dignity, and to care for those who are in need of nurture and protection.

Policy 40 is the index for Professional Standards Policies and contains the definitions used in the policies listed below.

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**Definitions –**

**Abuse** - means bullying, emotional abuse, harassment, physical abuse, neglect, sexual abuse, spiritual abuse or child abuse;

**Agency Worker** - means a person employed or engaged by, or holding a position or performing a function for, a Church agency, whether for payment or in a voluntary capacity, with actual or apparent authority of the relevant Church agency;

**Allegations** - a claim or assertion that someone has engaged in child abuse or sexual misconduct;

**Alleged Perpetrator** - is a Churchworker against whom allegations of sexual abuse or sexual misconduct have been made;

**Archbishop** – means the Archbishop of Perth appointed pursuant to the *Archbishopric Statute 1978* and any Administrator of the Diocese within the meaning of that Act;

**Board** - means the Professional Standards Board established under Part 9;

**Bullying** – means repeated behaviour directed to a person which a reasonable person considers;

a Having regard to all circumstances, would victimise, humiliate, undermine or threaten the person and

b Is likely to pose a real risk to the health and safety of the person or persons;

**Child** - means any person under the age of 18 years;

**Child Pornography** – means sexually explicit or suggestive material depicting children;

**Church** - means the Anglican Church of Australia within the Diocese;

**Church Agency** – means any separately incorporated entity of the Church in the Diocese, which has been established by the Synod, The Perth Diocesan Trustees or the Diocesan Council and includes all Church schools;

**Church Authority** - means the Archbishop or a person or entity having administrative authority of or in a Church entity to licence, appoint, authorise, dismiss or suspend a Church worker or Church volunteer;

**Church Entity** – means an unincorporated entity including a committee, commission, a parish or a parish council in the Diocese, the Cathedral or Chapter of the Cathedral that exercises ministry within, or on behalf of, the Church with the actual or apparent authority of the Church;

**Church School** – means a school or other educational institution within the meaning of the section 1(1)(f) of The Constitution Act of the Diocese of Perth 1871 as well as the Provincial schools within the Diocese, which are affiliated with the Church;

**Church worker** – means any person who is or who at any relevant time was:

- 1 member of the Clergy (including the Dean of the Cathedral) whether or not holding the Archbishop’s License or permission to officiate;
- 2 employed or engaged by a Church authority or Church entity; or
- 3 holding a position or performing a function whether voluntary or for payment with the actual or apparent authority of a Church authority or Church entity, but excludes the Archbishop;

**Church safe** – mandated training specific to child protection and the principles of risk management;

**Clearance for Ministry** - means in relation to ministry-

- 1 within the Diocese, the licence, permission to officiate or other relevant authority as the case may be of the Archbishop; and
- 2 outside the Diocese, written confirmation by the Archbishop that the Church
- 3 worker is fit for ministry either unconditionally or subject to certain conditions or restrictions;

**Clergy** - means a person in Holy Orders; For the purpose of this Policy, any reference made to ‘Clergy’ will be specific to that role.



**Code of Conduct** - means a code of conduct approved from time to time under Part 2 of the Professional Standard Statute.

**Complaint** - means a complaint against a Church worker or Church volunteer under section 23 or section 23A of this Statute, as the case requires;

**Complainant** – means a person who makes an allegation of misconduct against a Church worker or a Church volunteer;

**Conduct** – means an act, an omission to perform an act, a state of affairs, refraining (otherwise than inadvertently) from doing an act, refusing to do any act, or making it known that an act will not be done;

**DCPFS** – means the Department for Child Protection and Family Services or its equivalent;

**Deed of Settlement and Release** - means a document signed by both parties releasing the Diocese from any further financial claims;

**Deposition of Holy Orders** – means the Bishop of a Diocese in which a person in Holy Orders resides may, by executing an instrument in or to the effect of the form in Schedule 3 of the Deposition and Relinquishment Canon depose the person from Holy Orders;

**Diocese means** the Diocese of Perth

**Director** - means the Director of Professional Standards appointed under Part 5 of the Professional Standards Statute and includes an acting Director of Professional Standards;

**Duty of Care** - can be defined as the obligation to act as any reasonable, informed, ethical person would in respect to child protection matters;

**Emotional Abuse - means:**

- 1 subjecting a person to excessive and repeated personal criticism;
- 2 ridiculing a person, including the use of insulting or derogatory terms to refer to that person;
- 3 threatening or intimidating a person;
- 4 ignoring a person openly and pointedly;
- 5 behaving in a hostile manner or in a way that could reasonably result in another person feeling isolated or rejected; or
- 6 any other conduct –  
which has caused, or is likely to cause physical or mental harm including self harm or in the case of a child, which has caused the child to suffer, or is likely to cause the child to suffer, significant harm to his or her wellbeing or development, but does not include excluded conduct;

**Equivalent Body** - means a body of another diocese exercising powers, duties or functions equivalent to those of the PSC, the Board or the panel as the case may be, or where there is no such body, the Bishop of the diocese;

**Examinable Conduct** - means conduct wherever or whenever occurring the subject of information which, if established, might call into question:

- 1 The fitness of a Church worker, whether temporarily or permanently, now or in the future to hold a particular or any office, licence or position of responsibility in the Church or to be or remain in Holy Orders or in the employment of a Church body; or
- 2 Whether, in the exercise of a Church worker’s ministry or employment, or in the performance of any function, the Church worker should be subject to certain conditions or restrictions;

**Excluded Conduct** - in relation to a Church worker or Church volunteer means -

- 1 any act or omission of a person to whom this Statute applies to appoint, correct, discipline, counsel, admonish, transfer, demote, suspend, retrench or dismiss a person; or
- 2 any other act or omission in the course of ministry or service; or
- 3 any decision of that person relating to the same -
- 4 In good faith and reasonably; and
- 5 In the lawful discharge of the duties and functions on that person. Nothing in this definition shall be read as imposing any duty or function on the person;



**Faithfulness in Service** – is a national code for personal behaviour and the practice of pastoral ministry by Church workers;

**General Synod** – is the Synod of the Anglican Church of Australia;

**Grooming** – is the process by which sex offenders groom people in the community, such as parents, carers, teachers and children to engage, establish trust and gain access to a child. Sex offenders spend considerable time targeting, enticing and trapping a child for sexual purposes;

**Harassment** - means unwelcome conduct, whether intended or not, in relation to a person where the person reasonably feels in all circumstances offended, belittled or threatened which has caused, or is likely to cause physical or mental harm including self-harm but does not include excluded conduct;

**Holy Orders** – means any person who has been ordained Bishop, Priest or Deacon in accordance with the rights and ceremonies of the Anglican Church of Australia.

**Information** – means information of whatever nature and from whatever source relating to:

- 1 Alleged conduct of a church worker wherever or whenever occurring involving sexual misconduct or child abuse;
- 2 Alleged inappropriate or unreasonable conduct or omission of a Church worker who had knowledge of conduct of another Church worker involving sexual misconduct or child abuse; or
- 3 An alleged process failure;

**Investigation / Investigate – means:**

- 1 **Police / DCPFS** – refers to the process of collecting information to determine child abuse or misconduct has been committed; (2) identify the perpetrator; (3) apprehend the perpetrator; and (4) provide evidence to support a conviction in court;
- 2 **Director** – investigates allegations as outlined in the Statute and Policy 40.2 only when the investigation process by the Police or DCPFS is complete.

**Known Adult Sex Offender** – means a person who has pleaded guilty to, has been convicted of, or has admitted to having committed, a sexual criminal offence.

**Leaders / Leadership role** – means Persons who are seen by members of the community in apparent or actual leadership roles in the Diocese/Parish may be perceived as persons of trust.

A person in a leadership role includes a person holding any position or performing any function with the actual or apparent authority of the Diocese or Parish.

This includes but not limited to the following positions:

- 1 Clergy
- 2 Parish Wardens
- 3 Parish Councillors (including Secretary and Treasurer)
- 4 Synod Representatives
- 5 Lay Pastoral Ministers
- 6 Leader of a prayer group
- 7 A reader at worship
- 8 Leader of a bible study group,
- 9 Leader of a choir or Musical Director
- 10 Youth leader or worker
- 11 Sunday School teacher
- 12 Leader of Ministry team
- 13 Liturgical Assistant
- 14 Organiser of refreshments / catering
- 15 Co-ordinator of volunteers at a working bee

**License** - means a written authority to a member of the clergy, or a member of the laity, under the seal of the Archbishop; and "licensed" has a corresponding meaning;



**Mandatory Reporting** - A legislative process which mandates Doctors, Nurses, Midwives, Police and Teachers to report child sexual abuse to DCPFS;

**Ministry** - means ordained ministry or lay ministry authorised under the Authorised Lay Ministry Canon 1992 (No 17, 1992) Adoption Statute 1992 or an equivalent Statute of the Synod of another Diocese, as the case may be;

**National Register** - means the national register established pursuant to the National Register Canon 2007 of the General Synod of the Church or any Canon prescribed by General Synod in substitution for that Canon;

**Natural Justice / Procedural Fairness** – means the opportunity to be heard by an independent decision maker whenever the rights or legitimate expectations of an individual are affected by a decision;

**Neglect** -means the neglect of a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

**Parish** – means a geographical body of members of the Church gathered together and established in accordance with this Statute; **PTO** – means Permission to Officiate;

**Offender or person who has offended** – means any person who is a known sex offender;

**PC** – means the Pastoral Care

**PDT** – means The Perth Diocesan Trustees;

**Panel (The)** - means Independent Assessment Panel;

**Parish Recovery** – means a process of restoration to a Parish affected by sexual abuse and misconduct.

**Person of Concern** – means:

- 1 A person who is currently charged with a sexual criminal offence; or
- 2 A Churchworker against whom allegations of sexual misconduct are currently being dealt with under church disciplinary procedures; or
- 3 A person who is receiving, or has received, treatment for disordered sexual behaviour; or
- 4 A person who is considered by the Director of Professional Standards to be a risk to the safety of children and/or vulnerable adults because of an adverse risk assessment relating to sexual misconduct or because the person has been disciplined by another organisation for sexual misconduct;
- 5 A person who habitually touches people in a way that is considered inappropriate or offensive.

**Physical Abuse** – means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person but does not include lawful discipline by a parent or guardian.

**Process Failure** - means the failure by a Church entity or Church authority prior to The Professional Standard Statute coming into effect to deal appropriately with or to investigate matters involving

- 1 Abuse; or
- 2 Alleged inappropriate or unreasonable conduct of a Church worker who had knowledge of conduct of another Church worker or Church volunteer constituting sexual abuse or child abuse;

**Prohibition Order** – means an order prohibiting a Church worker or other person subject to The Professional Standard Statute from holding a specified position or office in or being employed by a Church entity or Church authority or from carrying out any specified functions in relation to any office or position in the Diocese or in relation to employment by a Church entity;

**Protocol** - means the protocol or policy approved from time to time by the Archbishop Diocesan Council under Part 3 of The Professional Standards Statute.

**Province or Provincial** – means the Anglican province of Western Australia;

**Professional Standards Committee or PSC** - means the professional Standards Committee established under Part 4 of the Professional Standards Statute.

**PSU** – means the Professional Standards Unit;



**Respondent** - means a Church worker or Church volunteer against whom an allegation of misconduct is made and who is not deceased;

**Restoration to Ministry** – means a process for ministering restoration to clergy whose ethical failure has resulted in cessation of their ministry.

This process of restoration seeks to recognise:

- 1 The consequences of ethical failure;
- 2 The value and integrity of the vocation;
- 3 The importance of trust-based relationships in ministry;
- 4 The impact of failure on others, and
- 5 The grace and forgiveness of God.

**Review Board** – means a Professional Standards Review Board established under part 13 of the Professional Standards Statute.

**Safety Plan** – is the process that puts in place restrictions and boundaries for any person who is a known sex offender and who wishes to attend or participate in any Parish activity;

**School Worker** - means a person employed or engaged by, or holding a position or performing a function for, a Church school, whether for payment or in a voluntary capacity, or with actual or apparent authority of the relevant Church school;

**Screenings** – means checks undertaken in keeping with legislative or Diocesan requirements for the purpose of safe ministry – i.e. Working with Children Check, National Police Clearance, Volunteer Police Clearance, Safe Ministry Check for Clergy (Form 11), Volunteer Application (Form 1);

**Sexual Abuse** – means sexual assault, sexual exploitation or sexual harassment and in relation to a child includes the use of a child by another person for his or her own sexual stimulation or gratification or for that of others;

**Sexual Assault** - means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent or against a child;

**Sexual Exploitation** - means any form of sexual contact or invitation to sexual contact with another person, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage;

**Sexual Harassment** - means unwelcome conduct of a sexual nature, whether intended or not, in relation to a person where the person reasonably feels in all circumstances offended, belittled or threatened;

**Sexual Misconduct** – means sexual assault, sexual harassment or sexually inappropriate behaviour in relation to a child or adult;

**Social Media** - means any form of online publication or presence that allows interactive communication, including, but not limited to, social networks, blogs, internet websites, internet forums, and wikis. Examples of social media include, but are not limited to, Facebook, Twitter, LinkedIn, Tumblr, YouTube, and blogs;

**Blogs:** these are online diaries or personal websites where the owner will publish regular posts and comments are invited.

**Twitter:** this is the most common micro-blogging site, where users publish short messages (140 characters max), known as "tweets". Users can choose to follow other users, meaning they receive a stream of all the updates made by the people they are following. Private and public messages can also be sent between users.

**Facebook:** this is the most popular social networking site worldwide. Users can build networks of friends, find people with similar interests and backgrounds to them, organize events and social gatherings, and send messages and joint campaigns. Users can select the levels of privacy they wish to have, but the mechanisms for doing this have received widespread criticism for being complicated and confusing. Other social networking sites include **Ning**, **MySpace** and **Bebo**.



**Flickr:** this is a photo sharing website. Users upload pictures and can share them with others. You can also search for photos uploaded by other users on a particular theme.

**Forums and discussion boards:** many websites have discussion boards or forums. These allow users to discuss, debate and ask questions. Many are open to registered users only, but some are fully public.

**Youtube:** this is a video sharing website. It is free and easy to upload video from a computer or mobile phone. The site has caused controversy over issues of copyright infringement.

**Spiritual Abuse** – means the mistreatment of a person by actions or threats directed specifically to that person and justified by appeal to God, faith or religion, which mistreatment has caused, or is likely to cause physical or mental harm including self-harm but does not include excluded conduct.

**Statute** - means the Professional Standards Statute;

**Support and Accountability Person / Network** – is the person or group of people assigned to provide support and accountability to a known offender who attends a Parish;

**Support Person** – is the person providing support to either a Complainant or alleged perpetrator

**Worshipping Agreement** – is the agreement between a known sex offender and a Parish that identifies boundaries and restrictions to protect children;

**Volunteer** – means a person aged 18 or more years who is not a Church worker and who:

- 1 Holds a voluntary role, office or position in a congregation or parish or in the Cathedral; or
- 2 Holds otherwise any specific voluntary role, office or position in the Diocese with the actual or apparent authority of the Church;

**Vulnerable Person / People** – means a person / people who cannot protect themselves from harm or threat due to intellectual or physical disability, emotional impairment or age.