This resource has been written to assist dioceses to develop a system to undertake a risk assessment to determine whether a person applying for a ministry position might pose an unacceptable risk to the safety of children and other vulnerable people.

From time to time an Applicant or referee in a Safe Ministry Check or equivalent used in a diocese will give a “yes” answer. While as stated in each of the Safe Ministry Check forms a yes answer will not necessarily result in the application being unsuccessful, it will raise a question of whether the Applicant poses an unacceptable risk to the safety of children and other vulnerable people. Sometimes information obtained from other sources such as a criminal history check, or a Working With Children Check in New South Wales, or the National Register, will also raise a question of whether the Applicant might pose an unacceptable risk to the safety of children and other vulnerable people.

In each of these situations it will be necessary for a risk assessment to be undertaken to determine whether the Applicant poses an unacceptable risk of harm to children and/or other vulnerable people. The rationale for undertaking a risk assessment is that previous behaviour is often an indicator of future behaviour.

A risk assessment will not be necessary in any State or Territory where the Applicant is prohibited from working with children.
It is important to distinguish a risk assessment from a suitability assessment. A person may be assessed to be not suitable for appointment to a ministry position involving contact with children and/or other vulnerable people for various reasons, including lack of qualifications and experience, that do not imply that the person poses an unacceptable risk of harm to them.

These Guidelines are limited to the risk of harm to children and other vulnerable people from sexual abuse by clergy and church workers in a Diocese, and applicants for those roles. These Guidelines do not deal with the risk of harm to children from other forms of child abuse (emotional abuse; neglect; physical abuse; spiritual abuse). These Guidelines can be easily adapted for use in a Church organisation.

The risk assessment process recommended in these Guidelines applies to an Applicant who is a member of the clergy or a church worker, or an applicant for one of those roles, and whether the position applied for is paid or voluntary.

The effective implementation of these Guidelines requires an understanding of sexual abuse. This issue is dealt with in Appendices 1, 2 and 3. Some helpful resources for undertaking risk assessments are set out in Appendix 4.

These Guidelines will need to be adapted to local circumstances, and to comply with any State or Territory legislation applicable to people working with children.²

Before appointment of a member of the clergy or a church worker, or an applicant for one of those roles, to a position in a Diocese involving contact with children and other vulnerable people, consideration should be given as to whether the Applicant poses an unacceptable risk to the safety of children and other vulnerable people. Failure to do so may constitute a breach of a duty of care of the applicable Church authority to provide a safe environment and protect people from harm if the appointed person engages in sexual abuse in the future.

Public awareness of the existence of this structured risk assessment will both act as a deterrent to possible sexual abusers and will clearly reflect the values and culture of the Church expressed in the Safe Ministry Policy Statement.

2 THE RISK ASSESSMENT PROCESS

(a) The principles of risk assessment

This process is based on the following principles:
• all people have the right to participate in the activities of the Church free from sexual abuse;
• no person has the right to undertake any ministry position within the Church;
• the paramount consideration is the safety and welfare of children and vulnerable adults and their protection from harm;
• the assessment will be conducted by persons with appropriate skills;
• the assessment will be undertaken with the Applicant’s informed consent;
• the assessment will be based on reliable information;
• the assessment will follow the principles of procedural fairness;
• the procedure will be transparent and documented;
• the procedure includes a provision for a review against an adverse risk assessment;
• the privacy of people will be protected, and sensitive and personal information will be protected from inappropriate disclosure.

(b) The parties to the risk assessment process and their responsibilities
The Appointer is the person or persons responsible for making an appointment to the ministry position applied for by the Applicant.

The Applicant is the person applying for a ministry position in the Diocese.

The Assessment Team is responsible for making an assessment as to whether the Applicant poses an unacceptable risk of harm to children and/or other vulnerable people if appointed to the position applied for and/or any ministry position in the Diocese. The Synod, the Diocesan Council or the Bishop appoints an Assessment Team or Teams, or an Assessment Panel or Panels from which members of an Assessment Team may be appointed. The Assessment Team should comprise at least three members, among whom there is at least one man and one woman, and who collectively have the following skills:

• a person with an understanding of verbal and non-verbal communication; group dynamics; human sexuality and sexual abuse;
• a person with an understanding of sexual abuse and its impact in the community;
• a person with an understanding of the theological issues raised by sexual abuse in the Church;
• a person with competence in evaluating information, following a process and applying the principles of procedural fairness.

A person who has a personal or family relationship with the Applicant should not be a member of the Assessment Team.
The Assessment Team may be comprised of the same persons who comprise the Professional Standards Committee of the Diocese. The Assessment Panel should comprise men and women who have the required skills to be appointed as a member of an Assessment Team. Within a Diocese there may be an Assessment Team or Panel for a particular area or region. A Province or group of Dioceses may appoint the same persons to constitute the Assessment Team or as members of the Assessment Panel. The Assessment Team or members of the Assessment Panel should be covered by the diocesan insurance policy.

(c) The steps of the risk assessment process

The risk assessment process consists of the following seven steps:

(1) where information is obtained from a Safe Ministry Check and/or another source that the Applicant might pose an unacceptable risk to the safety of children and other vulnerable people if appointed to the position applied for, the Appointer should refer the application to the Director of Professional Standards who should provide all available information to the Assessment Team. Where requested by the Bishop or the Professional Standards Committee, the Assessment Team should also assess whether the Applicant poses an unacceptable risk of harm to children and/or other vulnerable people if appointed to any ministry position in the Diocese;

(2) the Director of Professional Standards should provide the Applicant with a copy of the risk assessment process, which should specify:
   - what will happen to the information that he or she provides;
   - who will have access to the information; and
   - in what circumstances access to the information will be given.
   The Director of Professional Standards should obtain the Applicant’s written consent to the risk assessment process where this has not been previously obtained;

(3) the Assessment Team reviews all available material and considers all relevant matters, including the following:
   - the Applicant: what is the Applicant’s attitude to the risk assessment process; what is the Applicant’s understanding of the event; what is the Applicant’s insight as to why he or she might pose an unacceptable risk of harm; have the Applicant’s circumstances changed reducing the likelihood of the occurrence of a similar event;
   - the event: what was the nature, gravity and circumstances of the event; who were the people involved; what were their ages and age difference; when did it occur; did the event happen more than once;
the position: what are the responsibilities of the position; what is the age (chronological and developmental) of any children with whom the Applicant will be working; will the Applicant work alone or as part of a team; how much direct contact does the position have with children and other vulnerable people; what is the level and quality of direct supervision of the position;

the nature of the risk: what events might pose a risk of harm; who is at risk; what is the likelihood of such events occurring; is the Applicant conscious of circumstances that may lead to an increased risk of such events occurring; what level of harm is likely if such events occur;

risk prevention strategies: are there strategies that can be put in place to reduce the risk of events occurring;

(4) the Assessment Team interviews the Applicant and makes any necessary further inquiries, including where appropriate:
- obtaining information from the Appointer as to the position applied for;
- ascertaining information about the Applicant’s previous employment and relevant experience;
- verifying the Applicant’s qualifications and licence history;
- undertaking a criminal history check;
- contacting any referee of the Applicant;
- contacting any other person to obtain relevant information;
- obtaining expert advice where the Applicant has a criminal record relating to sexual abuse;
- requesting the Applicant to undergo a psychological or other assessment where the application is for a position as a member of the clergy or as a paid church worker, or for ordination.

These further inquiries may be undertaken before the Assessment Team interviews the Applicant;

(5) the Assessment Team prepares a draft final report which should include its observations of the Applicant, its conclusions as to the applicable matters specified in step (3) above, and one of the following risk assessments and reasons for that assessment in respect of each position considered:
- the Applicant does not pose an unacceptable risk of harm to children and/or other vulnerable people if appointed to that position;
- the Applicant poses an unacceptable risk of harm to children and/or other vulnerable people if appointed to that position.

Where the risk assessment in respect of any position considered is that the Applicant poses an unacceptable risk of harm to children and/or other vulnerable people if appointed to that position, the draft final report should specify whether the assessment has been made
because of the risk of sexual misconduct or child abuse (within the
definition of those terms in the National Register Canon 2007) by
the Applicant;

(6) the Assessment Team should provide its draft final risk assessment
report to the Applicant, and invite any comments by the Applicant
within 14 days or such longer time as it may allow;

(7) the Assessment Team, after taking into account any comments by
the Applicant, should provide its final risk assessment report to the
Appointer, the Applicant and the Director of Professional Standards.

An optional step is to provide an Applicant with the right to obtain a review
of the risk assessment of the Assessment Team. An important
consideration to the decision of whether a right of review is provided is that
information about an adverse risk assessment will be entered on the
National Register pursuant to the National Register Canon 2007.

(d) Other aspects of the risk assessment process

Where the risk assessment in respect of any position considered is that
the Applicant poses an unacceptable risk of harm to children and/or other
vulnerable people if appointed to that position because of the risk of
sexual misconduct or child abuse (within the definition of those terms in
the National Register Canon 2007) by the Applicant, the Director of
Professional Standards will notify the General Secretary of this adverse
risk assessment for inclusion in the National Register.

The risk assessment process may be terminated:
• by the Appointer, if the Applicant withdraws the application for the
  position;
• by the Assessment Team, if in its opinion the Applicant, without
  reasonable excuse, refuses or fails to comply with any request
  made by it.

The Assessment Team should keep a file relating to its risk assessment of
the Applicant.

The outcome of the risk assessment should be noted in the personnel file
of the Applicant who is a member of the clergy or an employed church
worker. The storage of the file associated with the risk assessment of the
Applicant should, where appropriate, be kept separate from any personnel
file of the Applicant, with restricted access. This file should be kept
indefinitely.

11 November 2009

PROFESSIONAL STANDARDS COMMISSION
Most States and Territories have introduced legislation providing for a prohibition against certain persons working with children, or are working towards such legislation. The applicable legislation is set out in a Resource Sheet on the Australian Institute of Family Studies website at http://www.aifs.gov.au/nch/pubs/sheets/rs13/rs13.html.

Most States and Territories have introduced legislation providing for child-related employment pre-screening, or are working towards such legislation. The legislation identifies broad categories of child-related work where employers, employees and volunteers must fulfill screening requirements. There are important differences across jurisdictions regarding the type of screening programs that are in place, what records are checked, and who is required to undergo screening. The current position is summarised in a Resource Sheet on the Australian Institute of Family Studies website at http://www.aifs.gov.au/nch/pubs/sheets/rs13/rs13.html.

Creating Safe Environments for Children - Risk Assessment Schedule which express the commitments of the Creating Safe Environments for Children National Framework agreed upon by Community and Disability Services Ministers in July 2005 recommends that in the context of employee/volunteer screening, a person given the right to have a final assessment decision reviewed by an independent body. Where such a review is to be provided it will be necessary to add the following paragraph to the end of section 2(b):

The **Reviewer** is the person responsible for undertaking the review of an adverse risk assessment of the Assessment Team. The Synod, the Diocesan Council or the Bishop appoints the Reviewer who should be a current or retired legal practitioner.

It will also be necessary to add the following eighth step can be added to the risk assessment process in section 2(c):

(8) where the Applicant, within 14 days of receipt of the final risk assessment report of the Assessment Team, makes a written request for a review to the Director of Professional Standards, the risk assessment of the Assessment Team shall be reviewed by the Reviewer. The time for making such a request may be extended by the Reviewer. Where the Reviewer determines that the Assessment Team made an error that was material to its risk assessment, then a further risk assessment of the Applicant shall be undertaken by the Assessment Team or a differently constituted Assessment Team as determined by the Reviewer.
APPENDIX 1

SEXUAL ABUSE

(a) What is sexual abuse?

The expressions **sexual abuse of an adult** and **sexual abuse of a child** are defined in *Faithfulness in Service* (see section 2, Key Terms), the national code for personal behaviour and the practice of pastoral ministry by clergy and church workers, which was adopted by the General Synod in October 2004 (resolution 33/04)(e)) and has been subsequently revised by the Standing Committee.

**Sexual abuse of an adult** means sexual assault, sexual exploitation or sexual harassment of an adult. **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. **Sexual exploitation** refers to any form of sexual contact or invitation to sexual contact with an adult, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. **Sexual harassment** means unwelcome conduct of a sexual nature, whether intended or not, in relation to an adult where the person reasonably feels in all circumstances offended, belittled or threatened. **Sexual abuse of a child** means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. Examples and clarifications of these expressions are found in *Faithfulness in Service*.

Sexual abuse includes serious criminal offences such as sexual intercourse without consent (rape), indecent assault and possession of child pornography.

(b) Who are sexual abusers?

Sexual abusers come from every social group, irrespective of profession, level of intelligence, educational background, ability, sexual orientation, nationality, religion or race. Most, but not all sexual abusers are male. Many sexual abusers committed their first offence as an adolescent, but not all adolescent abusers go on to become adult abusers. A common stereotype of sexual abusers as outsiders with no connections to families or communities is misleading. The majority of sexual offences against children are committed by individuals known to the child and often to the family. A summary of factors which have been identified in professional literature as increasing the risk of both general and child sexual offences being committed is contained in Appendix 2.

Current research offers some useful insights into sexual abuse. It indicates that:
• 90% of sexual abusers have experienced or witnessed physical abuse in childhood;
• only 20% of people sexually abused in childhood go on to become sexual abusers as adults;
• there is no higher rate of mental illness recorded among those who commit sexual offences than amongst the general population;
• sexual abusers commonly engage in a number of disordered sexual behaviours (paraphilias). Paedophilia is one of these.

Paedophilia (or pedophilia) is a psychosexual disorder, known as a paraphilia (an unusual sexual arousal or behaviour). Not all sexual crimes committed against children are perpetrated by people who, upon investigation, would warrant the diagnosis of paedophilia. As a result, some people prefer to discuss such behaviours as child sex offences. In management of such a person, the issue of whether or not the person warrants the diagnosis of paedophilia is important. In the media and within society in general, people who commit child sex offences are typically referred to as paedophiles. Some child advocates argue against the use of the term paedophilia as it means “love of a child” and they argue child sex offences can never be considered loving.

A summary of evidence about sex offending is contained in Appendix 3.

(c) What are the characteristics of sexual abusers?

The characteristics of sexual abusers are described in Faithfulness in Service (see paragraph 5.17). Sexual abusers commonly follow the following steps leading up to the commission of a sexual offence:

• wanting to offend;
• giving themselves permission;
• creating the opportunity to offend;
• overcoming the victim’s resistance.

Wanting to offend

A sexual abuser will have a desire to fulfil an emotional or physical need through some form of sexual misconduct. Some abusers will have a very clear mental image of what it is they want to do and the type of (or actual) person to whom they want to do it. For others it will be much more vague.

Giving themselves permission

Most sexual abusers know that what they want to do is wrong. To proceed they put in place a way of thinking which overcomes their inhibitions and gives permission to carry out the desired act. This distorted cognitive process falls into the following three main categories:
Making reprehensible conduct acceptable: There may be moral justifications (‘it’s sex education’; ‘it will be better for her to learn from me than from a stranger’; ‘she’s my step daughter not my natural daughter’; ‘it was a proper relationship’; ‘I was showing him the affection he didn’t get at home’); psychological justifications (‘it happened because my wife and I weren’t getting on’; ‘I was drunk at the time’; ‘it’s because of my own abuse – I can’t help it’); mitigating comparisons (‘I only touched her, I didn’t penetrate her’; ‘at least it’s not a boy’; ‘it won’t hurt her’); or euphemistic labelling (‘I was only fooling around – it just happened; ‘we were only playing’);

Misconstruing the consequences of the behaviour: This may involve minimizing the consequences (‘the child didn’t suffer’; ‘I won’t do any harm’; ‘he didn’t say anything so he must have been enjoying it’; ‘I only intend it to be a bit of fun’); or ignoring the consequences (‘I don’t care’).

Devaluing or attributing blame to the victim: This may involve dehumanisation of the victim (‘she was a slut’) or attribution of blame (‘she was asking for it the way she was dressed’; ‘she came on to me’).

For many sexual abusers this distorted thinking will be accompanied by denial. Through such distorted thinking and the associated denial, sexual abusers overcome their sense of culpability and guilt about past and potential offences and their impact on their victims.

In the case of adult victims (and some child victims) some clergy and church workers will have a split internally between their sexuality, morality and spirituality. In such cases, the member of the clergy or church worker will project their erotic impulse onto the victim and blame the victim for seducing them.

Creating the opportunity to offend

Sexual abusers get into positions which give access to a particular potential victim or range of potential victims. Grooming is one of the means used to create opportunities. Grooming is the manipulative cultivation of a relationship in order to initiate or hide sexual abuse of an adult or a child. In the case of child sexual abuse, an offender may groom not only the child, but also the child’s parents or guardians, and clergy and church workers. Grooming can take many months or even years, during which the abuser builds a relationship and develops opportunities. Rarely do sexual abusers creating the opportunity to offend draw attention to themselves through anti-social behaviour.

Grooming can be undertaken in a variety of ways. It may involve deliberately engaging in activities in which potential victims are participating (such as scouts, youth ministry or sporting teams); entering
specific employment giving access to children (such as teaching or the Christian ministry); targeting vulnerable children and their families (by developing trust through purchasing gifts or providing babysitting; by undermining parents’ trust in their child through accusations of lying); testing boundaries (by undressing in front of the child, allowing the child to sit on the lap, talking about sex, ‘accidental’ touching of genitals); having inappropriate personal correspondence, including electronic communication, with a child.

Grooming also occurs through increasing sexualisation of apparently innocent activities. Over time physical contact, cuddles and kisses of the victim, photographs and videos taken of the victim, and material on the internet shown to the victim, will become increasingly sexual.

Some clergy and church workers may gain trust and access into a family home or one-on-one access to the child because of the family’s (and parent’s) sense of safety and the expectation of moral conduct within the Church. Parents may assume that the person as an ordained minister church worker will hold those values to a very high degree. Such clergy and church workers may voyeuristically encourage children (and especially teenagers) to discuss their sexual activities (such as masturbation and other sexual behaviours) under the guise of “spiritual counselling”.

**Overcoming the victim’s resistance**

Physical strength and size, violence and the threat of violence, and grooming are used by sexual abusers in overcoming their victim’s resistance. In many cases sexual abusers use much more subtle techniques. For example, a child may learn to accept sexual touching and eventually penetration as ‘normal’; children may be told that they will be responsible for the break-up of the family if they report their abuse; the standing of the abuser may suggest that no-one would believe the victim if the abuse was disclosed. For an adult victim emotional as well as physical conditioning by the abuser may create a willingness for the victim to participate in the abuse for the fear of losing the ‘relationship’ or ‘friendship’.

Some clergy and church workers may use their spiritual or pastoral authority as a representative of the Church or God. They may encourage a child or vulnerable adult to be trusting, to share secret thoughts or worries. They can exploit this relationship to talk about sexual matters. After the abuse, they will often invoke religious values to maintain secrecy around the abuse. They will intimidate the child into believing that the wrong act was the child’s responsibility and initiative and would be a cause of great shame if revealed to their parents.
APPENDIX 2

FACTORs INCREASING THE RISK OF SEX OFFENDING

(a) Factors increasing the risk of general sex offending

The following factors have been identified in professional literature as increasing the risk of sexual offences being committed:

- **previous offences:** sexual abusers with a previous history of sexual offending are more likely to be recidivists. The greater the number of previous offences an individual has committed, the greater the likelihood that they will re-offend;
- **sex:** most sexual abusers are male;
- **age:** sexual abusers who commit their first offence at a young age are more likely to become recidivist offenders;
- **marital status:** sexual abusers who are unmarried are more likely to re-offend;
- **employment:** sexual abusers who are unemployed are more likely to re-offend than those who are in employment;
- **substance abuse:** substance abuse is related to recidivism among sexual abusers;
- **choice of victim and type of crime:** sexual abusers whose victims are strangers are more likely to become recidivist offenders. Child sexual abusers who select victims outside their own family are more likely to re-offend. Indecent exposers are more likely to re-offend than other types of sexual abusers;
- **victim empathy:** low victim empathy is linked to sexual re-offending;
- **personality disorder:** sexual abuse is commonly associated with the presence of a personality disorder, including high levels of anger and low self-esteem;
- **sexual arousal and use of pornography:** sexual deviancy including sexual interest in children is a strong indicator of re-offending;
- **treatment completion:** sexual abusers who drop out of treatment early are more likely to re-offend.

(b) Factors increasing the risk of child sex offending

The following factors have been identified in professional literature as increasing the risk of child sexual offences being committed:

- **previous offences:** child sexual abusers who have a history of child sex abuse are the most likely to re-offend;
- **marital status:** unmarried child sexual abusers are more likely to re-offend than those who are married;
• **employment:** child sexual abusers who are unemployed are more likely to re-offend than those who are in employment;

• **childhood experiences:** the relationship between being abused as a child and subsequent adult sexual abuse against children is complex, with conflicting evidence for the assertion that those who have been abused themselves in childhood will go on to abuse children as an adult;

• **choice of victim:** child sexual abusers who select victims outside their own family are more likely to re-offend, as are those who select boy victims or both sex victims;

• **sexual preferences:** child sexual abusers who are only aroused by children are more likely to re-offend than those who are aroused by adults and children;

• **social isolation:** male child sexual abusers tend to have a lack of intimacy with adults and high levels of emotional loneliness, and therefore experience difficulties in maintaining normal relationships with adults and gain emotional intimacy from children;

• **personality traits and disorders:** child sexual abusers have poor social skills, lack assertiveness and have low self-esteem;

• **victim empathy:** child sexual abusers who have low levels of victim empathy is linked to sexual re-offending.

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4 These factors are listed on pages 21-24 in the Occasional Paper *Offenders’ risk of serious harm: a literature review* listed in Appendix 4 below.

5 These factors are listed on pages 27-29 in the Occasional Paper *Offenders’ risk of serious harm: a literature review* listed in Appendix 4 below.
APPENDIX 3

SUMMARY OF EVIDENCE ABOUT SEX OFFENDING

Studies to date on sex offenders have reached a number of consistent conclusions:

- sexual offences that come to the attention of police represent only a small proportion of all sexual offences that occur in the community;
- sex offenders who are imprisoned represent only a small proportion of all sex offenders who enter the criminal justice system;
- most victims of sexual offences are victimised by someone known to them, most commonly a family member;
- the overwhelming majority of sex offenders are men;
- only a small minority of sex offenders report having been sexually abused in childhood;
- most sex offenders are not mentally ill;
- the risk of reoffending is greatest for those offenders who started offending at an early age, have stable deviant sexual preferences, have multiple convictions for sexual offending, have committed diverse sexual offences and who target male child victims;
- sex offenders tend to have versatile criminal careers, with their sexual offending embedded in more general offending behaviour;
- sex offenders are not a homogeneous group, with different types of sex offender exhibiting different patterns and precursors of offending;
- sex offender treatment programs, especially those delivered in the community, have a small but significant effect on reducing sexual offence recidivism.\(^7\)

\(^7\) These studies are referred to on page vii of the Research Paper *Recidivism of Sex Offenders* listed in Appendix 4 below.
APPENDIX 4
RESOURCES

*Faithfulness in Service*, the Church’s national code for personal behaviour and the practice of pastoral ministry by clergy and church workers, can be found on the General Synod website at http://www.anglican.org.au/docs/PSCFISrevMar06.pdf


Dale Tolliday of the New South Wales Health Department delivered the keynote address *Where to for Abusers?* at Safe as Churches? II, a national ecumenical consultation on Sexual Misconduct and Abuse in Australian Churches, at Canberra on 8-10 September 2005. A copy of this address in print or audio form can be ordered from the National Council of Churches in Australia whose contact details can be found on its website at http://www.ncca.org.au/

Factors increasing the risk of general sexual offences and child sexual offences being committed are considered in Beverly Powis (April 2002) *Offenders’ risk of serious harm: a literature review*, RDS Occasional Paper No 81 which may be found on the website of the Research, Development and Statistics Directorate of the United Kingdom Home Office at http://www.homeoffice.gov.uk/rds/pdfs2/occ81risk.pdf


*Creating Safe Environments for Children - Risk Assessment Schedule* which express the commitments of the Creating Safe Environments for Children National Framework agreed upon by Community and Disability Services Ministers in July 2005. The Schedule can be found on the website of the Department of Community Development of Western Australia at http://www.community.wa.gov.au/NR/rdonlyres/2080DE0B-2E8F-4169-8EE3-3A9494FB3B73/0/Schedule2AnEvidencebasedGuideforRiskAssessmentAndDecisionmaking.pdf