



**uniting
church**
in Australia,
Synod of NSW & ACT

Persons of Concern Policy Synod of NSW & ACT

This policy applies to all Synod entities in NSW and ACT other than those which require a specific policy. It is for ordained Ministers, Ministry of Pastor, Lay Leaders, Employees, Volunteers and Members of Councils in a Congregation, Parish Mission or Presbytery within the Uniting Church, Synod of NSW and the ACT.

Title:	Person of Concern Policy
Creation Date:	16 June 2020
Version	2
Last Revised	February 2022
Approved by:	Synod Standing Committee 142/20SC
Approval date:	4 December 2020
Approved by:	Synod Board SB/22-2/30
Approval date:	15 March 2022

Table of Content

- 1. Persons of Concern (POC) Policy Background..... 3
- 2. Definitions 3
- 3. Application of this policy..... 4
- 4. Responsibilities under this policy 5
- 5. Person of Concern Policy 6
- 6. Related documents 7

1. Persons of Concern (POC) Policy Background

- 1.1. The safety, welfare and wellbeing of children is the paramount priority of the NSW-ACT Synod, as is the protection of vulnerable people (In line with the Children's Guardian Act (NSW) 2019 and the Ombudsman Act (ACT) 1989).
- 1.2. The Uniting Church Values Statement to the Royal Commission into Institutional Responses to Child Sexual Abuse articulates the Church's commitment to address emerging issues and challenges. One such issue involves people whose behaviour identifies them as a Person of Concern (POC) wanting to be part of a worshiping community or engage with other Church services or agencies. The Person of Concern Policy is the Church's response to this challenge.
- 1.3. As the Church we continue to affirm that all people are made in the image of God, and that all people are loved by God and are called to be in relationship with God and God's people through God's Church.
- 1.4. Our desire is to be inclusive, compassionate, and respectful of all people, however the need to protect vulnerable people is paramount. This will be done by placing appropriate boundaries around the involvement of POCs in the church community, parish mission, community service or agency of the Synod, where an assessment of risk deems this to be appropriate.
- 1.5. This Persons of Concern Policy for the Synod of NSW and the ACT (Synod) sit under the UCA National Persons of Concern Policy Framework.

2. Definitions

2.1 Person of Concern

Means a person who wishes to participate in the life of any Uniting Church community or agency within the Synod, who has engaged in criminal sexual or abusive behaviours and /or is reasonably suspected of engaging or seeking to engage in harmful sexual or abusive behaviours to another person that has led or may lead to one or more of the following:

- criminal charges relating to sexual offences against children and/or adults
- conviction for sexual offences relating to children and/or adults
- conviction of abusive/violent offences relating to children and/or adults
- placement on the Register of Sexual Offenders
- suspension or refusal of a current Working with Children Check
- recording on the Nationally Coordinated Criminal History Check
- concerns reasonably held by the congregation, faith community, Presbytery, Parish mission, or Synod that the safety of others may be at risk.

In the circumstance that a child is identified as a POC, the mandatory reporting processes applicable to either NSW or the ACT must be followed for the safety of the child and other children. This includes notification of the police/child protection unit.

In the situation where the POC is a child or a vulnerable adult, the parent/caregiver/guardian shall be included in all conversations with the POC including conversations about any safety agreements which may be offered. All communication with the child or vulnerable adult shall be conducted sensitively with consideration given to age and intellectual development and capacity.

2.2 Leadership

A leadership position or role or one that represents the Church includes but is not limited to:

- Nomination for any position within the congregation, Presbytery or Synod including membership of any associated committee or working group.
- Contributing to worship in any capacity and/or participating in any activity that might lead people to think the POC acted in an approved and trusted role. This includes but is not limited to saying grace, prayers, singing as an individual or member of a band/group/choir, Bible reading, lighting candles, offering votes of thanks, carrying Communion elements or the Bible into the Church, serving Communion elements, addressing the congregation in any way, standing in the sanctuary space.
- Leading or assisting in any church-related event or activity; especially those involving children and/or youth.
- Greeter, welcomer, pastoral care visitor.
- Key access to any Church property, afterhours access to any Church property, access to any Church computer equipment or technology.
- Leading Bible studies, home/life/fellowship groups, organising or hosting any Church events, activities or programs, involvement in religious education programs.
- Identification on Church websites as a person associated with or representing the Church in any way.
- Any other activity which a reasonable person might identify as acting in a leadership role/position with the Uniting Church.

2.3 Agreement

In this policy 'Agreement' refers to any agreement put in place to manage a Person of Concern and may include:

- A Safety Agreement with an individual created using the approved Safety Agreement Template
- A Parish Mission Protocol for use in Parish missions where POC's may attend on a sporadic basis put together using the Parish Mission Protocol guideline.
- Other Safeguarding agreements may be put in place only when a Safety Agreement cannot be entered into. Examples of such situations may be (but are not limited to):
 - Ongoing police investigations.
 - Where it is determined that the POC lacks the capacity to sign a safety agreement.
 - Where the POC is a child under the age of 18.

3. Application of this policy

- 3.1 This policy applies to all Uniting Church congregations, Parish missions within the Synod of NSW and the ACT.
- 3.2 Where a Person of Concern is identified within a Faith Community, it will be the responsibility of Presbytery to manage the Person of Concern process with the Synod.
- 3.3 This policy does not apply where the POC is an employee or prospective employee of the Synod, Presbytery, Congregation or Parish mission. In those cases, existing employment policies will apply.
- 3.4 This policy does not apply to Agencies of the Synod who have their own policy for Persons of Concern. It is expected that any policy relating to Persons of Concern approved by Agencies will not contravene this Policy.

4. Responsibilities under this policy

Synod has the primary responsibility for any Agreement made under this policy, but Congregations, Parish missions, Congregations and Persons of Concern each have a significant role in ensuring the success of any agreement.

4.1 Synod Responsibilities:

- The Associate Secretary is responsible for deciding whether an agreement may be put in place which enables a Person of Concern (POC) to engage in the life of a congregation, presbytery or parish mission of the Synod of NSW and the ACT (Synod) and is responsible for the terms of that agreement and its development.
- Is responsible for ensuring a risk assessment of the POC in the context of the congregation, presbytery, or parish mission they wish to engage with is completed.
- Is responsible for deciding the terms under which an agreement relating to the POC is terminated.
- Is responsible for ensuring reviews of any agreement take place as outlined in the agreement.
- Is responsible for investigating any reported breach of an agreement by the POC.
- Is responsible for developing the procedures regarding the management of POC's in congregations and Parish missions.
- Is responsible for ensuring that the POC management process is carried out with compassion, respect and procedural fairness.
- Is responsible for ensuring that matters relating to POC's are managed as confidentially as possible.
- Is responsible for managing all legal aspects relating to the management of POC's.

4.2 Presbytery Responsibilities:

- Is a signatory to any agreement put in place to manage a POC.
- Is responsible for the pastoral care of the minister and congregation managing a POC.
- Ensures the POC receives appropriate pastoral care during any period during the POC process where the POC is excluded from attending. Responsibility for the pastoral care of a POC ceases if the POC is excluded from any congregation within Synod.
- Supports the Synod during the POC management process, when a Synod representative cannot be present in person.
- Ensures any Joint Nominating committee chairperson working with a congregation who has a POC, is aware of this and communicates this to the prospective ministry agent.
- Manages the POC process with Synod, where a POC is identified within a Faith Community.

4.3 Congregation/Parish Mission Responsibilities:

- Signatory to any agreement put in place to manage a POC.
- Assist Synod with the risk assessment and development of the terms of an Agreement or Parish Mission Protocol.
- Ensure the terms of an agreement with an individual or Parish Mission Protocol are upheld.
- Appointing and supporting Monitors.
- Pastoral support of the POC.
- Reporting any breaches of the Safety Agreement or Parish Mission Protocol.
- Performing reviews on the effectiveness of agreements put in place to manage POC's.

4.4 Person of Concern Responsibilities:

- A person of concern must show a willingness to engage in a positive manner with the POC management process.
- Must comply with the terms of any interim arrangement.
- Must sign the Safety Agreement where this is offered and comply with the terms and conditions within the Safety Agreement.
- Must co-operate with their monitors and minister and be respectful.
- Must inform Synod if they re-offend or if there are changes to any conditions imposed on them by police.
- The POC may submit a complaint using the Synod complaint process if they feel that due process has not been followed.

5. Person of Concern Policy

- 5.1 Synod will allow POC's to engage in the life of the Church, for their spiritual nurture and encouragement where it has been determined by examining the risks associated with the POC and the congregation, and the willingness of the POC to engage with the POC process, that an agreement can be put in place.
- 5.2 Synod is responsible for the decision to offer an Agreement with an individual POC or a Parish Mission under the Parish Mission Protocol or to terminate an Agreement with an individual or Parish Mission.
- 5.3 The Agreement with a POC will include the specific terms under which the POC may engage with a congregation. The terms of the Agreement are designed to mitigate the identified risks and to protect the church community, in particular children and vulnerable people, from the POC. The terms of any Agreement will be approved by Synod.
- 5.4 The Synod will put in place procedures and guidelines which outline the process for ongoing management of a POC under an agreement, with a particular congregation. This will include:
- 5.4.1 a process for terminating any agreement regarding a POC.
 - 5.4.2 appointing and supporting monitors.
 - 5.4.3 reporting, investigation of breaches of the agreement.
 - 5.4.4 reviewing the agreement in line with the terms of the Agreement, but at least annually or when a new minister is appointed.
 - 5.4.5 A process to ensure that appropriate pastoral care is in place for the minister, congregation, monitors and person of concern.
- 5.5 The Synod will put in place a process for managing persons of concern in Parish Missions so that safeguards are in place around casual clients of a parish mission who may be persons of concern, where an agreement with an individual is not practical. Where a POC wishes a stronger and more regular engagement with the worshipping community of a Parish Mission, an individual agreement will be put in place.
- 5.6 Any Agreement made with a Person of Concern or Parish Mission will be signed by Synod, Presbytery, the minister in placement, and the person of concern.

- 5.7 Synod will ensure that all POC's who sign a Safety Agreement have the capacity to understand the agreement they are signing. If there is any doubt as to the capacity of the POC, a medical assurance from a medical practitioner should be given before the agreement is signed. If a person is determined to lack capacity, an alternative safeguarding agreement should be put in place with a power of attorney, guardian or the church council.
- 5.8 This policy and its associated guidelines are to be implemented with procedural fairness and in a way which respects the dignity of the POC, balanced against the need to ensure reasonable steps are taken for the safety of, in particular, children and young people, and mindful of the confidentiality issues inherent in these matters.

6. Related documents

- Guideline for Managing Persons of Concern in Congregations.
- Parish Mission Protocol.