

SC026 – Procedure for responding to concerns about adults

A procedure for responding to concerns about adults, as part of our common law duty of care.

Concerns about adults include, but are not limited to:

- historical child abuse (sexual, physical, emotional, neglect)
- sexual harassment
- physical violence
- concerns about the harmful behaviours of any person at a church program
- bullying behaviours
- elder abuse
- emotional harm
- sexual misconduct
- stalking
- concerns about misconduct by a church worker against another adult
- harassment
- domestic violence
- criminal behaviours
- sexual assault
- self-harming / suicide risk

Procedure

(a) During a disclosure

Follow the principles of the disclosure Do's and Don'ts

Do:

- Listen ... do not add anything to what the person says (you will need to write this down, exactly)
- Believe ... the person and what they are telling you.
- Reassure ... the person that they have done the right thing in speaking to you
- Inform ... the person that you need to tell people who will try to help
- Ensure ... that the person is not in immediate danger

Don't:

- Start an investigation re the information
- Promise the person that the abuse will stop
- Tell anyone who does not need to know

(b) Report to your supervisor

Report to your supervisor all disclosures and reasonable concerns about an adult to discuss reasonable appropriate pastoral, legal and organisational actions, actions (unless the concern is about your supervisor, then go to point 'd').

It may be that this is a process of negotiation with the adult, as their right to privacy should be considered. However, remember confidentiality does not mean keeping secrets but rather telling those who need to know. As a worker of the church you are required to follow all church procedures, including this one, and as such will need to inform the person disclosing of your church requirement

to report, at least the some of the information, i.e. that there has been a disclosure, the nature and the person's first name.

Note: In the case of immediate danger to an adult it may be necessary to call the emergency services, e.g. threat of violence against another person, suicide attempts. In such cases, the most senior leader on site should make this phone call.

(c.) Response plan

Supervisor will contact the Safer Churches Officer to arrange a response plan.

a. Assist

Actively assist the Safer Churches Officer to take the appropriate pastoral, legal, organisational and risk management actions, dependent upon the nature of the concern (see below).

Types of responses

These may include:

- contacting external consultant (State office)
- helping the adult to report criminal activity to police
- making a report to police or crime-stoppers where a crime is disclosed
- referral to appropriate care / counselling services
- ongoing pastoral care and support for all parties
- commencing relevant disciplinary procedures where misconduct by a worker is alleged
- organisational risk management steps such as restricting a person's attendance at particular church events to protect other vulnerable adults.

Considerations for appropriate responses

- *Legal responses:* Sometimes it will be clear what to do legally, e.g. serious crimes in NSW (see below), other times it may be more difficult, seeking advice is important.
- *Procedures:* For example, all allegations of ministry misconduct or abuse by a church worker against vulnerable adults need to be responded to with fairness and due process.
- *Risk management:* For the safety of people at events under our common law duty of care.
- *Pastoral responses:* Our church is committed to caring pastorally as appropriate and will respond with care and love in all situations. There are times when this will mean utilizing the local health services and working with the person and their family to provide comfort, support and access to resources and services.
- *Adults are self-determining:* Adults have the right to make decisions about their own lives, so long as the actions are not endangering themselves or others. This means we will need to work with the adult when considering a response, providing them with information and support. For concerns about the conduct of people with capacity issues such as persons with

special needs (e.g. intellectual or physical disability or mental health concern) seek advice from relevant health services or case workers, as capacity issues do need to be considered.

Responding to disclosures of criminal matters

Each state has laws about reporting crime.

Some states have specific and relevant concealment legislation, e.g. New South Wales, Section 316 of the Crimes Act 1990 (see below).

It is important to note that this matter is not always related to child protection mandatory reporting legislation but is rather a matter of the Crimes Act in several states.

Separate out the legal and theological issues

To report we need to resolve what can be a conflict between the nature of Jesus' forgiveness and justice issues. The nature of forgiveness and true repentance is such that to be penitent one must face their past and where appropriate make reparation. Given the harm done to others, the pain that may be continuing to destroy the other person, the offender's willingness to make restitution for the crime can bring great healing.

Use of a disclosure statement

It is advisable to provide a spoken, and, where possible, written, disclosure statement to all attendees about confessions about past crimes, at events where "confession" of past sins is likely to occur.

Possible wording of statement:

"At [name of event] there may be opportunity for public or more private (one-on-one) confession of past actions and activities. We see the value of confession to each other as suggested by St James (James 5:15-16 NIV). However, we need to make you aware that we can in no way conceal past illegal activities. If you confess to any illegal activity we will need to report this to the appropriate authorities. Remember Christ has died once for all sin, and God forgives even if you do not publically confess your sin. 1 John 1:9 reminds us that God is faithful and just and will forgive us of all our sins when we bring them to him."

Offering to help the person report serious crime to the police

In some cases you may wish to offer the opportunity for the person confessing to report their past to the police. You might say for example, *"If you have committed a crime we will help you report your crime to the appropriate authorities."*

Making a report yourself

Where the person is not willing go with you to the police, or where you feel that it is not appropriate for them to go with you, you may wish to inform the person that you will be reporting to the police.

Keep written records of all meetings and of your report to police

To protect yourself from allegations of concealment or aiding and abetting a crime, ensure you keep written records. Provide a written statement to the police of all the facts you have, and ask them to provide you with an acknowledgement of your report in writing. If the police are unable to do this,

note down the date and time of the report, and the name of the officer, as well as retaining a copy of the report you gave them. Alternatively, you can report through Crime stoppers 1800 333 000.

Ongoing support for all parties

This will only be possible where the parties involved allow you to do this. It is important to treat all parties as a people made in God’s image, with respect, and care.