

Diocese of Tasmania

PROTOCOL FOR PROFESSIONAL STANDARDS FOR THE PROTECTION OF CHILDREN AND ADULTS FROM SEXUAL MISCONDUCT ORDINANCE 2005

1. STATEMENT OF BASIC PRINCIPLES

- 1.1 All complaints will be taken seriously
- 1.2 We encourage survivors to present their complaint to the church, the police, child protection agency and/or other competent bodies
- 1.3 We will endeavour to meet the pastoral needs of complainants, survivors and respondents
- 1.4 We will endeavour to ensure that no further harm is caused.
- 1.5 We will endeavour not to re-victimise survivors.
- 1.6 We will be open, transparent and accountable. We will respect the rights of complainants to privacy and to make their own informed choices about whether to engage with Diocesan processes or to seek assistance elsewhere.

2. ACKNOWLEDGMENT AND APOLOGY

- 2.1.1 It is acknowledged that the Church has not dealt effectively and in some cases not dealt at all with issues of child abuse, sexual harassment, harassment, sexual assault, assault and sexually inappropriate conduct involving members of the clergy and church workers.
- 2.1.2 This failure of the Church has caused spiritual, mental, psychological and physical harm, pain and loss to many people. The Church deeply regrets our failure and the consequent effects. We unreservedly apologise to those who have been harmed. We state our resolve to do all in our power to avoid such failure and to avoid being the cause of such harm in the future.

3. PROCEDURES FOR RECEIVING INFORMATION; RESPONDING TO INFORMATION OF MISCONDUCT BY CLERGY OR CHURCH WORKERS.

3.1 Telephone helpline

- The Professional Standards Committee (Committee) shall ensure the provision of a telephone helpline (Anglican Support for Abused People) to which any person may give information about sexual harassment, sexual misconduct or abuse by clergy or church workers.
- The telephone service shall have a good knowledge of the dynamics and outcomes of sexual abuse, sexual harassment and sexual misconduct.
- Access to the telephone helpline must be from 9.00am to 5.00pm on working days and provide appropriate referral and recording for after hours contact.
- The telephone helpline shall:
 - Offer an initial point of contact for people providing information;
 - Ensure that the person providing information is offered a support person and/or counselling, as appropriate.
 - Be able to arrange, in liaison with the Director of Professional Standards (Director), counselling or therapy.

3.2 Complaints and allegations

- 3.2.1 All complaints/allegations received by the Committee will be reported to the Committee by the Director.
- 3.2.2. Only written Complaints or allegations of child abuse, sexual harassment, , sexual assault, or sexually inappropriate conduct or of a process failure as defined by the Ordinance s.2 'information' will be investigated by the Professional Standards Committee.
- 3.2.3 If the complainant does not wish to put the complaint in writing the Director will offer and if accepted arrange counselling for the complainant.
- 3.2.4 If the subject of the complaint/allegation is a child or there is a risk of harm to a child, the Committee will report the information to the Police and any Statutory Authority as required by the law of the State.
- 3.2.5 If the complaint /allegation concerns an adult and involves criminal behaviour the Director will assist the complainant to report the matter to the Police.
- 3.2.6 If an allegation involving criminal behaviour or a criminal charge has been referred to the Police, the Committee will assist their investigations and cooperate with civil authorities having responsibility for the welfare of the persons involved. The Committee and Church authorities will ensure that its activities do not hamper the procedures of Police or other civil authorities.

3.2.7 The Committee will ensure that a confidential record is kept of all information, even if the information is unable to be acted upon.

4. THE APPOINTMENT, ROLE AND FUNCTION OF SUPPORT PERSONS.

4.1 Appointment

4.1.1. The Director shall offer survivors, informants (as appropriate), complainants and respondents a Support Person.

4.1.2. Support Persons will have:

- Listening and support skills.
- Completed a police check and, if available, a child protection check.
- Knowledge of sexual abuse issues including social and legal dimensions.
- An understanding of boundaries and power issues in ministry, and the ethical behaviour expected of church workers.
- Knowledge of resources available both inside and outside the church.
- Knowledge of the processes within the Anglican Church in Tasmania that relate to this issue.
- Good understanding and practices regarding confidentiality

4.1.3 Appointments will be confirmed in writing from the Director.

4.2 Role and function

4.2.1 In providing support, the Support Persons will:

- Provide a readily accessible listening presence.
- Advise on options but not give advice about which course of action to take.
- Recommend to seek legal advice, if appropriate.
- Ensure a complainant is aware of their rights under the Church legislation.
- Clarify the church processes for dealing with issues and expectations.
- Provide assistance through all the various stages of investigation and processes, including a period of time following such processes.
- Provide referral information.
- Maintain confidentiality.
- Where a survivor does not wish to submit a written complaint or proceed with an inquiry, maintain caring contact with them for an agreed period of time, and with their permission, report back any needs they may have to the Director.
- Keep the Committee, via the Director, informed of the general direction their role is taking.

5. PROVISION FOR INFORMING COMPLAINANTS AND VICTIMS OF ALLEGED CONDUCT THE SUBJECT OF INFORMATION, AND RESPONDENTS, OF RIGHTS, REMEDIES AND RELEVANT PROCEDURES AVAILABLE TO THEM.

- 5.1 The Committee will ensure that complainants, survivors and respondents are provided with materials and resources related to their rights, remedies and procedures under the Church legislation, at the earliest opportunity.
- 5.2 The Director will develop and maintain a range of materials and resources that can be readily provided to complainants, survivors, respondents and other people affected.

6. PROVISION FOR ASSISTING OR SUPPORTING, AS APPROPRIATE, ALL PERSONS AFFECTED BY ALLEGED CONDUCT THE SUBJECT OF INFORMATION.

- 6.1 The survivors, complainants and respondents of child abuse, sexual harassment, sexual assault and sexually inappropriate conduct as defined in s.2 of the Ordinance involving members of the clergy and church workers will be supported by a support person, counselling, and other processes, as appropriate.
- 6.2 As a minimum, the Committee will provide for initial periods of counselling when required by the survivor, complainant or respondent.
- 6.3 There will be a transparent process in place to determine if and to what extent on-going counselling will be provided.
- 6.4 The Committee will be mindful of secondary victims, families, friends, congregations and communities.
- 6.5 The Committee may seek occasional reports from counsellors.

7. AN EXPLANATION OF THE PROCESSES FOR INVESTIGATING AND DEALING WITH INFORMATION.

- 7.0.1 The Committee will develop, maintain and/or publish written documentation that describes the Church's processes in relation to child protection, sexual harassment, sexual assault and sexually inappropriate conduct involving members of the clergy and church workers.
- 7.0.2 The Committee will make recommendations to the Diocese on implementing child protection and safe ministry policies and practices.
- 7.0.3 When the Committee receives a written complaint, they will determine whether it could constitute examinable conduct as defined in s2 of the Ordinance and if it does they will initiate an investigation by appointing suitable Investigators (s25 Ordinance). The Committee may provide directives regarding the nature of evidence to be considered by the investigators.
- 7.0.4 The Investigators will meet with the Director and may consult the Church's legal representatives to understand fully their role and ensure that the rights of all parties are preserved.
- 7.0.5 The Director will attend to any administrative details and will ensure that the written report is provided to the Committee on completion.

7.1 Selection of Investigators

- 7.1.1 The Committee will appoint two Investigators to investigate a complaint.
- 7.1.2 Where the respondent is a member of the clergy or a licenced as a minister of ministry team, or employed in a ministry role, then one of the persons appointed to investigate will not be a member of the Anglican Church in Tasmania.
- 7.1.3 Both Investigators will be people of good standing in the Christian church.
- 7.1.4 Selection will be based on ensuring fairness, skills and appropriateness.

7.2 Function of the Investigators

- 7.2.1 The Investigators' task is to investigate a written complaint.
- 7.2.2 Investigators will obtain all materials as determined by the Committee.
- 7.2.3 Investigators are not bound by the rules of evidence. The evidence listed need not be limited to matters raised in the original complaint. Parties may be interviewed more than once.

7.2.4 The procedure is determined by the Professional Standards for the Protection of Children and Adults from Sexual Misconduct Ordinance 2005 section 28 s.29.

7.2.5 The Investigators will, wherever possible, interview:

- The complainant.
- The respondent, seeking a written response to the complaint.
- Any witnesses.
- Any other parties who may be able to provide information relevant to assessing whether there is a case to answer, and
- In addition to interviews, relevant documents and records may be searched and considered.

7.2.6 The investigators will provide to the respondent the substance of the complaint/allegations and seek his/her response. The investigators will advise the respondent of his/her duties under the Ordinance s.29.

7.2.7 The Investigators will, at the conclusion of their investigation, provide a written report to the Committee:

- Outlining the results of the investigation.
- Collecting and collating of all evidence.

7.2.8 The Committee on receipt of the investigators report and after all investigations are complete will determine the complaint/allegations in accordance with s.54 of the Ordinance.

8. PROVISIONS FOR DEALING FAIRLY WITH RESPONDENTS;

8.1 Respondents are entitled to have access to support persons and to know the substance of the complaint, allegation or information against them at the earliest possible stage. They are to be afforded the opportunity and provided with assistance to put everything before the Committee, Investigators and/or Board, which they consider to be relevant. They are entitled to be represented before the Board and to test the evidence. If possible arrangements should be made to provide assistance to pay for their representation.

9. PROCESSES FOR REFERRAL TO MEDIATION AND CONCILIATION IN APPROPRIATE CIRCUMSTANCES;

9.1 The Committee may, where appropriate (e.g. sexual harassment), arrange for the conciliation or mediation of any complaint the subject of information. Mediation and conciliation would only be considered after conferring with the survivor and usually after investigation.

10. PROCESSES FOR DEALING WITH ALLEGED PROCESS FAILURE;

- 10.1 If the Committee receives a complaint that there has been a process failure in dealing with previous allegations of child abuse, sexual harassment, sexual assault or sexually inappropriate conduct involving a member of the clergy or a church worker the Committee will promptly cause the following to occur:
- Invite and assist the complainant or survivor to provide a written statement of the allegation or complaints.
 - provide a copy of the written allegation or complaint to the Church body concerned and invite the Church body to provide a written response within 14 days or such other reasonable time as might be allowed,
 - Advise what further action is to be taken,
 - Determine the matter according to s54 of the Ordinance, and advise all concerned.

11. PROVISIONS FOR REGULAR INFORMATION, REPORTS, ADVICE AND RECOMMENDATIONS TO THE BISHOP AND ANY OTHER RELEVANT CHURCH AUTHORITY AT EACH STAGE OF THE PROCESS OF DEALING WITH INFORMATION;

- 11.1 The Committee shall provide an annual to Diocesan Council
- 11.2 The Bishop shall be not involved in the operation of the Protocol.
- 11.3 The Bishop will be kept informed of all matters that come before the Committee: including being regularly updated as to their progress
- 11.4 The Bishop shall pass on to the Committee all complaints, allegations and information relevant to the Protocol of which he/she becomes aware. The Bishop shall not interfere with or attempt to influence support persons, the Committee, the Director, Investigators, or the Board in the exercise of their respective functions.
- 11.5 The Committee will review the operation of the Protocol from time to time and to recommend changes to the Diocesan Council. The Committee may use resources or agencies outside the church in reviewing the protocols and related processes.

12. PROVISIONS FOR THE MAINTENANCE OF RECORDS

- 12.1 A register of all information received and investigations shall be maintained.
- 12.2 All records under the Protocol will be kept confidential and secure. Access to the records will be controlled by the Committee.
- 12.3 In accordance with Commonwealth privacy requirements respondents will be entitled to see records relating to themselves unless the Committee determines that to allow them access would put another person at risk of serious harm.
- 12.4 Information will only be provided to third parties, including church bodies, for bona fide employment screening purposes, to child protection authorities for the protection of a child or children and to the Police in the investigation or prosecution of an offence.

13. CO-OPERATION WITH OTHER DIOCESES, OTHER DENOMINATIONS AND OTHER CHILD RELATED EMPLOYERS.

- 13.1 Records of the proceedings under the Protocol will only be made available to church bodies, church bodies of other denominations and child-related employers for the purposes of employment screening unless the Committee has advised or the Board has determined that the complaint was false, vexatious or misconceived.
- 13.2 The findings, recommendations and implementations of the recommendations of the Board will be recorded in the Diocesan registry and in a national register of such findings which should be accessible to all church bodies, church bodies of other denominations and child-related employers for the purposes of employment screening.

14. PROCEDURES FOR WORKING WITH LAW ENFORCEMENT, PROSECUTION OR CHILD PROTECTION AUTHORITIES OF THE STATES AND TERRITORIES AND OF THE COMMONWEALTH OF AUSTRALIA.

- 14.1 The Committee will notify the relevant child protection authorities of all complaints, allegations or information of child abuse where there are reasonable grounds to suspect that a child or children are at current risk of harm.
- 14.2 The Committee will notify the Police (where the victim is an adult only with the consent of the victim) of all complaints, allegations or information where the disclosed conduct is a serious criminal offence.
- 14.3 The Committee will co-operate fully with the child protection authorities and Police in all their investigations and action. Where possible a formal protocol for co-operation should be entered into with these authorities.

Anglican Church
Tasmania
8 February 2006