



INQUIRY INTO THE HANDLING OF CHILD ABUSE BY RELIGIOUS AND OTHER ORGANISATIONS 21st September 2012

BAPTIST UNION OF VICTORIA SUBMISSION

The Baptist Union of Victoria (BUV) is made up of over 230 churches and congregations throughout the state of Victoria. Churches of various sizes and in all corners of our state make up the Baptist Union as a whole. The Baptist Union does not have a hierarchical governance system. The ultimate authority in a Baptist church resides, under God, in the church meeting, when members meet together to discern the mind of Christ on all matters related to the work of the church.

This structure provides opportunity and challenges. The BUV does not have authority over the individual Churches, but supports and resources Churches. The BUV has developed resources for Churches to use in dealing with Child Abuse and can make recommendations as to what needs to be done.

Over the last 17 years the following resources have been developed, circulated to our Churches, and training provided so that Ministers and Leadership are equipped to manage child abuse within their Churches.

(Note: links to documents have been provided where the document is first referenced.)

- A **Ministry Perspective on Child Abuse** was developed in 1995 for Ministers and Leadership.
- In 2002 **Duty of Care Policy - Our Church is a Safe Place** was implemented and rolled out across Baptist Churches in Victoria. As part of updating this policy in late 2012 the BUV will be implementing our new **Safe Church Training** program for all our church leaders and volunteers around Victoria.
- In 2004 a Professional Standards Worker position and the Professional Standards Group were created to oversee the area of Misconduct by Pastoral Leaders and respond to complaints. This made the co-ordination of dealing with Misconduct by Ministers/Pastoral leaders more uniform. As a result the **Code of Ethics for Pastoral Leaders** was developed and implemented in 2004. In 2005 the **Misconduct by Pastors – Complaint Procedures** which detailed the process by which the Professional Standards Group processed complaints, was developed. In 2008 this was revised following feedback including from victims and respondents, and became the **Complaints Procedure for Allegations of Misconduct by Pastoral Leaders**
- In 2007 BUV through the Professional Standards Worker provided Church Leaderships with a template of a Safety and Accountability Agreement to be used with offenders who have committed criminal sex offences who attend or want to attend a Baptist Church. In 2011 a more formal process called the **Australian**

Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements was developed to manage people who had committed criminal sex offences and wanted to attend Baptist Churches.

Overall the BUV has found that there is a high level of compliance with the *recommended* BUV Policies in the area of Sexual Abuse.

The BUV supports the Mandating of Ministers of Religion (reporting suspected child sexual abuse) and believe it would have a positive effect for Ministers/Leaderships. It would make it clear cut for Ministers/Leaderships as to what they have to do in dealing with difficult and complex situations.

Mandating Ministers of Religion would also provide more legal protection (as a notifier through the Legislation) for Ministers of Religion as they report.

It would be a clear message for Ministers/Leaderships that the Biblical principle of Matthew 18 Verse 15 (which says go and confront him) about dealing with sin could no longer be the initial or only way to deal with this issue.

It is the nature of Church that Ministers/Leaderships develop close relationships with the members and families of their Churches, and by making Ministers of Religion mandated, this very difficult process will be made clearer for all involved.

11. Responses to reports of Child Abuse – Religious and other Organisations

11.1 What policies, protocols, frameworks and/or charters are currently in place in Victorian religious and secular non-government organisations to address child abuse within those organisations?

Duty of Care Policy Our Church is a Safe Place is the current Duty of Care Policy for Baptist Churches in Victoria. Originally published in 2002, it was revised in 2005 and a companion Work Manual and DVD Resource folder to assist churches in educating their congregations was also developed. Relevant areas covered include:

- Biblical Concern for people
- Definition of ‘duty of care’
- Different needs for different groups
 - Children
 - Playgroups
 - Youth
- Leaders
 - The role of the leader
 - Inappropriate behaviour
- Recruitment of leaders
 - Due diligence
 - Police Checks
- Supervisory practices
- Responding to suspicion of abuse
- Responding to allegation of abuse
 - Youth
 - Children
 - Special needs groups

Table of Contents - Duty of Care Policy Our Church is a Safe Place

- In late 2012 the BUV will be rolling out **Safe Church Training Manual 2012 – Duty of Care, Protecting Vulnerable People, Safe Leaders & Safe Ministry Programs** for all our Ministers/Leaders and volunteers around Victoria. This program has been developed through the National Council of Churches in Australia's Safe Church Training Agreement and been adopted by several denominations across Australia. Safe Church Awareness Workshops will be facilitated by presenters trained and accredited by the Safe Church Training Organisation. It covers the following four Modules :

- 1. Protecting vulnerable people**

- a) Understanding abuse*
- b) Responding to abuse*
- c) Protective behaviours*

- 2. Safe Leaders**

- a) The right type of people*
- b) Recruitment*
- c) Supervision*
- d) Responding to ministry misconduct*

- 3. Safe Programs**

- a) Safe programs*
- b) Emotional environments*
- c) Physical environments*
- d) Responding to Incidents*

- 4. Safe Programs**

- e) Safe programs*
- f) Emotional environments*
- g) Physical environments*
- h) Responding to Incidents*

Pg 1 Safe Church Manual 2012

- **Complaint Procedure for Allegations of Misconduct by Pastoral Leaders** (This was the 2005 Misconduct by Pastors – Complaints Procedures updated in 2008 as a result of learning and feedback from victims and Ministers). It is due to be updated in the near future.
- **Code of Ethics – Companion Guide**. Updated in 2011. The Code of Ethics for Pastoral Leaders aims to provide Pastoral Leaders (and their churches) with clear guidelines and common benchmarks for ethical conduct and legal responsibility.

The Code aims to provide Pastoral Leaders (and their churches) with clear guidelines and common benchmarks for ethical conduct and legal responsibility.

Code of Ethics – Companion Guide Updated in 2011

- **A Guide to the Working with Children Check for Baptist Churches 2011**
- The DHS document **Reporting Concerns about Children or Young People: a Guide for Professionals**.

11.2 What is the nature of the policy?

11.2.1 Is it proactive/reactive?

11.2.2 Is it publicly available (if so, how)?

11.2.3 Is it time limited?

Most of the BUV Policies were developed as a result of a growing awareness of the need to articulate more clearly safe and ethical ministry for our Ministers/Leaderships within the Victorian Baptist Churches.

Each Church/Minister was sent a copy of the **Duty of Care Policy Our Church is a Safe Place** when it was rolled out and it is also available on the BUV website.

All the BUV Policies are updated as needed.

11.3 Who is responsible for the policy? Is the policy internal or external to the governing bodies of the religious or other organisation?

The Union Council and the Director of Mission & Ministries. Policy is internal although all are available on the website and are shared with other Denominations as requested.

11.4 How are alleged and proven offenders dealt with?

Since 2007 BUV through the Professional Standards Worker BUV have provided Church Leaderships with a template of a Safety and Accountability Agreement to be used with known and alleged offenders who attend a Baptist Church. This agreement sets out a safety plan, which addresses the offender's offending history, and guidelines the offender agrees to abide by.

In 2011 a more formal process of managing alleged and proven offenders was developed. **An Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements** was rolled out across all Baptist Churches in Australia. In Victoria each Church Administrator and Pastor was sent a copy of the **An Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements** policy.

11.5 What accountability mechanisms apply to the organisation's policy? Is it open to outside scrutiny or review?

The **An Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements** policy was reviewed and endorsed by the Australian Baptist Insurance Scheme.

11.6 Is there an appeal process or dispute resolution process for victims or offenders?

Yes there is an Appeal Process

Either party only has the right to appeal if the process was not correctly carried out or there is new evidence.

Pg 13 Complaint Procedure for Allegations of Misconduct by Pastoral Leaders Revised May 2008

11.7 What supports are available to victims and other family members or significant others?

An Advisor is appointed for the victim. The role of the Advisor is outlined below:

13.1 Adviser

- *To answer questions and provide clarification about the process. If in doubt the adviser can seek clarification from the Professional Standards Worker and communicate the response to the complainant/respondent.*
- *To maintain contact with the complainant/respondent and with the Professional Standards Worker and the Panel Chair to ensure that the complainant/respondent is kept up to date with the current state of proceedings.*
- *To assist as needed with the writing of the complaint by the complainant.*
- *To acknowledge the stressful nature of being involved in a formal Complaint Process. (To acknowledge the courage of the complainant in making a disclosure.)*
- *To explore the personal support network available to the complainant/respondent (ie. family, close friends, pastoral carer) so that they may receive care and support.*
- *To stress the importance and encourage the complainant's/respondent's practice of 'self-care'. This may mean exploration of helpful self-care practices (e.g. exercise prayer, relaxation tapes, etc.*
- *Ensure that the rights of the complainant/respondent are respected during the whole process.*

Pg 15 Complaint Procedure for Allegations of Misconduct by Pastoral Leaders Revised May 2008

The Professional Standards Worker and Advisor ensure that the victim and their family have access to Pastoral Care as they require.

11.8 Can victims seek independent support?

Yes, a support person/s.

Every effort will be made to prevent the complainant experiencing the process as re-victimisation. The process needs to be conducted in a manner that is transparent in its procedures and inclusive and respectful of the complainant and the respondent. The process includes written statements, the investigation, the panel hearing and any subsequent interviews.

Pg 7 Complaint Procedure for Allegations of Misconduct by Pastoral Leaders Revised May 2008

11.9 What is the role of counsellors in religious and other organisations?

Victims are encouraged to access a Counsellor, either one they know or one that BUW recommends. All Counsellors are independent of BUW. BUW will cover the cost for initial and sometimes long term sessions as required.

11.10 Do systems for addressing abuse within the organisation allow for monetary or other forms of compensation?

Yes both monetary and other forms of compensation are available.

11.11 How is the compensation system/ procedure run? Is it independent from the operations of the organisation? Is it overseen by a panel?

Each case is looked at on an individual basis. The Professional Standards Group oversees the process.

11.12 Does the acceptance of one form of compensation prevent victims pursuing other forms of compensation?

No

12. Investigating Reports of Child Abuse

12.1 What processes for internal investigation exist in religious and other organisations?

Complaint Procedure for Allegations of Misconduct by Pastoral Leaders

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Pg 2 Complaint Procedure for Allegations of Misconduct by Pastoral Leaders Revised May 2008

12.2 Have allegations of child abuse been reported to police when the organisation is made aware of them?

Yes

12.3 What processes are in place for reporting cases of alleged child abuse to the police?

- Complaint Procedure for Allegations of Misconduct by Pastoral Leaders
- **Reporting Concerns about Children or Young People: a Guide for Professionals.** On DHS Website, given out at Training also a link on BUV Website

12.4 In what circumstances, if any, would the alleged abuse not be reported?

None

13. Law and Legal Processes

13.1 In what ways are religious laws and procedures used to address abuse within the organisation?

INTRODUCTION

Misconduct in the church is a reality and one that the BUV seeks to handle with the utmost accountability, transparency, fairness and understanding. This document has been created to provide a procedure for complaints of alleged misconduct by Pastoral Leaders. It outlines how misconduct contravenes the clear call for ethical conduct of pastoral leaders; ...

The principle of justice to those who have been victimized underpins the entire procedure and document.

- 1.1 Misconduct in the church is a reality and the BUV has a responsibility to see that each church exercises its 'duty of care' by ensuring the safety of congregational communities. The Code of Ethics and Companion Guide has been developed by the BUV to assist in the definition of appropriate behaviour.*
- 1.2 In particular, misconduct by a pastoral leader can have a profound impact on the person, their family, the congregation and the community. Pastoral leaders have a particular responsibility to live by the example of Jesus Christ; respecting each person as a unique human being made in the image of God. When the pastoral relationship of trust is abused it can mean spiritual, emotional, psychological and/or physical crisis for the victim and can have a devastating effect on secondary victims.*
- 1.3 It is crucial that the church deal with allegations of misconduct by pastoral leaders with clearly defined procedures. With a framework and guidelines for responding to the complex issues involved, the Church may make an informed response, offering compassion and justice to all parties involved. It is imperative that we demonstrate openness, responsibility and accountability.*
- 1.4 Misconduct in the church is fundamentally a moral and biblical issue. It speaks to the very heart of the ethical behaviour God requires of leaders in the church. For example:*
 - Love as the ultimate definer of actions towards and interactions with others (John 13:34; Matt 19:19, 5:44; 1 John 3:18; Gal 6:10);*
 - Servant leadership and the proper use of authority (John 13:16; 1 Peter 5:3);*
 - Ministry as an act of empowering others (Eph 4:11-12);*
 - The avoidance of abuse (2 Cor 6:3,7:2);*
 - Transparency and mutuality (Rom15:14; Eph 5:21; Gal 6:2; James 5:16);*
 - Ultimate accountability to Christ (1 Peter 5:4);*
 - Commitment to justice (Micah 6:8);*
 - Ministry as a continuation and extension of Christ's work (John 20: 21);*
 - Virtue of character (1 Tim 3: 1-13; Titus 1:5-9).*

Pg 3 Complaint Procedure for Allegations of Misconduct by Pastoral Leaders Revised May 2008

13.2 Have internal systems of investigation discouraged reporting of criminal acts to the police?

No. BUV Policy is to report to Police and suspend internal processes pending the outcome of the Police enquiries and any resultant criminal court action.

13.3 Have internal systems of redress discouraged or prevented civil legal action being taken by victims?

No.

13.4 Under what circumstances is it appropriate for religious organisations to apply internal sanctions to offenders, such as expulsion or laicisation [defrocking]?

The Code aims to provide Pastoral Leaders (and their churches) with clear guidelines and common benchmarks for ethical conduct and legal responsibility. It is not designed to be a replacement for the Bible as a fundamental guide for faith and practice. It recognizes however, that a diversity of Scriptural interpretation exists among Victorian Baptists.

*The Code is not intended to be an exhaustive 'How to Manual' for ministry but seeks to exude something of the spirit of the Biblical call to faithfulness of ministry. Several of the Code's principles are **aspirational**: Pastoral Leaders will endeavour to fulfil them to the best of their ability. Several are **advisable**: guidelines which are strongly recommended; and other principles are **mandatory**: failure to observe them may result in disciplinary action being taken by the BUV and/or removal from the official list of pastors. The document titled "Complaint Procedure for Allegations of Misconduct by Pastoral Leaders" outlines the process undertaken when misconduct occurs. Some of the principles underpinning that process are compassion, accountability, natural justice, healing and where appropriate, restoration to ministry. However, in some circumstances restoration to ministry will not be possible. These circumstances include when the misconduct is adult to child sexual abuse, where the misconduct involves significant violence or significant predatory behaviour by the Pastoral Leader.*

Pg 1 Code of Ethics Companion Guide Updated 2011

13.5 Have the legal structures used by religious bodies to manage their affairs and their assets acted to discourage or prevent civil legal action being taken by victims against offenders?

We are not aware of any.

13.6 Should mandatory reporting of cases of alleged criminal abuse be extended to ministers of religion?

The Union Council of the Baptist Union of Victoria said yes for the following reasons:-

- Mandating Ministers of Religion would bring clarity for Ministers/Leaderships as to what they have to do in dealing with difficult complex situations.
- Often Ministers/Leaderships are worried about being sued by the alleged person. Mandating Ministers of Religion would provide more legal protection (through the Legislation) for them as they report.
- Ministers/Leaderships want to investigate the allegation as they feel that they owe the alleged a chance to respond. Some Ministers/Leaderships feel that the Biblical principle of Matthew 18 Verse 15 about dealing with sin is what should be done. Matthew 18 says:-

¹⁵ "If your brother or sister^[b] sins,^[c] go and point out their fault, just between the two of you. If they listen to you, you have won them over. ¹⁶ But if they will not listen, take one or two others along, so that 'every matter may be established by the testimony of two or three witnesses.'^[d] ¹⁷ If they still refuse to listen, tell it to the church; and if they refuse to listen even to the church, treat them as you would a pagan or a tax collector.

New International Version Bible

- It is the right and ethical thing to do and in line with Restorative Justice principles.
- It is often difficult for Ministers/Leaderships who have close connections with the members and families of their Church to have to make the choice to report to Child Protection or Police.

13.7 To what extent should the reporting of suspicions of abuse be circumscribed by laws, customs and ethical codes of religions? (For example, should the sacrament of the Catholic confessional remain sacrosanct in these circumstances?)

Reporting of suspicions of Abuse should take precedent. Ministers and Church Leaders are NOT able to fully investigate the case as DHS and Police can.

BUV chooses to comment only on our own practices and this submission is limited to BUV Policy and Practice only.

13.8 What consequences may flow from the extension of mandatory reporting to ministers of religion?

Provides clarity as to where Ministers stand in cases of alleged or suspected abuse.

13.9 What procedures do religious and other organisations have in place to ensure the suitability of employing people in the organisation who work with children?

BUV Procedures include:

- WWC Check
- Police Checks
- Referee Checks
- A minimum of 6 months attendance for all prospective leaders
- All leaders to agree to follow the Code of Conduct

13.10 Are these in addition to those required to be undertaken by state law?

Yes

13.11 How is the Working with Children Act 2005 applied in the context of ministers of religion?

In the Baptist context all Ministers who have children or young people in their congregations are required to have a WWC Check.

The BUV has developed a policy called *A Guide to the Working with Children Check for Baptist Churches* which has a section in it on regarding Interim Negative Notices for WWC which outlines what Churches should do in the circumstance of a Negative Notice issued to a volunteer/employer of a Church:-

If an "interim negative notice" has been issued, it is not a final decision and a Child Worker is still legally allowed to continue their "child related work" while a final decision about the application is made.

However the Child Worker cannot continue "child related work" if the application has been finally decided and the Worker has received a negative notice.

Where there is an interim negative notice we note that the Department's website states that the employer (church etc) "may wish to put in place other arrangements" while the application is being decided.

It is the view of the BUV that churches should have a policy in place to address what will happen if one of their workers/volunteers is issued an Interim Negative Notice, i.e. that the person will voluntarily take a break from child related work until the situation is resolved one way or the other for example. The action to be taken at the time may depend on the circumstances and advice should be sought if those circumstances arise.

Notifying the BUV immediately in these circumstances, so we can help guide you at this time, is recommended.

Pg 6 A Guide to the Working with Children Check for Baptist Churches

[*13.12 Are new laws required to more effectively address the institutional abuse of children?*](#)

[*13.13 Should officials in religious and other organisations be held criminally responsible for the actions of offenders of child abuse in their employ or for whom they have responsibility? Under what circumstances should this apply?*](#)

14 Responding to Offenders and Alleged Offenders

[*14.1 Are there formal or informal practices or guidelines for the personnel accused, suspected or convicted of criminal or other abuse?*](#)

Yes, outlined in: An Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements (Developed and Implemented in 2011)

[*14.2 How should cases be dealt with when there is suspected abuse but insufficient evidence?*](#)

An Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements (Developed and Implemented in 2011) this process used as a framework for individual case by case situations.

14.3 How do religious and other organisations protect victims when alleged offenders have not been charged or convicted of a criminal offence?

An Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements (Developed and Implemented in 2011) this process used as a framework for individual case by case situations.

15. Data, Privacy and Public Interest

15.1 Does the organisation maintain comprehensive records data on the incidence and prevalence of abuse against children in the organisation? If so, are such records publicly available?

Yes there are records kept by the Professional Standards Worker for instances of Misconduct by Pastoral Leaders that come through the Professional Standards Worker and these include abuse against children. No they are not publicly available.

15.2 Do organisations share information regarding proven or suspected cases of abuse to other agencies even in cases where it is not compelled to do so (for example, schools, Department of Human Services)? What confidentiality/privacy considerations flow from this?

Principles of confidentiality are adhered to. However if the information involves harm to vulnerable children/people or the law is broken the information would be passed on. The preference would be for this to be done with the person's knowledge if appropriate.

Part of the ***Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements*** involves the Person of Concern agreeing that when they leave the current Church, the information about their offending behaviour and their Individual Accountability and Safety Agreement is passed on to the next Church.

15.3 Do religious organisations inform the laity and other members of the religious or wider community about abuses committed by its members? Should it do so?

Yes they do on a need to know basis. This is appropriate if the disclosure is for the purpose of safety for all.

15.4 How can the wider community be informed about child abuse/child protection issues or suspicions?

16. Prevention

16.1 Are there education or prevention programs/policies with regard to the abuse of children and other vulnerable people in religious and other organisations?

16.1.1 What type of programs? Are they one-off or ongoing?

16.1.2 Who is responsible for developing the programs?

16.1.3 Are these programs internally/ externally run? Or both?

16.1.4 Who attends the education programs? Is it compulsory?

- ***Duty of Care Policy Our Church is a Safe Place*** is the current Duty of Care Policy for Baptist Churches in Victoria. Originally published in 2002, it was revised in 2005 and a companion Work Manual and DVD Resource folder to assist churches in educating their congregations was also developed. This was developed by BUV staff and at the time it was developed there was an expectation that all Ministry leaders attend a training program.
- In late 2012 the BUV will be rolling out our new ***Safe Church Training Manual 2012 – Duty of Care, Protecting Vulnerable People, Safe Leaders & Safe Ministry Programs*** for all our church leaders and volunteers around Victoria. Safe Church Awareness Workshops will be facilitated by trained presenters. This program has been developed through the National Council of Churches in Australia’s Safe Church Training Agreement and been adopted by several denominations across Australia. There is a requirement that all Ministers/Leaderships and Ministry Leaders attend a training program.
- All Accredited Ministers sign the ***Code of Ethics – Companion Guide***. The Code of Ethics for Pastoral Leaders aims to provide Pastoral Leaders (and their churches) with clear guidelines and common benchmarks for ethical conduct and legal responsibility. This is the benchmark by which Ministers are held accountable through the Complaints Procedure for Allegations of Misconduct by Pastoral Leaders.
- All Accredited Ministers engage in the ***Professional Development Program*** (PDP) that is a process of enriching the professional and personal lives of Baptist Ministers. It enables ongoing accountability, offers skills training, addresses weaknesses, celebrates strengths, and advocates strong personal growth. All Ministers are required to do at least 1 Professional Standards workshop a year as part of the PDP process. All Ministers wanting to be accredited with BUV need to be engaged in the PDP process.
- ***Reporting Concerns about Children or Young People: a Guide for Professionals***. A DHS document used in training with Ministers about Mandatory Reporting and as a resource for Ministers. The link to this document it is available on the BUV website.
- ***An Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements***. Part of this process is an assessment by the Professional Standards Worker of the Safe Church practices in place in the Church.
- The BUV aims to empower churches with resources and advice that will help them to make their church a safe place for all. This is done through the ***Red Book*** process. The ***Red Book*** is a self-auditing system for churches, which covers Building Code compliance and Duty of Care including screening and selection of leaders for Children and Youth Ministry – Police Checks and WWC checks.

- Whitley, The Baptist Theological College, and training college for Ministers, provides training in appropriate areas. See 16.2.

16.2 For organisations responsible for the accreditation of ministers of religion, do the curricula include training regarding sexual and other forms of abuse (for example. at seminaries)?

Yes

1. The training program includes specific sessions relating to power relations in pastoral leadership.
2. Supervised Theological Field Education includes a specific focus on boundaries, power relations and accountability for the pastor's self-care.
3. All candidates are required to undertake the Professional Standards workshops which are part of their PDP process.
4. All candidates are required to have completed (either here or in a previous degree) units in pastoral care which cover care of children and families.
5. All applicants for ordination are required to submit for a Police Check.
6. All applicants undergo a rigorous Psych Test, which addresses issues of dominance, sociability and relationships, as well as other stress factors and indicators of personality type.

16.3 Have these programs been evaluated? To what extent have they been successful in addressing or raising awareness of these forms of criminal abuse?

The units of study just described are fully accredited University of Divinity units, with accredited tertiary teachers.

There has been no internal evaluation of the units or processes with regard to the prevention of child abuse.

What we can say, however, is that our candidates are very clearly aware of the issues here, with regard to power, boundaries and the nature of abuse.

It is worth adding that there are a number of candidates who themselves are survivors of such abuse, and whose stories are shared within our classes or groups. This is a very powerful method of ensuring awareness!

Finally, one would hope that the evidence of our 'success' is in a trend away from instances of abuse.

16.4 Does the organisation's framework or policy have provisions or guidelines for proactively encouraging/facilitating the reporting of criminal (or other) abuse of children by people within the organisation? Are new laws required to more effectively address the institutional abuse of children?

17. Relationships with External Bodies and Organisations

17.1 Do any formal/written protocols exist between religious / non-government organisations and Victoria Police?

No

17.2 Are Victoria Police guidelines and procedures for investigating child abuse consistently applied across religious or other organisations? Are there any guidelines specific to the investigation of ministers of religion?

Our experience with the Victorian Police Sexual Offences and Child Abuse Units Officers has been mostly positive but there are variations across different areas especially in the country areas.

17.3 Does Victoria Police have liaison officers that are dedicated to working with religious organisations on cases of criminal abuse? If not, should there be?

Victorian Police Sexual Offences and Child Abuse Units Officers have been very helpful in working with the Professional Standards Worker in situations of child abuse.

17.4 Do religious and other organisations have any formal protocols with the Department of Human Services? If not, what form should they take?

Not aware of any

17.5 Are there formal or informal protocols or relationships between religious and other organisations and non-government bodies, such as CASA? If not, what form should they take?

Not aware of any

17.6 Are there relationships or liaisons between religious and other organisations and victims advocacy groups?

Not aware of any

17.7 Do the organisations network with religious and other organisations to address abuse? For example, interfaith bodies?

Yes the Professional Standards Worker has been a member of the Victorian Professional Standards Network that has a membership of Catholic, Anglican, Uniting, Salvation Army, Seventh Day Adventist, Church of Christ, Lutheran and Presbyterians since 2007.

The Victorian Baptists are involved in an initiative of the National Council of Churches in Australia (NCCA), **Safe as Churches?** Consultations which began in 2004. These Consultations have been engaging the highly sensitive issues of sexual abuse and misconduct that in the past have often been concealed or ignored.

Both the Victorian Professional Standards Network and the National Council of Churches in Australia (NCCA), **Safe as Churches?** Consultations have proven to be very useful resources and educational around good practice in this area. Resources and policies are also shared across denominations.



***Supplementary Document to Parliament Inquiry into the Handling
of Child Abuse by Religious and Other Organisations***

21st September 2012

Process:

- i) The number and dates of complaints that have been received;

Prior to 1995 the Local Churches managed incidents as they arose. The BUV Office has limited records of how many complaints were handled by local churches.

From 1995 to 2005

1 Lay Leader

From 2005

1 Youth Pastor 2005

1 Lay Leader 2010

1 Lay Leader 2011

1 Minister 2011

3 Historical Complaints also came to light in this time.

1 Minister – now deceased

1 Lay Leader

1 Lay Leader

- ii) The manner in which the complaints were or are treated or the processes, if any, put in place to deal with complaints including;

a) The date the process was put in place;

b) The level within your organisation that was/is responsible for the handling of complaints;

From 1995 to 2005

A Ministry Perspective on Child Abuse. Developed in June 1995. The BUV's Advisory Board together with the General Superintendent (now known as Director of Mission & Ministries) were responsible for handling complaints.

From 2005

- The ***Misconduct by Pastors – Complaint Procedures*** which detailed the process by which the Professional Standards Group together with the Professional Standards Worker processed complaints, was developed in 2005. In 2008 this was revised following feedback including from

victims and respondents, and became the ***Complaints Procedure for Allegations of Misconduct by Pastoral Leaders***

- Historical complaints were treated on an individual basis. The principles outlined in the Complaint Procedure document states:-

*The principle of justice to those who have been victimized underpins this document.
The church will stand in solidarity with those who have been victims.
Pg 6 Complaint Procedure for Allegations of Misconduct by Pastoral Leaders Revised May 2008*

- c) Any instructions issued within your organisation regarding reporting of complaints;

There are a number detailed in the complaints documents.

- d) Whether there was any follow up in your organisation on receipt of a complaint, regarding the possibility of similar conduct the subject of a complaint in respect of others;

No as per the investigation process.

- e) Was there any change in the process if the person the subject of the complaint had previously been the subject of another complaint;

No change to the process, this information formed part of the investigation.

- f) Any instruction or documentation setting out the protocols for dealing with complaints. If so, please provide the Committee with copies of such documents.

Complaints Procedure for Allegations of Misconduct by Pastoral Leaders

- iii) Whether the manner in which the complaints were treated or the processes of dealing with them has changed, and if so, the details of those changes including;
 - a) The date that changes to the process were introduced;
 - b) The level within your organisation that is responsible for the handling of complaints;
 - c) Any instructions issued within your organisation regarding reporting of complaints;
 - d) Whether there is any follow up in your organisation on receipt of a complaints, regarding the possibility of similar conduct the subject of the complaint in respond of others;
 - e) Was there any change in the process if the person the subject of the complaint had previously been the subject of another complaint;
 - f) Any instruction or documentation setting out the protocols for dealing with complaints. If so, please provide the Committee with copies of such documents;
- iv) If the manner in which the complaints were treated or processed has changed, the number and dates of complaints received since those changes were implemented;

Questions iii) and iv) are covered above in answer to questions ii).

- v) If the manner in which complaints were treated or processed has changed, whether those who made previous complaints were informed of those changes or their complaint reconsidered in accordance with those changes;

No

- vi) Whether complaints amounting to criminal conduct were or are referred to police and if so;
- a) The number and dates of the complaints that were referred to police;

1 Youth Pastor 2005
1 Youth Leader 2010
1 Youth Leader 2011
1 Minister 2011

- b) Any process, instructions or recommendations within your organisation made to facilitate police inquiries on receipt of a complaint. Please provide the Committee with copies of any relevant documents.

- c) What process is in place in your organisation if a complaint is rejected.

A complaint of Child Sexual Abuse would not be rejected. All complaints are taken seriously and investigated in some form. As a principle the BUV will stand in solidarity with those who have been victims.

Compensation/Support:

- i) Whether the person making the complaint (a complainant) has received financial compensation from your organisation;

Not aware of any.

- ii) The number of complainants who have received financial compensation from your organisation;

Not aware of any.

- iii) Whether any financial compensation received by a complainant is the subject of a confidentiality agreement. If so, please provide the Committee with the form of confidentiality agreement;

Not aware of any.

- iv) Were there any instances where a person's conduct was the subject of more than one confidentiality agreement. If so, the number and dates of occasions that this occurred;

No.

- v) When, if at all, was insurance taken out by your organisation to cover liability arising from a complaint;

1981

- vi) Whether your organisation has set up its own process for claiming and determining compensation as a consequence of a complaint;

No.

- vii) If your organisation has set up a process for compensation, does that preclude a complainant applying for compensation elsewhere;

N/A

viii) If your organisation has set up a process for compensation, is the process conducted by an external body, an external body appointed by your organisation or an internal body of your organisation;

N/A

ix) What supports, if any, including counselling, was or is a complainant offered once a complaint is made.

An Advisor is appointed for the victim. The Professional Standards Worker and Advisor ensure that the victim and their family have access to Pastoral Care as they require. Victims are encouraged to access a Counselor, either one they know or one that BUV recommends. All Counselors are independent of BUV. BUV will cover the cost for initial and sometimes long term sessions as required.

Consequences of complaint:

i) What procedures are adopted in respect of the person the subject of a complaint;

BUV has a policy that a Minister who is responsible for criminal child sexual abuse will have their accreditation as a Baptist Minister removed and will no longer be able to minister as a Baptist Minister. This is outlined in the BUV Code of Ethics document:-

The document titled "Complaint Procedure for Allegations of Misconduct by Pastoral Leaders" outlines the process undertaken when misconduct occurs. Some of the principles underpinning that process are compassion, accountability, natural justice, healing and where appropriate, restoration to ministry. However, in some circumstances restoration to ministry will not be possible. These circumstances include when the misconduct is adult to child sexual abuse, where the misconduct involves significant violence or significant predatory behaviour by the Pastoral Leader.

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ii) Whether your organisation or an external agency is responsible for any disciplinary action being taken against the person the subject of a complaint;

BUV has a policy that a Minister who is responsible for criminal child sexual abuse will have their accreditation as a Baptist Minister removed and will no longer be able to serve as a Baptist Minister.

iii) Whether the details of a complaint and the person the subject of a complaint are recorded and available to others in the organisation or to the public.

Yes recorded and passed on as appropriate.

iv) What procedures or processes if any are adopted to reduce the risk the person the subject of the complaint will re-offend.

If the person who is the subject of the complaint wants to attend a Baptist Church **An Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements** process is implemented.

- v) When were such procedures or processes to reduce the risk the person would re-offend put in place.

Since 2007 BUV through the Professional Standards Worker has provided Church Leaderships with a template of a Safety and Accountability Agreement to be used with known and alleged offenders who attend a Baptist Church. This agreement sets out a safety plan, which addresses the offender's offending history, and guidelines the offender agrees to abide by.

In 2011 a more formal process of managing alleged and proven offenders was developed. **An Australian Baptist Response to Persons of Concern – Individual Accountability & Safety Agreements** was rolled out across all Baptist Churches in Australia.

Review/Policy:

- i) Whether there are avenues for review/appeal of a decision made regarding a complaint;

Yes there is an Appeal process.

- ii) Whether any review/appeal is carried out by an external body, an external body appointed by your organisation or your organisation;

No the Appeal is not carried out by an external body.

- iii) What, if any accountability mechanisms apply to your organisation's policy/process and are they open to outside scrutiny or review.

None officially but external people eg. police, insurance, social workers, other denominations, victims have seen them and commented on them.
