

# **Uniting Church in Australia**

## **National Person of Concern Policy**

### **Framework**

#### **2020**



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## Acknowledgements

The Uniting Church in Australia National Person of Concern Policy has been developed through a process of consultation and informed by reference to the following documents

- NSW/ACT Synod 22 November 2016 Persons of Concerns – Creating a Safe Environment for Children and Vulnerable Adults in our Church
- NSW/ACT Synod Safety Agreement template
- NT Synod June 2016 Person of Concern Policy
- Qld Synod 7 September 2017 Person of Concern Policy POL – 00009
- Qld Synod 11 September 2017 Developing a Safety Agreement with a Person of Concern PRO-00007
- SA Synod May 2015 Managing Persons of concern policy, conversations, behavioural covenants & monitoring
- UCA Assembly 2017 National Child Safe Policy framework
- Vic Tas Synod 16 January 2018 Person of Concern information
- WA Synod draft v4 Persons of Concern Policy
- WA Synod Persons of Concern Sample Safety Agreement

## National Person of Concern Policy Framework

### Purpose

The primary purpose of this document is to continue to ensure the Uniting Church in Australia (“the Church”) is a safe place, at all times, for all people. This document stands alongside the Church’s National Child Safe Policy Framework and other statements, policies, procedures and accompanying resources.

As the Church we continue to:

- Affirm that all people are made in the image of God, and that all people are loved by God and are called to be in relationship with God and God’s people through God’s Church.
- Affirm our desire to be inclusive, compassionate and respectful of all people, however the need to protect vulnerable people is paramount.
- Recognise that when people have engaged in criminal and/or harmful sexual behaviour that violates sexual boundaries, measures must be actively developed, implemented, monitored and reviewed to safeguard the Church community especially children, young people and vulnerable adults.

### A Theological Statement

*“The Uniting Church believes that God has given us the gift of the Spirit to “constantly correct that which is erroneous” in our life (Basis of Union, Para 18). Therefore, we will not hide from the truth, however painful that may be, and we will seek, with compassion and humility, to address whatever issues and challenges may emerge for us”.*

The Uniting Church Value Statement to the **Royal Commission into Institutional Responses to Child Sexual Abuse** sets out the Church’s commitment to address whatever issues and challenges may emerge for us from the Royal Commission. One of these emerging issues is that some people whose behaviour makes them a Person of Concern (POC) want to be part of the worshipping community. The Person of Concern Policy is the Church’s response to this challenge.

The Church is committed to be a safe place, at all times, for all people, and most particularly for those who are young or vulnerable while also affirming our desire to be inclusive, compassionate and respectful of all people. The POC Policy creates the boundaries and accountabilities necessary for building a safe church culture. It is within this safe environment that Christ reaches out to command our attention as he rules and renews all people as his Church.

Whilst the Uniting Church affirms the unconditional saving grace of God in Christ Jesus, the POC Policy recognises that forgiveness is not unconditional. God’s forgiveness comes with the need for repentance and the need to not forget past destructive behaviour.<sup>1</sup> The POC Policy places conditions to restrict the person of concern’s behaviours so that they might more safely be part of the community of faith. Interpersonal forgiveness comes with the willingness to be transformed, indeed, to have a change of heart.

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<sup>1</sup> The phrase “God’s forgiveness is unconditional” is not used here. Many scholars have criticised the narrow interpretation of God’s forgiveness. At both the World Council of Churches and Christian Conference of Asia, project executives in the areas of child protection and interpersonal violence have challenged the churches to revisit this teaching and give voice to the oppressed.

The implementation of the Uniting Church in Australia's Safe Church Framework has highlighted the danger of cheap grace and simplistic forgiveness previously experienced in the Church. Some offenders want to be simply forgiven without the required accountability. The Church recognises that the combination of simplistic forgiveness and cheap grace without accountability actually makes the Church unsafe for everyone.

The Church also recognises that while it may be willing to forgive a person of concern this can never be expected or demanded from those who have suffered abuse. A broader theological conversation, therefore, is ongoing in the life of the Church.

The Royal Commission has unmasked the fact that the evil of child sexual abuse does exist in the Church. Yet evil does not have the final say. God's grace is also in the cross – calling us to transform the suffering of the survivor into the compassion for change. The 'survivor-centred' approach stands in solidarity with the survivors, just as Jesus does. The Church's commitment to truth-telling will unveil some harmful aspects of cultural and historical, as well as theological assumptions. Yet the gift of the Spirit will also renew us on this journey, equipping us to build communities of safety, belonging and compassion.

## Scope

This policy framework applies to all Uniting Church in Australia Church Congregations, Presbyteries and Synods.

## What we Believe

*Extract from the UCA Assembly 2017 National Child Safe Policy Framework*

The Uniting Church in Australia (The Church) believes that all people, including children, are made in the image of God. As a Christian community we believe that God reaches out to us in love and acceptance, and that our relationships with each other should express love, care and respect (Safe Place Position Statement developed by the UCA Commission on Women and Men in 1997).

Central to living out the gospel is to love God and to love others. As a community of faith, we are committed to providing safe environments for all people including children, so that they may live life in all its fullness.

Children are gifts of God to be received, welcomed and to be cared for responsibly and justly. The Gospel also directs us to listen to and learn from children. In *On the Way Together* (1998) it is affirmed that "children in the Uniting Church in Australia are nurtured in Christian faith and discipleship, experiencing relationships which promote trust, cooperation, honesty, positive valuing of persons, responsibility and Christian service." It adds that the church "affirms the value and the rights of children as human beings as it listens to, guides, protects, advocates for, and empowers children within its own communities and the wider community."

## Our values

*Extract from UCA Assembly 2019 National Child Safe Policy Framework*

**Compassion:** we will deal with children compassionately and with an understanding of their vulnerabilities.

**Respect:** we respect the boundaries of professional relationships and respect the rights of every person to feel safe while in contact with our services.

**Justice:** we will seek justice for those who have been harmed.

**Working together:** we will work together to create a culture of individual and collective responsibility for the safety and wellbeing of children and to create friendly, welcoming spaces for children.

**Leading through learning:** we will be leaders by undertaking a continuous improvement approach to the protection of children and to offering child friendly services.

## Person of Concern (POC) Policy Statement

The Church has the privilege and an absolute responsibility to provide worshipping communities that are free from abuse and harm where any person can express their faith and explore their relationship with God. All people who attend and participate in events, activities and programs of the Church have a right to do so in an environment where they are safe and feel safe.

A person of concern (POC) is any person who has engaged in criminal sexual behaviour and /or is reasonably suspected of engaging or seeking to engage in harmful sexual behaviour toward a child.

A POC is deemed a risk to the safety of others and for this reason safeguards must be placed around their attendance and participation at any Church events, activities and programs.

A POC is not permitted to obtain or continue to hold any leadership role or position in the Church or to be given any tasks or functions to perform that could be perceived by others in the Church and/or the wider community as exercising leadership in the Church community. In circumstances where a person has been wrongly identified as a POC as a result of vexatious actions, the person will no longer be identified as a POC and therefore be able to resume and/or hold leadership roles and positions.

A POC can only participate in the life of the Church community in accordance with the terms of a Safety Agreement (SA) that is established between the Church and the POC and consented to by the highest office bearer in the Synod or their appointee.

The Synod undertakes the lead role for developing a SA and the process includes consultation with the relevant Church Council, officer determined by the Presbytery and Ministry agent, and conversation with the POC. SA's are determined on a Synod by Synod basis but must comply with this policy and its accompanying procedures.

Interim safety measures around an identified POC are to be immediately put in place while the SA is being developed. The Presbytery Minister will facilitate pastoral care for the POC while the SA is being developed.

The Synod holds the responsibility for final determination if a POC will be offered a SA.

A SA must be agreed to and signed by all parties to the agreement.

A POC may be refused the offer of a SA if the Church considers they pose an unacceptable risk to the safety of the Church community.

The Church Council has the responsibility to monitor the SA.

The Synod will determine if other Uniting Church Ministry agents in placements in geographic proximity to where the POC attends Church will be notified of the SA.

All alleged breaches of a SA are to be immediately reported to the Synod. These breaches may be reported by the monitor, the ministry agent of the relevant congregation, or an officer of the relevant Presbytery on the principle of multiple reports being welcome. The Synod will determine if a breach has occurred.

While the alleged breach of the SA is being investigated, the POC will be advised that they are not permitted to attend any events, activities or programs connected to the Church community or to be

present on any Church property in their local community. Pastoral care will be offered by the Presbytery to the POC during this period.

The breach of a SA may result in the review, re-development or withdrawal of a SA.

Where a breach of a SA results in the withdrawal of a SA, the POC will be informed that they are not permitted to participate in any events, activities or programs of the Church community including attendance on local Church property. Pastoral care offered to the POC will then cease.

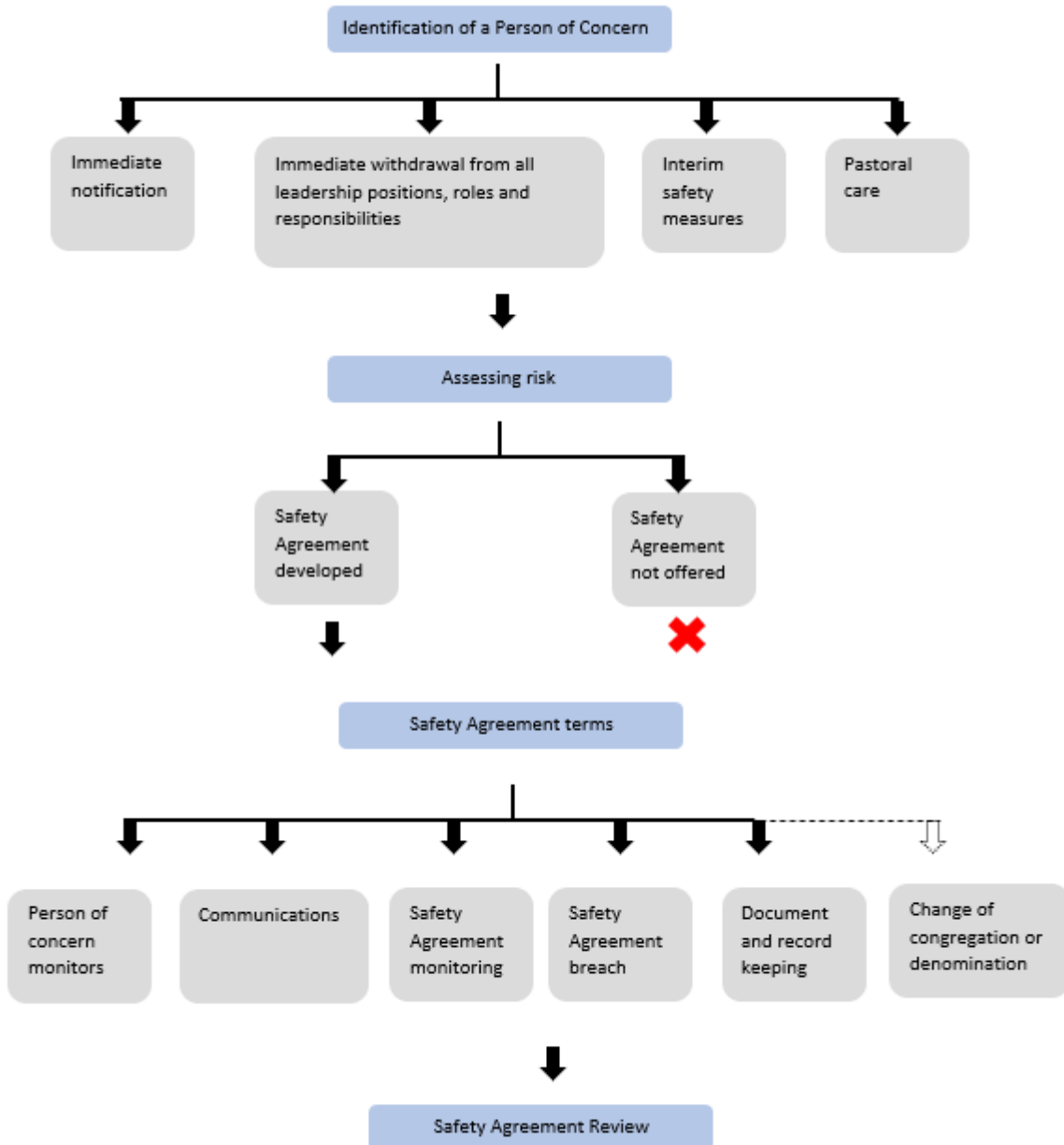
The movement of a POC from one Uniting Church congregation/faith community to another within one Synod or between Synods will be recorded and acted upon ensuring that a SA where appropriate is offered.

The Placements Committee will be aware of the presence of a POC within a placement. The placement process will seek to identify the capacity of a Ministry agent to work with the possibility of a POC in a potential placement. The presence of a POC in a congregation/faith community will be communicated to the in-coming Ministry agent, and to in-coming Presbytery or Synod office/role holders.

The Church recognises its responsibility to ecumenical partners. Relevant ecumenical partners will be notified about a POC in the Uniting Church in the event that a POC is known or suspected to have changed denominations. A relevant ecumenical partner is one who has a congregation in the geographical location of the POC. The Synod will be responsible for identifying who relevant ecumenical partners are in each case.

Where a POC is a child or a vulnerable adult, the process as it applies to adults will be implemented as well as the following: the parent/caregiver must be included in any conversations and notifications, and any communication that involves a child/vulnerable adult must be conducted sensitively with consideration given to age and intellectual development and capacity

## National Person of Concern Procedure



### Identification of a Person of Concern

A person who is participating in, or who has indicated that they wish to participate in, the life of a congregation or faith community of the Uniting Church in Australia is identified as a POC when it becomes known that they have engaged in criminal sexual behaviour and /or are reasonably suspected of engaging or seeking to engage in harmful sexual behaviour to another person that has led or may lead to:

- criminal charges relating to sexual offences against children and/or adults
- conviction for sexual offences relating to children and/or adults
- placement on the Register of Sexual Offenders
- suspension of a Working with Children card
- negative notice for Working with Children card



- refusal of a positive Working with Children card
- not having a negative notice or a suspension revoked
- recording on the National Coordinated Criminal History Check
- concerns in the congregation, faith community, Presbytery or Synod that the safety of others may be at risk

In the circumstances that a child is identified as a POC the Synod must follow mandatory reporting processes for the safety of the child and other children including notification of the police/ child protection unit.

Where the POC is a child or a vulnerable adult, the parent/caregiver must be included in any conversations, and any communication with the child or vulnerable adult must be conducted sensitively with consideration given to their age and intellectual development and capacity.

### Immediate notification

Whichever council of the Church receives notification of the presence of a POC in a Church community, or seeking to participate in a Church community, they must notify the other relevant councils of the Church, namely Church council, Presbytery and Synod.

The General Secretary of the Synod will inform the legal, risk and insurance office of the Synod that a POC has been identified and that risk to the life of the Church community is to be assessed.

Concerns must be raised when appropriate with the relevant authorities, namely the police and child protection services.

### Immediate withdrawal from all leadership positions, roles and responsibilities

As soon as a Synod identifies a POC, the Synod must, without in any way making accusations of guilt, ensure the person is stood aside from any leadership position or role within the life of the Church community and that the person does not act in any capacity that could be deemed a leadership role.

A leadership position or role includes but is not limited to:

- Standing for or accepting nomination for any leadership position in the congregation, Presbytery or Synod including membership of Church Council, Presbytery Standing Committee, or Synod Standing Committee, any committees or task groups of the Congregation, Presbytery or Synod
- Membership of any Congregation/faith community task groups/portfolio working groups
- Leading worship in any capacity including but not limited to saying grace, prayers, singing as an individual or member of a band/group/choir, bible reading, lighting candles, offering votes of thanks, carrying Communion elements or the Bible into the Church, serving Communion elements, addressing the congregation in any way, standing in the sanctuary space
- Leader or helper role of any children or youth activities including but not limited to creche, Sunday School, Kids Group, youth group, days camps, fun days
- Greater, welcomer, pastoral care visitor
- Key access to any Church property, afterhours access to any Church property, access to any Church computer equipment or technology
- Leading bible studies, home/life/fellowship groups, organizing or hosting any Church events, activities or programs, involvement in religious education programs
- Any other activity which a reasonable person might identify as acting in a leadership role/position with the Uniting Church

In circumstances where a person was incorrectly identified as a POC, the person will no longer be identified as a POC and therefore be able to resume and/or hold leadership roles and positions.

### Interim safety measures

Interim safety measures around the POC are to be immediately put in place by the Church council in consultation with the Synod while the SA is being developed.

These measures must include ensuring that the POC has stood aside from all leadership roles and positions and been advised which events, activities and programs of the Church they are not to attend or participate in during the development of the SA.

Interim safety measures could include the development of an Interim SA in circumstances such as but not limited to when a POC is going through a court process.

### Pastoral care

The Presbytery will facilitate pastoral care for the POC while the SA is being developed.

If a SA is not able to be offered the responsibility of the Presbytery to provide pastoral care to the POC will immediately cease.

When a SA has been offered and signed by all parties the responsibility of the Presbytery to provide pastoral care to the POC will cease after appropriate pastoral care has been arranged within the Church congregation/Faith community.

### Assessing risk

The Synod in consultation with the Church Council, Presbytery, and Ministry agent must use the POC Risk Assessment tool to assess the risk of the POC to the life of the Church community.

The Synod has the responsibility of final determination if a POC will be offered a SA.

Where extreme risk is identified a SA will not be offered.

Where a determination is made that the risk may be managed, the POC will be invited to enter into a SA.

### Safety agreement development

A SA can only be established when the Synod reasonably believes the Church Council can manage the risk presented by the POC's attendance and participation in the life of the Church community.

A SA for a POC must be developed by the Synod in consultation with the Church Council, Presbytery and the Ministry agent and in conversation with the POC. The POC does not negotiate the terms of a SA. Where the POC is a child/vulnerable adult the parent/caregiver must be included in the development of the SA.

The POC has the right not to consent to a SA or to withdraw at any time from the process of developing a SA.

In the event of this occurrence the process for when a SA is not offered is to be followed.

### Safety agreement not offered

The Synod will communicate to all parties when a SA is not offered.

The Synod will

- notify the POC (and in the event that the POC is a child their parent/caregiver) in writing that it has been determined that the Church is unable to satisfactorily manage the risk of the POC to the life of the Church community

- identify the consequences of this decision including that the POC is not permitted to attend any Church event, activity or program including to be present on local Church property and the date from which this takes affect
- clearly state the steps that will be taken if the POC seeks to participate in any Church events, activities or programs including being asked to immediately leave the premises, being escorted off the premises, notification to the Police
- confirm that this decision has been communicated to other councils of the Church and appropriate ecumenical partners

### Safety agreement terms

The terms of the SA will be determined by the Synod in consultation with the Church Council, Presbytery and the Ministry agent, and in conversation with the POC (and when the POC is a child/vulnerable adult their parent/caregiver).

In deciding the terms of a SA, consideration should be given, but not limited to the following:

- commitment to the Church community to be a safe place for all people especially children and vulnerable adults
- purpose of the SA
- clarifying why the person is a POC
- time frame for the SA (usually one year with appropriately timed reviews)
- a new related offence or behaviour will result in the immediate withdrawal of the SA
- the POC's adherence to interim safety measures
- the POC's understanding of and remorse for the harm their behaviour has caused
- recognition that the POC is not able to hold any leadership roles or positions or to act in any capacity that could be deemed as leadership within the Church
- terms upon which the POC may attend and participate in events, activities and programs of the Church community
- recognition that the Church community may include known and unknown survivors of sexual abuse
- the capacity for appropriate people to take on the role of monitor
- the number of monitors to be appointed
- the role of the monitors and the names of the assigned monitors
- backup by Church council members for the monitoring role in the event that no monitor is present
- process for monitoring and reviewing the SA
- clear information about who will be informed of the SA and the terms of the agreement (including Church council, monitors, congregation Ministry agent, Presbytery, Synod, other appropriate ecumenical partners)
- reference to how the POC will notify the Church Council of their intention to attend an extraordinary event, activity or program at a different Church location enabling the Church Council to inform another Church community (via the Ministry agent) that a POC will be present, and that monitoring will be required while the POC is on their premises
- process for addressing any breach of the SA
- process for if a POC withdraws from a SA
- process for review of a SA
- process for when a SA ends

The Church Council must ensure that monitors are appropriate people within the life of the Church who have received training for the role of monitor before the SA is signed.

The POC will be given a time period during which the SA must be signed. Failure to sign the SA within that time period will be taken as a refusal to accept the terms of the SA.

If the POC does not accept the terms of the SA then the offer of a SA will be withdrawn.

### Person of concern monitors

The number of monitors will vary but there must be no less than two monitors appointed to any one POC. It is to be expected that over time monitors may need to relinquish their role and be replaced by others.

In the event of the resignation of a monitor, the SA must be reviewed. It is possible that resignation of a monitor may mean that a POC cannot participate in some church events or activities for a period of time because monitors are not available for those events or activities.

The characteristics a monitor should hold include but are not limited to the following:

- appropriate age and gender in relation to the age and gender of the POC
- not be related to or have a close personal friendship with the POC
- not be a co-accused or co-defendant of the POC
- be a regular member of the Church community
- have a mature faith and integrity
- be able to express their understanding of the Church as a safe place for all people especially children, young people and vulnerable adults
- understand grooming and the impact of sexual abuse and harm
- be able to articulate the role of a monitor including monitoring the POC and identifying, interrupting and naming behaviour that may be considered a breach of the SA
- recognise and understand the importance of a SA and the POC meeting the terms of the SA
- reflect on the nature of their relationship with the POC and their capacity to fulfil the role of monitor
- consider their appropriateness as a monitor with the POC in relation to their own family commitments and vulnerabilities
- determine they have the capacity to fulfil the role of monitor
- maintain confidentiality and privacy around the SA as specified by the Church council
- be willing to meet, accompany and shadow the POC while they attend Church events, activities and programs
- exercise calm judgement if they believe the POC is breaching the SA acting to ensure the safety of the POC and others in the church community including by advising the POC that they must immediately leave the Church event, activity, program or premises
- be self-aware of the impact of being in the role of monitor

The Church council must appropriately support monitors to fulfil their role.

If a monitor determines that they no longer have the capacity to be a monitor, they must inform the Church Council who must inform the Synod.

The Synod will review the capacity for a new monitor to be appointed and consequently whether a SA can continue to be offered to the POC.

### Communications

The existence and terms of the SA will be known by

- Church council members/Faith community leadership
- Executive of small congregations

- Presbytery representative
- Synod representative the General Secretary or their appointee
- Ministry agent of the congregation/faith community
- Monitors
- POC
- The parents/caregivers of the POC when the POC is a Child/Vulnerable Adult
- Persons responsible for the welfare and safety of children and/or vulnerable adults involved in the Congregation
- Appropriate ecumenical partners

The Placements Committee will be informed of the existence of a POC within a congregation/faith community but will not be given details as to the terms of the SA. The placement process will seek to ascertain the willingness and capacity of a ministry agent to work with the possibility of a POC in a potential placement.

The presence of a POC in a congregation/faith community will be communicated to the in-coming ministry agent, and in-coming Presbytery or Synod office/role holders.

The Synod will determine if other Uniting Church Ministry agents in placements in geographic proximity to where the POC attends Church will be notified of the SA.

When a POC identifies they are attending an extraordinary event, activity or program at a different Church location/community, the Ministry agent of that community will be informed that a SA is in place (but not the terms of the agreement) and be advised that the POC must be monitored while on those premises/at that event/activity/program. When there is no Ministry agent this information will be given to the chair of the Church council/Executive of a small congregation.

When information about the POC's criminal charges/conviction is in the public domain, the Synod will advise the Church council what to share with the church community. The Church council will communicate sensitively to the congregation. Children must be excluded from this meeting. The POC will be advised about the information that is to be shared and when the sharing will occur.

The Ministry agent will offer pastoral care to any members, adherents and members in association who require support after receiving this information. When there is no Ministry agent this support will be facilitated by the Presbytery Minister.

Where information is not in the public domain, the Church Council will ensure that the existence of the SA remains confidential known only known to the parties of the SA and where appropriate to the persons responsible for the welfare and safety of children and/or vulnerable adults involved in the Congregation.

The Synod will advise the POC that a record is kept within the Office of the General Secretary about the POC including the SA and that the General Secretary will communicate in confidence this information to appropriate ecumenical partners.

### **Safety Agreement monitoring**

The Church Council has the responsibility for ensuring that the terms of the SA are being met by the POC within the local Congregation/faith community.

The Church Council should consider POC as a confidential standing agenda item at every meeting whereby compliance with the SA is monitored.

Members of the Church council, the Ministry agent and the assigned monitors all must:

- remain aware of the terms of the SA and up to date of any changes

- be vigilant about the behaviour of the POC in fulfilling the SA
- respond to any alleged breach of the SA by instructing the POC to immediately leave the premises of the Church and accompanying them while they leave

The Church Council must immediately report any alleged breaches of the SA to the Synod.

### Safety Agreement breach

The Synod will investigate whether the SA was breached. A breach may result in the review, re-development or withdrawal of a SA. The Synod holds the responsibility for final determination if a POC will be offered a SA.

The Synod must as soon as possible write to the POC (using registered mail with a copy being also sent to Presbytery and church council):

- identifying that an alleged breach of the SA has been identified
- explaining that a determination will be made by the Synod whether there has been a breach
- noting that the consequences for a breach of the SA will be determined by the Synod and could range from pastoral visitation and conversation between the Church Council, Presbytery, Synod and the POC to remind them of the SA requirements and seeking explanation as to why the breach occurred, review of the SA, re-development of the SA, immediate withdrawal of the SA and subsequent exclusion of the POC from any further participation in the life of the Church community through to reporting to authorities
- inform the POC that while the breach is being investigated, they must not attend any events, programs or activities in the church community
- identify that an assessment of the most appropriate pastoral support will be undertaken by the Presbytery with the POC during this period
- identify that the outcome of the investigation will be communicated to the POC
- Confirm that any breaches of the SA that constitute a criminal offence will be reported to appropriate authorities

### Documentation and record keeping

The Synod will ensure that all meetings and conversations about the POC are documented and records stored appropriately and securely. All parties who receive a signed copy of the SA are advised that it must be stored appropriately and securely.

### Change of congregation or denomination

If a POC changes congregation/faith community or denomination the original SA ceases.

The Church Council must inform the Synod when the POC has ceased their involvement in the Congregation/faith community.

The Church council or Presbytery representative must inform the Synod if it becomes aware that the POC has commenced participation in the life of another Uniting Church congregation and/or faith community, or has commenced participation in the Church community of another denomination. The Synod will inform appropriate ecumenical partners when it is becomes known or suspected that a POC has commenced participation in the Church community of another denomination.

### Safety Agreement review

The Synod, Presbytery, Church Council and Ministry agent will meet at least annually with the POC by way of pastoral visitation to review the SA including reading through the SA and seeking the POC's continued commitment to fulfilling the terms of the SA.

The Synod may choose to review the SA at other intervals if they consider changes to the circumstances of the Church community warrant such a review.

Any alleged breaches of a SA will lead to a review of a SA.

Any changes to a SA must be agreed to and signed by all parties.

The Synod has the responsibility for final determination if a POC will be continued to be offered a SA.

## Person of Concern Risk Assessment Criteria

The criteria for assessing risk of a POC to the Church includes, but is not limited to, the following:

- the POC's understanding of and remorse for the harm their behaviour has caused
- the POC's expressed concern for the safety of others in the life of the Church community
- the cooperation of the POC in immediately standing aside from all leadership roles as requested by the Church Council
- the POC's adherence to interim safety measures
- the POC's willingness to engage in the process of establishing a SA and commitment to working within the safety agreement
- the POC's expressed awareness, recognition and commitment to restrictions being placed around their attendance at any Church events, activities or programs or any Church property at Uniting Church locations other than in the Congregation/faith community where the SA has been assessed, developed and signed
- where the POC is a child/vulnerable adult, the willingness and capacity of their parents/caregivers to adhere to the terms of the SA
- legal restrictions on the POC (bail conditions, parole conditions, sex register matters)
- current court suppression orders
- advice from Synod legal, risk and insurance teams
- the presence of vulnerable people in the Church community, including known and unknown survivors of sexual abuse and harm
- the Church Council's understanding of legal liability if they choose not to participate in the POC process
- the capacity of the Church Council to manage the risk associated with the POC, including to monitor and review a SA
- the capacity for monitors to be assigned to the POC with due consideration being given to any potential monitors:
  - understanding of the role
  - willingness to fulfil the role including monitoring the POC and identifying, interrupting and naming behaviour that may be considered a breach of the SA
  - availability to fulfil the role
  - relationship to the POC
  - understanding of grooming and the impact of sexual abuse and harm
  - personal and family vulnerability
- the capacity of members of the Church Council to be assigned the monitoring task when the assigned monitors are not able to be present
- the capacity of the Church Council to liaise with other congregation Ministers/Pastors in the circumstances that the POC identifies that they wish to attend a church event, activity or program at a location other than the congregation where the SA has been developed



## Safety Agreement Overview

A Safety Agreement (SA) is not a legally binding contract. It is an agreement between parties and is negotiated within the church and not with the POC. Any breach of a SA has internal consequences.

### Contents of a Safety Agreement

A SA should include the following details (and other details as appropriate to the local setting and POC):

- **Purpose** of the SA, including recognition as to why the POC has been determined to be a POC and that they are seeking to participate/continue to participate in the life of the worshipping community
- A statement to clarify that the SA is **not a legal document**, but that failure of the POC to abide by the terms of the SA will have church participation consequences for the POC
- A statement to confirm that the **final decision** as to whether or not to offer/continue to offer a SA lies with the Synod
- The names of **parties to the SA**, for example the General Secretary representative or nominee, Church Council, Presbytery representative, POC (or their parent/care when a POC is a child or vulnerable adult)
- Clarification of the **roles and responsibilities** of all parties to the agreement
- Identification of the **activities/involvement** in a congregation of the Uniting Church that the POC will be able to participate in and processes for any anomalies
- Processes for **monitoring** the POC in a congregational setting
- Identification of at least two **monitors** assigned to the POC
- **Obligations for the Church** council including supporting monitors, monitoring and reviewing the SA, informing Synod of any alleged breaches
- **Obligations for the POC** (or their parent/caregiver where the POC is a child/vulnerable adult) including around not exercising leadership roles or positions (including clarifying what are leadership roles and positions), terms upon which the POC can attend and participate in events, activities and programs of the local Church community, notification regarding attending events at churches beyond the local church community
- Outline of what constitutes a **breach** of the SA and the possible consequences of any breaches
- Start, review and end **dates**
- **Monitoring and review** processes
- **Communication** plan to identify who needs to be advised of the SA and its content, including statutory authorities and other non-church entities
- Consideration of what action may be required when a **SA ends**
- **Data collection and record keeping** protocols

### Stakeholders in development

A SA is developed within the church with the following stakeholders

- Synod
- Presbytery
- Church Council
- General Secretary or nominee/delegate
- Ministry Agent of congregation/faith community

# Sample Safety Agreement

CONFIDENTIAL WHEN COMPLETED

Safety Agreement for a Person of Concern

BETWEEN

Uniting Church in Australia Synod of *(insert name)*

AND

*(insert name)* Presbytery

AND

*(insert name)* Uniting Church

AND

*(insert full name of Person of Concern)*

This Safety Agreement (SA) is a memorandum of understanding regarding the involvement of *(insert full name of person of concern)* with *(insert name)* Uniting Church in *(insert name)* Presbytery of the Uniting Church in Australia Synod of *(insert name)*.

This SA is not a legally binding document but failure to adhere to the SA may result in *(insert full name of person of concern)* being unable to attend and participate in Uniting Church events, activities and programs.

This SA is offered by the Synod to *(insert name of person of concern)*. The Synod has final determination if a SA will be offered/continue to be offered/terminated.

## **PARTIES**

The parties to this agreement are:

Uniting Church in Australia Synod of *(insert name)* represented by *(insert name of Synod representative)*

*(insert name)* Presbytery represented by *(insert name of Presbytery representative)*

*(insert name)* Uniting Church Congregation represented by *(insert name of congregation representative)*; and

*(insert full name of person of concern and any abbreviated version that will be used through the agreement)*

## PURPOSE

The purpose of this agreement is to state the conditions upon which *(insert name of person of concern)* can be involved with the *(insert name)* Uniting Church Congregation.

## ACKNOWLEDGEMENTS

The parties are committed to the physical, emotional and spiritual welfare and safety of all people involved in the Congregation.

*(insert name of person of concern)* has been worshipping at and is involved in activities with the Congregation/seeks to worship with the Congregation.

*(insert name of person of concern)* is currently charged with a criminal sexual offence/has conviction for sexual offences/has been observed/suspected to engage in harmful sexual behaviour and is being assessed as a person of concern by the Synod.

The parties commit themselves to abide by the provisions of this agreement to ensure the physical, emotional and spiritual welfare and safety of all people involved in the life of the Congregation and enable *(insert name of person of concern)* to worship and be involved with the Congregation.

Supervision and support will be provided to *(insert name of person of concern)* through monitoring. The following are appointed to monitor *(insert name of person of concern)* under this agreement (Monitor/s):

Name of monitor	Position within the Church
<i>(insert name of first monitor)</i>	<i>(insert position of monitor)</i>
<i>(insert name of first monitor)</i>	<i>(insert position of monitor)</i>
<i>Add additional monitors as required</i>	

## *(insert name of person of concern)* COMMITMENT TO THE CONGREGATION

If *(insert name of person of concern)* wishes to worship and commence/continue their involvement with the Congregation, it is agreed that they will attend the *(state date and time of service, i.e. Sunday 0930)* worship service at *(insert name of specified worship service or location)*.

*(insert name of person of concern)* may attend the Congregation other than during the specified worship service only if authorised beforehand by the Congregation Minister or Chairperson of the Congregation Church Council or a monitor for the following specific authorised activities *(name activities)*.

*(insert name of person of concern)* will not visit any property or activity of the Presbytery/Synod outside of a specified worship service or an authorised activity.

*(insert name of person of concern)* consents to being monitored at all times by Monitors during specified worship service and authorised activities.

*(insert name of person of concern)* is committed to not offending or re-offending. If *(insert name of person of concern)* feels they are at risk of offending or re-offending they will seek guidance and support from the Ministry agent, a Monitor, a support person or other appropriate person.

When attending a specified worship service or authorised activity, *(insert name of person of concern)* will enter and leave via a route designated by a Monitor and will comply with all reasonable directions given by monitors.

When attending a specified worship service or authorised activity, *(insert name of person of concern)* will keep a reasonable distance (as agreed with their Monitor) from and avoid any physical contact with children/vulnerable adults including when using toilet facilities. *(insert name of person of concern)* will actively avoid being alone with any child/vulnerable adult. If a child/vulnerable adult approaches them, *(insert name of person of concern)* will move away immediately, inform their Monitor and seek the support of the Monitor. This sub-clause does not necessarily apply to the family of *(insert name of person of concern)*.

When attending the Congregation, *(insert name of person of concern)* will not use or seek to use any Uniting Church computers or information technology including mobile phones and tablets.

*(insert name of person of concern)* will not undertake or accept nomination for any leadership role in the Congregation, Presbytery or Synod including but not limited to the following:

- Standing for or accepting nomination for any leadership position in the congregation, Presbytery or Synod including membership of Church Council, Presbytery Standing Committee, or Synod Standing Committee, any committees or task groups of the Congregation, Presbytery or Synod
- Membership of any Congregation/faith community task groups/portfolio working groups
- Leading worship in any capacity including but not limited to saying grace, prayers, singing as an individual or member of a band/group/choir, bible reading, lighting candles, offering votes of thanks, carrying Communion elements or the Bible into the Church, serving Communion elements, addressing the congregation in any way, standing in the sanctuary space
- Leader or helper role of any children or youth activities including but not limited to creche, Sunday School, Kids Group, youth group, days camps, fun days
- Greater, welcomer, pastoral care visitor
- Keys to any Church property, afterhours access to any Church property, access to any Church computer equipment or technology
- Leading bible studies, home/life/fellowship groups, organizing or hosting any Church events, activities or programs, involvement in religious education programs
- Any other activity which a reasonable person might identify as acting in a leadership role/position with the Uniting Church

*(insert name of person of concern)* understands that they must notify the Chairperson of the Congregational Church Council if they wish to attend a Church activity, event or program at a Uniting Church other than where the SA has been offered so that safety measures can be put in place.

*(insert name of person of concern)* will meet as requested with Monitors.

*(insert name of person of concern)* understands that if any person makes a complaint against him/her of inappropriate or abusive behaviour, this will be reported to the Chairperson of the Congregation Church Council and the Synod. This may also be reported to police, a parole officer (if any) child protection and/or other appropriate authorities as required.

If *(insert name of person of concern)* is a registered person under the *Child Protection (Offenders Registration) Act 2000* (NSW) or equivalent, they will provide a Monitor as soon as is practicable with a copy of any written notice detailing their reporting obligations and the contact details of the police officer they report to. *(insert name of person of concern)* will also provide a copy of this safety agreement to the police officer they report to. The Monitor will forward a copy of any written notice this to the Church Council who will inform the Synod.

## **THE CONGREGATION'S COMMITMENT TO *(insert name of person of concern)***

The Congregation accepts *(insert name of person of concern)* as a member of the congregational community and encourages them to use their gifts appropriately.

The Congregation commits to providing monitoring and pastoral support to *(insert name of person of concern)* and to not knowingly place them in a situation where he/she may be alone with children/vulnerable adults.

The Congregation commits to providing *(insert name of person of concern)* with Monitors for their supervision and support to participate in the services and activities specified in this safety agreement.

## **DISCLOSURE**

This agreement will be kept confidential and will only be disclosed in limited circumstances as determined by the Uniting Church in Australia Synod of *(insert name)*.

This agreement or its contents may be disclosed to:

- Present and future Ministry agents of the Congregation
- Monitors and any other person undertaking supervision and support of *(insert name of person of concern)*
- Persons responsible for the welfare and safety of children and/or vulnerable adults involved in the Congregation
- Church Council members
- Presbytery Minister
- The Synod General Secretary
- The Placements Committee
- Synod professional and legal advisors
- Any Congregation or Presbytery member if deemed appropriate by the Chairperson of the Congregation Church Council or Synod
- Appropriate ecumenical partners

This agreement or its contents and/or information relating to *(insert name of person of concern)* membership of the Congregation may be disclosed:

- To any person, not necessarily a member of the Congregation, where it is considered reasonably necessary to ensure the welfare and safety of any child or person
- To persons in other congregations, presbyteries or synods in the event that *(insert name of person of concern)* is interested in being involved with another entity of the Uniting Church in Australia
- To appropriate ecumenical partners in the event that *(insert name of person of concern)* becomes involved with another denomination
- To the Police and/or other authorities, if considered necessary

If *(insert name of person of concern)* breaches any provision of this agreement, the agreement, its contents and the breach may be disclosed to any person involved with the Congregation, Presbytery or Synod including professional and legal advisors and the police and/or other authorities if appropriate.

**TERMINATION**

If *(insert name of person of concern)* ceases to be involved in the Congregation and wishes to move to another congregation, presbytery or synod of the Uniting Church in Australia, they will notify a Monitor or the Chairperson of the Congregation Church Council as soon as practicable.

If *(insert name of person of concern)* ceases to be involved in the Uniting Church in Australia and wishes to move to another denomination, they will notify a Monitor or the Chairperson of the Congregation Church Council as soon as practicable.

If *(insert name of person of concern)* breaches any provision of this agreement, the agreement will be terminated, and they must immediately cease attending any specified worship services or authorised activities. In the event of termination, *(insert name of person of concern)* may be excluded from all Synod services or activities and requested to be removed as a member of the Uniting Church in Australia.

**ENTIRE AGREEMENT AND COUNTERPARTS**

This document as executed by the parties constitutes the entire agreement.

The parties may execute this agreement in counterparts, each of which is deemed an original and all of which constitute only one agreement.

**SIGNATURES**

\_\_\_\_\_  
Synod Representative – (insert name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Presbytery Representative – (insert name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Congregation Representative – (insert name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Person of Concern (insert full name)

\_\_\_\_\_  
Date

## Definitions

**Breach of a safety agreement:** means when the terms of a safety agreement have not been met by the Person of Concern.

**Child/young person:** any person who is under the age of 18 years.

**Executive for small congregations:** indicates a subset of members of a small congregation who are identified to exercise governance oversight of a small congregation.

**Harmful sexual behaviour:** refers to behaviours that fall across a spectrum of sexual behaviour problems, including those that are problematic to the person's own development, as well as those that are coercive, sexually aggressive and predatory towards others, including grooming behaviour. The term 'harmful sexual behaviours' recognises the seriousness of these behaviours and the significant impact they have on victims. *(This definition is based on an extract from the Royal Commission into Institutional Responses to Child Sexual Abuse Final report volume 10 Children with Harmful Sexual Behaviours page 23.)*

**Church Council:** means the body established in each Congregation/Faith community to have oversight of its total life and mission

**Council of the Church:** means the Church Council or the Presbytery or the Synod.

**Criminal offence of a sexual nature:** means any offence that involves being charged and/or being convicted of offences including but not limited to rape, sexual assault or indecent assault, wilful indecent exposure, sexual offences against children, including child grooming and those related to child pornography and the possession, distribution and production of indecent images. For the purposes of this policy, this term shall not include the offence of unlawful prostitution.

**Ecumenical Partners:** Any Christian denomination or movement that oversees a worshipping community. They may or may not be formal partners in ecumenical endeavour.

**Grooming:** A process by which a person prepares a child, significant adults and the environment for the abuse of this child. Specific goals include gaining access to the child, gaining the child's compliance, maintaining the child's secrecy to avoid disclosure. This process serves to strengthen the offender's abusive pattern, as it may be used as a means of justifying or denying their actions. (Reference: Craven, Brown and Gilchrist 2007 as quoted in O'Leary, Koh and Dare 2017 *Grooming and child sexual abuse in institutional contexts* Royal Commission research paper).

**Interim safety measures:** means strategies that are put in place around the Person of Concern while a safety agreement is being assessed.

**Leadership position/role:** includes any position or performing any function with the actual or perceived authority of the Church community.

**Ministry agent:** means the person inducted, commissioned or appointed by the Presbytery to serve in the role recognised as the minister of a congregation, whether the person is in placement or supply, and whether they are a Minister of the Word, Deacon, Pastor or in no specified ministry.

**Monitoring the safety agreement:** means the proactive checking that the terms of a safety agreement are being met.

**Monitors:** are members of the Church community who are assigned a role that includes but is not limited to the following: meeting, accompanying and shadowing the Person of Concern while they are present at Church community events, activities or programs.

**Parties to a safety agreement:** means those persons who must all agree to the conditions upon which a Person of Concern can be present and participate in the life, events and activities of the church Community.

**Person of Concern (POC):** means any person who wishes to participate in the life of a Congregation or faith community of the Uniting Church in Australia and who has engaged in criminal sexual behaviour and /or is reasonably suspected of engaging in harmful sexual behaviour toward a child that has led to:

- criminal charges relating to sexual offences against children and/or adults
- conviction for sexual offences relating to children and/or adults
- placement on the Register of Sexual Offenders
- suspension of a Working with Children card
- negative notice for Working with Children card
- refusal of a positive Working with Children card
- not having a negative notice or a suspension revoked
- recording on the National Coordinated Criminal History Check
- concerns in the congregation, faith community, Presbytery or Synod that the safety of others is at risk

**Presbytery:** means the Presbytery that has oversight of the congregation/faith community in which the Person of Concern is, or seeks to be, a member, adherent, or member in association.

**Presbytery Minister:** means the person who is in the role of Presbytery Minister or any other person delegated to offer leadership on behalf of the Presbytery Minister.

**Presbytery Officer:** means the person delegated to offer leadership on behalf of the Presbytery for this purpose.

**Reasonably suspected:** means where an individual(s) has concerns that the behaviour or actions of another person (including a person of concern) are putting children or others at risk of sexual abuse or harm.

**Review of the safety agreement:** means the intentional consideration that the terms of a safety agreement are being met and can be met including in circumstances of an alleged breach/breach of the safety agreement and a change of monitor/s.

**Safety Agreement (SA):** means a written signed agreement that specifies the ways in which a Person of Concern may continue to attend and participate in the life of the Church community. It provides safeguards for the Person of Concern, their family, and for others participating in Church community events, activities and programs.

**Synod:** means a Synod of the Uniting Church in Australia.

**Vulnerable adult:** means any person over the age of 18 years who is impacted in their capacity to care for themselves and considered susceptible to exploitation and abuse because of factors such as but not limited to physical or intellectual disability, psychological and emotional needs and /or social and economic circumstances on a temporary or permanent basis.



## Version control

<b>Version No.</b>	<b>Written by</b>	<b>Approved by</b>	<b>Date Approved</b>	<b>Review Date</b>
1	National Safe Church Unit	Synod stakeholders	November 2019	Jan 2020
2.	National Safe Church Unit	Colleen Geyer, Assembly General Secretary	March 2020	March 2022