



The Church Of The Foursquare Gospel (Australia) Ltd.

BEYOND THE BOUNDARY

**A Protocol for Dealing with
Sexual Abuse and Misconduct
by Clergy & Laity**

**Church of the Foursquare Gospel
(Australia) Ltd.**

(First published 1st April 2000)

(Revised 1st January 2010)

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**This protocol to be used in conjunction with the Working With Children
Certification Requirements under the NSW Office of the Children's Guardian.**

INTRODUCTION:

1. ABOUT THIS PROTOCOL

This protocol has been developed to establish a minimum standard to which clergy and laity of the Church of the Foursquare Gospel (Australia) Limited can adhere to and implement in regard to the prevention and protection against sexual abuse and misconduct within the church and the policy and procedures for dealing with abuse and misconduct if it should occur.

1.1 PROTOCOL DOCUMENT RECIPIENTS:

This protocol should be made available to all clergy and laity (both voluntary and employed salaried staff) on confirmation of appointment and adequate time given for interpretation, understanding and discussion by the appointee with either the District Supervisor, Area Supervisor or their immediate employer.

1.2 DUPLICATION:

Instructions in this Sexual Abuse Protocol may only be duplicated in full and not in part so as specific points are not dealt with in isolation. However, forms may be copied separately.

1.3 SCRIPTURE:

All scripture quotations used in this protocol are from the New King James version of the Bible.

1.4 DISCLAIMER:

The contents of this protocol are meant to guide ministers in the correct procedure in dealing with sexual abuse within the church; however no legal responsibility is taken for the mis-use or mis-interpretation of the contents contained herein. Nothing in this protocol (Section C – Pastor’s Manual) shall contradict or shall be construed to contradict applicable State and Federal Legislation, including Industrial legislation or the Foursquare Church Australia ‘Declaration of Faith’, Constitution 2006 and By-laws.

While this Protocol is formulated under the NSW State legislation, the standard set in that state’s legislation regarding “ABUSE” is set as a minimum standard for minister, laity and church members in other Australian states and territories. This Protocol does not detract from any additional state or territory legislation other than that of NSW and endorses and embraces such legislation of the other Australian states and territories.

1.5 COMPILER:

The protocol was compiled in 2000 by the then General Supervisor, Rev Wayne Magee in consultation with the NSW Department of Community Services and the NSW Police Force whose assistance is publicly noted and greatly appreciated. This edition was revised in January 2010 by the President, The Foursquare Church Australia, Rev Wayne Magee.

2. THE CHURCH PERSPECTIVE

2.1 OVERVIEW:

The following document discusses the issue of sexual abuse from a church perspective and suggests various measures which can be undertaken within churches to prevent incidences of sexual abuse, and to appropriately respond where an allegation is made or incident reported.

It should be clarified at the outset that although much of this document focuses on the abuse of children, nonetheless, they are not the only victims. This document should be read with the understanding that this type of abuse is a concern for all peoples, regardless of age, sex and ethnicity, etc. Many of the procedures outlined in the document, although specific to address child sexual abuse, can also be amended and applied to cases of sexual abuse involving adults.

Churches need to be places where positive Christian values and commitment to the safety and well-being of its members are evident. This should arise from the understanding that all people, being made in God's image, are entitled to a fundamental respect for their person.

Jesus' teachings about children are sobering: *“If anyone causes one of these little ones who believe in me to sin, it would be better for him to have a large millstone tied around his neck and to be drowned in the depths of the sea.”* (Matthew 18:6)

These words reflect a recognition of a child's particular vulnerability to harm and a particular obligation of God's people to be mindful of their interests and, most certainly, to protect them from harm in all situations and environments.

Sadly, churches are not always what they should be. That is recognised by Jesus in the words following those quoted above: *“Woe to the world because of the things that cause people to sin! Such things must come, but woe to the man through whom they come* (Matthew 18:7)

Some Christians give-in to the temptation to sexually violate or offend others. In other cases, people outside the church may seek association with church ministries in order to gain access to children and other vulnerable people.

2.1 OVERVIEW (CONTINUED)

While hoping that such people will be open to the gospel dynamic of repentance, confession, forgiveness and personal renewal, the church must be realistic about what can, does and has happened in some denominations in the past.

Indeed, today, we also have a constituted legal obligation to do everything possible to maintain a safe environment for all people, but in particular children. There are specific guidelines and statutes now in place, which enforce tough mandatory penalties. If a church was seen to be irresponsible and culpable, it is highly probable that a civil action (separate to any police action which may be taken) could be found in favour of the claimant. Apart from any trauma an assault would cause to the victim, the ensuing media scramble to cover such a case would be grossly damaging to the denomination and a sad reflection upon the wider body of Christ. It is for these reasons that this subject matter must be taken seriously by those who are responsible and in positions of authority.

No congregation or organisation can afford to say, “It cannot happen here,” for it can.

2.1.1 Christian Morality

Christian morality cannot be reduced to following moral rules. While rules play a part in the moral life of Christians, it is the person and work of Jesus Christ that shapes morals and motivates right behaviour. Through faith, Christians participate in the death and resurrection of Christ, being made new creatures by dying to sin and rising again to righteousness. As new creatures 'in Christ' they are called to imitate Him.

Jesus, the Son of Man, came not to be served but to serve. The overruling idea of imitating Christ encompasses humility and self-abasement before God and a self-giving service to one's neighbours. The New Testament contains numerous moral virtues, the chief of which is love. While 'love fulfils the law' it goes beyond it. It not only refuses to harm others; it counts others greater than self.

The Christian ethic is not an ethic of power but an ethic of service. It focuses on what can be done for others rather than what can be demanded from others as a right. Every Christian is expected to exhibit the attitudes, values and commitment which characterise their new nature in Christ. For those who occupy positions of leadership, an ethic of service means that as leaders, they are not only responsible for, but also accountable to, those whom they serve.

The Christian ethic is also an ethic of love. Love demands a concern for the spiritual welfare of the offender as well as the offended. Any discipline should include a call to the offender for change and renewal.

We should also be mindful of the possibility of false allegations of abuse.

Whether those allegations are made with malicious intent, or are sincere but misdirected, they can do immense harm to the name of Christ, the church and the leaders involved. Wise protection codes may help protect us from such allegations.

2.1.2 CAUTIONARY MEASURES TO PUT IN PLACE:

We have the responsibility for the safety and well-being of those placed under our care. When a person reports abuse to a church leader or is abused in a church environment, it is vital that the church has clear and comprehensive policies and strategies to deal with the situation. Therefore, we owe it to both the local and the wider church to address the following:-

2.1.2.1 Protect users of church property from abuse by screening those working within ministries of the church through adoption of a code of protective behaviours. (See “Statement of Principles” and “Recommended Policy Practices”).

2.1.2.2 Provide mechanisms whereby disclosures of alleged abuse, whether the alleged offender is inside or outside the church, can be properly investigated and responded to.

2.1.2.3 Protect the church, and its members, from false allegations of abuse.

It is hoped that this document will assist local churches and other bodies to develop appropriate policies and strategies. The recommended steps for action for the local church are outlined in appendices 1 to 4 at the end of the document.

3. STATEMENT OF PRINCIPLES (Refer Appendix (i))

3.1 PRINCIPLES:

As the Church of the Foursquare Gospel (Australia) Limited

3.1.1 We commit ourselves to respect other people's minds, emotions and bodies.

3.1.2 We acknowledge and accept the extraordinary amount of trust granted to us by those who are taking part in church activities and their families, and by the wider community.

3.1.3 We therefore commit ourselves to ensuring that all our actions are morally upright.

3.1.4 We require those who work on behalf of our church to indicate their agreement with the policies outlined within the document.

3.1.5 We believe that churches ought to be places of safety and refuge for children and others, that they are, and feel, safe from any threat when on church property or in the care of Christian people, and that the church should be a place where people can disclose abuse and have it dealt with effectively.

Therefore we have a responsibility to:

3.1.6 provide an environment which discourages sexual harassment;

3.1.7 ensure that all employees and volunteers are aware of the appropriate standard of conduct;

3.1.8 inform staff and volunteers that we disapprove of sexual harassment and abuse; ensure that proper standards of conduct are maintained at all times and take corrective action if necessary;

3.1.9 recognise that sexual harassment is a form of sex-discrimination and is in contravention of anti-discrimination legislation;

3.1.10 be aware that we may be liable for a charge of sexual harassment if a complaint is lodged with an external body;

3.1.11 encourage staff and volunteers to report any offensive, intimidating or humiliating behaviour;

3.1.12 discourage sexually offensive humour; communicate these policies and guidelines **to all staff and volunteers**; provide simple and effective processes for handling complaints; and

3.1.13 set an example by our own behaviour.

4. STATEMENT OF POSITION:

POSITION:

The Church of the Foursquare Gospel (Australia) Limited does not condone nor tolerate any acts of abuse towards children or adults and will actively seek to prevent its occurrence, and where such an incident is found to have occurred, may report such an incidence to the appropriate authority which may include the Police, and take other disciplinary steps as is deemed necessary within the perimeters of its Constitution. Irrespective of any other action that may be taken, the Church reserves the right to exercise its powers of discipline over adherents, members and office-bearers according to its Code of Ethics wherever this action is deemed necessary.

5. DEFINITION OF SEXUAL ABUSE

Sexual Abuse occurs when a person uses his or her power or authority to take advantage of another's trust and respect to involve the person in sexual activity. Sexual Abuse does not necessarily involve genital activity. It can be any act which erodes the sexual boundary between the two persons, for example, sexual innuendo, kissing, unwanted or unnecessary touching of buttocks or breasts, overly long hugs and so on. It can involve apparently consensual intercourse but the validity of consent is negated by the power differential.

Sexual abuse is an umbrella term which includes sexual harassment, sexual assault, and child sexual abuse. Sexual abuse refers to a broad range of unwanted sexual behaviour. For example, at one end of the range is sexual insult. The other end is the most extreme expression of power, that is, forced intercourse or penetration.

5.1 The types of behaviour that constitute sexual abuse include:

5.1.1 Sexual harassment.

5.1.2 Sexual abuse of a child.

5.1.3 Unnecessary invasion into personal matters, (e.g. questions of a sexual nature.)

5.1.4 Touching, fondling or kissing.

5.1.5 Being made to look at, or pose for, pornographic photos.

5.1.6 Voyeurism

5.1.7 Making sexual advances especially during a time of vulnerability.

5.1.8 Being masturbated or being forced to masturbate the other.

5.1.9 Oral genital contact.

5.1.10 Penetration of the victim's vagina, mouth and/or anus with a penis or object.

5.2 All these forms of abuse have common elements:

5.2.1 They assert the power and dominance of the abuser.

5.2.2 They involve force, coercion and threat to achieve the abuse.

5.2.3 They are primarily acts of power and violence.

5.2.4 They debase and dehumanize the victim.

5.2.5 The victim experiences a loss of control and violation of their own bodies, minds and souls.

5.2.6 They leave a legacy of harmful effects for the victim, including emotional, physical, social and spiritual effects.

5.3 SEXUAL HARASSMENT:

Sexual harassment is defined as unwelcome sexual advances, unwelcome requests for sexual favours or other unwelcome conduct of a sexual nature, including the making of a statement of a sexual nature to a person, or in a person's presence, whether verbally or in writing (either in hard copy or electronically via email or the Internet).

Sexual harassment occurs if the complainant feels offended, humiliated or intimidated and a reasonable person having regard to all the circumstances would have anticipated that the complainant would be offended, humiliated or intimidated. (*Reference: P/38 - "A Guide to the 1992 Amendments to the Sexual Discrimination Act 1984."*)

By this Code of Conduct, sexual harassment is deemed unacceptable and constitutes a breach of the code. The types of behaviour that have been found to constitute sexual harassment include:

5.3.1 Sexual jokes, offensive telephone calls, displays of obscene or pornographic photographs, pictures, posters, reading matter or objects.

5.3.2 Sexual propositions or persistent requests for dates.

5.3.3 Physical contact such as patting, pinching, touching in a sexual way,

5.3.4 Unnecessary familiarity such as deliberately brushing a person or putting an arm around another person's body.

5.3.5 Unwelcome and uncalled for remarks or insinuations about a person's sex or private life.

5.3.6 Suggestive comments, actions about a person's appearance or body.

5.3.7 Leering, 'wolf' whistles, 'catcalls', obscene gestures.

5.3.8 Indecent exposure.

5.3.9 Sexual advances or demands for sexual favours, or conduct of a sexual and coercive nature, directed at someone who does not want to accept it.

5.4 CHILD SEXUAL ABUSE:

The Children's (Care and Protection) Act 1987 defines child abuse as follows:

"**Abuse**", in relation to a child means:

5.4.1 Assault (including sexual assault) of the child;

5.4.2 Ill-treatment of the child;

5.4.3 Expose or subject the child to behaviour that psychologically harms the child, whether or not, in any case, with the consent of the child.

In NSW, child abuse legislation refers to a child as less than 18 years of age.

Child sexual abuse or assault is the involvement of children in sexual activities with an adult or person older or bigger. The child or young person is used as a sexual object for gratification of the older person's needs or desires and is unable to give consent due to unequal power in the relationship. Sexual assault does not include consensual peer sexual activity. (For additional reference on this topic, refer page 78 of the "Interagency Guidelines for Child Protection, NSW Child Protective Council")

5.4.4 The types of behaviour that have been found to constitute child sexual abuse or assault include: **5.4.4.1** Sexual fondling

5.4.4.2 Genital exposure

5.4.4.3 Exposure to adult masturbation

5.4.4.4 Oral sexual behaviour

5.4.4.5 Exposure to prostitution

5.4.4.6 Child used for prostitution purposes

5.4.4.7 Deliberate intentional exposure of child to sexual behaviour of others

5.4.4.8 Child sexual behaviour with an animal

5.4.4.9 Threat of sexual abuse

5.4.4.10 Suggestions about the possibility of a sexual liaison with the child

It is largely believed by experts in the field that such behaviours cannot be ordered in terms of any behaviours being 'worse' than or having greater impact than others. The critical issues in terms of damaging impact or effects, are those of violations of trust, privacy, safety and abuse of responsible care and authority.

6 NOTIFICATION OF DISCLOSURES OF CHILD SEXUAL ASSAULT:

6.1 THE LAW:

6.1.1 The law and guidelines covering child sexual abuse in NSW is governed by the Children (Care and Protection) Act 1987; The Crimes Act 1900, as amended, and other statutes (as amended henceforth under current NSW Legislation); The Interagency Guidelines for Child Protection Intervention (1996). Under the Children (Care and Protection) Act 1987, it is mandatory to report to the Department of Family and Community Services (FACS) if there is any suspicion of any case of child abuse.

NOTE: MANDATORY REQUIRED APPROVAL TO WORK WITH CHILDREN

Those involved in any ministry or church related activities including mission shops and outreaches with children and young people (less than 18 years) must be registered with the Office of the Children's Guardian (NSW) and be approved to work with minors.

New South Wales

*In NSW they **MUST HAVE** a "Working With Children Number" (WWCC) approved citation from the Government.*

*In QLD, they **MUST HAVE** a government approved and issued "Working With Children's Check - Blue Card"*

Victoria

*In VIC they **MUST HAVE** a Victorian Government Justice & Regulation Department "Working With Children Check" Certificate issued and approved by the Victorian Government.*

South Australia

In SA under section 8B of the Children's Protection Act 1993, government and non-government organisations providing services to children are required to undertake a criminal history assessment as follows:

- a) for all people in their organisation who work or volunteer in prescribed positions;*
- b) before a person is appointed to, or engaged to act in, a prescribed position in the organisation.*

*They **MUST NOT** work with children (those 18 years and under) until being approved by the SA Government Department For Families & Communities.*

Those involved in any ministry or church related activities including mission shops and outreaches with children and young people (less than 18 years) should immediately notify their pastor where ever **there are reasonable grounds** to suspect that sexual abuse has occurred. The pastor is then required to immediately notify the District Supervisor who must, (in conjunction with the Area Supervisor and local pastor), immediately implement the appropriate action under the Act and notify (NSW) FACS. In other Australian states, the reporting Government department must be advised immediately. If a person suspects a pastor of child abuse, that person must immediately advise the District Supervisor for the appropriate action to be implemented under the guidelines contained herein and the appropriate Act.

6.1.2 Definition of "Reasonable Grounds":

Reasonable grounds can be assumed when:

6.1.2.1 A child tells you he/she has been sexually assaulted

6.1.2.2 Someone else tells you (sibling, relative, friend of child, worker or colleague)

6.1.2.3 Observation of the child's behaviour or knowledge of children generally leads to suspicion.

Because of the significant incidence of sexual assault in the community, (one case is too significant), it is reasonable to assume that, as a worker in the church, you will from time to time have dealings with a child or young person who has been or is being victimized or violated.

7. CODE OF CONDUCT FOR CLERGY – PERTAINING TO ABUSE

7.1 GENERAL:

Clergy are given a status which authorizes and enables them to undertake various functions in relation to others. Sadly, the authority and power held by clergy can be abused and exercised in a fashion which is not consistent with Christian morality. Authority and power can be used to advantage self rather than used in ways which will glorify and witness to Christ, as well as benefit those people who look to the church and its leaders for guidance and help.

The clergy are assumed always to have the greater power. Therefore in pastoral relationships the onus is on them to maintain standards and guard the boundaries of acceptable behaviour. These boundaries and standards are aspects of being 'in Christ'. Clergy are to ensure that those who exercise any form of ministry under their authority are acquainted with the standards and boundaries set by this Code and that they conform to them. Failure to conform will require action to be taken by the Presbytery.

In applying this Code of Conduct clergy will find assistance in the guidelines and definitions contained in the Constitution (2006) and By-laws (2015) of the Church of the Foursquare Gospel (Australia) Limited.

7.2 PURPOSE:

The purpose of this Code of Conduct is both to map out the boundaries of acceptable behaviour and set the standards of behaviour required of clergy.

The Code encourages standards of behaviour which 'imitate Christ' and may be used to establish whether or not the behaviour of clergy is acceptable.

This Code has been established so that the church and wider community will have confidence and trust in the standards expected of clergy.

Every community has a set of values and beliefs which help to shape and characterize its culture. This Code of Conduct which explicitly outlines and applies relevant Christian values, can assist in promoting a godly culture. A written code is deemed more desirable than unwritten standards for it provides clear criteria of evaluation.

A breach of the Code by clergy may be subject to censure under ordinances of the Constitution by Presbytery. A breach of the Code necessitates action on two levels:

7.2.1 At the personal level, the clergy and the offended party should be encouraged to work towards reconciliation; and

7.2.2 At the Presbytery level, a decision will be made as to what disciplinary action is required and whether the clergy is fit to continue to hold office within the church.

7.3 THE CODE:

7.3.1 SEXUAL BEHAVIOUR:

Sexual desire finds its full and proper expression in the permanent mutual love relationship of marriage. Adultery, fornication, homosexual activity and all forms of sexual abuse are abhorrent to the spirit of Christian ethics and constitute unprofessional conduct.

7.3.1.1 Clergy must not take advantage of their position to gain sexual favour from a church member or other person. Clergy must recognise and understand the influence and responsibility they carry as church and community leaders.

7.3.1.2 Certain sexual behaviour constitutes sexual abuse which has serious spiritual, physical, emotional and sexual effects, affecting the lives of all parties involved.

7.3.1.3 Some sexual behaviour constitutes sexual harassment. Clergy must not take advantage of their position to sexually harass a colleague, subordinate, employee, parishioner, or any other person. Even spontaneous expressions of affection, verbal or physical, initiated by clergy must be mutually acceptable, and such acceptance cannot be taken for granted.

7.3.1.4 In dealing with children, clergy must exercise a special duty of care. Certain sexual behaviour with children constitutes a criminal offence which is punishable at law. However, the responsibility of clergy toward children in their care goes beyond legal liability and extends to any form of behaviour which may be interpreted as sexual abuse.

7.3.1.5 It is important that anyone who exercises any form of ministry in the church should be chosen with care. Whilst there is no procedure which can guarantee against the occurrence of abuse, it is possible to take measures which may reduce the risk of abuse.

7.3.1.6 A person known as a previous sexual offender or convicted of an offence against a child must not be placed in a position of pastoral responsibility or leadership of children and adolescents. **This is a requirement by law.**

7.3.1.7 When unmarried clergy form a special relationship with another person of the opposite sex, care must be taken to protect people, especially the parties involved, from the potentially harmful effects of secrecy. It is appropriate that the elders or other leaders of the local church be notified about the relationship. In the case of a Senior Pastor forming such a relationship, the District Supervisor should also be notified. In the case of an assistant minister or other staff, the Senior Pastor of the local church should be notified.

7.3.1.8 When sexual misconduct is suspected to have occurred by a pastor, the matter is to be heard as soon as possible by Presbytery.

7.3.2 CONFIDENTIALITY:

7.3.2.1 Clergy have a responsibility to care for members of the church and the wider community. The exercise of pastoral care involves the development of relationships marked by mutual trust and understanding. An important aspect of pastoral care is confidentiality. The need for confidentiality arises from the duty of care and cannot override that duty. Confidentiality is not an absolute commitment to silence at all costs. Like all types of secrecy, confidentiality can cover up as well as protect. It can be a shield for self-interest and a means of deception.

7.3.2.2 In developing pastoral relationships clergy must always recognize a basic right to privacy. Individuals must feel that they have control over any information revealed within the pastoral context.

7.3.2.3 Clergy should advise any person who comes for pastoral help what the duties and responsibilities of clergy are to disclose information and what level of confidentiality that person can expect.

7.3.2.4 Despite this basic obligation to privacy, a commitment to confidentiality may be overridden by the necessity to care for others. In assessing the need to disclose information, clergy shall have regard not only to the legal or other obligations placed upon them but the likely effects of disclosure or non-disclosure on pastoral relationships and ministry generally.

7.3.2.5 No fact or circumstance discovered by clergy in any pastoral situation, including correspondence, shall be disclosed to any other person, including the spouse of the clergy, without explicit permission. However permission does not have to be obtained in a situation where the clergy has legal or other obligations to disclose nor in a situation where disclosure in the view of the clergy is necessary to avoid the risk of physical, financial or emotional harm or hardship to another person.

8. GUIDELINES FOR MAINTAINING PROPER RELATIONSHIPS:

8.1 AWARENESS OF RISK FACTORS:

Ministry generally has certain characteristics which give rise to the risk of abuse of power and of blurring the boundaries between professional pastoral and personal relationships. With this there is the potential for moving into improper personal relationships.

Whilst some of these characteristics are essential and unavoidable aspects of the clergy role, they can foster inappropriate feelings and conditions of intimacy between the leader and church member, co-worker or other persons. They can also be used to exploit (unwittingly or not) those people, especially when they are vulnerable or dependent on approval.

These characteristics may include:-

8.1.1 Being privy to intimate details of parishioners lives

8.1.2 Dealing with people who are emotionally hurting or in crisis

8.1.3 Personal characteristics such as sensitivity, warmth and attentiveness

8.1.4 Easy access to, and having authority to initiate contact with parishioners, often in solitary settings

8.1.5 Ambiguous and unclear role expectations

8.1.6 Opportunities for privacy - private office; lack of supervision; flexible schedule

8.1.7 Power, prestige and influence of the ministerial role

The potential for crossing the boundaries into unacceptable behaviour may increase if other factors are present in the life of the clergy, including:-

8.1.8 A marital relationship which needs attention.

8.1.9 Family problems or crisis.

8.1.10 Emotional vulnerability through personal experiences or crises, such as loss and grief, situational stress, periods of doubt and disillusionment, depression, physical illness.

8.1.11 Unresolved past abuse or losses or other emotionally painful events.

8.1.12 An inappropriate need for power or control. It is widely accepted by experts that sexual offenders are driven more by the need to control than by sexual need, and their non-sexual behaviour is characterised by control.

It should be emphasized that although a combination of factors may increase the risk of unacceptable behaviour, there can be no excuses for this behaviour. It is the responsibility of the clergy to be aware of, and attend to, these factors. Maintaining acceptable conduct is always the responsibility of the clergy, regardless of the initiating party or consent. The issue is one of abuse of power, trust and responsibility, and breaches of conduct are not to be minimized or excused.

In recognition of these risk factors clergy should pay close attention to their personal and organisational life:-

8.2 PERSONAL AND ORGANISATIONAL LIFE:

8.2.1 A BALANCED LIFE

Clergy should make provision for a balanced personal life; for physical, emotional, social and spiritual self-care and recreational time. As well as being sources of continuing refreshment, these help to avoid burn-out and stress.

8.2.2 RELATIONSHIPS NEED NURTURING

Continuing attention needs to be given to the maintaining and nurturing of personal and family relationships, especially the marriage relationship. Consideration should be given to meeting regularly with an experienced and trusted person(s) of the same sex for the purpose of prayer and accountability.

8.2.3 CLARIFY ROLES

Clergy should have clearly understood job descriptions, including duties and lines of accountability. It is helpful for these to be in writing, especially for assistant clergy and student ministers.

8.2.4 WORKLOADS

Workloads should be monitored to guard against overloading.

8.2.5 FEEDBACK & APPRAISAL

Opportunities for regular feedback and appraisal are appropriate. Regular opportunities should be made to review and plan work, to share experiences, and to talk about relationships with others. This may take place from staff member to staff member or from clergy to Area or District Supervisor.

8.2.6 TRAINING:

Regular opportunities should be made to receive training to refresh, update or enhance theological knowledge, ministry and other skills.

8.2.7 LEADERSHIP STYLES

Many and various styles of leadership may be adopted to meet different situations or opportunities. However, styles of leadership that develop control created by fear and have little or no accountability are unacceptable.

9. GUIDELINES FOR PERSONAL INTERVIEWS

9.1 The following points may assist pastors in maintaining a protective mechanism around and over personal interviews for either him/her or members of their pastoral staff.

9.1.1 All interview times, places and people present should be recorded in the minister's diary.

9.1.2 If practical, the door to the interview room should be open during the interview. It should not be locked.

9.1.3 A suitable distance should be maintained between the clergy and person being interviewed.

9.1.4 In the design of church offices, studies and interview rooms, consideration should be given to having a small panel of glass in the principal door.

9.1.5 If notes are kept of the interview, they should be marked "Confidential" and kept secure.

9.1.6 A respected member of staff or church elder should be kept generally informed of the number of interviews conducted by clergy with any one particular person. This is especially so when the interviews are with a child or member of the opposite sex.

9.1.7 Leaders should not attempt ongoing counselling unless they are trained as a counsellor and have access to appropriate counsellor supervision. Where ongoing counselling is indicated, appropriate agencies or personnel should be referred to.

9.1.8 Clergy should be especially aware of the need for specialist counselling for victims or survivors of abuse and domestic violence, perpetrators of abuse, and for those people with marital or family problems.

9.1.9 With interviewing, either one-off or ongoing needs should be set. Limit the length and number of sessions in advance and avoid settings that may suggest a social context or dating with opposite sex.

9.1.10 Wisdom should be exercised regarding home visitation where it is known that the person being visited will be alone, especially if the person is of the opposite sex or is a child/adolescent. Consideration should be given to these visits being made with another church representative.

9.1.11 Wisdom and sensitivity should be exercised regarding affectionate gestures or touch, such as 'hugging'. Such gestures may be regarded by some individuals as unwanted sexual behaviour, and clergy must be sensitive as to whether these gestures are acceptable to the recipient. It is generally unwise for expressions of affection to occur where there are no other people present.

10. GUIDELINES FOR LEADERS (CLERGY & LAITY) MINISTERING TO CHILDREN AND YOUTH:

10.1 The following guidelines will assist pastors in maintaining a watchful oversight on all ministries to children and youth. This may prevent an abuse taking place or prevent a false accusation being levelled at a child or youth worker. (Prevention is better than cure)

10.1.1 All pastors (salaried or non-salaried) staff members and lay leaders working or intending to work with youth and/or children **MUST** complete an appropriate application form. (**FORM [A]**) entitled: "**Volunteer & Salaried or Non-Salaried Staff Engagement Form**".

In the case of local church representatives being approved to minister in Special Religious Education (SRE) classes at state or private schools, the SRE teacher **MUST** complete an appropriate application form. (**FORM [B]**).

This is a government regulation and is a requirement by law.

A copy of each worker's completed form is to be maintained at the local church office.

A new application Form must be completed for each new appointment and each year. This is the responsibility of the local church Senior Pastor to ensure that these requirements are kept up to date.

10.1.2 If in physical contact with children and youth, leaders should take care to respect the child's feelings and privacy.

10.1.3 Leaders normally should not visit children or youth in their own homes unless a parent is present and/or the leaders visit in pairs.

10.1.4 Leaders normally should not drive children or youth home unaccompanied.

10.1.5 Before any proposed church camp is planned, Camp Parents should be approved by the clergy and/or leadership.

10.1.6 Camp Parents should ideally be a married couple over the age of 25 years, of known maturity and of known Christian commitment.

10.1.7 On camps, strict segregation of sleeping accommodation should be maintained, with such accommodation being supervised by a person of the same sex as the children or youth.

10.1.8 Leaders should always seek to foster a relationship in which sensitivity and trust enable children and youth to view them as people in whom they can confide.

10.1.9 All leaders should have a sense of responsibility for one another so as to prevent any breach of trust towards children and youth.

10.1.10 Age of individuals is recognised as one of the determinants in deciding what is acceptable and unacceptable behaviour.

10.1.11 Adult and youth members are expected to respect the privacy of others during activities that require undressing, dressing or changing clothes. Leaders should set an example by protecting their own privacy in similar situations.

10.1.12 Nude swimming, or other such activities are not condoned and must not occur.

- 10.1.13** No youth member should sleep in close proximity to an adult, other than a parent or guardian of the youth member, unless there is a significant separation, and privacy of all parties is respected.
- 10.1.14** An adult should never share accommodation with one youth member only. Should such a situation arise however, a report outlining the circumstances should be provided to the Senior Pastor and/or the District Supervisor at the earliest opportunity.
- 10.1.15** Initiations and private ceremonies are to be totally discouraged and must not occur. All aspects of children and youth programs should be open to observation by parents and other interested adults.
- 10.1.16** Alcohol, drugs and illegal substances must not be available at gatherings, parties or camps, nor at any activity where persons under 18 years are encouraged to attend.
- 10.1.17** Leaders should be sensitive to the influence their language has on others and accordingly the example they set. They should avoid language which could be taken as being offensive: by blasphemy, swearing, sexual innuendo, harassment and teasing.
- 10.1.18** Leaders should be modest in their dress, be conscious of its influence on others and should teach and encourage those in their care to exercise a similar modesty. Careful consideration should be given to what is appropriate dress in different situations.
- 10.1.19** A high level of safety should be maintained in all activities. Leaders should be trained in competency in any activity involving risk. Special attention should be paid to the maturity and experience of motor vehicle drivers, especially when making transport arrangements.
- 10.1.20** Leaders should review visual materials, (e.g. videos, films, computer graphics, photographs), to ensure that such elements as violence, sexual activity and lifestyle, do not negate the Gospel nor the Christian values being taught. If in doubt, leaders should consult with the Senior Pastor and/or parents of the children and youth involved.
- 10.1.21** Where one-to-one discipleship is planned consideration should be given to:-
- 10.1.21.1** age and sex of both parties
 - 10.1.21.2** adequate supervision
 - 10.1.21.3** training and maturity of the person who is mentoring/ or discipling
 - 10.1.21.4** parental consent
 - 10.1.21.5** the venue

The Church of the Foursquare Gospel (Australia) limited
ABN 45 000 195 960



VOLUNTEER & SALARIED OR NON-SALARIED STAFF
ENGAGEMENT FORM (A)

Name: (Please print name in full) _____

Role: (Please specify local church role) _____

1. General Conditions

I agree to carry out my tasks as a volunteer/salaried/non-salaried (delete which is not applicable) officer within the

_____ (church name), in accordance with the principles, beliefs, and values of the Church of the Foursquare Gospel (Australia) Ltd. I must exercise due care for the protection, safety and behaviour of all young people in my care and under my supervision.

I commit myself to:

- Maintain a daily walk with Christ
- Diligently safeguarding all people under my direct responsibility

Volunteer Statement:

- (a) I acknowledge that the _____ (local church name here) - Church of the Foursquare Gospel (Aust.) has special responsibilities to the students, their parents, and carers.
- (b) I agree to carry out my tasks in accordance with the general conditions set out above and any special conditions set out below.
- (c) I wish to provide my services on the above basis to the Church of the Foursquare Gospel (Aust.) and acknowledge I am responsible to my authorizing agent (the local Church Minister) and his/her successors, and the denominational Board of Directors.

4. Officer's Statutory Declaration

I hereby solemnly and sincerely declare that:

- (a) I have never been convicted for violence, sexual assault, the provision of prohibited drugs or any crime against a minor.
- (b) I understand that spot checks are made to verify the above and hereby give my permission for any police checks which may be necessary.
- (c) I understand that should I fail to meet my commitments as set out above, I could be asked to withdraw from the ministry.
- (d) "I am aware that I am ineligible to apply for, undertake or remain in, child-related employment if I have been convicted of a 'serious sex offence' as defined in the Child Protection (Prohibited Employment) Act 1998.

I have read and understood the information in relation to the Child Protection (Prohibited Employment) Act 1998 and understand my responsibilities and obligations under this Act.

I declare that I am not a person prohibited by the act from seeking, undertaking, or remaining in child related employment."**

And I make this declaration conscientiously believing it to be true and in accordance with provision of the OATHS Act of 1990.

Signature _____ Date ____/____/____

Witness (Justice of the Peace or Solicitor) _____ Signature _____ Date ____/____/____

ORIGINAL COPY OF THIS FORM IS TO BE SECURELY MAINTAINED ON FILE BY LOCAL CHURCH OFFICE.

[FORM A](As Amended 2016)

CHURCH OF THE FOURSQUARE GOSPEL (AUST.) LIMITED
ABN 45 000 195 960



SRE TEACHER'S ENGAGEMENT FORM (B)- 2010

Name: (Please print applicant's name in full) _____

Role: Special Religious Education (Scripture) Teacher (SRE)

1. GENERAL CONDITIONS:

1.1 I agree to carry out my tasks as a volunteer SRE teacher in accordance with the principles, Christian beliefs, and values of the Church of the Foursquare Gospel (Australia) Ltd. I must exercise due care for the safety and behaviour of students when teaching or supervising them. The teaching given to students in the SRE classroom must be of the highest quality possible at all times.

1.2 No remuneration is paid to me as a volunteer SRE teacher. Out-of-pocket expenses may be reimbursed by prior arrangement with the authorizing agent (local minister).

1.3 Volunteer Teacher's Undertaking:

I commit myself to:

- Maintain a daily walk with Christ
- Diligently prepare my lessons
- Regularly and punctually attend classes
- Participate in training courses whenever possible.

1.4 Volunteer Statement:

(a) I acknowledge that the _____, Church of the Foursquare Gospel (Aust.) (herein referred to as the Local Church), has special responsibilities to the students, their parents, and carers and to the school authorities because of the opportunities given to the Church of the Foursquare Gospel (Aust.) to instruct students in Special Religious Education (SRE).

(b) I agree to carry out those tasks in accordance with the general conditions set out above and any special conditions set out below.

(c) I wish to volunteer my services on the above basis to the Church of the Foursquare Gospel (Aust.) and acknowledge I am responsible to my authorizing agent (the Local Church Minister) and his/her successors.

1.5 Volunteer Statutory Declaration

I hereby solemnly and sincerely declare that:

- (a) I have never been convicted for violence, sexual assault, the provision of prohibited drugs or any crime against a minor.
- (b) I understand that spot checks are made to verify the above and hereby give my permission for any police checks which may be necessary.
- (c) I understand that should I fail to meet my commitments as set out above, I could be asked to withdraw from the ministry of SRE in schools.

And I make this declaration conscientiously believing it to be true and in accordance with provision of the OATHS Act of 1990.

2. PROHIBITED EMPLOYMENT DECLARATION:

(Child Protection (Prohibited Employment) Act 1998: Completion of this form is mandatory under NSW State Government Law by all ministers, spouses, church workers – both paid and unpaid).

NOTE: With the exception of where an order, from the Industrial Relations Commission or the Administrative Decisions Tribunal, declares that the Act does not apply to a particular person, the Child Protection (Prohibited Employment) Act 1998 makes it an offence for a person convicted of a serious sex offence (a prohibited person) to apply for, undertake or remain in, child related employment**.

Section 5 of the Child Protection (Prohibited Employment) Act 1998 defines a serious sex offence as an offence involving sexual activity or acts of indecency that was committed in NSW and that was punishable by penal servitude or imprisonment for 12 months or more, or, an offence involving sexual activity or acts of indecency that was committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more if it had been committed in NSW.

**** Child related employment means:** any employment that primarily involves direct contact with children where that contact is not directly supervised. Section 1 of the Child Protection (Prohibited Employment) Act 1998 specifies that child-related employment is employment:

- ♦ Involving the provision of child protection services
- ♦ In pre-schools, kindergartens and child care centres (including residential child care centres)
- ♦ In schools or other educational institutions (not including universities)
- ♦ In detention centres (within the meaning of the Children (Detention Centres) Act 1987

Continued.....> 2.

- ◆ In refuges used by children
- ◆ In wards of public or private hospitals in which children are patients
- ◆ In clubs, associations or movements (including of a cultural, recreational or sporting nature) having a significant child membership
- ◆ In any religious organisation
- ◆ In any entertainment venues where the clientele is primarily children
- ◆ As a babysitter or child-minder that is arranged by a commercial agency
- ◆ Involving fostering or other child care
- ◆ Involving regular provision of taxi services for the transport of children with a disability
- ◆ Involving the private tuition of children
- ◆ Involving the direct provision of health services
- ◆ Involving the provision of counselling or other support services for children
- ◆ On school buses
- ◆ At overnight camps for children

Under this Act:

- It is an offence for a prohibited person to **apply for, undertake or remain** in child-related employment
- Employers **must** ask existing employees, **both paid and unpaid**, and preferred applicants for employment to declare whether they are a prohibited person or not
- All child-related employees **must** inform their employers if they are a 'prohibited person' (someone who has been convicted of a serious sex offence) or remove themselves from child related employment
- Penalties are imposed for non-compliance.

3. STATUTORY DECLARATION:

“I know that I MUST HAVE an approved certified NSW, VIC, QLD or SA Government clearance to work with children (18 years and under). In NSW this is a WWCC Number clearance and in QLD, an approved Blue Card.

Also:-

“I am aware that I am ineligible to apply for, undertake or remain in, child-related employment if I have been convicted of a ‘serious sex offence’ as defined in the Child Protection (Prohibited Employment) Act 1998.

I have read and understood the above information in relation to the NSW Child Protection (Prohibited Employment) Act 1998 (as amended) and other associated Acts in the respective Australian State in which I would undertake working with children and fully understand my responsibilities and obligations under these Acts.

I declare that I am not a person prohibited by any Australia Government regulation and associated the Act from seeking, undertaking, or remaining in child related employment.”**

Applicant’s Name (In full): _____

Signature _____ Date ____/____/____ Phone: _____

Address: _____ Post Code _____

Witness: Name: _____ Signature: _____

Position Held: Senior Minister/ Manager.

Declaration Made at: _____ (name of suburb/city) **Date:** / / 2016

NOTE: You are advised to seek legal advice if you are unsure of your status as a prohibited person.

11. PROCEDURES THAT MUST BE FOLLOWED FOR DEALING WITH CHILD SEXUAL ASSAULT

11.1 In this section, reference to the "person in authority" shall be taken to mean the parent, legal guardian, the District Supervisor or other such person responsible for the child who has been assaulted. Obviously, the perpetrator is excluded.

If any child discloses any information about a sexual assault it is the child's protection which is the priority.

11.1.1 Do not push the child into telling you the details of the sexual assault. Do not ask leading questions as this may lead to difficulties in having evidence accepted in court at a later date.

11.1.2 Investigation of the claim is the role of the Department of Community Services and/or the police. Your role is to listen and comfort by:-

11.1.2.1 telling them that you understand what they are saying and that you take it seriously

11.1.2.2 stressing that whatever has happened is not their fault; and

11.1.2.3 saying they were correct in telling you.

11.1.3 It is imperative that you do not contact the alleged perpetrator as this could endanger the child and make police investigation more difficult.

11.1.4 If the alleged assault is recent then clothing worn by the child should be retained and the child should not wash as a medical examination may be required for forensic evidence. Remember to keep in mind with forensic evidence the sooner examined the better.

11.1.5 The Pastor or person in authority should be contacted immediately. It is important that confidentiality be maintained. The person reporting the incident should only speak to the Pastor, person in authority, FACS or the police about the matter.

11.1.6 After consultation with the Senior Pastor and the District Supervisor, the person to whom the child disclosed should then ring the Department of Family and Community Services and speak with the Duty District Officer in the Children's Protection Department. This should be done as soon as possible after disclosure. The Office of the Children's Guardian must also be contacted to place a "BLOCK" on the person's WWCC Certificate pending any investigation into the alleged incident.

11.1.7 In Contacting the Child Protection Services in VIC, QLD, VIC & the NSW Office of the Children's Guardian (WWCC).

11.1.7.1 the name and address of the place where the alleged offence occurred, the name of the person making the notification and his/her relationship to the child.

11.1.7.2 the full name and age of the child involved and his/her current whereabouts;

11.1.7.3 the details of the alleged abuse and how this knowledge was obtained;

11.1.7.4 the name of the alleged abuser and his/her relationship to the child;

11.1.7.5 known details about the child's family, (e.g. structure of the family, address if known and any other relevant details;)

11.1.7.6 known details about significant others;

11.1.7.7 follow up already taken and follow up planned.

12. PROCEDURES AFTER NOTIFICATION OF CHILD SEXUAL ASSAULT

12.1 PROCEDURES: (NSW is used in the following example. In other states, contact the appropriate State Agency)

FACS ((NSW) requires that notifications of child abuse be made by the person to whom the information was disclosed.

12.1.1 All future contact with FACS is to be with the Pastor and the District Supervisor.

12.1.2 The person to whom the disclosure has been made should prepare a written report of the facts, as known.

12.1.3 FACS will inform the Juvenile Services Division of the Police Department or may request the Pastor or District Supervisor to do so. The police will want to interview the child and the notifier. They will also want to interview the alleged perpetrator.

12.1.4 It is important that the child and alleged perpetrator have no further contact until investigations have been made by FACS or the police.

12.1.5 The Pastor or District Supervisor will liaise with FACS concerning referral to counselling at a Sexual Assault Unit and will consult with a Sexual Assault Counsellor. If necessary, he/she will make an appointment for an assessment and a medical examination. The consent of the legal guardian is required for the medical examination.

12.1.6 The child will need a support person to assist him/her through the processes involved. The support person should comfort the child and answer questions, but should not attempt to gain more information about the alleged assault.

- 12.1.7** The child will be prepared by the support person for the police and FACS interviews and the medical examination. It is vital that the child not be coached in any way as to how to answer questions, but be encouraged to tell the truth and tell all the details as he/she remembers them.
- 12.1.8** It is usually acceptable for one or two people known to the child to remain in the room during the interview. The police will usually do an initial interview before they actually take a statement. If they decide not to proceed with the allegations, they may not take a statement. It is important to pass on whatever information is necessary to the police as the requirements of law overrule an issue of confidentiality. (To withhold information relating to an offence may amount to you becoming an accessory before and/or after the fact, and is punishable at law.)
- 12.1.9** If a church worker is the subject of the allegation, the Pastor or person in authority will be informed and involved in any decisions regarding the worker. The worker may be suspended on full pay, if they are employed, pending the outcome of the investigation, and if they are not compensated, their duties may be suspended until the matter is resolved.

13 STAFF GUIDELINES RELATED TO SEXUAL ASSAULT ALLEGATIONS:

13.1 Workers Rights and Responsibilities:

As notification is now mandatory, it is important that the church and church agencies have management practices which protect the rights of children, young people and others against assault and workers against false accusation of assault, and to provide clear procedures for action in the case of an allegation.

13.2 Workers Responsibilities

It is essential at all times for workers to maintain a level of professional behaviour which separates them from those to whom they are ministering and cannot be misconstrued by them or other workers. Any worker may be at risk of an allegation of sexual or physical assault and the church has a legal and ethical obligation to take seriously any such report. The following procedures are set out, in particular, to assist in protecting children and workers from possible misinterpretation of interactions which can happen every day:-

- 13.2.1** Remember that a child who has been abused may relate your behaviour to his/her previous experience.
- 13.2.2** The child's right to privacy and personal space must be respected. Workers should avoid situations which may be seen by the child as invasions of their space, (e.g. being alone in the bedroom or bathroom with a worker with the door closed.)
- 13.2.3** Physical contact must be carefully monitored to discern appropriateness and discomfort for the child and worker. Even apparent innocuous behaviours might be misconstrued, as in the past they may have formed the prelude to abuse.
- 13.2.4** Sexual abuse of children is about abuse of a position of authority, power and often affection. As workers are in a position of power and authority over the children in care, it is important that your intentions are clear and open at all times so that the child does not have to guess what you plan to do.
- 13.2.5** Children who have been abused may have been taught to relate to adults in a sexual manner. This should be treated sensitively by the workers in the context of teaching socially appropriate behaviour.
- 13.2.6** Sexually abused children may consciously or unconsciously use sexually provocative behaviour to meet their own needs for affection or other requirements. The worker, as the adult, is responsible for educating the child about appropriate ways of meeting his/her needs.

13.3 Worker Response:

13.3.1 There may be times when the worker is the subject of a "crush" or other signs of affection from a child which intensifies the relationship between the child and worker and places the worker in a difficult and vulnerable position. The sense the child is making of the situation is vitally important and his/her rights and needs must be respected. It is often possible to dilute the contact between the worker and child or for the Pastor or District Supervisor to diffuse the matter after discussion with the worker and child. Such issues should also be raised in meetings with other leaders, as other workers can assist in working with the child.

The best protection for a worker is to:-

- 13.3.2** Be open with your supervisor about difficult situations as soon as you are aware of them.
- 13.3.3** Avoid situations which could be misconstrued by the child or other staff.
- 13.3.4** Maintain a level of professional behaviour at all times which makes it clear to the child and the other workers that you a responsible adult.
- 13.3.5** Demonstrate at all times that you are clear about the boundaries between your role and your personal needs.

14. Workers' Information, Rights & Procedures Following Assault

14.1 Allegations Against Church Workers:

Allegations of assault against church workers and involving children in the church's care are among the most difficult and sensitive issues facing the Church, because they involve two parties for whom we have a responsibility - our workers and the children in our care. However, while accepting that a person is innocent unless proven guilty, the Church must adopt the stance that the care and protection of children is of paramount importance.

The Church of the Foursquare Gospel (Australia) Limited policy is that all allegations of assault (physical, emotional, sexual, harassment or neglect) will be treated seriously and confidentially.

A pastor or office bearer of the Church who perpetrates sexual abuse could be charged with an ecclesiastical offence of conduct inconsistent with biblical principles. The Constitution deals with the relevant procedures and includes provisions for suspension in the case of a minister or other paid office bearer. It should be noted that any member of the Church may be disciplined for improper conduct. Usually where such conduct is also a breach of criminal law, then the Presbytery having jurisdiction would not pursue action apart from procedures in secular courts, although it may do so.

14.1.1 Action to be Taken to Protect Interest of the Child:

In the event of assault allegations being made against a church worker who is in direct contact with children as part of his/her normal duties, the church may suspend the duties of the worker (on full pay, where employed) whilst investigations proceed. There are likely to be two or three separate investigations:-

14.1.1.1 Police: following notification by the church, the NSW Department of Family and Community Services will decide whether there is sufficient information for a police investigation.

FACS may involve the Juvenile Services Division or the local police. Should the result of the police investigation be that charges are laid against the subject of the allegation, the church reserves the right to suspend that person (without pay, where employed) pending the result of the case in court.

14.1.1.2 FACS: sometimes, whilst there is insufficient evidence on which to base a charge against a person by the Police, FACS investigations may turn up evidence establishing that there are sufficient grounds to warrant the separation of the child from contact with the subject of the allegations. On such cases the church will conduct its own investigation and will, where the situation warrants, deal with the matter under established disciplinary procedures according to the Minister's Code of Ethics and the Constitution (2006) and By-laws (2016).

14.1.1.3 The Church: The church reserves the right to conduct its own investigation into the events surrounding the allegation.

14.1.1.4 Where it is established that the behaviour of the church worker who is the subject of the allegation, while not constituting assault, is in the opinion of the church inappropriate and open to misinterpretation by the person making the allegation, or it is established that related behaviour has occurred in the past on one or more occasions, and then depending on the seriousness of the church worker's behaviour, there may be a cause for disciplinary action or termination of employment or duties.

Whilst termination is unlikely without previous disciplinary action procedures being adopted, the church may take this course where it is established that, by the behaviour of the worker, there has resulted in an appreciable negative consequence for the child involved.

It must also be noted that this does not in any way diminish the responsibilities of the employer with regard to the Industrial Legislation or Unfair Dismissal Laws. Appropriate supervision and written appraisals should be carried out regularly and recorded on the worker's personnel file. Any serious concerns should be recorded and kept on their file, with written warnings being issued, and the employee being given opportunity to remedy.

14.2 Transfer of Positions of Responsibility:

After allegations of assault have been made, the subject of the allegations should be prevented from further contact with the child and the following procedure applies:-

14.2.1 The church worker's roster will be rescheduled to roster him/her off duty until the investigation is completed, or

14.2.2 In a church agency, the worker may be relocated to another centre or be allocated different duties.

14.2.3 In a church agency, (e.g. School, Opportunity shop/mission outreach) the child may be relocated to another centre or programme.

14.3 The Period and Conditions of Suspension:

The suspension period will depend on whether the police lay charges and whether the case goes to committal and/or trial, and will be at least as long as is required for the police and FACS to conduct their investigation and for the church to complete its investigation. During this period, the paid worker may be required to undertake other duties.

14.4 Suspension Procedure:

Due to the need for maintaining confidentiality so as to protect the interest of the child and the integrity of the investigation, the employer, when suspending a church worker, will not divulge information about the investigation to the church worker.

Words such as the following should be used when suspending a worker in such a circumstance:-

“Due to an alleged incident in which you have been implicated, I am suspending you on full pay (where applicable) until there has been time to have the incident investigated. I will be in touch with you on a regular basis over the next few days to provide any information that I can, given the circumstances.”

“In the meantime, I would encourage you not to discuss this matter with any other person, apart from myself, authorized police or FACS representatives who may be in touch with you in the near future. You may choose to contact a legal adviser to represent your best interest in this matter and/or support person such as a minister or counsellor.

At this stage, I believe the period of investigation will take some days, but I cannot be sure and I will keep you informed. Please make sure you are contractible over the next few days.

You will be receiving a confirmatory letter outlining this conversation.”

15. THEORIES OF LIABILITY:

In recent years, churches have been sued as a result of the sexual abuse of minors by church workers on church property or during church activities.

In most cases, the victim alleges either or both of the following two theories:

16.1 the church was negligent in hiring the *abuser* without adequate screening or evaluation;

16.2 the church was negligent in its supervision of the *abuser*.

16.3 lack of “Duty of Care” of the individual

The term negligence generally refers to conduct that creates an unreasonable risk of foreseeable harm to others. It connotes carelessness, heedlessness, inattention, or inadvertence. It is important to recognise that churches are not “guarantors” of the safety and well-being of children. They are not absolutely liable for every injury that occurs on their premises or in the course of their activities. Generally, they are responsible only for those injuries that result from their negligence.

Negligent hiring simply means that the church failed to act responsibly and with due care in the selection of workers (both volunteer and compensated) for positions involving the supervision or custody of minors. Victims of abuse who have sued a church often allege that the church was negligent in not adequately screening applicants.

Note: The church may exercise sufficient care in the hiring of an individual, but still be legally accountable for acts of abuse on the basis of negligent supervision. Negligent supervision means that a church did not exercise sufficient care in supervising a worker. Clearly, both theories of liability are important.

16. LEGAL OBLIGATIONS OF THE CHURCH:

Incidents of abuse can occur in any church. Most churches are perfectly willing to select, without any screening process whatsoever, anyone expressing an interest in working in a volunteer capacity with minors. Churches are by nature trusting and unsuspecting institutions, and it is these very qualities that have made them targets of child *abusers*.

Obviously, a single incident of abuse can devastate a church. Parents often become enraged, the viability of the church's youth and children's programs is jeopardized, and sometimes church leaders are considered responsible for allowing the incident to happen. But far more tragic is the emotional trauma to the victim and the victim's family, and the enormous potential legal liability the church faces.

Activities where particular care needs to be exercised include Sunday Schools, Youth Groups, welfare and social workers where potential exposure can be expected to be higher than would otherwise be the case.

A golden rule to avoid a legal battle through the courts and the media is do not allow risk situations to develop by ensuring that all personnel know the expectation of acceptable practices within the whole life of the local church.

The following important points should be noted:-

16.1 It is against public policy and therefore illegal to indemnify by insurance the perpetrators of illegal acts. All liability insurance policies exclude exemplary or punitive damages awarded by a court. Special and general damages are covered as are legal costs.

16.2 It is important, if the protection of our liability insurance policies is to be relied upon, that the underwriters, through the offices of the District Supervisor and the Treasurer, are notified of any act or circumstance that may give rise to a claim. There is no retrospective indemnity for past causes of legal liability if this condition is not observed.

Natural Justice:

16.3 The principles of natural justice shall be observed throughout the processing of any complaint, namely:

16.3.1 that a person or body called on to investigate, mediate, determine or exercise a discretion shall:

16.3.1.1 act fairly, in good faith, without bias and in a dispassionate manner

16.3.1.2 give each party the opportunity of adequately stating their case and correcting or contradicting any relevant statement prejudicial to the person's case

16.3.1.3 not receive information except as part of its investigation

- 16.3.1.4** that there is an obligation for any person, who is involved in handling the complaint, to declare any interest in the matter or any personal connection or relationship with any party
- 16.3.1.5** that a person called upon to answer a complaint is entitled to know the particulars of the complaint being made
- 16.3.1.6** that each party has the possibility to respond to statements made by the other
- 16.3.1.7** that innocence is assumed until proven guilty; the burden of proof shall be "beyond reasonable doubt".
- 16.3.1.8** that not only must justice be done but it must be seen to be done to both the complainant and the accused.

16.4 Any member involved in the hearing of evidence in any church investigation who has a complaint made against them, or who is a relative or close friend of the accused or the complainant, shall stand down from the situation having no involvement until the matter is resolved.

17. RESTORATION OF THE ABUSED & THE ABUSER:

A theology of transformation requires:

17.1 Righteous anger at evil. Jesus uncompromisingly told the truth. He named and criticized evil and called to account those who abused their power.

17.2 Calling abusers to true repentance. This differs greatly from guilt-ridden remorse. In Ezekiel 18:30-31, God requires a responsible owning by the abuser of hurt caused to the victim and a complete change of attitude and behaviour. Readiness to accept discipline and make restitution are indicators of true repentance (Matthew 3:7-12).

17.3 An atmosphere of support and compassion which allows both the victims/survivors to move towards healing. Jesus continually broke the rules governing religious niceties, exclusivity and silence. Support and compassion can never be given in an atmosphere of silence, cover-up and denial.

17.4 Bring correction and restoration in a spirit of love and gentleness according to Galatians 6:1.

17.5 Every effort must be made to protect the privacy and confidentiality of all parties concerned.

17.6 Appropriate information about the outcome of a complaint may be made available, with due care to the local congregation at the right time. Far better for them to hear it from the senior Pastor than "on the grape-vine".

17.7 The needs of the victim and any family (where the complaint is upheld), must be met with compassion, understanding and support by the fellowship.

17.8 Likewise, if the pastor/church worker was proved to be falsely accused, their need and that of any family member should be the prime consideration. Release of any information should be in consultation with the District Supervisor.

17.9 In the case of an inconclusive outcome where there is concern about the accused working with minors in the future this is to be treated as an "unacceptable risk" and dealt with accordingly.

17.10 Forgiveness & Reconciliation: While forgiveness by the victim and a restoration of the relationship with the perpetrator may appear to be what Christian teaching demands, care must be taken **not to impose this as an expectation during the process of resolution** in cases of sexual abuse/harassment. Premature or coerced forgiveness is damaging to the victim's recovery especially where it is the outcome of expectations by someone seen to be in a position of power within the denomination.

17.11 There is always a time process involved in the release of true forgiveness and healing. No person who has offended has the right to demand to be forgiven unconditionally by a complainant, immediately. Those dealing with sexual abuse/harassment cases need to recognise that sometimes reconciliation appears unlikely and indeed may be contra-indicated. Issues of forgiveness and reconciliation are best addressed, **at the victim's request**, in a personal or pastoral counselling setting.

17.12 Pastoral Care & Counselling:

The Senior Pastor in consultation with the Area and District Supervisors shall take all reasonable steps to provide adequate pastoral care for churches where a minister or church worker has had a complaint made against them or has been disciplined for sexual abuse. Pastoral care in this instance is a matter of urgency. Depending on the seriousness of the situation and the co-operation of the church concerned it may be appropriate for a team of trained facilitators/counsellors/pastoral carers from outside the congregation to be involved in debriefing/counselling and conflict resolution. It is essential that these people have knowledge of sexual abuse issues. The church should be considered to be in crisis warranting an emergency response. The natural tendency for some church members to take sides and move to action before the investigation is completed may thus be minimized and Christ's injunction to deal fairly and with love upheld.