

Person of Concern Policy



Safe Church in the Northern Synod

Creating an environment of safety for all people in our Church

Approved at the Annual General Meeting of Synod held in June 2016



I N D E X

Introduction	5
Who are persons of concern (POC)	5
The need for equitable balance	5
The need for this process	6
When to use this process	6
The specific role of the Congregational Minister or in the absence of a Minister, the Church Council Chair	6
A Safety Agreement is by invitation only	6
POC is not able to hold a position of influence or Leadership in a Congregation	6
When can a POC hold a position of influence or leadership in a Congregation	7
What does a Safety Agreement mean	7
Where a Safety Agreement is not offered	7
POC not consenting to a Safety Agreement	7
In the Event of a Safety Agreement not being offered or the POC not consenting	7
Who will be involved when a Safety Agreement is not offered or rejected	8
Forming a Safety Agreement	8
The Moderator may act	8
Interim period before a Safety Agreement is formed	8
Format and Requirements of a Safety Agreement	9
Prohibited Monitors	9
If the POC changes Congregation	9
If the POC changes Denominations	9
Copies of the Safety Agreement	9
Amending a Safety Agreement	9
Informing Congregations	9
Where the information is in the Public Domain	9
Where the information is not yet in the Public Doman	10



Transition of roles and responsibilities	10
Change of Leadership	10
Breaches	10
Withdrawing a Safety Agreement	11
Sample Safety Agreement	13



Introduction

While aiming to be inclusive in the Northern Synod, the need to protect the vulnerable remains paramount. As a Church and as society increasingly expects, we are more aware of better ways to manage the risk those convicted or alleged to have committed a sexual offence pose to our community. This is in addition to the high standards of care now expected as a matter of law and of community practice.

A Person of Concern (POC) is a person who has been convicted of, or is alleged (pending charges) to have committed a sexual offence, or has been released into the community after a period of imprisonment for sexual offences and who wishes to establish, maintain or foster any relationship with any congregation of the Northern Synod. The definition may also include a person where there are reasonable *concerns* are behaving or have behaved in a sexually abusive or inappropriate manner.

The Synod has developed a policy to support and manage people considered to be a POC by the Church which provides consistency with the current practice and expectations of our ecumenical partners in the National Council of Churches in Australia's Safe Church Training Agreement.

A Safety Agreement is not a substitute for criminal proceedings or a tool to conceal offending behaviour. It is to provide a safety framework for participation in the Church community.

Who are persons of concern (POC)?

A POC is a person who:

- has pleaded guilty to, been convicted of, or has admitted to a sexual criminal offence.
- has been found to have sexually offended, through due diligence checks related to recruitment (screening).
- is known by legal fact on the public record to have sexually offended
- is currently charged with a sexual offence
- is a registered sex offender pursuant to the:
Community Protection (Offender Reporting) Act 2004 (WA,)or
Child Protection (Offender Reporting and Registration) Act 2004 (NT)
- violates other peoples' sexual boundaries in a way that is believed to contravene the **safety** of others.

Any person fitting the description of a POC should be considered eligible for a Safety Agreement as a requirement for them to remain in or to join the community of the Church. **All congregations are required to inform the Synod General Secretary of a POC participating in the community.**



If the POC is an ordained member of the Church, the matter should be addressed under the *Regulations and Code of Ethics of the UCA*. Contact the Synod General Secretary for further information.

The need for an equitable balance

Mindful of the Church's absolute commitment to providing a safe place, a Safety Agreement is actively seeking to establish equitable boundaries and safe guards for the POC, their family who may also attend the Congregation, others attending the Congregation, the Synod and the wider Church.

However, when pressed, the Church **MUST** prioritise the ongoing safety of the Congregation in order to protect children and vulnerable adults.

The need for this process

From time to time Congregations may face the situation where a POC has been worshipping, been involved, or wishes to worship and become involved, in the life of a Congregation. While demonstrating genuine compassion and justice, steps must be taken to protect the whole church community and the POC. This also meets societal expectations that all reasonable measures have been put in place.

When to use this process

The process must be applied in the event a Congregation and/or Minister becomes aware a POC is present. The POC should **not** be invited into any Congregation or other Church activity until a Safety Agreement (if appropriate) has been established and implemented.

Consultations with the Synod General Secretary **must** occur once a POC has been identified.

There are some people involved in the life of the Congregation who are required to be informed of the POC being present in the Congregation. Those people are:

- Congregational Minister
- Presbytery Minister
- Church Council Chair
- Synod General Secretary

The specific role of the Congregational Minister or in the absence of a Minister, the Church Council Chair

The role of the Congregational Minister, or in the absence of a Minister, the Church Council Chair, is threefold. The first role is to inform the Synod General Secretary of the POC's presence in their Congregation.



Mindful of the seriousness of the POC's behaviour, the Congregational Minister or in the absence of a Minister, the Church Council Chair is required to make alternative pastoral arrangements for the POC until such time as they are able to consult with the parties about the application of the Safety Agreement.

The second role is to be involved to some level in supporting the Safety Agreement should one be offered.

The third role is to work with the POC and the Safety Agreement monitors to comply with the conditions of the Safety Agreement.

A Safety Agreement is by invitation only

The absolute aim of this policy is to mitigate the assessed risk a POC presents to the Congregation. The POC is invited to enter into a Safe Agreement at the **determination** of the Church as opposed to the POC's express wish to remain (or return) as part of the Congregation.

POC is not able to hold a position of leadership

Regardless of their role, a POC in leadership **MUST** be stood aside with immediate effect.

This is to preserve the integrity of the office/position they hold, and because behaviour that requires a Safety Agreement poses too great a risk to the Congregation.

When can a POC hold a position of influence or leadership in a Congregation?

Under the terms of a Safety Agreement a POC is unable to take **any** leadership role in the Congregation or wider Church where they might be perceived as a Congregational leader.

Allowing a POC to stand for or accept nomination to a leadership role is misleading to the POC and more importantly to the Congregation. Preventing a POC from holding a leadership role should be consistent not only in their home Congregation but also in the wider Church.

What does a Safety Agreement mean?

A Safety Agreement is an agreement between a POC, Presbytery Minister and the Synod General Secretary establishing the terms and conditions for the POC to participate in the life of the Congregation, with the support of the Congregational Minister, or the Chairperson of the Church Council if there is no Minister in placement within the Congregation.

Any conditions proposed in a Safety Agreement **must** be in consultation with **all** parties (Minister, Presbytery Minister, a representative of the Church Council and Synod General Secretary) **prior** to the agreement being presented to the POC. The POC should also be invited to offer their own



reasonable conditions into the agreement; however the Synod should not be bound to these conditions.

Where a Safety Agreement is not offered

While entering into a Safety Agreement is at the **determination** of the Church, there may be situations where a POC may not be invited to take one up. This decision should be made in partnership between the parties (Minister, Presbytery Minister, a representative of the Church Council and Synod General Secretary) and a decision not to offer a Safety Agreement should be communicated in writing to the POC. In this case, a Safety Agreement is unable to reasonably manage the risk this person's participation poses to the Church and its members.

POC not consenting to a Safety Agreement

It is within the POC's rights not to consent to a Safety Agreement or to withdraw from this process at any time; however it must be made known to them that as a consequence of their actions, they are not able to remain part of the life of the Church.

In the event of a Safety Agreement not being offered or the POC not consenting

In the event where either a Safety Agreement has not been offered or the POC does not consent to a Safety Agreement, the outcome should be recorded by the Synod General Secretary and kept securely at the Synod Secretariat.

The POC should be advised by the Presbytery Minister that they present too great a risk to the Congregation and should be requested to **abstain** from further attending any Uniting Church congregation, Community of Faith, Church Agency, Fresh Expressions Ministry and requested to end their relationships with any and all families or target groups within or in association with the Congregation. This is to mitigate the risk to potential victims and carry out the Church's duty of care.

Who will be involved when a Safety Agreement is not offered or rejected?

The POC **must** be informed that not consenting or not being offered a Safety Agreement will be communicated in confidence to the Church's Ecumenical partners. This is to aid in ensuring the protection of the wider Church, adheres to societal expectations of safety for all Church goers, is consistent with current ecumenical practice and is the act of a responsible ecumenical partner.

If the POC is a member of the Congregation then it would be inappropriate for them to retain their membership without a Safety Agreement in place and their names should be removed from the Roll.

Depending on the POC's response to this the legal option of trespass to ensure the protection of the Congregation should also be considered.



Forming a Safety Agreement

Reaching agreement should occur after the relevant parties have been consulted and the Church's conditions have been agreed upon. The meeting with the POC should be sensitive, conducted with compassion but without losing the gravity of its purpose.

It is the responsibility of the Presbytery Minister and General Secretary to enter into a Safety Agreement.

If for some reason, the Presbytery is either unwilling or unable to negotiate the Conditions of the Safety Agreement or there is a Conflict of Interest (the POC is a Presbytery Minister or their spouse), then the General Secretary may act on behalf of the Presbytery and Congregation.

The Moderator may act

The Moderator may become involved

- If the General Secretary acting in concert with the Presbytery and Congregation is not able to negotiate a Safety Agreement with the POC,
- **and** the POC wishes to remain involved in the life of the Church **and/or** as a Member of the Church,
- **and** all reasonable attempts to reach an agreement have been made.

In this situation the General Secretary, after consulting with the Presbytery and Congregation, may request the Moderator to consider the matter under section 3.6.3.2(j) of the Regulations of the UCA, as matter that "adversely affects the good name of the Church or the order and peace of its Congregations or the progress of the work of God and seeking a remedy for such situations."

Interim period before a Safety Agreement is formed

During the periods of time before and/or during the forming of a Safety Agreement, the POC should be requested to refrain from their involvement with the Congregation. Alternative arrangements for the POC's pastoral care should be developed until a

Safety Agreement is instituted. The same principle should apply should the POC wish to seek legal counsel in regard to becoming subject to a Safety Agreement.

Format and Requirements of a Safety Agreement

Please refer to and use the sample safety agreement at the end of this document.



Prohibited Monitors

The role of Congregational monitoring people (whose role is to ensure the conditions of the Safety Agreement are followed) is key to ensuring the success and implementation of a Safety Agreement.

Monitors are required to be identified in the Safety Agreement; however it is inappropriate that the following people act in this role:

- The POC's spouse, own adult children (or step-children) or other relatives
- The POC co-defendant or co-accused
- Anyone new to the Congregation or the Christian faith

Consideration should also be given to the appropriateness of a monitor's gender, or if the person is from a family with young children, as they may not be suitable due to the nature of the POC's behaviour.

If the POC Changes Congregation

In the event the POC decides to leave the Congregation to join another Uniting Church Congregation, the Safety Agreement should be communicated to the receiving Congregation by the Presbytery and General Secretary in writing.

If the POC Changes Denominations

In the event that the POC changes **denomination**, the congregational minister must forward this information to the General Secretary, who will communicate this to the receiving denominational head. This must occur as soon as the POC's new denomination has been identified.

Once subject to a Safety Agreement, a POC remains subject to those conditions for the duration of their involvement with the Congregation and Denomination

Copies of the Safety Agreement

Copies of the Agreement should be given to the POC, Presbytery Minister, Church Council Chairperson, Congregational Minister and the General Secretary where they must be kept securely.



Amending a Safety Agreement

The parties must also be notified and agree to any proposed amendment before it can be implemented.

Informing Congregations

For the purpose of this section, the information has been divided into two parts:

- Where the information is in the public domain especially offences against children
- Where the information is not yet in the public domain especially offences against children.

Both should be conducted with sensitivity. This may be a difficult decision for Congregational leaders to make. The Safe Church Coordinator is available to discuss options. Contact the Safe Church Coordinator on 08 9192 1162.

Where the information is in the public domain

A meeting with the POC should take place prior to making any communication to the Congregation. The POC may decide to remove themselves from the Congregation in that event; the Congregation should still be informed of the POC's actions. It is important to be mindful of the need to offer pastoral care to those affected by this news.

Where the POC's behaviour and/or conviction is available on the public record the Congregational Minister, with the support of the Presbytery Minister and Church Council Chair and Council members, should inform the Congregation of the POC's ongoing involvement in the Congregation under the auspices of a Safety Agreement (but not the details of the Agreement). This is to demonstrate trust and openness to the Congregation, and best places the Minister in a position to offer pastoral care while working to eliminate rumour and conjecture.

This meeting should be conducted in a sensitive, respectful manner, and should remain centred on the **legal** fact and the general terms of the Safety Agreement in a timely manner, and where most of the Congregation have the opportunity to hear at the same time. Please contact the Safe Church Coordinator on 08 9192 1162 for advice on how to proceed with this.

Children should not be present at this discussion

The information shared at this meeting will be distressing for some. Some thought about developing an after care pastoral strategy should be implemented.



Where the information is not yet in the public domain

A careful balance between the POC's right to privacy, their presumption of innocence, the need to protect the Congregation, the need to inform the Congregation and the development of a Safety Agreement are some of the factors that need to be taken into consideration when thinking about the parties who need to be informed of the POC's actions from the outset.

In order to minimise the risk to the Congregation, the POC would have been stood aside from any leadership role, their involvement with the Congregation should be halted and their access to children and/or the target removed.

Some consideration about the impact on potential victims should also be given.

Transition of roles and responsibilities

Change of leadership

It is the responsibility of the incumbent office bearer to ensure that their knowledge of the Safety Agreement, the roles of the others within the Congregation who are supporting them in carrying out the Agreement and a copy of the Safety Agreement are forwarded to the new person taking the role. The new office holder and the Congregational support person or Church Council Chair should prioritise a pastoral visit to the POC, informing them of their knowledge of their Safety Agreement.

Breaches

A breach is when a POC contravenes a condition of their Safety Agreement. This

could result in the Church no longer wishing to be partner to the agreement and requesting the POC to leave the life of the Congregation. Ministers are mandated to report behaviour that is in breach of a Safety Agreement to the civil authorities.

When a breach is suspected to have occurred, the Minister with the support of the Congregational Support person and/or Presbytery Minister should complete a pastoral visit where the conditions of the Safety Agreement and the breach are discussed. The POC should be invited to explain their understanding of the alleged breach to the assembled visiting party.

The Congregational Support person and/or Presbytery Minister should **not** determine if a breach has occurred until they have consulted with the parties. The parties may decide that the POC's actions constitute a breach and amend the Safety Agreement (drawing up a new Safety Agreement) or decide to end the Agreement – requesting the POC leave the Congregation.

If an offence has occurred, the Police must be contacted immediately.

Withdrawing a Safety Agreement

Either party may decide to end a Safety Agreement, however, if the Church makes this determination, it must do so with the agreement of the parties and in writing to the POC clearly



outlining the rationale and must include a clear consequence (such as a trespass order). This must also include a date by which the POC's involvement must end (ie the date of the letter). The letter must be mailed to the POC via the tracking/sign receipt system (registered post) and the confirmation must be kept.

A new related offence will result in the immediate withdrawing of a Safety Agreement.

There are some people involved in the life of the Congregation who are required to be informed of the POC being present in the Congregation, those people are:

- Congregational Minister
- Presbytery Minister
- Church Council Chair
- Synod General Secretary

A copy of this document is available in the Members' Section of the Northern Synod website at www.ns.uca.org.au

