



# UNITING CHURCH IN AUSTRALIA

## MEMBER OR ADHERENT

## SEXUAL ABUSE AND SEXUAL MISCONDUCT

## COMPLAINTS POLICY

### Versions

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## PART ONE: POLICY

### POLICY STATEMENT

The Uniting Church in Australia (the [Church](#)) is open and accountable to allegations of sexual abuse and other forms of sexual misconduct in congregations, faith communities and Church activities. The Church protects vulnerable people, particularly children. When harm does occur, it seeks to address that harm. Where a complaint of sexual abuse of a child becomes known it is immediately reported to the authorities and steps are taken to assess and minimise any risk or harm.

The Church mandates any person, in any jurisdiction, who is aware of or suspects child sexual abuse or sexual misconduct to report to the authorities<sup>1</sup>.

Through the guidelines and processes related to this policy, the Church listens to, responds to, investigates and deals with complaints of sexual abuse or sexual misconduct made against members and [adherents](#).

### BACKGROUND

The Church is improving implementation, reporting, monitoring and individual and organisational responsiveness to allegations of sexual abuse and other forms of [sexual misconduct](#). This policy fosters an environment of openness and accountability which focuses on individual and organisational responses - particularly to allegations of criminal conduct - which are fearless, timely, and supportive.

The Church develops and implements strategies and procedures to make the congregation ever safer for everyone. The Church's policy and its supporting procedures and strategies are underpinned by its Christian ethos. This policy is supported by the integrity and openness of the Church's Ministers, which includes 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.

### VALUES STATEMENT

The Uniting Church in Australia believes that all people are created in the image of God and that every person is precious and entitled to live with dignity. The Church believes that the rights of each person must be protected, or the human community and its reflection of God is diminished. As a Christian community we believe that God reaches out to us in love and acceptance and that our relationships with each other are to express love and respect and must never be abused.

The Church does not tolerate sexual abuse, sexual assault, sexual harassment of any person, or sexualisation of a [relationship of responsibility](#). The Church sees any sexual abuse, exploitation and misconduct as destructive to God's people, violating the love we know in Jesus. As God calls

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<sup>1</sup> Throughout this document 'authorities' refers to the police and/or the child protection department in the relevant jurisdiction if required.

us to challenge and resist injustice, it is the responsibility of the Church to call to account anyone who harms or exploits another in this way and to recognise that sexual abuse occurs when power is used to take advantage of the vulnerability of another, thereby violating both individuals and community. At all times and in all places, the Church seeks to provide a safe environment for people to explore and express their faith in Jesus Christ.

The Church is committed to [procedural fairness](#) (to address a victim's civil rights) as well as moral fairness (to address a victim's psychological and spiritual needs). Victims will be taken seriously by someone in authority in the Church, and the documents related to this policy provide clear paths which trace responsibilities and reporting to ensure that occurs.

### **PURPOSE OF POLICY**

This policy - and its related documents - identifies which sexual conduct is criminal and therefore reportable to the authorities. Child sexual abuse must always be reported to the authorities. This policy also clarifies and supports the standards of conduct that the Church expects of its members and adherents whose behaviours should be (and be seen to be) beyond reproach. This policy enacts the requirement of Regulation 5.2.5.

Similar allegations against Ministers are dealt with by the Sexual Misconduct Complaints Committee, as per Regulation 5.6. Similar allegations against employees or volunteers in agencies or schools of the Church are subject to the policies and procedures of those institutions, whether or not they are members or adherents of the Church.

This policy focuses on the Church's legal, moral and pastoral obligations.

### **LEGAL OBLIGATIONS**

Legal obligations to report allegations of suspected child sexual abuse or neglect to a prescribed authority varies across Australia's states and territories. However, the 'spirit' of the legislation across the States consistently mandates that people who have certain degrees of responsibility towards, access to, and authority over children, are to report any reasonable suspicions, beliefs, or awareness of sexual and other abuse or neglect of children.

The table in Appendix 3 provides more detail regarding legislative requirements of the different States. It is a guide only. Synods are to clarify their jurisdictions' requirements in relation to legislation, and bring those requirements to the attention of the appropriate Church agencies. In particular, there may be requirements to report allegations of child abuse to Government agencies, such as community services or the ombudsman, as well as the police.

### **MORAL OBLIGATIONS**

The Church listens to and acts upon allegations of sexual abuse and sexual misconduct within the congregation as part of its pastoral commitment to care for all people. It has a legal obligation to fully disclose reportable offences to civil authorities.

Over and above legal obligations, everyone involved in the Church also has an individual moral obligation to report child sexual abuse to the authorities, whether or not it is mandated by that jurisdiction's legislation. The Church supports such reporting.

The Church also has moral obligations to provide pastoral care for [complainants](#), [respondents](#) and the congregation.



## **PASTORAL OBLIGATIONS**

The congregation should be aware of this policy regarding sexual abuse and sexual misconduct, particularly regarding its openness to such complaints and confidentiality in addressing them. To achieve this, the Presbytery needs to be familiar with the parameters of this policy and also of the procedures required to respond appropriately to such a complaint (see Part Two: Guidelines).

## **RESPONSIBILITIES OF UNITING CHURCH COUNCILS**

Each of the Uniting Church Councils (described below) has its own responsibilities, accountabilities and areas of oversight. Working together when a complaint is received ensures that each Council undertakes its responsibilities for preventative strategies and reporting. This cooperation enables congregations and faith communities to be free from the harm of sexual abuse and sexual misconduct. (See Appendix 4 for a summary matrix of this section.)

### **Church Council**

Each Church Council and the congregation shall work with its Presbytery to:

- Develop a communications strategy and ensure leaders are aware of their responsibilities; and
- Ensure preventative strategies are implemented.

### **Presbytery**

The Presbytery has responsibility for the health and wellbeing of congregations, faith communities and those who serve in ministry. Each Presbytery shall:

- Report complaints of sexual abuse or sexual misconduct to the Synod;
- Ensure that procedures are enacted;
- Be actively involved in the promotion of healthy practices and liaise with ordained and lay leaders in ministry during the complaints process. For example, in the development and management of a pastoral strategy.

### **The Uniting Aboriginal and Islander Christian Congress**

A number of Aboriginal and Torres Strait Islander peoples express their membership or adherence in the Uniting Church through the Uniting Aboriginal and Islander Christian Congress. They come under the care and discipline of the Congress through local ministry centres, Regional Councils, and the National Conference and Executive.

The way in which Congress is recognised within the structures of the Uniting Church, and what authority and responsibility Regional Councils have, varies between Synods. In some Synods Regional Councils are recognised as Presbyteries and in others they are committees of the Synod. In order to clarify and facilitate the role of Congress in dealing with Members and Adherents who are members of Congress, the Assembly Standing Committee has determined that in regard to this policy Regional Councils of Congress shall carry out the role of Presbytery. The National Executive of Congress shall assist the Synod to implement this policy within which any complaint occurs.

### **Synod**

The Synod has responsibility to implement policies and develop procedures suitable for their particular circumstances. Each Synod shall:

- Ensure the safety and welfare of any children involved;
- Ensure the police are informed of any actual or potential crime;
- Keep affected people informed;
- Guide an investigative process; however it must not interfere with a criminal investigation;
- Ensure procedural fairness and confidentiality;

- Keep all records securely; and
- Review and make recommendations at the conclusion of the incident.

### **Assembly**

The Assembly has overall responsibility for policies that ensure a safe Church, particularly through the prevention of sexual abuse and sexual misconduct. This is managed through the Regulations of the Uniting Church in Australia, and the development and continual improvement of a national policy.

The section below briefly summarises reporting. For further details, see Part Two: Guidelines.

### **What to Report**

The focus of this policy is complaints or allegations about members and adherents of the Church operating within the context of congregational life and ministries. Complaints may include:

- Sexual misconduct;
- Reportable sexual misconduct;
- Sexual abuse;
- Child sexual abuse; and
- [Grooming](#).

### **Who to Report to**

The first point of contact to report actual or suspected sexual abuse or sexual misconduct against members or adherents is the Minister or other appropriate person in the Presbytery. This person then reports the complaint to the Synod. If the victim is a child, the police must be notified immediately.

### **How to Report**

Any report, complaint or allegation (complaint) can be made verbally or in writing. Such a complaint is often initiated verbally; however, it can also be initiated in writing. While this can be done in any form (letter or email), a template 'Complaint Form (see Appendix 2) is preferred, as it prompts the complainant to provide the level of information required, particularly if it were to progress to a formal investigation. (For further details, see Part Two: Guidelines, Making a Complaint.) All such complaints must be reported promptly.

### **REVIEW**

At the earliest opportunity the Synod is to conduct a careful and thorough review of the alleged/proven abuse incidents. The review is to include a detailed analysis of when, where and how specific incidents occurred. This information is to be used to review policies and procedures with a view to reducing risks of further incidents. Any information relevant to this Policy is to be referred to Assembly.

### **MOVING FORWARD**

The Uniting Church in Australia is committed to protecting vulnerable people, particularly children. The best form of protection is prevention. The Church will continuously implement procedures and protocols aimed at prevention. Where harm does occur, it will seek to minimise or remedy associated harm. The Church is open and accountable, particularly regarding allegations of sexual abuse, child sexual abuse, and other forms of sexual misconduct. It is committed to procedural fairness and is willing to learn from past mistakes and findings of investigations.

The Church will develop and implement, throughout its Synods, a range of programs to expand and embed good practice regarding sexual abuse. These programs may include, but are not

limited to:

- Prevention (including guidelines to assist the identification of suspicious behaviour);
- Supporting the congregation and reporters of suspected abuse;
- Evaluating and improving practices; and
- Education and training.

## PART TWO: GUIDELINES

Anyone making a complaint or raising concerns regarding sexual abuse or sexual misconduct at any level of the Uniting Church must be taken seriously and the complaint or concern acted on appropriately. All Church members have a positive duty to report to the Church the reasonable suspicion of child sexual abuse by another Church member or adherent. Regardless of how long ago the alleged abuse took place, it is important that the response to a complaint be timely and appropriate.

Complaints can be received verbally or in writing in the first instance. A completed complaints form, or the verbal complaint (recorded on the form by the person hearing the complaint), initiates the process for the issues to be investigated and the congregation to respond appropriately (refer to the Appendix template). The process for making a complaint is outlined below.

Responding to an allegation of sexual abuse or sexual misconduct includes legal and pastoral obligations, which include:

- The Presbytery liaising with its Synod; and
- The Presbytery developing and delivering a pastoral strategy.

### MAKING A COMPLAINT

Anyone making a complaint (complainant) against a member or adherent, or anyone against whom a complaint has been made (respondent), has a right to:

- Be taken seriously and treated with dignity, respect and confidentiality;
- Receive an explanation of the expected process, including any right of appeal;
- Receive the offer of a [support person](#);
- Be kept up to date with the process as it progresses; and
- Procedural fairness.

Anyone who wishes to make a complaint may do so – either verbally or in writing – to the Synod or to the Presbytery.

Anyone who suspects child sexual abuse must report this suspicion to the appropriate authority and to the Synod. If they are unsure about whether to report to authorities, the Synod will assist. When a verbal or written complaint is received by the Presbytery, it is immediately referred to the Synod. The Synod will determine if the complaint should be investigated by the Presbytery or the Synod.

### INVESTIGATION

- If the matter is one that requires notification to the police, no investigation will commence until the police investigation has been finalised.
- Throughout the whole process of investigation and determination, confidentiality will be observed.
- The Synod shall inform the Pastoral Relations Committee (PRC) that a complaint has been received and who has responsibility to investigate the complaint.
- The investigator (the Synod or the PRC) shall develop an investigation plan and process which shall include:
  - a summary of the complainant's issues;
  - conferring with each of the complainant and respondent, and with other persons as appropriate;



- identification of other persons to be interviewed and consulted;
  - collection of relevant documents / information;
  - an indication of issues to be addressed in the pastoral strategy;
  - an expected target date for completion of investigation and determination; and
  - a management strategy to ensure that all parties are adequately informed of the process.
- The complainant and the respondent may be accompanied to meetings by a support person. The support person can offer emotional / spiritual support but is not an advocate for the complainant or the respondent.
  - The investigation shall be by inquiry and not adversarial.
  - At any stage the PRC or Synod may determine that the complaint warrants no further action.
  - At any stage the PRC may refer the complaint to the Synod as a criminal matter (and the Synod will refer it to the police) and will not deal with the complaint while it is under police investigation.
  - DETERMINATION outcomes may include:
    - An apology;
    - Training;
    - A review of policy and/or systems;
    - Conditions attached to membership; and/or
    - Suspension of membership.
  - The PRC or Synod shall write a report of the investigation and findings. A copy of the report shall be kept in a confidential file by the Synod.
  - The Synod or the Chairperson of the PRC shall notify the complainant and respondent of the decision.
  - The final determination shall be recorded and signed. Copies shall be provided to both parties and the original shall include signed and dated statements that the copies have been received.
  - The determination shall be entered into any approved register held by the Synod or Assembly.

### **Reporting [Child Sexual Abuse](#)**

Child sexual abuse is a form of child abuse which is a criminal offence. Allegations of sexual abuse or misconduct involving a child under the age of consent (the definition of “child” may differ according to State legislation) must be immediately reported to the Synod. If a child is at risk of harm, the subject person must be removed from any further opportunities to be in contact with children in the Church and must be reported immediately to the police or appropriate authority and the Synod. Contact details for these agencies can be found on the internet. It is important to have contact phone numbers for urgent reports when there is a reasonable suspicion that a child is at risk of harm, and familiarity with other forms of reporting for non-urgent reports.

**NOTE:** In some states and territories, Ministers and church employees are mandatory notifiers of child sexual abuse, in other states there are no statutory obligations. The Uniting Church condemns all child abuse. Allegations of child abuse that arise within a UCA agency should be reported to the appropriate authority regardless of whether reporting is mandatory. Each Synod should familiarise itself with – and ensure that the Presbytery and Congregations are familiar with and have access to – the materials in their jurisdiction’s child protection agency’s website, as they provide valuable information, templates and means for effective reporting. Each Synod should

ensure that relevant persons have a practical understanding of the Child Safe training program. (Refer to 'Appendix 3: Mandatory Reporting of Child Sexual Abuse' for a guide regarding different mandatory reporting requirements in different states and territories).

### **Referral to Synod**

While all complaints involving child sexual abuse are to be notified to the Synod Secretariat, the Presbytery can refer all or any of its powers and responsibilities under this Policy to the Synod (as per paragraph 70(a) of the Constitution). This may occur where the Presbytery does not have the resources to deal with the complaint efficiently and adequately or because of any conflict due to relationships of the people involved in the complaint

### **Legislation to be considered**

In responding to a complaint of sexual abuse or sexual misconduct the Church should endeavour to ensure that it does not interfere with due legal process, particularly criminal investigations. Similarly the Church has a right to ensure that it is able to fully investigate matters which impact on members or adherents or those in its care. It is important that each Synod or Agency takes into consideration all relevant legislation including the relevant State's Crimes Act, the Commonwealth Crimes Act and Criminal Code, State care and protection legislation, and anti-discrimination legislation in dealing with an allegation of sexual misconduct. Advice on such requirements can be sought from statutory bodies, police, or the Church's legal advisers through the Synod.

### **Legal Representation**

This Policy does not prescribe a formal legal process. Neither the complainant nor the respondent has a right to legal representation during the investigation or determination process. However, they may consult a legal representative, but such a person cannot be present within the process.

### **PASTORAL STRATEGY**

Within two weeks of receiving a complaint, the Presbytery shall develop a pastoral strategy in conjunction with the Chairperson of the PRC. The purpose of a pastoral strategy is to support the complainant, respondent and congregation throughout the process. It ensures that issues are properly managed and people are cared for to minimise any harmful impact.

The pastoral strategy includes issues of:

- Consultation;
- Confidentiality;
- Safety;
- Pastoral care; and
- Communication.

(See Appendix 5 for a template Pastoral Strategy plan.)

## PART THREE: REFERENCES & RELATED DOCUMENTS

### REFERENCES

ACSA, 2014, *Royal Commission into Institutional Responses to Child Sexual Abuse*, Aged and Community Services, ACSA National Report Issue 333 – 12 June 2014, <http://agedandcommunityservicesaustralia.cmail2.com/t/ViewEmail/y/5D0B84980BDC42FD/D152F39CEDBC13FE46778398EADC2510>.

Australian Government, 2013, *Mandatory reporting of child abuse and neglect*, Australian Institute of Family Studies, child Family Community Australia, July 2013, <http://www.aifs.gov.au/cfca/pubs/factsheets/a141787/>

Australian Government, 2013, *Age of consent laws*, Australian Institute of Family Studies, child Family Community Australia, November 2013

Office of the Australian Information Commissioner, 2014, Australian Government, Chapter 6: APP 6 – Use of disclosure of personal information, [http://www.oaic.gov.au/privacy/applying-privacy-law/app-guidelines/chapter-6-app-6-use-or-disclosure-of-personal-information#\\_Toc380654628](http://www.oaic.gov.au/privacy/applying-privacy-law/app-guidelines/chapter-6-app-6-use-or-disclosure-of-personal-information#_Toc380654628).

*Privacy Act 1988* (Cth), <http://www.comlaw.gov.au/Details/C2012C00414>.

Randhawa, Trisha & Scott Jacobs, 2013, *Child Grooming: Exploring the call for law reform*, Child Wise, December 2013, [http://childwise.blob.core.windows.net/assets/uploads/files/Grooming%20-%20Exploring%20the%20call%20for%20law%20reform%20-%20Child%20Wise%20\(Web\).pdf](http://childwise.blob.core.windows.net/assets/uploads/files/Grooming%20-%20Exploring%20the%20call%20for%20law%20reform%20-%20Child%20Wise%20(Web).pdf).

*Royal Commission into Institutional Responses to Child Sexual Abuse*, 2014, <http://www.childabuseroyalcommission.gov.au/>.

The Uniting Church in Australia, *Regulations*, (2012 Edition as amended since the 13th Assembly <http://assembly.uca.org.au/regulations>.

Uniting Church in Australia, 2009, *Code of Ethics and Ministry Practice* for Ministers in the Uniting Church in Australia, July 2009, [http://assembly.uca.org.au/images/stories/Regulations/2012/A5\\_-\\_Code\\_of\\_Ethics-2010-UPDATED-and-\\_CORRECTED-2012.pdf](http://assembly.uca.org.au/images/stories/Regulations/2012/A5_-_Code_of_Ethics-2010-UPDATED-and-_CORRECTED-2012.pdf).



## **Appendix 1: DEFINITIONS**

### **Adherent**

An adherent is a person who is not a baptised or confirmed member or a member-in-association but is recognised as sharing in the life of a congregation of the Church and within the pastoral responsibility of the Church.

### **Adviser**

An adviser is a person appointed to assist the complainant or the respondent during the complaint process. This person shall be adequately trained and shall offer support and assistance to either the complainant or the respondent.

### **Child Sexual Abuse**

As defined for the Royal Commission into Child Sexual Abuse (2013), child sexual abuse “is an act which exposes a child to or involves a child in sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include voyeurism, exhibitionism and exposing the child or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child’s inhibitions in preparation for sexual activity with the child. The Australian Institute of Family Studies refers to child sexual abuse in an institution as being when there is any sexual behaviour between a child and an adult in a position of authority over the child”. A child is defined as a person below the age of 18 years.

### **Church (capital ‘C’)**

Church, spelt with a capital ‘C’ refers to the Uniting Church in Australia.

### **church (small ‘c’)**

Church spelt with a lower case ‘c’ refers to the Christian church generally.

### **Complainant**

A complainant is a person making a complaint of sexual misconduct against a member or adherent.

### **Complaint**

A complaint is an allegation of sexual misconduct against a member or adherent by a complainant.

### **Complaint Committee**

A Complaint Committee is the appointed committee which is responsible for investigating and responding to a complaint of sexual misconduct made against a member or adherent.

### **Conflict of Interest**

A conflict of interest exists when there is another relationship or set of issues that are perceived to or actually do impact on a person’s ability to proceed in a fair and just (impartial) manner. For example, if a person is a friend or relative of one of the parties to a matter, or if a person has access to information from another source that would prevent them from hearing the issue in an unbiased way.



**Confidentiality**

The Australian *Privacy Act* 1988 regulates the handling of personal or sensitive (personal) information about individuals. Confidentiality refers to protecting the rights and interests of all parties by not disclosing personal information to parties other than those who are addressed by a complainant. If it is deemed that others need to know this information, then permission is sought from the complainant to share that information. Confidentiality does not refer to keeping a crime a secret. Personal information may not be disclosed unless authorised or required by law. The disclosure of personal information may be permitted in a situation to lessen or prevent a serious threat to life, health or safety or in relation to suspected unlawful activity or serious misconduct (Office of the Australian Information Commissioner, 2014).

**General Secretary**

The General Secretary is the person appointed to this position by the Synod.

**Grooming**

Grooming a child for sexual activity is in some jurisdictions a criminal offence. 'Grooming' refers to the process of an adult using their power to establish a special trusting friendship to force a child to engage in sexual activity. Grooming includes the conditioning of parents, other adults and church leaders to consider the relationship with the child to be 'normal' (not sexualised). The grooming of a child is a preparatory act essential to the subsequent crime of child sexual abuse and the two elements are inextricably linked (Randhawa & Jacobs, 2013).

**Investigation**

An investigation is the process of inquiring into a complaint that has been made. It involves speaking with the complainant and the respondent, as well as others who can provide information about the events in question, or who may have observed or participated in the alleged incident. It may involve the collection of other information relevant to the allegation. The investigation enables the complaint committee to make a determination in response to the complaint.

**Lay Leader**

A lay leader is a person providing volunteer leadership in a congregation or faith community. This includes lay preachers, or any other leader of an activity.

**Member**

Member refers to any baptised member, confirmed member and member-in-association of the Church.

**Minister**

A Minister of the Church includes Candidates, Community Ministers, Deacons, Deaconesses, Interns, Lay Pastors, Ministers of the Word, Youth Workers and Ministers from another denomination serving in an approved placement.

**Moderator**

A Moderator is the person elected to this office by a Synod of the Uniting Church. See regulation 3.6.3.2 for the duties of the moderator.

**Presbytery**

The term 'Presbytery' is used broadly throughout these documents to include Presbytery, committees and anyone in a leadership position within a Presbytery.

### **Procedural Fairness**

Procedural fairness requires that a person be given an adequate opportunity to present their case before a decision is reached which may adversely affect them. This includes providing reasonable notice and time to properly prepare their case. Procedural fairness means the investigation must be free from bias and from the appearance of bias.

### **Relationship of Responsibility**

A relationship of responsibility refers to a relationship of a member or adherent with another individual in any circumstance where the member or adherent is in a position of leadership or is providing pastoral care or exercising other responsibility in the Church with associated or perceived power in relation to the individual.

The sexualisation of a relationship of responsibility is any interaction, consensual or otherwise, in which any person in the Church engages in sexualised behaviour with or towards a person with whom he or she is in a relationship of responsibility.

### **Reportable Conduct**

Reportable conduct is as defined by state or territory legislation, but it usually covers any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material), or

- (a) any assault, ill-treatment or neglect of a child, or
- (b) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child (Ombudsman NSW 2013).

### **Respondent**

Respondent refers to any member or adherent of the Church against whom a complaint of sexual misconduct is made.

### **Sexual Misconduct**

Includes:

- (a) **Sexual harassment:** any unwelcome sexual advance, or unwelcome request for sexual favours to a person, or engagement in other unwelcome conduct of a sexual nature in relation to that person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the person complaining would be offended, humiliated or intimidated.
- (b) **Sexual assault:** any unwelcome sexual behaviour that may occur along a continuum from verbal insult to sexual intercourse that makes a person feel threatened or afraid.
- (c) **Sexual conduct prohibited by criminal law.**
- (d) **Sexualisation of a relationship of responsibility:** any interaction, consensual or otherwise, in which the member or adherent engages in sexualised behaviour with or towards a person with whom he or she is in a relationship of responsibility.

### **Support Person**

A support person is a person chosen by the complainant or the respondent to provide personal assistance and support during the investigation and determination of an allegation or sexual misconduct. This person is for support only and has no official role within the process.

## **Appendix 2: COMPLAINT FORM**

(Please see separate document.)

## **Appendix 3: MANDATORY REPORTING OF CHILD SEXUAL ABUSE**

(Please see separate document.)

#### Appendix 4: RESPONSIBILITIES OF UNITING CHURCH COUNCILS

The table below outlines the responsibilities of the various Church councils regarding the prevention of, and responding to, sexual abuse and sexual misconduct.

| <b>Council</b>  | <b>Position responsible</b> | <b>Responsibilities</b>  | <b>Required for this policy</b>   |
|---|-----------------------------|--|---|
| <b>NATIONAL ASSEMBLY</b> <ul style="list-style-type: none"> <li>• Policy</li> <li>• Regulations</li> </ul>                                      | General Secretary           | <ul style="list-style-type: none"> <li>• Develop policies</li> <li>• Regulations</li> <li>• Develop and continually improve a national policy</li> </ul>   | POLICY for the Church to respond to allegations of sexual abuse and sexual misconduct within congregations and faith communities.                                   |
| <b>SYNOD</b> <ul style="list-style-type: none"> <li>• Procedures</li> </ul>   | General Secretary           | <ul style="list-style-type: none"> <li>• Implement policies</li> <li>• Develop procedures in conformity with and compliance of any state or territory legislation or regulation.</li> </ul>  | PROCEDURE for investigation and conduct of allegations and complaints.  |
| <b>PRESBYTERY</b> <ul style="list-style-type: none"> <li>• Training</li> <li>• Resources</li> <li>• Liaison</li> <li>• Pastoral care</li> </ul> | Church Council Chairperson  | <ul style="list-style-type: none"> <li>• Train leaders to enact procedures</li> <li>• Promote healthy practices through providing appropriate resources</li> <li>• Liaise with leaders during the investigation of a complaint</li> <li>• Provide pastoral care</li> </ul> | PASTORAL STRATEGY is endorsed for the management of the care of the congregation or faith community. It includes how matters of confidentiality shall be addressed. |
| <b>CHURCH COUNCIL</b> <ul style="list-style-type: none"> <li>• Monitor leaders</li> <li>• Implement strategies</li> </ul>                       | Church Council Chairperson  | <ul style="list-style-type: none"> <li>• Ensure leaders are aware of, and trained to fulfil, their responsibilities</li> <li>• Ensure preventative strategies are implemented</li> </ul>   | PASTORAL STRATEGY is implemented.   |



## SEXUAL ABUSE AND SEXUAL MISCONDUCT POLICY

### Pastoral Strategy

This Pastoral Strategy plan provides a guide to cover issues which should be considered by the Presbytery, in conjunction with the Pastoral Relations Committee. It assists in management and support of the Congregation and others when a complaint of sexual abuse or sexual misconduct has been alleged and is being investigated.

| Issue           | What it means  | Who this may impact   |
|-----------------|--|---|
| CONSULTATION    | <ul style="list-style-type: none"><li>• Seek advice</li><li>• Any required legal advice must be referred to your Synod.</li></ul>  | <ul style="list-style-type: none"><li>• Ministers of the Congregation</li><li>• Ministers-in-association</li><li>• Church Council for the Congregation</li><li>• Other councils of the Church</li></ul> |
| CONFIDENTIALITY | <ul style="list-style-type: none"><li>• Do not disclose personal information to anyone other than those who are addressed by the complainant</li><li>• If others need to know, you need permission from the complainant to do so</li><li>• Confidentiality does not mean that you can or should keep a crime a secret</li><li>• This information may be authorised to be disclosed by law</li><li>• Disclosure may be permitted in a situation to lessen or prevent a serious threat to life, health or safety, or unlawful activity</li></ul> | <ul style="list-style-type: none"><li>• Complainant</li><li>• Respondent</li><li>• Others implicated in the complaint</li><li>• Police</li><li>• Children's services agency</li></ul>                   |
| SAFETY          | <ul style="list-style-type: none"><li>• Ensure the physical and emotional safety of all parties</li><li>• If a critical incident could unfold or is taking place, immediately report it to the relevant authority and the Synod.</li></ul>   | <ul style="list-style-type: none"><li>• Complainant</li><li>• Respondent</li><li>• Others affected</li><li>• Congregation</li></ul>   |
| PASTORAL CARE   | <ul style="list-style-type: none"><li>• Healing</li><li>• Counselling</li></ul>  | <ul style="list-style-type: none"><li>• Complainant</li><li>• Respondent</li><li>• Their family and friends</li><li>• Others affected</li></ul>   |
| COMMUNICATION   | <ul style="list-style-type: none"><li>• Determine who delivers what and when, regarding the status of investigation, as it progresses</li><li>• Communication does not mean talking to the media.</li></ul>  | <ul style="list-style-type: none"><li>• Complainant</li><li>• Respondent</li></ul>  |