



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

Submission to the Inquiry into the Handling of Child Abuse by Religious and other Organisations

Acknowledgements

This submission was developed through the active participation and contribution of a range of people across the Uniting Church of Australia Synod of Victoria and Tasmania listed in Appendix 1 and to whom we extend our thanks.

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MODERATORS STATEMENT

‘Children, youth and families are a central part of the life of the Uniting Church.

Whilst recognising that most of our forebears acted in good faith in their time and age, children have experienced abuse in the church and some of its agencies. This has been traumatic for those children and is unacceptable.

The Uniting Church in Australia has apologised unreservedly on behalf of the church and its agencies for any harm that occurred to Aboriginal and Torres Strait Islander children and to other children while in the care of the Uniting Church and former Methodist, Presbyterian and Congregational churches.

In responding to today’s Inquiry we stand by Resolution 96.6.4.14 made in 1996 by the Uniting Church in Australia in response to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their families and to the national statement of acknowledgement and apology made in 2004 in response to the release of the ‘Forgotten Australians’ report.

The Uniting Church in Australia continues its commitment to recognising the abuse and to offering support and apology. We remain committed to work hard to prevent such abuse occurring now and into the future.

We as a church and as a society are derelict in our duties when even one child is abused. Whilst we think our policies, practices and protocols for the handling of allegations of criminal abuse are transparent, we look to the Parliamentary Inquiry to put a further spotlight on what has been a blight on the record of religious organisations, not for profit organisations and government facilities in order to bring about necessary change and improvements’.

Isabel Thomas Dobson

Moderator

GLOSSARY

CFM – Commission for Mission

CTM – Centre for Theology and Ministry

SSMCC – Synod Sexual Misconduct Complaints Committee

Synod – The Uniting Church in Australia Synod of Victoria and Tasmania

UCA – Uniting Church in Australia

UCC – Uniting Church Camping

UCV&T – UnitingCare Victoria and Tasmania

EXECUTIVE SUMMARY

Children, youth and families are part of the life of the Uniting Church. The Uniting Church in Australia continues its commitment to identifying abuse and to offering support and apology when abuse occurs. We remain committed to work hard to prevent such abuse occurring now and into the future.

The Uniting Church in Australia, Synod of Victoria and Tasmania (the Synod) seeks to address experiences of child abuse through compassion, active listening, mediation (where appropriate), apology and redress. In dealing with child abuse, it aims to minimise secondary trauma to victims.

The prevention of child abuse is addressed by the Synod by implementing structures, policies and procedures in different parts of its functions through the leadership and support of people with appropriate expertise.

These structures, policies and procedures are important tools in the prevention and effective handling of child abuse. However they are only as good as the cultural context in which they are developed and implemented.

It is crucial to develop and maintain a culture of safety for children and for all people in the church so that they can freely know God. Strengthening the culture of the Church means giving permission for people to have crucial conversations about uncomfortable issues and to develop ownership for creating a safe church.

The devolved structures of the Synod embracing congregations, schools, aged care facilities and a wide range of agencies by their nature require a focussed effort to develop a consistent and coordinated approach to child abuse. This complex network of congregations and institutions each have their own spheres of responsibility of care. This can present a challenge for providing a clear vertical accountability with regard to handling child abuse.

Despite these structural constraints, policies and procedures have been developed and are being implemented by key units and agencies of the Church. The Synod has shown leadership through the work of the Bethel Pastoral Centre – an independent service dedicated to the prevention of and education about abuse of power in the Church and the direct provision of counselling, support and referral. The Culture of Safety Unit, Centre for Theology and Ministry and Bethel Pastoral Centre are strengthening the prevention of abuse further by building the capacity of congregations and Ministers to create safe environments for ministry to take place.

Whilst the Church has sought to improve its performance in this area over time, in preparing this submission further areas for improvement have been identified. One such area is in the consistency of policy and procedures across congregations.

Considerable responsibility for the development of a positive culture and effective policies and procedures rests with the local Church Councils and many are ill equipped to deal with this. The Presbyteries have a significant role in providing leadership and building this capacity in creating safe churches for children.

Currently, there is no consistent policy on the prevention of child abuse at the congregational level within the church, although the various structures of the Synod have attempted to implement child safety training across congregations. An attempt was made to implement ChildSafe at the congregational level. However, this program was found to be too cumbersome. The Culture of Safety Unit is considering how it can address this issue.

Internally, the Synod needs to craft policies for congregations and presbyteries that creates a procedural pathway for dealing with child abuse – who to go to when there is a disclosure of abuse, what to do, and how each party will be supported through the process of investigation, determination and redress.

Dedicated time needs to be given to relevant staff in the Synod to develop these tools, particularly staff of the Culture of Safety Unit.

Specific gaps in the existence of policies and or procedures on child abuse have also been identified in other parts of the Church that require attention.

A suite of recommendations has been developed to guide the Synod in continuing to strengthen its practice in the prevention and handling of child abuse.

RECOMMENDATIONS

It is recommended that:

1. A central body within the Synod assumes oversight to ensure that congregations, units and agencies of the Synod have policies and procedures in place for the prevention and handling of allegations of child abuse. Responsibility for this oversight lies with the General Secretary and the Standing Committee of the Synod.

All policies and procedures on the prevention and handling of allegations of child abuse developed by any unit or agency of the Synod are to be audited to ensure they meet an acceptable level of quality and that they include the following elements:

The process:

- a) For education and training on the prevention and handling of child abuse
- b) Once a disclosure is made
- c) For reporting – how and to whom, including the police
- d) For investigation
- e) For how victims are supported and the system for referral to support options

- f) For how alleged offenders are treated and where appropriate the system for referral to support options
 - g) For appeals by victims or alleged offenders
 - h) For dispute resolution
 - i) For compensation
 - j) To protect confidentiality.
2. A specific policy and procedures on the prevention and handling of child abuse be developed by the Synod's Human Resources Unit for all employees and other persons over whom it has responsibility. It is important to note that Ministers are not employees.
 3. The Synod Sexual Misconduct Complaints Committee develops procedures specifically addressing the handling of cases of alleged child abuse.
 4. The Culture of Safety Unit develops template policies and procedures to assist each congregation in adopting their own policy and procedures for preventing and handling allegations of child abuse in line with the Synod's guidelines.
 5. The Culture of Safety Unit provides training to Presbyteries and congregations on the development and implementation of policy and procedures for preventing and handling allegations of child abuse.
 6. The Centre for Theology and Ministry (CTM) review the curricula for ministry training to ensure that everyone involve in ministry understands how child abuse should be prevented, how to identify child abuse and what to do if they become aware of risks or instances of child abuse.
 7. The Victorian Government extend mandatory reporting in Victoria to Ministers of Religion.

Introduction

The Synod is pleased to make a submission to the Inquiry into the Handling of Child Abuse in Religious and Other Organisations.

The Inquiry has provided a welcome opportunity to review and reflect on the current practice of the Synod and to identify its strengths in the prevention and handling of child abuse, as well as areas where it needs to improve its practice.

We recognise that child abuse has been a blight on religious organisations, other not for profit organisations as well as services provided by the State of Victoria. The handling of child abuse by the Synod takes place within the specific organisational culture and structures of the Synod which form the context of our inquiry into this matter.

Background to the Uniting Church of Australia and specifically the Synod of Victoria and Tasmania

The Uniting Church in Australia (UCA) was formed on 22 June 1977 when many congregations of the Methodist Church of Australasia, the Presbyterian Church of Australia and the Congregational Union of Australia came together under the Basis of Union.

The UCA is governed by a number of non-hierarchical inter-related councils that each has responsibility for various functions or roles within the denomination. The meetings of councils include:

- Congregation (local)
- Presbytery (regional)
- Synod (state)
- Assembly (national).

The Synod comprises eight Presbyteries. Congregations form the basis of the church at the local level and are managed through a Church Council.

The role of the laity is valued in the UCA, recognising that ministry is a function of the whole Church and all members. However, certain specific roles or 'specified ministries' are defined. Of these, the role of elder and pastor are open to lay members.

There are two orders of ordained ministry in the Uniting Church. These are Minister of the Word and Deacon. In situations where it is not possible or desired to have an ordained Minister, Pastors and/or Lay Ministry Teams can work with a local congregation. This is particularly the case in rural areas.

The Code of Ethics and Ministry Practice binds both lay and ordained people who are in particular roles within the Church. Elder is not covered under the Code however Minister and Pastor and a number of other roles are.

The Synod

The Synod is governed by the Synod Standing Committee and chaired by the Moderator. The General Secretary is responsible for the overall management of the Synod and is accountable to the Synod Standing Committee.

The CTM undertakes ministerial education, discipleship and education. The CTM is governed by a Board which is accountable to the Synod Standing Committee.

The Commission for Mission is governed by a Board which is accountable to the Standing Committee.

The Commission for Mission comprises the following units:

- SHARE (fundraising)
- Justice and International Mission
- UnitingCare Victoria and Tasmania (UCVT)
- Uniting Church Camping
- Culture and context
- Cross-Cultural Mission and Ministry.

Within the Synod there is a range of services to the community provided through 28 unincorporated agencies of UCVT which each have boards of governance whose members are approved by Synod. The Boards of these agencies are accountable to Synod through the Commission for Mission.

The Synod also has incorporated and unincorporated schools. The organisational structure of the Synod is illustrated in Figure 1.

Children in the life of the church

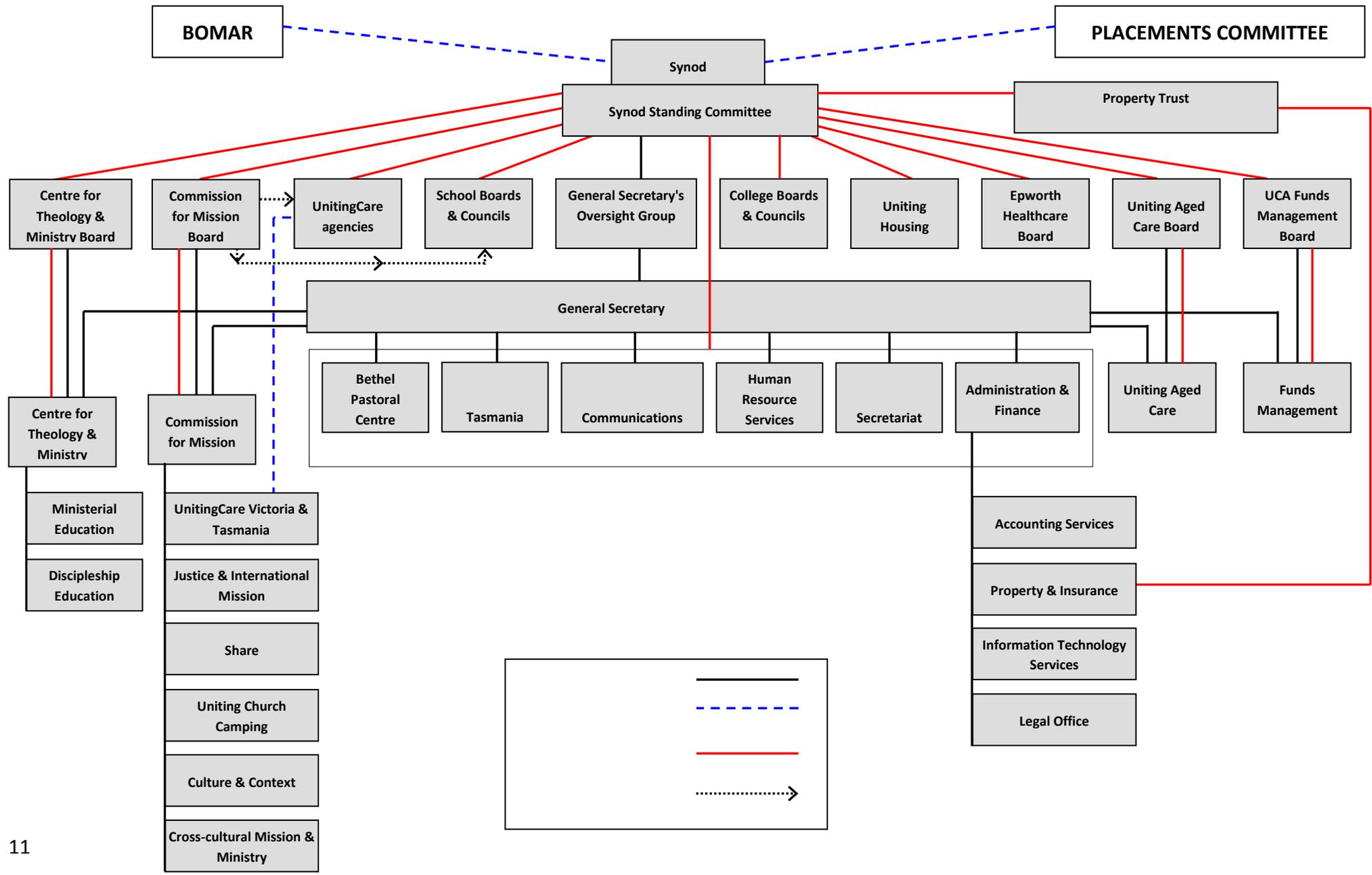
Children, youth and families are part of the life of the Uniting Church. Many worship services have special worship segments for younger children, some have 'Family Services' and the TM offers a wide range of resources for use in congregations. The CTM has ministry coordinators for children and families and young adults.

The National Christian Youth Convention (NCYC) is a gathering of thousands of young people (15 plus) held every two years in a different state of Australia.

In 2011, Uniting Church Camping hosted 9800 school aged children.

Additionally UnitingCare community service programs provide many services to this segment of the wider community. This UnitingCare network operates across Victoria and Tasmania and includes youth counselling, drug and alcohol counselling, early childhood services, integrated family support and Child First services, crisis intervention and work through schools.

Figure 1: Synod of Victoria & Tasmania Organisation/Governance 2011 – Working Document



Acknowledgement, redress and apology for abuse

Stolen Generations

In 1996 the Assembly of the UCA passed Resolution 96.6.4.14 in response to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their families.

The resolution stated in part that:

‘While recognising that for the most part our forebears acted in good faith in their time and age to provide protection against dangers to the welfare of Aboriginal and Torres Strait Islander children, acknowledge and apologise to Aboriginal communities throughout Australia and Torres Strait Islander communities for:

- (i) its complicity with government policies and programs which separated Aboriginal and Torres Strait Islander children from their parents;
- (ii) the personal and social trauma and on-going harm caused to individuals, families and Aboriginal and Torres Strait Islander communities; and
- (iii) any physical violence and sexual abuse perpetrated by staff who should have been trustworthy’.

The full resolution is available at

http://wr.victas.uca.org.au/assets/644/1996_Stolen_Generation_Resolution.pdf

Forgotten Australians

On 27 September 2004, in response to the release of the "Forgotten Australians" Report, the National President of the UCA, Rev. Dr. Dean Drayton, made a national statement of acknowledgment and apology. Two key statements were:

“On behalf of the Uniting Church and our agencies, I apologise unreservedly for any physical, psychological or social harm that might have occurred.”

“I deeply regret that some children were let down while in the care of the Uniting Church and former Methodist, Presbyterian and Congregational Churches”.

The statement was endorsed by all State Synods. It also focussed on the development of new models of care and expressed the desire to work collaboratively with governments and others to ensure that the mistakes of the past are not repeated.

The paradigm for dealing with abuse

The Synod addresses child abuse at a number of different levels – preventative, contemporary and historical.

The Synod seeks to address experiences of child abuse through compassion, active listening, mediation¹ (where appropriate) apology and compensation where sought. In dealing with child abuse, it aims to minimise secondary trauma to victims.

The use of bureaucratic and adversarial legal processes are minimised and avoided wherever possible in dealing with situations of abuse. These approaches have potential to re-abuse the victim.

Most significantly, personal experiences of abuse are heard and accepted. Forensic proof by victims of their allegation of abuse is not required as a precondition to the Church meeting with victims to seek to resolve their claims. The victim's veracity in this process is accepted by the Church. The Synod seeks to obtain records to both establish that the victim was a care leaver from one of its institutions and otherwise to provide the context of the abuse. Medical material may also be considered (often supplied by the victims) or sought by the Church to enable assessment of the impact of the abuse on the person.

The person who experienced abuse is guaranteed that they will be heard and that an apology will be given if sought. A senior person from the Synod always attends mediation and settlement with the Synod's solicitor and an apology is offered in person for the abuse that occurred by the Church.

Education is also an important part of dealing with child abuse and is undertaken by the CTM, Culture of Safety Unit and Bethel Pastoral Centre as discussed elsewhere in this submission.

Current structures and functions for preventing and handling child abuse

The UCA continues to be committed to identifying abuse and to offering redress and apology.

We remain committed to work hard to prevent such abuse occurring now and into the future.

Prevention of abuse is addressed by implementing structures, policies and processes in different parts of the Synod's functions through people with appropriate expertise.

¹ It is recognised that mediation implies equality of the parties and therefore applies between adults and not between adults and children.

Culture of Safety Unit

The Culture of Safety Unit comprises an Ethical Standards Officer and a Safe Church Educator. Both roles are newly created part-time (0.6) positions and which are advised by the Synod Culture of Safety Steering Group. While these positions are part of the Synod Secretariat, they are based at the CTM with other educators, where many synergies and collegial conversations are helping them to integrate into the life of the Synod.

The role of the Ethical Standards Officer is to resource and advise the Synod in the following areas:

- Breaches of the Code of Ethics
- Sexual misconduct complaints and procedures – clergy and lay
- Supervision standards training
- Code of Ethics training
- Breaches of Safe Church Policy.

The current Ethical Standards Officer is a Minister with professional expertise and experience in complaint handling. Another aspect of her role is child sexual assault case management – current and historical.

The primary purpose of the Safe Church Educator is, in consultation with the Ethical Standards Officer, to be responsible for facilitating an effective education program in line with the Safe Church Training Agreement for the Uniting Church in Australia Synod of Victoria and Tasmania, including developing, implementing, managing, and reviewing relevant policies and procedures. The current Safe Church Educator is a child protection social worker.

The Culture of Safety Unit works in an inter-disciplinary way with colleagues throughout the Synod and in other denominations (through the Victorian Professional Standards Unit) and with other Synods.

Since the establishment of the Culture of Safety Unit, the staff has been consulting with various people and groups about developing positive and proactive ways they can work with Congregations and Presbyteries to ensure the Safe Church Training has a 'local flavour' and is responsive to regional needs.

The Unit is also planning to offer a website and telephone support to help congregations implement policies and training about safe ministry.

Human Resources Department

The Synod's Human Resources (HR) Department is responsible for anyone who is an employee of the Synod or one of its agencies. It does not have a role with regard to Ministers in Placement. This role is undertaken by the Placements Committee which is

administered by the Secretariat. The HR department does not have policies relating specifically to child abuse. Relevant policies include sexual harassment and bullying.

Occupational Health and Safety Unit

The Occupational Health and Safety Unit has responsibility for the education and prevention of OH&S matters in relation to employees of the Synod and every congregation in the Synod. The Unit manages a database that monitors the status of Working with Children Checks held by members of the congregations. A section on child safety forms part of the Synod's OHS Risk Management Manual.

The OH&S Unit rolled out the ChildSafe program some time ago. Neither the ChildSafe program nor A Safe Place for Children (the Assembly policy document) was fully implemented. The Culture of Safety Unit is seeking to follow up and resource training for successful implementation.

Centre for Theology and Ministry

The CTM has an academic college that trains Ministers and resources agents that support congregations in specific areas of expertise e.g. children's ministry. All staff at the college are required to engage with the Code of Ethics and Ministry Practice. The Code specifies expectations relating to the pastoral relationship, professional conduct including power, confidentiality, relationships with the law and breach of the code of ethics.

Code of Ethics and Ministry Practice

The UCA has a Code of Ethics and Ministry Practice for Ministers whether in approved placements or otherwise (Refer to Appendix 5).

'In this Code, 'Minister' refers to Candidates, Community Ministers, Deacons, Deaconesses, Interns, Lay Pastors, Ministers of the Word, Pastors, Youth Workers and Ministers from another denomination serving in an approved placement (Reg 2.9.5).

The Code is to be applied within the faith and unity of the church as described in the Basis of Union and the context of the Constitution and Regulations of the Church which state the Church's requirement in relation to the conduct and accountability of its Ministers'.

The Synod's Ethical Standards Officer has responsibility for resourcing Presbyteries which she does in cooperation and collaboration with the CTM's Continuing Education Coordinator. This training has taken place twice per year over the past three years, with 2012 as a year off. It will begin again twice yearly in 2013 with new topics. The Ethical Standards Officer plans to put child protection and the Code of Ethics and Ministry Practice as the first topic so that Ministers can be made aware of the Safe Church Training topics and lead with this initiative.

Synod Sexual Misconduct Complaints Committee

The Synod Sexual Misconduct Complaints Committee (SSMCC) is accountable to the Synod and is responsible for the handling of sexual misconduct by ordained ministers. It does not have authority over lay members of the church. Ministers are bound by the Code of Ethics and Ministry Practice and regulations over which the Assembly has authority. The SSMCC does not perform disciplinary functions. It assesses and makes a determination over cases of sexual misconduct. A possible determination is that a matter be referred to the Committee for Discipline.

The Bethel Pastoral Centre

Bethel Pastoral Centre (Bethel) is funded by the Synod. It is independent of and separate from the Church.

Bethel supports those who have experienced abuse within the Church, whether emotional, spiritual, physical or sexual in nature (currently or in the past).

It also works in a range of ways to prevent abuse in the Church and is an accessible and confidential place that provides professional counselling, support, information and referral. It is part of a network for support across the Synod and a resource/information service regarding abuse.

Bethel is available for anyone who has been abused within the Church, those who are supporting others in this situation, and are working on improving the processes and structures of the Church to respond and those who are working on prevention on abuse within the Church.

Staff of Bethel have participated in the national Safe as Churches Conference and the Centre is a member of the Professional Standards Network, an interdenominational network of support agencies.

Creating a culture of safety

Structures, policies and procedures are important tools in the prevention and effective handling of child abuse. However they are only as good as the cultural context in which they are developed and implemented.

The Synod believes it is crucially important to develop a culture of safety for children and for all people in the Church.

The reason for having a culture of safety is not solely to satisfy government regulations.

In 1999, the UCA adopted the policy A Safe Place for Children which states:

‘The Uniting Church in Australia is committed to provide safe places where people are cared for, nurtured and sustained. The Uniting Church commits itself to the care, protection and safety of all children relating with it or its agencies.

We seek to provide a safe environment for children to encounter God, to develop relationships as part of the community, and to grow in faith’.

This policy provides the reason for the UCA creating a culture of safety for children in the Church and its agencies.

From the Culture of Safety Unit’s perspective strengthening the culture within the Synod involves talking about uncomfortable issues and behaviours, starting with other topics such as bullying, allowing those conversations to take place and applying the same principles to broader issues of abuse. The process is essentially one of giving permission for crucial conversations about child abuse.

It also involves developing ownership, helping people to realise there is no such thing as an innocent bystander and that they need to be moral reporters of unacceptable behaviours.

A distinction needs to be made between congregations with children who can see the need for training in the safety of children and those who say ‘we have no children so don’t need it’. This second group is the one where the training that discusses bullying behaviour within congregations would be a way into a discussion about the possibilities of child abuse.

The creation of a culture of safety needs to occur in traditional and new expressions of the Church. There is an opportunity to create a culture that makes these new expressions of Church safe from the outset.

The cultural and linguistic diversity of some congregations in the Church, including new and emerging congregations is one area which needs particular attention. The Synod has primarily centred on faith issues rather than safety in relation to cross-cultural ministry.

Culturally and linguistically diverse congregations also present a focus for attention given the demographic profile of these congregations tends to be young with a higher proportion of children than is the case in many ageing congregations of Anglo Celtic background.

An example of creating a safe culture

A practical example of creating a culture of safety is highlighted by Uniting Church Camping’s (UCC) approach. UCC is creating within its unit of 60 plus staff and its young participants a culture of being able to ‘speak up and speak out’ about issues of safety and well-being. It is promoting a culture of awareness and vigilance in relation to children and young people’s well-being. Speaking up about abuse is promoted in the context of creating environments for the positive development of young people. This approach goes to the heart of what good program structure looks like in UCC.

UCC advocates for a more global perspective on the care of children. The care of children goes beyond safety to encompass children's well-being and to creating institutions that are respectful of and honour children.

Current policies, procedures and protocols

Responsibility and accountability

It is important to note the Synod is comprised of many units and agencies within the one entity and that the structure is based on inter-related, delegated power structures. The Synod is not structured nor does it operate as a linear, top down bureaucracy.

Responsibility for the development, review and implementation of policies and procedures for the prevention and handling of child abuse in the Synod rests with the Culture of Safety Unit and Director of relevant units e.g. Human Resources, UCC, the Chief Executive Officer of an agency of a community service of the Church or the principal of a Uniting Church school. In the case of an individual Church congregation, responsibility for policies and procedures lies with the Church Council.

Policies and procedures are generally internal and communicated to staff and volunteers through induction and training processes at the commencement of their employment. The policies and procedures are communicated to Ministers of Religion through their education and training on the Code of Ethics and Ministry Practice by the CTM and are supported by the Ethical Standards Officer and Safe Church Educator.

General information is provided to clients in the case of a Synod unit or agency and to members of the congregation in the case of churches.

Given the inter-related model of the Uniting Church, which is non-hierarchical in structure, a challenge for the Synod is how to achieve accountability for the development and quality of these policies and procedures.

There is merit in the argument for policies to be developed and owned at the local level. This approach increases the likelihood of the policy being responsive to and fitting the environment in which it applies. However this dispersed, local approach also means there is no coordinating body or mechanism for ensuring these policies are in place across the Church or to assess their quality and effectiveness.

Whilst acknowledging the interrelated model of the Church and the non-hierarchical structure of the Synod, general support was expressed as part of the development of this submission for the Church to have a 'bottom line' on the issue of child abuse and for this to be communicated and directed centrally.

The key issue for consideration is where this central coordination could be located to be most effective.

What policies are there

Units within the Synod and agencies of the Synod develop and maintain their own policy and procedure for employees and volunteers.

UCVT developed a policy on Child Safe Organisations. The UCVT Unit requires all agencies in the UCVT network to adopt this Child Safe policy. Such a policy for a child safe organisation and related procedures includes particular elements in job descriptions and contracts, a Code of Conduct, staff and volunteer selection, supervision, abuse notification, complaints process and ongoing training.

The practice of Wesley Mission Victoria (Wesley) outlined in the case study at the end of this submission is provided as an example of how child abuse is handled by an agency of the Uniting Church. We acknowledge that Wesley is making a separate submission to the Inquiry and commend this submission to the Parliamentary Committee.

UCC has developed and implemented a Child Protection Policy and accompanying Child Protection Procedure Manual.

Schools of the Uniting Church have developed individual school level policies relating to the protection of children. The practice of Aitken College outlined in the case study at the end of this submission is provided as an example of how child abuse is handled by a school of the Uniting Church.

Ministers of Religion are bound by the Code of Ethics and Ministry Practice which prohibits the use of their power to 'exploit or abuse other people physically, mentally, emotionally spiritually or financially (3.6 (iii)). 'It is unethical for Ministers to deliberately break the law or encourage another to do so.'(6.1).

The ChildSafe Program has been promoted to congregations and is available to them in hard copy or on the Synod intranet ChildSafe website (Safety Management Online). All of the Culture of Safety Unit's interventions are available on the Synod Internet.

The UCA's regulations have two paragraphs dealing with the issue of child abuse. The provisions are in different places and there is no 'one-stop' policy that provides guidance to members of the Church about what they should do. Members of the Church are expected to interpret the Uniting Church of Australia Assembly Code of Ethics for lay people that outline expected behaviours. The regulations attempt to specify what to do about breaches in expected behaviours.

Promoting a best practice approach would be more appropriate in congregations rather than compliance. Presbytery Ministers (providing oversight across their Presbytery region) are pivotal in facilitating education and training and promoting resources on the prevention and handling of child abuse within Church Councils and congregations. As they do not have

the capacity to design this kind of material they are resourced by the CTM Continuing Education Coordinator and the Culture of Safety Unit.

Reporting processes

Processes for reporting child abuse are outlined in the policies. The line of reporting for employees of the Synod or one of its agencies is through the person's manager and the Director of the Synod Unit, Chief Executive Officer of the Uniting Church agency, or principal of a school.

In the case of a complaint against a Minister which comes within the realms of sexual misconduct, the complaint goes to the General Secretary and is directed to the Synod Sexual Misconduct Complaints Committee.

Any other complaint goes to the Chair of the Presbytery. If an agreeable conclusion cannot be reached, the matter is referred to the Presbytery Pastoral Relations Committee and, if a resolution is not reached, to the Committee for Counselling.

Most allegations of child abuse that have come to the attention of units within the Synod and its agencies have been reported to the police.

The majority of key informants to this submission stated that there are no circumstances under which alleged abuse would not be reported to the police. The only exceptions noted were in relation to victims of past abuse who were resistant to reporting and were not yet ready to report. In this instance, the Church Secretariat would offer counselling through Bethel to support any complainant of historical child abuse and may also offer counselling under the SSMCC part of the regulations.

Reporting to the police is also impacted in cases where the alleged offender is deceased.

The Code of Ethics and Ministry Practice requires that Ministers of Religion report instances of child abuse.

Reporting processes need to be clearer in congregations. The Safe Church Training states the congregation member should report concerns to the Minister if they have one. If they do not have a Minister in Placement, the Ethical Standards Officer's advice is that these people become moral reporters under the Code of Ethics and Ministry Practice. This is not enshrined as policy but would be a reasonable way to proceed. The Church does not want child abuse allegations to be overlooked so a clear statement of policy direction on what to do is needed.

Investigation processes

In cases involving Synod employees, evidence is obtained and referred to the General Secretary who authorises an investigation usually by the HR manager.

The process to investigate and manage the complaint involves:

- putting support and an advocate in place for the victim
- the ability to stand someone down during the investigation to ensure there is no risk
- referral to the police where required.

In the case of past abuse of children in care, and where the Synod is involved with victims who engage lawyers, the victim's lawyers generally write to the Synod's external lawyer and provide a:

- statutory declaration/signed statement outlining the nature of the abuse
- a report assessing the psychological and physical damage caused by the abuse
- a writ or draft Statement of Claim outlining the liability they assert the Church has as result of the abuse.
- A copy of their Wardship file (in the case of State Wards).

The Synod's external lawyer generally arranges for a report from a consultant psychiatrist. A meeting is arranged with the victim, his or her lawyers, and (in the case of a person in care) the State to talk about the case to explore whether settlement is possible.

Those claimants who do not have lawyers generally approach the General Secretary or Commission for Mission directly. The Church is willing to engage with that person but recommends he/she first seek legal advice. If they do then the victim's lawyers deal with the Synod's external lawyer utilising the protocol above.

Occasionally a claimant does not want to involve lawyers at all. In this case they are encouraged to have a support person present as part of their meeting with the General Secretary or Moderator.

In the case of Ministers the matter would be referred to the SSMCC for investigation and a determination.

The Synod makes every effort to resolve to the victim's satisfaction complaints of abuse including the payment of compensation and where sought, the proffering of a written apology.

Responding to victims

The overall paradigm for responding to victims of abuse has been described earlier in the submission.

To elaborate on support, victims are offered and have access to support through pastoral care provided at the congregation level, through school counsellors and chaplains, through the Bethel Pastoral Centre or through independent support of professionals such as external psychologists and counsellors that are funded by the Synod. The General Secretary and Human Resources Director of the Synod have authority to approve payment for external support.

The Culture of Safety Unit has identified gaps in internal referral systems and a lack of procedure for aftercare. There is currently no prescribed system of aftercare. Victims generally self-refer to Bethel Pastoral Care.

Dealing with offenders

Employees of the Synod who have allegations of abuse made against them are provided with support through the process. They are given a copy of the investigation details and 5 days to respond to allegations. Alleged offenders are generally stood down on pay pending an investigation.

Confidentiality is paramount. The Director of the agency or unit, the Minister of the congregation (where relevant), HR and the General Secretary and/or Moderator are privy to the allegations of abuse.

If the alleged offence is not proven, there is still a requirement to ensure the safety of the alleged victim and other potential victims.

Convicted offenders would no longer be eligible to hold a Working with Children Check since the Department of Justice require the card to be handed in, or to work in positions involving contact with children.

Dismissal and discipline of Ministers by the Church are available, but dependent on the legal process being finalised. However an alleged offender can be stood down immediately if deemed appropriate in all the circumstances.

The case of congregational members is different to and more complex than dealing with employees who have offended. In the case of congregations, the idea of asking someone not to come back to the congregation largely relies on the offender's good will. The Church allows the person to worship; however they must agree to a set of conditions.

There is no way to control the person from going to another congregation. The regulations stipulate that if a person is asked to leave a congregation then a new congregation should be told about the situation but it is not specific to child abuse. There is no guaranteed way of knowing if/when an offender has moved to another church. The status of Working with Children Checks are tracked through the OHS unit but an offender might not be in a position where a WWCC is required so there are gaps in relying on the WWCC system.

Monetary and other forms of compensation

The system for addressing abuse within the UCA does allow for monetary or other forms of compensation. In the case of past abuse of people who were in the care of a Uniting Church agency, most of the cases are resolved through financial settlement. Victims of past abuse have been offered the facilities of the Church (i.e. Bethel Pastoral Centre) and the Church has offered to underwrite psychological services for victims to access over a period of time.

Appeals and dispute resolution

Most units or agencies have an appeal and/or dispute resolution process in place if the complainant or respondent is not satisfied with the process. The Church's discipline processes also have appeals mechanisms.

The Synod's Human Resources Unit has an appeals and dispute resolution process for employees but not for victims.

Circumstances that warrant applying internal sanctions to offenders

Internal sanctions of offenders such as termination of employment and withdrawing recognition as a Minister are applied where a criminal offence has been proven.

The Synod has withdrawn recognition of Ministers where there has been a serious breach of the Code of Ethics and Ministry Practice.

Appendices 2-4 illustrate the processes outlined above being applied from the perspective of different stakeholders.

Accreditation and curricula content

The CTM offers continuing education and training for Ministers.

Training in the Code of Ethics and Ministry Practice is not the same as Safe Church Training and both are recommended for Ministers.

There is no debate about criminal acts of child abuse and it is made clear that there is zero tolerance to this behaviour. Child abuse will be included in Code of Ethics training early in 2013.

Ongoing training is important as the church is shifting from generational leadership where leadership positions were held continuously for many years to people coming in and out of leadership positions.

Training on child abuse as part of the Code of Ethics and Ministry Practice is only the beginning of the conversation about education and prevention of abuse. An equally important strategy is working with individuals to integrate the Code into their practice. This is a lifelong undertaking and is supported by supervision which oversees ministry practice.

Ministers are required to attend ongoing training in the Code of Ethics and Ministry Practice as well as regular ongoing professional supervision.

Ministers and mandatory reporting

The Code of Ethics and Ministry Practice of the UCA requires Ministers of the UCA to report child abuse. The Code states:

‘3.7 Confidentiality

(d) Information received in the context of a pastoral relationship shall remain confidential unless

(ii) Retaining such information would result in significant physical, emotional or sexual harm to another person or persons’.

Ministers have a position in which a significant amount of trust is reposed. To suggest they should be outside the provisions of mandatory reporting is arguably inconsistent with this trust. Training in the Code of Ethics and Ministry Practice makes it clear that child abuse is criminal and will be referred directly to the police.

The Synod understands from legal advice that the common law privilege of the confessional is no longer recognised.

Legally it is difficult to see a reason not to extend mandatory reporting to Ministers of Religion. There is a counter argument that the legislation should be worded generally in order to drive prohibition across a wide group of persons. This line of argument holds that listing specific professions and positions creates potential gaps for specific people to fall through.

Whilst acknowledging this argument, there is merit in extending mandatory reporting to Ministers of Religion as it may provide added weight to the requirement to report and some protection of Ministers when they undertake this reporting.

In our view, the issue of limited resources and the capacity of the Department of Human Services (DHS) to respond to any additional workload this may create is not a defensible reason not to extend mandatory reporting to Ministers of Religion. The DHS should be resourced adequately to ensure allegations of abuse are investigated in a timely and effective manner to ensure the protection of children.

Another area through which the law could be strengthened is the Crimes Act. At present in Victoria there is no obligation to report a crime only a serious indictable offence. This aspect of the Crimes Act could be changed to require an obligation to report crimes including child abuse.

The Synod suggests that mandatory reporting, be it of Ministers or other designated positions or professions, and other legal protections are only part of an effective response to child abuse. Other important measures for creating safe environments and organisations for children include:

- Understanding abuse
- Managing risk to minimise abuse
- Developing a child protection policy
- Creating clear boundaries
- Recruitment, selection and screening
- Staff support and supervision
- Managing complaints
- Training and information
- Empowering involving and listening to children, young parents and children
- Empowering, involving and listening to management, staff and volunteers.

Procedures to ensure the suitability of people employed to work with children

The Synod requires a positive Police Records Check and Working with Children Check to be obtained by all Ministers and people employed to work with children including volunteers are required to have a positive Working with Children Check.

The suitability of people to work with children is also assessed through specific questions that are asked during the interview for employment and through reference checks. UCC also emphasised the attention it pays to the language used in how it advertises positions.

Expert professional assessment of whether a person is fit for their role applies to whether a person is an employee, a Minister or lay person in a position of leadership.

The assessment for lay people in leadership is carried out by the Church Council. The Church Council needs to be trained on how to do this with resourcing by HR and the Culture of Safety Unit.

Working with Children Act 2005

Ministers of Religion placed in the Synod of Victoria are required to have a Working with Children Check. Ministers are also required to have a Police Check.

Sharing of information with other agencies

Information is shared where this is mandated or on a 'need to know' basis with agencies such as the DHS, CASAs and external professionals such as psychologists and counsellors.

Maintenance of records data on the incidence and prevalence of abuse

Records exist as files however the data is currently difficult to access. The Ethical Standards Officer and General Secretary are working on a project to overcome this problem.

Relationships need to be built with the Presbyteries in order to obtain sensitive information from them and to ensure cooperation with data collection.

Informing the laity and wider community about abuses that are committed

Informing the laity and wider community is subject to laws of confidentiality and is shared on a need to know basis within the law. There is a SSMCC procedure for 'when your minister has been stood aside'.

Education or prevention programs/policies

Education and prevention programs have been offered and/or provided for Ministers and congregations by Bethel Pastoral Centre, the Synod's OHS unit, the Ethical Standards Officer and Safe Church Educator and the CTM.

UCVT does not provide education or prevention programs directly but encourages agencies to undertake such training that is offered by Child Wise and other programs. It has also provided resources for agencies to access. Some agencies have chosen to undertake specific accreditations in this area.

Staff of UCC have undertaken training provided by Child Wise and engaged Child Wise to assist in the development of its policies.

Educative articles have been published in Crosslight the Synod's independent newspaper.

Case studies

The following case studies are provided to illustrate how the policies and practices are enacted.

UnitingCare Victoria and Tasmania (UCVT)

UCVT supports 28 UnitingCare agencies that provide services in the community. In 2008 it developed a policy on Child Safe Organisations. This initiative developed from work from UnitingCare Australia which drew on practices across the country.

The Child Safe Policy requires that all agencies in the UCVT network have a policy for a child safe organisation and related procedures including particular elements in job descriptions and contracts, a Code of Conduct, staff and volunteer selection, supervision, abuse notification, complaints process and ongoing training.

Working with Children Checks and Police Checks are used to ensure the suitability of employees working with children. Some discretion is used in relation to offences that occurred a long time ago and the person subsequently has a clean record. In this case the Director of UCVT and agency CEO make a judgement on whether there is a risk and what monitoring is needed if the person is employed. This discretion excludes serious offences.

UCVT does not itself undertake education or prevention programs but encourages agencies to attend Child Wise and other recognised programs. It also has provided resources for agencies to access. Some agencies have chosen to undertake specific accreditations in this area.

When instances of abuse are disclosed in an agency, the Director of UCVT is notified by the agency as is the Department of Human Services. He/she then notifies the General Secretary of the Synod. The process for reporting cases of alleged abuse varies depending on its nature. If it is a criminal allegation the agency refers it to the police and advises UCVT. If Police are investigating, the agency does not investigate separately until advised by police. Alleged offenders are stood down, usually on pay, pending investigation. Some agencies provide a contact person through its Employee Assistance Program to support the alleged offender through the process or an agency supervisor may take on this role if appropriate. The Synod's Human Resources unit can also play this role for an agency staff member. Volunteers are treated in the same way as staff members. Victims are most commonly supported by being referred to Bethel Pastoral Care or an external independent counsellor of their choice funded by Synod.

When appropriate, an internal process of investigation is undertaken.

Other provision of information, sometimes prior to any allegations, is triggered by legal firms that send a letter requesting all the file information. The Synod's external lawyer is involved in such information provision to ensure we meet all our legal requirements.

In cases of abuse of someone in care which occurred a long time ago, alleged criminal abuse may not be reported to the police if there is a very strong reluctance by the victim to report and the perpetrator is deceased.

Forgotten Australians have had specific agency staff providing them with support on a longer term basis on a range of things such as counselling, access to information, employment, education and accessing health care. In the situation of an allegation of criminal abuse, sometimes the person will continue to use their agency support person as they have developed a relationship of trust.

The appeals and complaint process for a victim or alleged offender is through the Director of UCVT and the Moderator or General Secretary. An area for development may be enhancing the training for people hearing appeals.

Financial and other compensation is provided for through internal systems of the UCA.

UCVT is currently auditing the implementation of the Child Safe Organisations policy.

Wesley Mission Victoria – an agency of the Uniting Church

Wesley Mission Victoria (Wesley) has proactive policies and clear processes around notification. The majority of contact with young people is mandated. There is a clear culture within the organisation of raising the alarm as soon as possible.

Responsibility for the policies and procedures lies with a cross organisational Quality, Risk and Compliance Committee which has executive team support and involvement. This responsibility is taken very seriously from the CEO down through all levels of the organisation. Information about these policies and procedures is communicated at both corporate and program levels.

The Working with Children Check is in place for all employees whose work involves contact with children. Wesley's recruitment, induction and orientation process is the primary mechanism for providing education and prevention programs regarding child abuse. The introduction of refresher training is being considered, as an adjunct to fairly rigorous supervision, debriefing and management.

Where abuse is suspected and there is an allegation, an instant report is raised and reported immediately to senior management. The individual may be stood down and removed from client contact and a full investigation undertaken. The aim of the process is to be thorough, prompt and fair.

The process of investigation would generally involve an initial interview with the staff involved and interviews with the Department of Human Services (DHS), the police and an independent investigator where an allegation progresses to this level.

Allegations of child abuse are reported to the police (and DHS) and there are no circumstances where they would not be.

Any form of child abuse is criminal and the police are involved immediately. Senior management is advised immediately and the alleged offender is removed from client contact. The process to determine if the allegation has substance is prompt. In a case where the police felt there was insufficient evidence, Wesley Mission would still undertake an independent investigation. If there was still insufficient evidence any client contact by the staff member would be highly supervised.

There is a complaints and dispute resolution process for clients and their carers/families as well as for staff.

The system for addressing past abuse within Wesley allows for monetary compensation. All enquiries received are forwarded to our solicitors for action.

Information is shared with other agencies only where this is mandated. Guides for critical incident management and reporting are provided to staff at all Wesley premises.

Wesley has undertaken a review of its systems and identified some minor gaps which it is now addressing.

Aitken College – A school of the Uniting Church

Aitken College has policies for Pastoral Care and Mandatory Reporting.

Responsibility for the development and implementation of these policies rests with the Principal, taking into account the requirements of the Federal and State governments and the Victorian Registration and Qualifications Authority. The policies are generally internal documents that are communicated to teaching, counselling and first aid staff.

When abuse is disclosed there is a responsibility for the reporter to find out whatever information is relevant and talk to the Head of School, Deputy Principal or Principal. If the College suspects or knows of alleged abuse the Principal or Deputy Principal would make a mandatory report and contact DHS and take their advice. Criminal child abuse would also be reported to the police and the Synod would be advised through the Commission for Mission. Responsibility for the investigation lies with either the police and DHS.

Victims are offered support through Student Services. If a greater level of expertise was required then a referral would be made to an external professional. School counsellors have some protocols for discussing matters that a student has disclosed with them about abuse by another person. It gives the student options about how they might deal with what has happened to them but also informs students of the requirements for mandatory reporting.

The College has found police youth workers very helpful in giving advice and support.

The College would take advice from Synod and its Insurers about monetary or other forms of compensation.

The college shares information regarding proven or suspected child abuse with DHS and, if the allegation of abuse is against a member of the teaching staff, with the Victorian Institute of Teaching and the Synod. If an alleged offender was a member of staff they could be stood down with full pay, pending investigation.

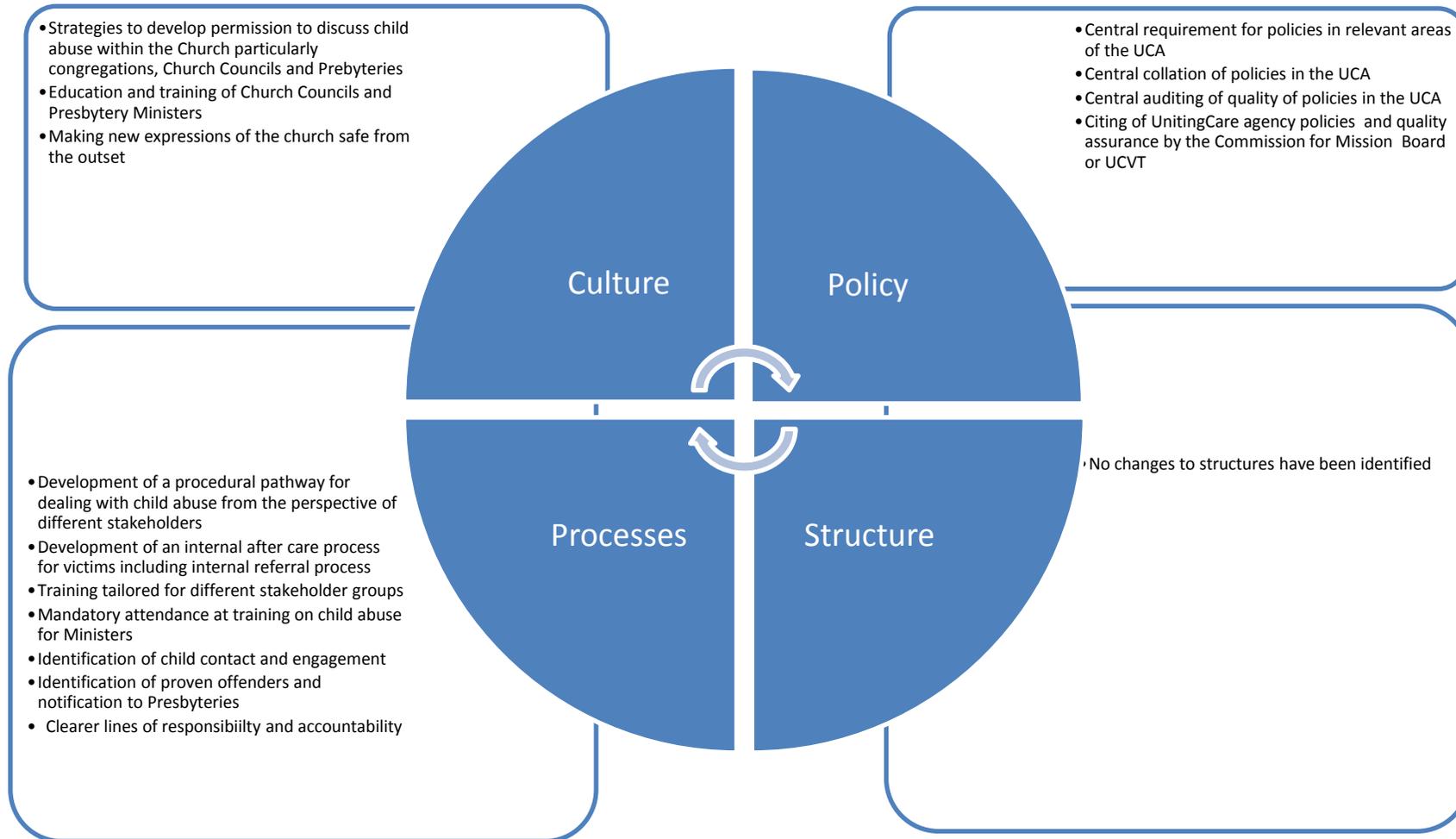
Aitken College provides information to teaching staff on codes of conduct and the Victorian Institute of Teachers requirements. It runs some parent information sessions on topics such as 'raising teenagers' but does not provide education programs specifically on child abuse.

Aitken College has experienced some frustration with DHS's capacity to act on suspected child abuse in a timely manner which is thought to be due to under resourcing. This situation puts pressure on schools to deal with adversarial relationships between parents. Aitken College has developed guidelines for parents about what it can and cannot get involved in.

Building capacity for a safer church

A safe church relies on good practice in policies, processes, culture and structure. Figure 2 summarises specific aspects of each of these domains that have been identified for action through the consultations to develop this submission.

Figure 2: Building capacity for a safer church



Appendix 1 – Contributors to the submission

Rev Dr Peter Blackwood, General Secretary

Rev Dr Jennifer Byrnes, Executive Director, Centre for Theology and Ministry

Rev Tony Duncan, Acting Chair Sexual Misconduct Committee

Rev Lauren Mosso, Ethical Standards Officer

Mr Josh Woollett, Safe Church Educator

Mr Adrian Pyle, Director, Relationships Innovation

Mr Andrew McGuckian, Director, Uniting Church Camping

Mr Charles Gibson, Director, UnitingCare Victoria and Tasmania

Mr Stephen Mullen, Manager, Human Resources

Ms Jacqui Morse, Coordinator Bethel Pastoral Centre

Mr John Bridge OHS Manager

Mr Phil Conrick, Project Officer, UnitingCare Victoria and Tasmania

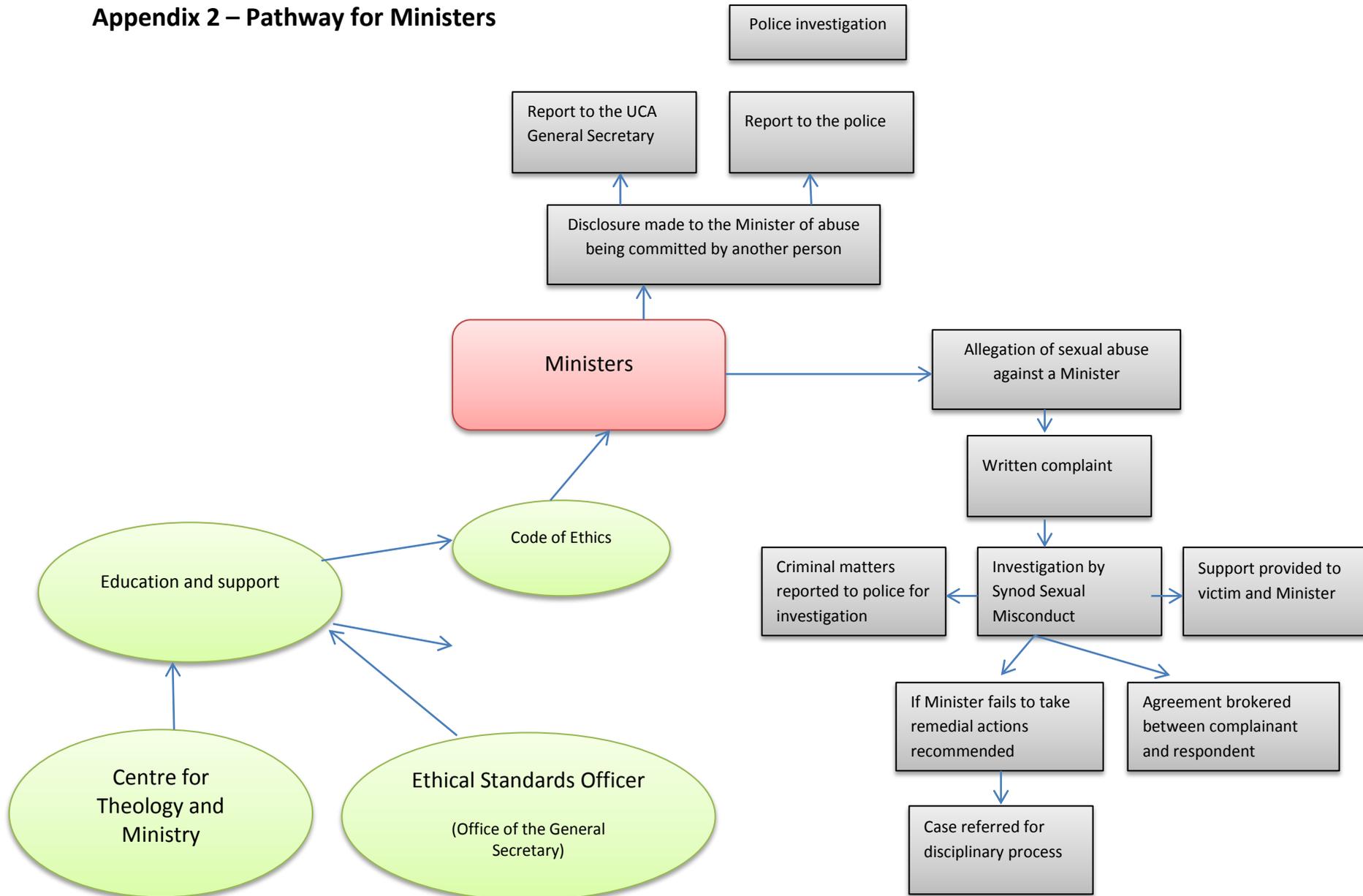
Mr Rob Turner, Solicitor

Mr Philip Battye, Partner, HWL Ebsworth Lawyers

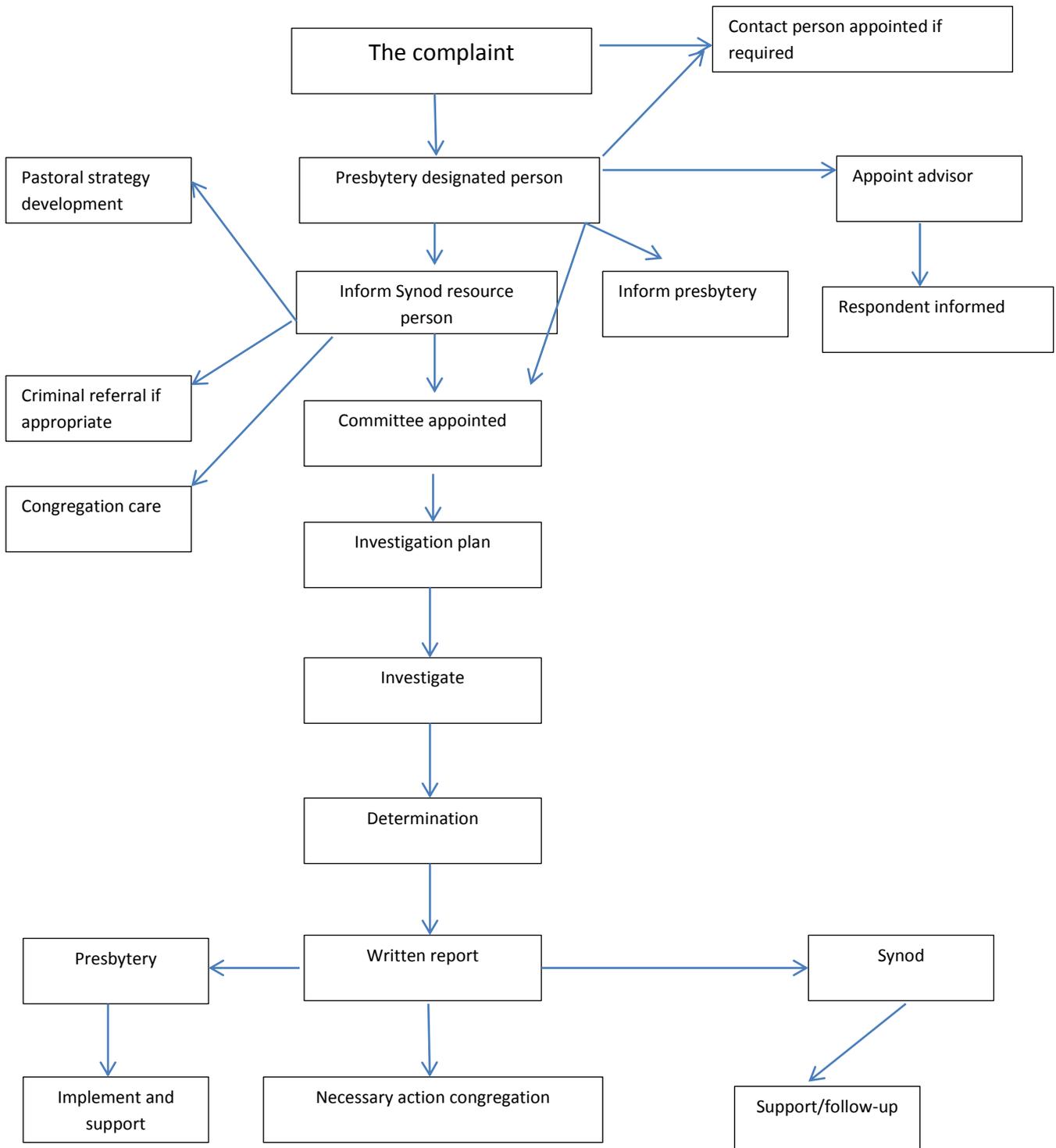
Mr Rob Ward General Manager of Advocacy and Relationships, Wesley Mission Victoria

Ms Josie Crisara, Principal, Aitken College

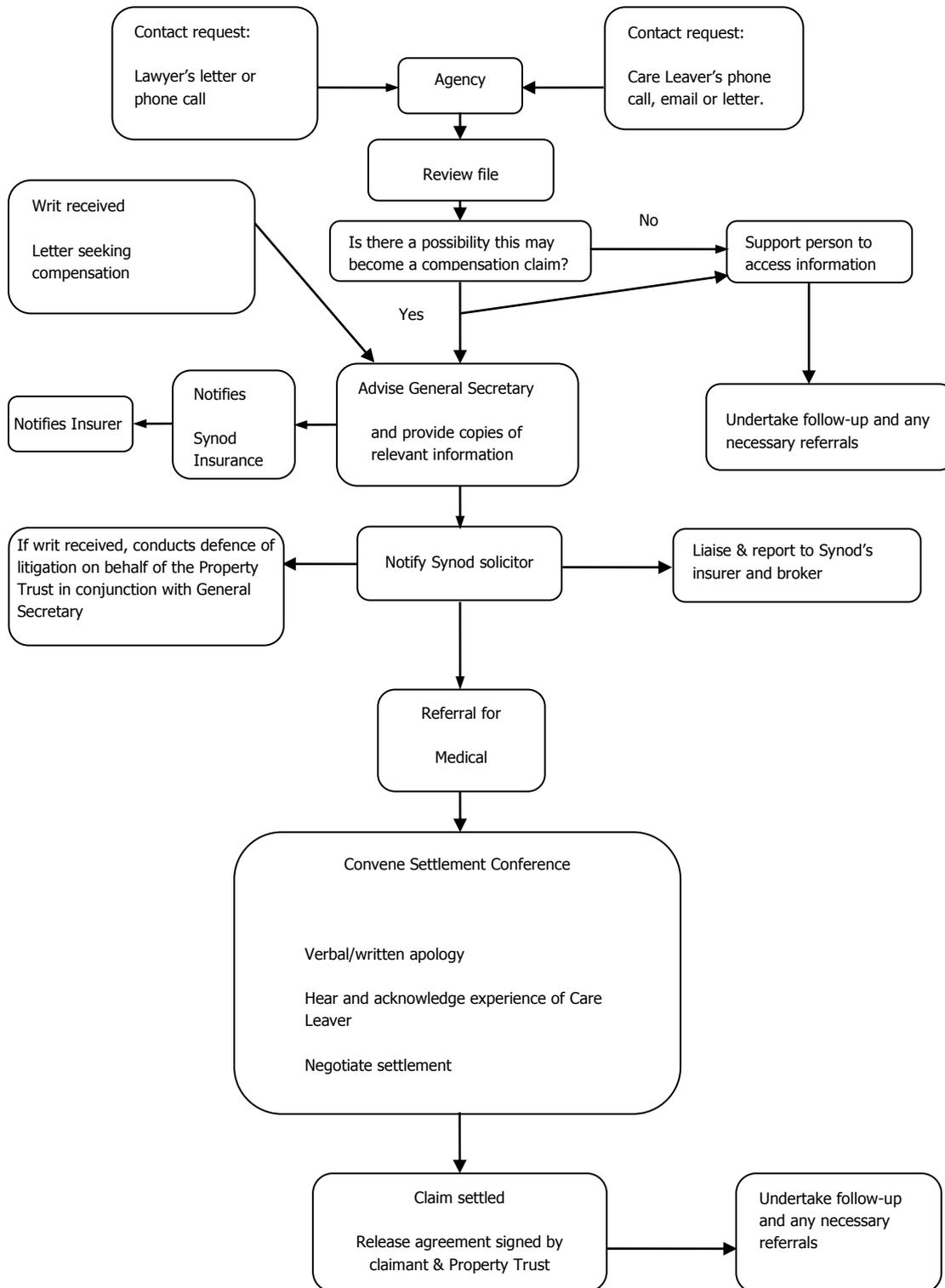
Appendix 2 – Pathway for Ministers



Appendix 3 – Pastoral procedures for responding to allegations of sexual misconduct at special events run by the Uniting Church in Australia



Appendix 4 – Pathway for assisting a care leaver with a complaint



CODE OF ETHICS AND MINISTRY PRACTICE

**for Ministers in the Uniting Church in
Australia**

(whether in approved placements or not)

Approved by the Twelfth Assembly July 2009

In this Code, “Minister” refers to Candidates, Community Ministers, Deacons, Deaconesses, Interns, Lay Pastors, Ministers of the Word, Pastors, Youth Workers and Ministers from another denomination serving in an approved placement (Reg 2.9.5).

This Code is to be applied within the faith and unity of the church as described in the Basis of Union and the context of the Constitution and Regulations of the Church which state the Church’s requirements in relation to the conduct and accountability of its Ministers.

1. INTRODUCTION

1.1 The Christian community is called into being by God through the incarnation, life, death and resurrection of Jesus Christ and the gift of the Holy Spirit. As the Basis of Union says:

“The Uniting Church acknowledges that the Church is able to live and endure through the changes of history only because its Lord comes, addresses and deals with people in and through the news of his completed work.” (paragraph 4).

The church is sustained by Christ through baptism, the Eucharist and preaching of the Word. Its life and fellowship is derived from the fact that the Church is the Body of Christ, the presence of Christ in the world. We are united in a fellowship of love, service, suffering and joy through our shared faith in Christ. We worship, pray, give our witness, study Scripture and other sources of faith, offer pastoral care to each other, develop deep friendships, and seek to be mutually accountable. We are, for this reason, a deeply intimate community.

2

1.2 Ministers have a particular place within that community. They touch people’s lives at many points of joy, pain, celebration, grief and vulnerability. They are responsible for providing leadership in the community’s task of worshipping, proclaiming the good news of Jesus, providing pastoral care, standing with those who suffer, and working for justice and peace. They minister within a pastoral relationship in which they seek to enable other people to focus on God as the source of healing, restoration and wholeness.

As part of their responsibility to promote and maintain the Church as a missional community Ministers may occupy ministry positions in any of the Councils of the Church. This may mean that they will give more emphasis to some parts of their ministry than they would in a congregational placement. This form of ministry carries particular responsibilities in regard to other staff in the organization.

1.3 The pastoral relationship occurs within a faith community whose life and relationships are established by Jesus Christ. The pastoral relationship has its

meaning, and is established and maintained, as the church enables others to meet Jesus who nourishes our lives. The pastoral relationship is part of the way the church is nourished and built up as the Body of Christ, and nurtures life in the world. As a result of this context, ministers also have relationships and responsibilities within the broader community which are based on their responsibilities within the faith community.

1.4 It is the seriousness of the pastoral relationship, and the vulnerability of people in that relationship, which make it necessary for Ministers to appreciate their unique position and the way they touch people's lives. They exercise considerable influence and power. It is essential that each individual Minister recognises the power they have and understands the boundaries that the church requires to be observed within their ministry.

1.5 Because the pastoral relationship occurs in a deeply intimate community, friendships will develop. These will, at times, challenge the capacity of Ministers to provide the pastoral care that belongs to their role as Minister. Ministers have responsibility to distinguish times when objective pastoral care is required. They have the responsibility to discern the boundaries of the pastoral relationship, to offer professional pastoral care when it is required, and to discern when their relationships overstep the appropriate level of friendship and intimacy, or when they are exercising power inappropriately in relation to others in the pastoral relationship.

1.6 The Uniting Church understands that as Ministers live out God's call to ministry, all relationships shall be characterised by the love, care and compassion that was embodied in Jesus Christ. The requirement is that Ministers will exhibit a mature Christian faith in all their relationships and in particular embody integrity, trust and compassion.

1.7 People enter ministry as a response to a call from God and the Church. It is this call that requires that all Ministers carry out their ministry in a professional and accountable manner.

1.8 The Uniting Church is a multi-cultural church and as such is made up of faith communities from across many different cultural backgrounds. Each culture has its own unique expression of community and relationships which need to be borne in mind when overseeing the behaviour of ministers. In ministry with people from diverse cultural backgrounds these unique expressions form an important part of the intimate community which is formed and inform how Ministers express their ministry.

1.9 It is recognised that rural and isolated communities present particular difficulties in term of professional/personal relationship; availability of supervision and access to support. This intensifies the responsibilities of presbyteries for care of such persons, and in assisting Ministers to fulfil the Code of Ethics.

2. THE PASTORAL RELATIONSHIP

(N.B. Ministers should note the relationship between this section and Section 4: Particular relationships)

2.1 Recognising that all relationships in the Christian community are intended to nurture the church and people's relationship with Christ who is Lord of the Church, in the context of this Code of Ethics, the pastoral relationship means the relationship between a Minister and another person:

- (a) "in which the Minister is providing spiritual care for the person; or
- (b) where the person has looked to the Minister for guidance, protection or care; or
- (c) where the person has made contact with the Minister in their responsibility

or function as Minister” (Reg 5.6.2).

Ministers are in a pastoral relationship with all members and adherents of a Congregation through the commitments they make at their induction, commissioning or other service of recognition. Where Ministers are in a non-Congregational placement, they are in pastoral relationship with those persons they come in contact with by virtue of their placement. Where Ministers are not in, or are yet to commence, a placement they are in a pastoral relationship with those persons they come in contact with by virtue of their role as a Minister. Ministers may form pastoral relationships in a variety of contexts. Where Ministers form relationships through the internet and other technology any pastoral relationships they form are to be conducted in a manner consistent with the Code.

2.2 The pastoral relationship is concerned for maturity in Christian life, and for fullness of life for all people, regardless of their age, gender, ethnicity, economic circumstances or other personal characteristics. It is a relationship in which Ministers seeks to express an ethic of care, which includes nurturing the other person’s power over their own life as they relate to others and to God.

2.3 The pastoral relationship is nurtured and guided through the commitments of commissioning, ordination or other service of recognition. These commitments reflect the intention of Ministers to exercise their ministry:

- (a) through faith in Jesus Christ and relying on the power of the Holy Spirit;
- (b) within the faith of the church, guided by the Basis of Union;
- (c) by being nourished and guided by the study of Scripture;
- (d) through announcing the Good News in Christ to those outside the community of faith;
- (e) through faithful affirmation of, and celebration of sacraments;
- (f) in a mutual manner, offering pastoral care and nurturing people in faith, recognising and valuing other peoples gifts, training them for ministry and working cooperatively with their ministry;
- (g) through working for justice and peace;
- (h) by striving for peace and unity among all Christian people;
- (i) by engaging in ongoing study;
- (j) by respecting the guidance and decisions of the councils of the church;
- (k) within the discipline of the church.

2.4 Ministers shall exercise their ministry in a manner that expresses:

- (a) commitment to God;
- (b) inclusiveness of the Gospel;
- (c) accountability;
- (d) commitment to the call of the church to ministry;
- (e) the professional nature of the relationship, and ensures:
 - (i) that Ministers do not seek to meet their personal needs through the pastoral relationship;
 - (ii) that clear boundaries are recognised and observed (ie. the relationship and behaviour are appropriate to the pastoral relationship);
 - (iii) respect, sensitivity and reverence for others;
 - (iv) confidentiality;
 - (v) non-abusive use of power;
 - (vi) commitment to justice.

3. PROFESSIONAL CONDUCT

3.1 RELATIONSHIPS WITH COLLEAGUES

- (a) Ministers shall work within the polity of the Uniting Church as guided by the Basis of Union and defined in the Constitution and Regulations, respecting the rights and responsibilities of those who share leadership in the Uniting Church, both lay and ordained.
- (b) Ministers shall respect the call and placement of other Ministers. They shall recognise those people who are colleagues, or those with whom they are in team ministry, as equals in standing and responsibility in the fulfillment of their duties as a Minister in that placement as outlined in the Regulations (2.2.1 and 2.11.2–3).
- (c) Ministers have particular authority in relation to other Ministers and lay staff and shall:
- (i) Be guided by the principles of collegiate ministry (Reg 2.11.2);
 - (ii) Exercise their power justly and in a clearly accountable manner;
- (d) Ministers who are under the particular authority of other Ministers or lay staff shall accept the guidance and direction of those who have been given authority over them by the Church.
- (e) Ministers shall:
- (i) accept the theological validity of the ordination of both women and men for ministry in Christ's church as a Minister;
 - (ii) be willing to work with and support women and men as colleagues in the ordained ministries; and
 - (iii) be willing to encourage, equip and support both women and men in all forms of ministry in the Church and to teach the Church's position in this regard (ASC minute 92.61.5).
- (f) Ministers shall respect the professional expertise of members of other disciplines/professions with whom they work in the Church or other institutions.
- (g) Retired Ministers and Ministers in non-congregational placements shall recognise the inherent power they have in the congregations in which they are members. In seeking to express the principles of collegiality they:
- (i) shall respect the call and placement of those in ministry;
 - (ii) may support and encourage those in ministry if asked to do so;
 - (iii) shall not encourage discontent about or seek to interfere with the ministry of a Minister (whether in their own congregation or elsewhere);
 - (iv) may express leadership within the congregation of which they are a member when invited to do so by the Minister in placement.

3.2 RELATIONSHIPS WITH COUNCILS OF THE CHURCH

- (a) Ministers shall be aware of and respect the guidance and decisions of the councils of the Church, and maintain accountability within the discipline of the Church.
- (b) Ministers have a responsibility to participate fully in their local church councils, Presbytery, and in the wider work of the church.
- (c) Ministers may not use their preaching role to inflame conflict within the Congregation, or between the congregation and other councils of the church. Processes and decisions of councils of the Church should be reported accurately and fairly. Disagreements need to be conducted within the framework of principles provided by A Manual for Meetings, (ie. in a way that expresses Christian community and commitment to rational debate based on evidence and argument, not personal attacks and mere assertion of opinion).

3.3 TEACHING

Ministers have a responsibility to represent accurately the teachings of the Scriptures

and of the Church. When teaching, preaching or leading worship, Ministers have an obligation to present the gospel of Jesus Christ, guided by the witness to Christ in the Scripture, to take seriously the tradition of faith and worship of the church catholic; and to share that faith in the language and forms of the particular worshipping community and to address its issues.

In particular, Ministers shall:

- (a) live out the vision of the Basis of Union;
- (b) faithfully represent the meanings of biblical passages;
- (c) accurately represent the degree to which experts in a discipline support their views;
- (d) accurately represent opposing views;
- (e) uphold the theological and liturgical tradition of the Church;
- (f) be guided by the decisions of the Assembly;
- (g) be open to challenge and correction from colleagues.

3.4 COMPETENCE

- (a) Ministers have a responsibility to maintain high standards of knowledge and skills in all the areas of ministry relevant to their placement. This responsibility requires that Ministers undertake continuing education appropriate to this ministry.
- (b) Ministers shall not misrepresent their competence, qualifications, training or experience.
- (c) Ministers shall refrain from offering to undertake and / or engage in work beyond their level of competence; and shall make appropriate referrals. Referrals are appropriate when a person does not have the required:
 - (i) professional competence or expertise;
 - (ii) pastoral competence;
 - (iii) cultural competence or experience;
- (d) Where Ministers are forced by circumstances to provide care beyond their normal level of competence they shall:
 - (i) discuss this with their supervisor;
 - (ii) seek guidance from a person with appropriate competence;
 - (iii) where warranted, seek opportunities to develop the appropriate skills.
- (e) Ministers shall end a pastoral relationship when it is not beneficial for the other person or where the help needed is outside their pastoral competence.

3.5 PROFESSIONALISM

- (a) Ministers shall exercise their ministry to the other person in the pastoral relationship in a professional manner. This includes, but is not limited to:
 - (i) offering the best quality care, leadership of worship and preaching of which they are capable;
 - (ii) offering appropriate Christian teaching;
 - (iii) appropriately dealing with emotional and spiritual needs;
 - (iv) being sensitive to people's different social contexts;
 - (v) following recognised and acknowledged modes of working in specialist areas such as bereavement, trauma and suicide;
 - (vi) being sensitive to the needs and vulnerability of the children and young people with whom they work, ensuring that the professional nature of the relationship is made clear in an appropriate way;
 - (vii) being sensitive to the needs of, and ways of relating to, people from any different cultures with whom they have contact including being aware of one's own inherent cultural bias.
- (b) Ministers shall not engage in sexual relationships with people in their professional pastoral care.
- (c) Ministers have a responsibility to provide unbiased pastoral care to those with whom they disagree, and to consult their supervisor in relation to the

situation.

(d) Where there is an actual or potential conflict of interest in matters affecting Ministers, their family or their financial interests, the Ministers shall absent themselves from discussion and decision, except in the case of deliberations by Presbyteries, Synods and Assembly and their agencies on ministerial stipends and entitlements.

3.6 POWER

(a) Ministers shall recognise the power that is inherent in their role and shall not use this power in a manner which is abusive or unprofessional. In particular, they shall not use their power to:

(i) gain personal or financial advantage for themselves or family members;

(ii) harass or intimidate other people including other ministers;

(iii) exploit or abuse other people physically, mentally, emotionally, spiritually or financially.

(b) Ministers shall assist people to understand the power they have and to use it in appropriate ways.

(c) Ministers shall not engage in bullying. Bullying is considered repeated unwelcome and unsolicited behaviour towards a person who considers it offensive, intimidating, humiliating or threatening; and which a reasonable person, having regard to all the circumstances, would consider to be offensive, humiliating, intimidating or threatening.

(d) Ministers who believe they are the subject of an abuse of power or bullying should seek to resolve the issue consistent with section 5.4 and section 6 of the Code.

3.7 CONFIDENTIALITY

(a) Ministers shall not breach confidentiality. Confidentiality is not about secrecy. In the context of a pastoral relationship, it is an assurance that Ministers will not share written or spoken information about an individual with other people [except as indicated in (d) below], or use it for a purpose other than for which it was collected.

(b) In the processes of the church, there are also times when, because of its personal nature or its potential for misuse or harm, some information may be designated confidential, and is only intended for a particular audience such as a Synod in closed session, a board or local church council.

(c) In a pastoral relationship Ministers shall take care to discuss the nature and limits of their confidentiality with the other person.

(d) Information received in the context of a pastoral relationship shall remain confidential unless:

(i) the person gives permission for the particular disclosure; or

(ii) retaining such information would result in significant physical, emotional or sexual harm to another person or persons; or

(iii) required by law; or

(iv) disclosure is necessary to prevent financial loss to some other person due to fraud or other dishonesty or where undue hardship might result. (as stated in the Privacy Act 1988); or

(v) disclosure is required in accordance with the terms of placement/ employment applicable in a particular appointment.

(e) Ministers should ensure the integrity of any records, particularly electronic records, by putting in place appropriate security procedures.

(f) Confidentiality also requires that Ministers shall not seek to gain sensitive or confidential information to which they are not entitled or which would require another person to breach a confidence.

(g) Ministers shall share with the intended audiences information from Presbytery, Synod and Assembly (and their agencies) that is meant to be disseminated.

3.8 SELF CARE

Ministers shall take responsibility to:

- (a) address their physical, spiritual, mental and emotional health needs and, where appropriate, seek assistance from a qualified professional;
- (b) participate in supervision;
- (c) give adequate priority to their relationship with their family;
- (d) nurture personal relationships which assist them in their wholeness;
- (e) take appropriate and regular leave, and time off from work for recreational activity.

3.9 SUPERVISION

- (a) Ministers have a responsibility to recognise that they are also vulnerable, requiring them to maintain their professionalism in difficult circumstances.
- (b) Ministers shall keep appropriate pastoral records (eg. details of appointments and referrals and a journal of critical incidents).
- (c) Professional supervision means the relationship Ministers have with another professional whereby the Minister is assisted to maintain the boundaries of the pastoral relationship and the quality of ministry (as per the definition 9 at the commencement of the Regulations) including competencies, time management, priorities and any difficulties arising in ministry.
- (d) Ministers have a responsibility to ensure that they receive regular professional supervision. Such supervision is intended to assist Ministers to maintain the boundaries of the pastoral relationships and quality of ministry.
- (e) Ministers shall discuss with their supervisor any ongoing situations of conflict in which they are involved in the course of their work.
- (f) Where applicable, Ministers shall maintain membership requirements of any relevant professional association (eg, psychologists or counsellors.)

4. PARTICULAR RELATIONSHIPS

4.1 A particular relationship refers to a close personal relationship between a Minister and another person such as:

- (a) a very close personal friendship; or
- (b) a close family relationship; or
- (c) a marriage; or
- (d) a relationship which is becoming romanticised.

4.2 Some particular relationships may exist within the pastoral community. In such circumstances the Minister should not be the sole provider of pastoral care, but steps should be taken to ensure professional pastoral care is available to the other person (eg. the spouse of the Minister, a close friend).

4.3 Ministers shall recognise those situations in which it is inappropriate for them to enter into, or continue in, a pastoral relationship. In such situations Ministers shall ensure that appropriate care is arranged for the other persons involved.

4.4 In some circumstances it will be appropriate for a Minister to cease a pastoral relationship in order to enter a particular relationship. In the event that a Minister and a person with whom they have been in a pastoral relationship identify a potential particular relationship, the Minister shall:

- (a) disengage from the pastoral relationship and arrange alternative pastoral care for the other person;
- (b) seek advice on the appropriateness of such a particular relationship, preferably through supervision;

- (c) encourage the other person to talk with someone else about the relationship;
- (d) disclose the relationship to an appropriate officer of the Church (eg. chairperson of the Church Council, Presbytery Minister or other appropriate person within the appointing body).

5. GIFTS AND FEES

5.1 Ministers shall not seek financial gain for themselves or their families from a pastoral relationship beyond recognised fees, stipends and entitlements.

5.2 Where Ministers receive gifts resulting from the pastoral relationship the Minister shall use discretion concerning the acceptance or return of gifts by considering the intent, value and affordability of the gift and whether there is a risk of the Minister being compromised or losing objectivity. Advice shall be sought from the appropriate Presbytery officer if the Minister is uncertain or others have expressed uncertainty about the appropriateness of a gift.

5.3 Ministers accepting a gift to satisfy cultural traditions should be sensitive and gracious while still considering the appropriateness of gift. Where Ministers do accept the gift they should then look at the appropriate use of the gift to benefit the community of faith. Ministers should not seek to use “cultural traditions” as a basis for accepting an otherwise inappropriate gift.

5.4 Ministers shall not use their ministry to recruit clients for private practice or commercial interests. Ministers in fulltime ministry shall not use their ministry skills as a basis for significant commercial benefit while in fulltime ministry with the Church.

6. RELATIONSHIP WITH THE LAW

6.1 Ministers shall inform the Synod Secretary of any matter which may lead to legal action against the Minister and/or the Church.

6.2 It is unethical for Ministers deliberately to break the law or encourage another to do so. The only exception would be in instances of political resistance or civil disobedience.

7. WORKING WITHIN INSTITUTIONS, ORGANISATIONS, THE WIDER CHURCH OR WITH OTHER PROFESSIONS

(For example Synod or Assembly office, hospital, prison or ecumenical organisations)

7.1 Ministers shall be aware of those Codes of Ethics or similar guidelines in institutions or ministry locations where they may work (eg. hospitals, prisons). Ministers in such ministry locations have a responsibility to abide by those Code of Ethics also.

7.2 Ministers shall acknowledge situations when their ministry takes place in a particular structured work environment. Ministers shall comply with all the relevant standards, policies, procedures, practices, guidelines, governance arrangements and performance management practices that apply to employees, workers and those in ministry within that organisation. Notwithstanding, for ministers in placement the Regulations governing placements will always apply.

7.3 Where the demands of institutions or other organisations conflict with this Code of Ethics, Ministers shall clarify the nature of the conflict between those demands and the principles of this Code. Ministers shall inform all parties of any conflict and seek to resolve it.

7.4 Ministers who exercise ministry in organisations with their own policies and procedures for matters also covered under the Code shall normally seek to resolve issues following the procedures of that organisation.

8. BREACH OF CODE OF ETHICS

8.1 Breach of the Code of Ethics refers to any violation of the requirements or principles of the Code by Ministers. It includes any instance where Ministers have deliberately encouraged another to breach the terms of the Code. It also includes any breach which occurs via the internet or through other technology even in circumstances where those who have been affected cannot be identified.

8.2 When Ministers know of a Code violation by another Minister, and it seems appropriate, they shall informally attempt to resolve the issue by bringing the matter of concern to the attention of that Minister in a constructive manner. If this is not practical, or does not address the issue of concern, the facts shall be reported to the Presbytery or other appointing body.

8.3 Ministers are required to inform the appropriate council or officer of the Church if the behaviour of any Minister, lay employee or lay appointee could be considered as sexual misconduct (as defined in Regulation 5.6.2).

8.4 It is the responsibility of the Presbytery or in certain circumstances the Synod Committee for Counselling in the first instance to deal with an allegation of a breach of this Code in accordance with the Regulations (5.4.1 – 5.5.1) and where appropriate refer to other bodies. An allegation of a sexual misconduct which could amount to a breach of the Code should be forwarded immediately to the chairperson of the Synod Sexual Misconduct Complaints Committee as required under Regulation 5.6.7.

8.5 Where breaches of the Code lead to civil or criminal action prior to the conclusion of dealing with the breach the Presbytery (or other body) should consider the need to suspend action under the Code until the outcome of any action. Nevertheless, all complaints of a breach of the Code should be fully dealt with in as timely a manner as possible.

Effective date: 1 January 2010