

Chapter Twenty-Four

Victim Care & Protection



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This is a guideline for ministers and the state executive and can be used for employees of local churches.

Abuse

Pastors are in a special position of trust and authority in relation to those who are in their pastoral care, people seeking advice, students at a bible colleges etc. Any attempt to sexualise a pastoral relationship is a breach of trust, an abuse of authority and professional misconduct.

Such abuse may take the form of suggestive comments, unnecessary questions or physical contact. Failure by the other person to reject such conduct does not necessarily imply meaningful consent. Even when the other person concerned is the one who seeks to sexualise the relationship, by showing inappropriate affection, self disclaiming, closed doors, secret behaviour; it is the professional responsibility of clergy or religious leaders to guard the boundary against sexual contact.

Any form of sexual behaviour with a minor, whether child or adolescent, is always sexual abuse. It is both immoral and criminal. Sexual approaches by clergy or church leaders to adults in their pastoral care are sexual harassment or, in more serious cases, sexual assault. They may be subject to provisions of civil or criminal law. Even when there are no grounds for criminal action, we recognise that elements of abuse of authority can be present and serious harm can be caused.

Sexual abuse within the church is primarily to do with the abuse of power and position of authority. This position can be used by clergy to satisfy their own sexual desires and addictions.

The Victims

Victims of sexual abuse can experience fear, shame, confusion and violation. They can feel guilty, blame themselves and take responsibility for what has happened. Children and adolescents can suffer distortions in the process of determining their sexual identity, and even their identity as persons. Victims can go through a long

period of silence, denial and repression. Other people can refuse to believe them, reinforcing their sense of guilt and shame.

- It must be realised that due to the very nature of sexual abuse, it can be many years before the victim gains the courage to speak out. This should not weaken the seriousness of the abuse or influence the victim's rights in investigations.
- The intensity of the effects of sexual abuse on victims will vary. Some of the factors involved are the age and personality of the victim, the relationship with the offender, the duration and frequency of the abuse, the particular form of the abuse, the degree of force used, the threats used to compel secrecy, and the degree of violation of trust and abuse of power involved.
- It often takes many years before the victim even recognises the severity of the abuse, or even that it was abuse. Often the offender works to manipulate the victim's perception of what is actually happening (i.e. to see abusive actions as healing and good for them and not to see the abuse itself).
- We recognise that responses to victims by the church authorities vary greatly.

The Offenders

In most cases of sexual abuse, free choices are made and many serious and sacred obligations are violated. Vulnerable people are carefully selected as potential victims and care is taken to threaten them not to tell anyone what has happened.

Offenders frequently present as respectable, good and caring people. They can be quite exemplary in their public life and they can actually use this as an excuse for a private life that contradicts their public one.

At the same time, a number of offenders are disturbed people and some have serious psychological problems. A significant number were themselves victims of sexual abuse in their earlier years. For many, the abuse can quickly become a compulsion that leads to denial and self-deception.

The Response of the Church

The Fellowship has a firm commitment to strive for the following items in particular:

Truth: The church makes a commitment to seek to know the full extent of the problem of sexual abuse and the causes of such behaviour within a community that professes the values of Jesus Christ. Concealing the truth is unjust to victims, a disservice to offenders and damaging to the whole church community.

Humility: It is very humbling for a Christian church to have to acknowledge that some of its clergy have committed sexual abuse offences. We must recognise that humility is essential if we are to care for victims and prevent future abuse.

Healing for the victims: Whenever the offender is a pastor or a church or department leader, the Fellowship must accept that it has a responsibility in seeking to bring healing to those who have been victims of abuse. A compassionate response to the victim must be the first priority in all cases of abuse. A balance must be kept between the primary concern for the needs of victims and the effort to ensure that the response is fair and just to all parties.

Assistance to people affected: We should also strive to assist in the psychological and Spiritual healing of those people who, as well as the victims, have been seriously affected by incidents of sexual abuse, including the offender's family, the congregation and others. Also, the State Executive will assist in facilitating new leadership and support for the church, during such an incident.

- The effect on the family of the victim can be profound. Sometimes the disclosure is so terrible that the family would rather reject the victim than face the reality. Parents can feel guilty that they did not protect their child more effectively.
- The local assembly, school or other community department in which the abuse occurred may be deeply affected. The more popular and respected the pastor or department leader, the greater will be the shock.

- The family and close friends of the offender may also be deeply hurt. They can find it difficult to know how to respond and how to act towards the offender.

All pastors and leaders are affected and the thought that other people might be looking at them as potential abusers can be a cause of personal stress. They have had to make changes in their manner of relating to all people and some good things have been lost in these changes.

Response to those accused: All people are presumed innocent unless and until guilt is either admitted or proved. If pastors or leaders accused of sexual abuse are asked to step aside from the office they hold while the matter is pending, it must be clearly implied they are on leave. Unless and until guilt has been admitted or proved, those accused should not be referred to as offenders or in any way treated as offenders.

Response to those guilty of abuse: If guilt has been admitted, or proved by the Executive Discipline and Restoration Committee, the response must be appropriate to the seriousness of what has happened. This is facilitated by the State Executive and if necessary by the statutory authorities. Offenders will not be given back the power they have abused. Those who have made the best response to treatment recognise this themselves and no longer claim a right to return to ministry.

Prevention: Victim prevention is ultimately formulated by competent and Godly ministers, who are both called and equipped to carry out these duties. This places great emphasis upon more effective section training and teaching of our pastors, at Bible college levels, Committees and in conduct. This is currently being reviewed both by National and State Executives.

We commit ourselves to making every effort to reduce the risk of abuse by pastors and church and department leaders. We continue to review the selection of candidates for ministry and leadership and their ongoing training. We invite the whole Fellowship to assist us in offering whatever healing is possible to victims of abuse and in preventing abuse in the future.





Introduction

This section of the document deals with procedures. These procedures are intended to apply to all complaints of sexual abuse by church personnel, whether they are pastors, non-ordained church and department leaders, lay employees or volunteers.

A complaint of sexual abuse raises medical, psychological, Spiritual, legal and practical issues. An appropriate response will, therefore, need to be based on a team approach. If necessary the church should inform the appropriate authorities.

Definitions

- *Accused:* The person against whom a complaint of abuse is made.
- *Church leader:* Includes an executive member of the National, State or District Executive Presbytery, a leader of a department or Bible college, an elder, deacon, pastor, youth pastor or youth worker, home group leader, children's pastor or children's worker, an employee or any person with responsibility or authority in the life of an assembly or department, school or college and an autonomous lay person responsible for the church body to which the accused person is connected.
- *Church body:* Includes a local assembly, department, college or school and any other juridical person, body corporate, organisation or association, including autonomous lay organisations, that are generally perceived to be part of the Assemblies of God in Australia Fellowship.
- *Church personnel:* Includes any cleric, member of a local church or entity, employee or volunteer who is connected with a church body.
- *Civil authorities:* Includes members of the police service as well as officials of the government departments responsible for child protection, for the administration of laws relating to

complaints of sexual harassment or abuse, for the discipline of professions and for industrial relations.

- *Complainant:* The person who has alleged sexual or other abuse against church personnel. In most, but not all cases, the complainant will also be a victim and this is to be understood in this document unless the context suggests otherwise.
- *Offender:* A person who has admitted sexual or other abuse or been found guilty of abuse by a court of law.
- *Sexual abuse:* Includes any form of criminal assault, sexual harassment, or other conduct of a sexual nature that is inconsistent with the public vows taken by a pastor or minister, with the integrity of the relationship between a leader or pastor and a person in their pastoral care, or with the duties or professional responsibilities of church personnel.
- *Victim:* The person against whom the sexual or other abuse was directed.
- *Contact person:* The contact person is either the senior pastor if in the church, or the district or state executive leader if it involves and ordained minister.

A police check may be done when applying for credentials - this is being reviewed by the National Conference.

Structures & Personnel

The State and National Executive Presbytery have jointly established a National Professional Standard to oversee the development of policy, principles and procedures in responding to complaints of sexual and other abuse against church personnel.

Complaints

- If a complaint of sexual abuse against church personnel comes to the notice of any member of the church, that

person should take contact details and immediately (and within 24 hours) refer the matter to a contact person.

- Information should be widely circulated to the public, and especially among church counselling agencies, churches and departments, giving the names and contact details of the contact persons.
- All church personnel should comply with the requirements for mandatory reporting of child abuse that exist in some states. The appropriate church authority should also be notified of any such report.
- Anonymous complaints are to be treated prudently. An anonymous complaint cannot have the full force of one made by an identified person, but anxiety and fear may persuade some complainants not to reveal their identity immediately.
- The person hearing the account of the complaint should listen honestly and compassionately to the person laying the complaint.
- The contact person should provide written notes of the details of the complaint in the form of a report to the appropriate church or district and these notes are to be confirmed by the signature of the complainant and also signed by their doctor, counsellor or therapist.

Assessment

- The Contact Person in receipt of a complaint should make a recommendation to the responsible Executive Committee concerning whether there needs to be a formal assessment of any aspect of the matter.
- No assessment should be undertaken in such a manner as to interfere in any way with the proper processes of civil law, whether they are in progress or contemplated for the future. Any evidence of an alleged abuse should be brought to the authorities, (Statutory or within the fellowship A.S.A.P.).

- When the complaint concerns an alleged crime, the Facilitator should tell the complainant of the right to take the matter to the police and, if desired, provide assistance to do so. The appropriate Executive Committee is to be notified of any action by the Contact Person.
- If the victim indicates an intention not to take the matter to the police, this should be recorded by the facilitator and confirmed by the signature of the victim. Any Statement needs to be witnessed by a Justice of the Peace. State or Territory law regarding the reporting of knowledge of a criminal offence must be observed.
- The Executive Committee should liaise with civil authorities regarding the proper processes to be followed and the principles that should determine the timing and manner of Church assessments (where a criminal offence has occurred)
- If in the course of an assessment, what had been thought not to be a crime is in fact revealed as an alleged crime, the assessment procedure should cease immediately and the complainant told of the right to take the matter to the police. The facilitator is to assist the complainant if requested.

Assessment Procedures

- If the Facilitator advises that some aspect of the matter needs to be assessed, the State Executive should appoint three assessors from those named by the Executive Task Group. The appointment of the assessors should occur within 48 hours of receipt of the Contact Person's report. At least one of the three assessors' chosen must be, and be seen to be, independent of the Church authority, the victim and the accused.
- At any time prior to or during the assessment, the Facilitator may recommend to the State executive that the accused be asked to stand aside from a particular office or from all offices held in the Church. If only one of these persons





- makes the recommendation, the State Executive should seek the opinion of the others before making a decision.
- If there is seen to be any risk of sexual or other abuse of other persons, this advice must be given and acted upon by the Church authority at the earliest possible moment.
- If accused persons are asked to stand aside from any office they hold while the matter is pending, it is to be clearly understood that they are on administrative leave and that no admissions of any kind are implied by this fact alone. Accused persons who are employees should, therefore, be on full pay while standing aside.
- The assessors should not seek to interview the victim without first discussing the matter with the Executive Committee Facilitator.
- If the decision is made to seek further statements from the victim, the victim should be invited to have another person present at the interview (e.g. victim support person or legal representative).
- Under no circumstances should there be any attempt to intimidate a victim or to dissuade a victim from proceeding with a complaint.
- No interview with a child victim will take place if there is the slightest risk that this will interfere with the proper process of civil law. No interview, either by the facilitator or an assessor, should be conducted with a child victim without the express written authority and in the presence of the parent or guardian. Personnel who are professionally recognised as skilled practitioners in interviewing children should only conduct an interview with a child victim.
- The assessors should inform the accused of the complaint and arrange an interview. At least 2 assessors should be present for interviews with the accused.
- The assessors should inform the accused that in both civil and church law a person is presumed innocent until proven guilty.
- An accused person may be invited to admit to an offence but is not bound to do so, nor may an oath be administered. The accused person may have a support person/legal representative present at the interview.
- The accused has the right to obtain independent legal advice.
- This advice should be at the accuser's expense. It is not appropriate that State Executive should indemnify a person for legal expenses relating to alleged criminal behaviour or professional misconduct. The accused is entitled to have other persons present during any interviews (e.g. accused support person or legal representative).
- Any interview with an employee should comply with the grievance procedures (if any) of the employment contract or as stated in the Industrial relations section of the Ministers Manual
- The assessors may interview any other persons who could be of assistance
- A written or taped account should be made of all interviews
- The victim's support person and the accused support person should have ready access to the assessors and should have the responsibility of keeping the victim and accused, respectively, informed of the progress of the assessment.
- After the assessment is completed, the assessors should provide a written report with recommendations to the State Executive. The assessors should provide a copy of the report to the Facilitator of the Executive Committee.
- The Executive Committee should act on the recommendations of the report as quickly as possible. The State Executive for advice on their implementation may call upon the National Executive Committee.
- Mindful that the assessment process is a difficult and trying time for all concerned, particularly the victim and the

accused, the process of assessment should be undertaken as quickly as possible and the process should be as transparent as possible to all concerned. The facilitator of the Executive Committee should seek to ensure that all parties adhere to this principle.

- During the assessment, and therefore, at a time when guilt has been neither admitted, the accused person is not bound to admit to an offence. Any comment regarding these issues must always be referred to the State Executive and its professional advisers.

Outcomes Relating to the Complainant and / or Victim

- Following the completion of the assessment process, at least one of the assessors should meet with the complainant and express the findings of the assessment.
- In the event of proven guilt, whether through admission of the offender or through a finding of a civil court or through an internal assessment, the State Executive and the victim should mutually agree on a Facilitator from the approved panel.
- The Facilitator should arrange and moderate a meeting between the victim and Executive Committee (or delegate with power to make binding decisions). Both the victim and Executive Committee may have one other person present with them.
- The Facilitator should seek to know the ongoing needs of the victim and the response of the State Executive to these needs.
- The Facilitator should also seek to know the needs of the victim's family and of the community in whose midst the abuse occurred.

- The Facilitator should seek to identify any outstanding issues where the victim is not satisfied with the response received and should explore with both parties the best means of confronting such issues.
- The Facilitator should draw up a record of any agreement reached and of any outstanding areas of disagreement. A copy of this should be forwarded to the Convenor of the Executive Committee and, in doing so, the Facilitator may make any appropriate comments on the reasons for disagreement.
- The State Executive should bear all ordinary and reasonable expenses of the process of facilitation, in conjunction with the associated parties.
- If the victim remains of the view that the response of the State Executive is unsatisfactory, the Facilitator should inform the victim of access to a review of process.

A Review of the Process

- A review of process is available for complainants who are not satisfied with decisions taken by the State Executive in relation to any aspect of the complaint.
- The review of process is an independent evaluation, not only of whether the procedures set out in this document have been properly observed, but also of whether the principles established in the first part of the document have been adhered to.
- A complainant who is dissatisfied with the decisions of the State Executive may request in writing from the facilitator of the Executive Committee a review of process.
- If the request is accepted, the facilitator should appoint one of the members of the Executive Committee.
- If the request is to be denied, the Facilitator must first consult the other members of the Executive Committee.





- If the victim objects to the Members named, the whole Executive Committee who should nominate another Member should consider the matter.
- The Facilitator should inform the State Executive that a review of process has been requested and approved.
- The Member should determine the procedures for the conduct of the review.
- The Reviewer should have authority to interview all personnel concerned and will have access to all relevant documentation.
- The Member should conduct the review expeditiously and certainly within three calendar months, unless the State Executive nominates an extension of time.
- At the end of the review, the Member should provide a written report with recommendations to the Facilitator of the Executive Committee.
- The facilitator should provide a copy of the report to the complainant and the State Executive. As soon as convenient, the facilitator (or delegate if appropriate) should discuss with all parties the implementation of the recommendations.
- The State Executive should bear all ordinary and reasonable expenses of the review of process.

Outcomes Related to the Accused

- If the complaint is not resolved, either through the processes of civil law or through an internal assessment, the State Executive must decide whether it is appropriate for the accused to continue in ministry or return to ministry while the doubt remains.
- Whenever a risk of abuse to others is feared, or there is likely to be a scandal, an accused that is an employee or ordained

member should be suspended on full pay and a volunteer should be required to step aside.

- In the same circumstances, Pastors and leaders should take leave. until the matter is resolved. They should not engage in any public ministry during this time.
- These actions do not involve a penalty and do not imply guilt.
- If the State Executive are satisfied that the accused is guilty of abuse, they should take such action as the situation and the seriousness of the offence demand. In relation to serious offences: in the case of an employee, this will mean a process of dismissal from employment; in the case of a volunteer, it will involve a prohibition from being involved in any activity associated with a Church body; in the case of a pastor or church or Department leader, it means that they may never be given back the power they have abused, and it can include a request that the person concerned apply to return to the lay state.
- If a Pastor or leader has admitted to or been convicted of sexual or other abuse, the State Executive should , in person or through a nominated representative, meet with the offender to discuss honestly and openly the offender's future options. The offender may wish to be accompanied by a support person and/or legal representative. The discussion should take into account the seriousness of the offence and all relevant circumstances. It is unfair to hold out to an offender any hope of a return to ministry when it is clear that this will not be possible.
- The State Executive may require the offender to address the issue of restitution to the victim and to the church community.
- If a police investigation and/or an internal assessment make it clear that the accused was not guilty of the alleged offence, the State Executive should take whatever steps are necessary to vindicate the reputation of the accused.

Preventative Strategies

- The State Executive should ensure that all personnel are made aware of the seriousness of sexual and other abuses. They should be warned of behaviour that is inappropriate or which might be misunderstood as involving improper sexual or other behaviour.
- Whenever the State Executive is concerned about the behaviour of any person connected to the fellowship, this fact should be brought to the attention of that person and appropriate steps taken to determine whether the behaviour is the symptom of a deeper problem requiring attention.
- Church personnel who feel that they might be in danger of committing sexual or other abuses should be offered opportunities to seek both spiritual and psychological assistance before the problem becomes unmanageable and they offend. Names of suitable therapists and treatment programs should be made available.
- Before applicants are accepted into the ministry or receive a credential, they must be asked to state in writing that they are not aware of any circumstances that could lead to a complaint of sexual or other abuses against them.
- While due process must be observed, any incident of proven abuse must lead to the dismissal of a credential holder from the ministry.
- Church bodies, especially those involved in providing care for children, should have in place procedures, consistent with good industrial relations practice, for obtaining police checks, for checking references and verifying the suitability of persons for employment or for participation as volunteers.
- The State Executive should be honest and frank in references and should not act in a way that would allow an offender to obtain employment in circumstances where others might be at risk.

Concluding Statements

All churches should take the necessary steps to conduct such in-service programs for personnel as may be necessary to inform them of the principles and procedures set down in this document.

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AOG MINISTERS' MANUAL

