National approaches to professional standards and inter-diocesan cooperation

21. Your Diocese’s approach to adopting the Anglican Church of Australia General Synod model ordinances and policy guidelines on child protection.

In relation to the policy guidelines on child protection 2004 from General Synod, there is some information that as the current Bishop I have been unable to uncover enabling us to see in part what was done by previous administrations in relation to these guidelines.

In relation to the 2004 Model Professional Standards Ordinance it was adopted by Bishop in Council in April 2005 and the diocese used this as a basis for our 2007 Ordinance. Our diocese also consulted within our province, e.g. Sydney. The result was a combination of our existing clergy discipline tribunal system integrated church workers and sexual misconduct into the Ordinance.

In relation to the policy guidelines on child protection, created by the General Synod’s Professional Standards Commission, these were not created in consultation with the Diocese of Bathurst.

Further, the General Synod guidelines do not take into consideration the legislative requirements of NSW in relation to working with vulnerable people, nor do they include the scope to help parishes comply with WHS legislation applicable in NSW.

Therefore, the approach has been to ensure that the Diocese has developed guidelines for Safe Ministry, which include the protection of children and vulnerable people based both on the legislative requirements of and NSW, and Nationally recognised good practice, including the recommendations from the General Synod’s Professional Standards Commission where they are relevant and fit with our own legislative requirements.

22. Please indicate which General Synod model ordinances, policy guidelines and resolutions on child protection have been adopted or responded to by your Diocese, and how, by completing the table at Schedule B.

Please see the attached Schedule B

23. The key differences, if any, between the national model Professional Standards Ordinance (as amended 2008) and your Diocese’s equivalent ordinance/s, and the reasons for your Diocese either adopting the national model, not adopting it, or partially adopting it.


Bishop in Council also passed the Offences Ordinance 2007 and the (General Synod) Special Tribunal Canon 2004 Adoption Ordinance 2007.
In relation to Redress for Survivors, although no written agreements are in place, the practice of the Diocese has been to negotiate shared cost where other Diocese/s are involved.

Further to the powers provided by the Professional Standards Ordinance, it is my understanding that over the past 5 years it has been the practice the National Professional Standards Directors' network to communicate and cooperate in relation to these matters.

Professional Standards in the Anglican Diocese of Bathurst

Please provide a chronological account of your Diocese’s approach to professional standards from 1 January 1990 to the date of this letter, with reference to all key policies, procedures, processes, practices and legislation (if any) relating to the protection of children.

In providing your account please address each of the following matters:

Prevention

26. Screening and assessing suitability of Bishops, clergy, lay and volunteer staff (collectively for the purpose of this Statement, Church workers), prior to:
   a. officiating as a member of clergy
   b. participating in activities involving children
   c. holding positions of authority in relation to the formulation of policy on professional standards matters, and/or
   d. presiding over or participating in disciplinary proceedings.

It would appear from 1990 to 2013 there have been no screening protocols other than the completion of the NSW Working with Children’s Check. With respect to Ordained Clergy the assessment of Clergy is undertaken by the Clergy Appointments Board.

As of 2013, it was a requirement for all Clergy and Licenced Lay Ministers to complete a Safe Ministry Questionnaire and undertake Safe Ministry Training which is renewed every 3 years.

The introduction of Federal Police Checks for all new Clergy will be introduced by the Bishop in the Diocese. This is generally done however needs to be extended to bring the Diocese in line with current best practice.

27. Training and educating Church workers and Church members on child sexual abuse and responding to instances of child sexual abuse.

Throughout the period 2006 - 2010 the Tri-Diocesan agreement between our Diocese, Riverina and Canberra & Goulburn, Diocese Safe Ministry Training was arranged and implemented jointly.

This commenced with a manual called Keeping Children Safe Participant Workbook in February 2006.
In October 2015 the external 1800 Safe Ministry Helpline operated by our external Safe Ministry Consultancy SMR. This 1800 Helpline is available to the Parishes for reporting all suspected child abuse.

29. Reporting allegations of child sexual abuse to the police, the Ombudsman and/or any government child protection agencies, including where:
   a. a complainant does not consent to such disclosure, and/or

Since 1995 the NSW Parishes in the Diocese have been required to report any such complaints to the Police in accordance with Section 316 of the NSW Crimes Act 1900 (concealment legislation).

2011-2015:

The legislative requirement in NSW under Section 316 of the Crimes Act 1900, has meant that the practice of the Professional Standards Director has been to report serious crimes to the Police.

In cases where the complainant does not consent to the report being made, the Police are informed of the wishes of the complainant. The complainant is also informed of their right to not engage in the Police process in relation to the alleged crime of which they are the victim.

In relation to information disclosed in private confessions the current practice is to ensure that the clergy person follows the cannon for private confessions (1989) that does not allow for concealment of crimes.

2015 – “Reportable conduct” allegations to the NSW Ombudsman

In 2015 the Diocese has been made aware of the Solicitor General’s advice to the NSW Ombudsman regarding “substitute residential care” i.e. that the jurisdiction of the Reportable Conduct scheme now applies to all agencies providing a certain type of overnight (3 or more nights) camping. This advice will mean a change of practice for all Parishes and Diocesan entities. On behalf of the Head of Agency (the Bishop) the Professional Standards Director will ensure the Ombudsman’s scheme is adhered to in cases where allegations of reportable conduct are raised against employees and child related volunteers from September 2015.

b. the information was disclosed in the context of a ‘confessional’.

Any confessions made of this nature are subject to the Cannon Concerning Confessions 1989, amended 1992, and 2014 which since 2014 includes reporting of serious crimes to the Police. This cannon states that the priest may only hold the seal of the confessional once satisfied that the person making the confession has reported the serious crime to the police.
In 2007 Child Abuse and Sexual Abuse were added to this list of offenses in the Professional Standards Ordinance. Sections 17 and 21-26 provide the process for investigation of all Professional Standards matters. Further the process for a Tribunal is found in Chapter 4 of the Professional Standards Ordinance.

In relation to non-church workers there is no written procedure, other than the legislated reporting requirements in NSW.

33. Imposing restrictions on an alleged perpetrator's duties or involvement with the Church pending resolution of an investigation.

The Clergy Discipline Ordinance 1965 – 2004 was the relevant Ordinance for this period.

2007 The Professional Standards Ordinance Part 3 of Chapter 2 provides for the suspension or prohibition from duties of Clergy and Church workers.

In relation to known risk person/s who are not church workers the risks of the person’s involvement are assessed by the Bishop in consultation with the Professional Standards Office and the Parish.

**Discipline**

34. Codes of conduct or expected behaviours for Church workers.

1990 to 2004 the “code” for clergy was the prescribed conduct in the Offences Canon and the Ordinal. There was no “code” for laypersons.

*Faithfulness In Service (2004)* was adopted by the Diocesan Synod 10-11 September 2005 to apply to Clergy and Lay Church Workers.

35. Conducting disciplinary proceedings in respect of Church workers against whom:
   a. allegations of child sexual abuse have been made, or
   1990 – 2007 The Clergy Discipline Ordinance was in place; and from 2007 – The Professional Standards Ordinance 2007
   b. allegations have been made in relation to the way a complaint of child sexual abuse has been handled.

No formal procedure except “review” mechanism [Professional Standards Ordinance s. Div 2 Pt 2 Chapter 4] which is only available to the respondent.
Information-sharing and record-keeping

43. Record-keeping in relation to allegations and complaints of child sexual abuse in the Diocese, parishes, para-Church youth groups, and Church institutions, including the:
   a. form of the records (for example, excel database or paper-based case files)

Records are maintained both electronically and in paper copies. All paper-based records are retained in a locked, fire proof cabinet. Safe Ministry Resources also holds some electronic records of recent cases since 2004.

b. nature of the information contained in the records, including what information, if any, is routinely recorded, and how consistently the information is represented across all records
   Statements of victims/claimants, responses from respondents if provided, correspondence to and from Professional Standards Office and Diocesan Office and Professional Standards Committee.

c. maintenance and archiving of records.
   This is managed by the Diocesan office/Registry in conjunction with the Professional Standards Office on a case by case basis.

In addition, all Clergy have a personnel file which is retained in a locked cupboard.

44. Information-sharing about or related to instances and allegations of child sexual abuse between your Diocese and:
   a. other Anglican dioceses in Australia

   The Professional Standards Ordinance 2007 section 92 provides for the Professional Standards Committee to provide information to and cooperate with other Anglican Diocese’s in relation to information which may amount to misconduct.

   In relation to redress for survivors although no written agreements are in place, the practice of the Diocese has been to negotiate shared cost where others Diocese/s are involved.

   Further to the powers provided by the Professional Standards Ordinance, it is my understanding that over the past 5 years it has been the practice of the National Professional Standards Directors’ network to communicate and cooperate in relation to these matters.

   b. other Anglican dioceses outside of Australia
   There is no written policy however information has been shared as requested and required.

   c. the General Synod
   Information is available on the National Register.
47. Details of any independent reviews of, or legal challenges to, your Diocese’s professional framework or processes. 
2011 – present Nil.

Research into prevalence of child sexual abuse

48. Your processes and procedures, if any, in relation to recording statistical data on child sexual abuse in your Diocese.
No processes and procedures are in place

49. Your involvement in any research or study on sexual offending against children in your Diocese, and the results of any such research.
Please refer to the response at paragraph 46.

Challenges and reform

50. Any dialogue you have sought or engaged in with government for changes to civil or criminal law affecting professional standards matters.
It is my understanding that the Diocese has not participated in such dialogue.

51. Your understanding of any historical or current challenges facing your Diocese in relation to any of the above matters.
The significant challenge for the Diocese of Bathurst is the lack of resources both human and financial for a small rural regional Diocese which is subject to general rural decline. In particular with reference to paying redress to those who have suffered abuse and sexual abuse.

+Tas Parker.
Bishop of Bathurst
30th January 2017