



SEVENTH-DAY ADVENTIST CHURCH

Western Australian Conference

Safe Place Policy Policy Manual

Version 5.2

September 2007

Western Australian Conference of the Seventh-day Adventist Church

44-60 Station St

Gosnells WA 6110

Australia

Table of Contents

1	Introduction	4
2	Application of this Policy	6
3	Definitions	8
4	Seventh-day Adventist Perspective of Sexual Abuse	12
4.1	<i>General Conference Policy.....</i>	<i>12</i>
4.2	<i>How are Seventh-day Adventists making their Churches a Safe Place?.....</i>	<i>13</i>
5	Help and Healing for Survivors of Abuse.....	14
5.1	<i>How can Healing Come?.....</i>	<i>15</i>
6	Sexual Offences in Scripture.....	17
6.1	<i>How should the Church Treat Sexual Offenders.....</i>	<i>17</i>
6.1.1	Sexual Sin.....	17
6.1.2	Exclusion.....	17
6.1.3	Redemption	18
6.1.4	Forgiveness and Reconciliation.....	18
6.2	<i>Sin and Its Consequences.....</i>	<i>18</i>
6.3	<i>Restoration.....</i>	<i>19</i>
6.4	<i>The Church and it's Responsibilities</i>	<i>19</i>
6.4.1	Responsibility for At Risk Persons.....	19
6.5	<i>What would Jesus do?.....</i>	<i>20</i>
6.6	<i>Conclusion</i>	<i>20</i>
7	Western Australian Legal Environment.....	21
7.1	<i>The Children and Community Services Act 2004.....</i>	<i>21</i>
7.2	<i>The Criminal Code.....</i>	<i>22</i>
8	Insurance	24
9	Policies	25
9.1	<i>Safe Place Policy</i>	<i>25</i>
9.2	<i>Privacy Policy.....</i>	<i>26</i>
9.3	<i>Adult Sexual Abuse</i>	<i>26</i>
9.4	<i>Sexual Harassment Interim Policy.....</i>	<i>28</i>
9.5	<i>Compulsory Reporting of Abuse</i>	<i>28</i>
9.6	<i>Record Keeping.....</i>	<i>29</i>
9.7	<i>Supporting Alleged and Convicted Offenders Safely</i>	<i>30</i>
9.8	<i>Committee Terms of Reference</i>	<i>31</i>
9.8.1	Western Australian Conference Safe Place Committee	31
9.8.2	Local Church Safe Place Committee.....	32
9.8.3	Trustee Company Safe Place Committee	33
10	Making the Conference a Safe Place.....	35
10.1	<i>Undertakings of the Church.....</i>	<i>35</i>
10.2	<i>Undertakings of the Local Church.....</i>	<i>35</i>

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

10.3 *Undertakings of a Person who has been Convicted of a Sexual Abuse Offence*36

10.4 *Undertakings of the Person who is the subject of a Sexual Abuse Allegation.*37

10.5 *Undertakings of the Person Convicted of a Sexual Abuse Offence (Attending 5 Years +)*38

10.6 *Termination of a Limited Access Agreement*.....39

10.7 *Screening Measures of the WA Conference of the Seventh-day Adventist Church*39

10.7.1 *Screening of Volunteers, Employees and Contractors*40

10.7.2 *Assessment of Employees, Staff or Contractors*.....41

10.7.3 *Investigation*42

10.7.4 *Evaluation*.....42

10.7.5 *Adjudication*43

10.7.6 *Rejection of an Applicant*43

10.7.7 *Guidelines for Reviewing Criminal History or Adverse Finding or Adverse Self Declaration Information*44

1 Introduction

The Western Australian Conference of the Seventh-day Adventist Church is committed to promoting safe worship environments that are supportive of personal and spiritual growth. The policies in this document are designed to strengthen our Conference and local churches so that the likelihood of sexual abuse is reduced and our members, volunteers and employees know what is expected of them.

It is unfortunate that in all denominations there are people who have an inclination towards the abuse of children, incapable persons and seniors (“at risk persons”). Abuse can be sexual, physical or mental and does irreparable damage to an at risk person. As a Church it is impossible to determine who will commit abuse. The best that can be achieved is to put in place a Safe Place Policy that provides protection of at risk persons.

Churches are particularly vulnerable to the predatory grooming habits of abusive persons because of the natural tendency of church members to trust fellow church members and visitors. Recent history of abuse in both the Seventh-day Adventist Church and other denominations clearly indicates that it is imperative that policies and procedures must be implemented to protect our at risk persons.

In developing this Safe Place Policy the objective has been to provide protection for at risk persons while recognizing the worth of an individual despite them being a person who is the subject of a sexual abuse allegation or a person who has been convicted of a sexual abuse offence.

The levels of protection provided in this policy are predicated upon providing at risk persons the freedom to take part in all and any form of activity conducted, run or sponsored by the Western Australian Conference of the Seventh-day Adventist Church and its Trustee Companies with the expectation that all reasonable measures have been taken to minimise their exposure to the risk of sexual abuse.

This policy provides protection in the following areas:

- Requirement that all local churches develop and implement a Safe Place Policy which conforms with this policy and the attached Safe Place Policy Guidelines.
- Provision of education and training to local churches in
 - developing a Safe Place Policy and
 - procedures for making their churches Safe,
 - procedures for the monitoring of those persons attending their church under Limited Access Agreements.
- Mandatory screening of all employees, including volunteers and contractors.
- Mandatory reporting of all incidents of abuse.
- Procedures for local churches to enable them to enter into a Limited Access Agreement with a person who is the subject of a sexual abuse allegation or a person who has been convicted of a sexual abuse offence.
- Restrictions on the access of persons who are the subject of a sexual abuse allegation or persons who have been convicted of a sexual abuse offence to Seventh-day Adventist Churches through the use of Limited Access Agreements.
- Exclusion of persons who are the subject of a sexual abuse allegation or persons who have been convicted of a sexual abuse offence if a Limited Access Agreement is broken or they do not meet the requirements for the offering of a Limited Access Agreement.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

The Western Australian Conference of the Seventh-day Adventist Church has a duty of care to protect at risk persons and as such adherence to this policy is compulsory for all trust companies and constituency organisations of the Western Australian Conference of the Seventh-day Adventist Church.

2 Application of this Policy

This policy applies to:

- All employees, volunteers and contractors of the Church or its Trustee Companies.
- All local churches that are members of the sisterhood of churches of the Western Australian Conference of the Seventh-day Adventist Church.
- All organized companies of the Church.
- All individual church members and/or attendees.
- All organisations or independent ministries affiliated with the Church.

In addition this policy applies to any individual who:

- Has been convicted of an abuse offence or, who has had a finding for a charge of an abuse offence proven in court, even if a conviction has not been recorded or who has had a finding made against them by an organisation such as Safe Place Services.
- Has been charged with a crime,
- Has been convicted of a crime,
- Has a court case pending against them,
- Has had charges or allegations made about them regarding specific and/or general violations of the Western Australian *Criminal Code Act 1913 and/or other relevant government legislation in relation to at risk persons.*
- Has allegations, investigations, or inquiries against them pending before *the* Australian Union Conference (“the AUC”) Safe Place Services,

AND who wish to associate with the Church in any or all of the following situations:

- Working with children, incapable persons, or seniors.
- As a person in authority working with children, incapable persons or seniors.
- Working in a financial or administration role within the Church or its trustee companies.
- Attend church services or other meetings organized by the Church and/or the local church where they will be in the presence of at risk persons.

THEN, the Church has a duty of care to examine their application, employment, role, or attendance and apply any relevant policy and procedures established by the Church, the South Pacific Division or the Australian Union Conference, to their application, employment, role or attendance.

The Church may:

- In the case of employment, either issue or decline to issue a “*License to Work*” for the Church. If a “*License to Work*” is declined then the applicant will be considered an ineligible person and will not be offered employment with the Church or any of its Trustee Companies.
- In the case of attendance, assist the local church to either – offer or decline to offer a “*Limited Access Agreement*” to a person who is the subject of a sexual abuse allegation or a person who has been convicted of a sexual abuse offence. If a local

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

church declines to offer a Limited Access Agreement the person will not be allowed to attend any services or meetings organised by any local church in the Conference or any services or meetings organised by the Church.

3 Definitions

Abuse

Abuse is an act by an adult, caregiver or person in authority which endangers an at risk person's physical or emotional health or development. The following are the definitions of the types of abuse:

- Sexual Abuse means a wide range of behaviors that expose or subject an at risk person to sexual activity that is illegal and/or inappropriate to the at risk person's developmental level.
- Physical Abuse means a person deliberately and intentionally causing harm or injury to an at risk person.
- Emotional Abuse means any attitude, pattern of behavior or failure to act of a person, that interferes with an at risk person's psychological or social development.
- Neglect means failure of a parent, caregiver or guardian to provide for the basic necessities of life of an at risk person, such that the at risk person's development is or is likely to be significantly damaged or injury caused.

Accused

Accused means a person against whom a claim of abuse has been made.

Alleged

Alleged means declared but not proven.

Arena of Safety

Arena of Safety means guidelines for behavior and supervision, which create a safe environment.

At Risk Person/s/Persons at Risk

At Risk Person/s or Persons at Risk means children, incapable persons and seniors as defined in this section.

AUC

The AUC means the Australian Union Conference of the Seventh-day Adventist Church and its trustee companies.

Child

Child means a boy or girl under the age of 18 years, and in the absence of positive evidence as to age, any boy or girl apparently under the age of 18 years.

Church

The Church means the Western Australian Conference of the Seventh-day Adventist Church.

Claimant

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

Claimant means a person claiming knowledge of the abuse by the accused. The claimant may or may not be the victim of the alleged abuse.

Committee for Sexual Ethics (CSE)

Committee for Sexual Ethics means the independent committee of the Australian Union Conference appointed to adjudicate on claims of abuse and sexual misconduct following the receipt of investigation reports, and to recommend actions to the employer, or the church if the claim concerns a volunteer.

Employer

Employer means a person or organisation who employs the services of another and who may or may not pay wages or salaries in return for the performance of those services.

Employment

Employment means:

- performance of work under a contract of employment, a Federal or State Award, any verbal or written agreement, or
- performance of work as a self-employed person or as a subcontractor, or
- performance of work as a volunteer for an organisation, or
- undertaking practical training as part of an educational, vocational, or religious course, or
- performance of work as a minister of religion or other member of a religious organisation.

Grooming

Grooming means patterns of behavior by a person, aimed at engaging an at risk person, caregiver, parent or guardian as a precursor to abuse of the at risk person.

This may include:

- Persuading the at risk person that a "special" relationship exists, spending inappropriate special time with the at risk person, inappropriately giving gifts, showing special favours to an at risk person or
- Testing of boundaries, undressing in front of the at risk person, encouraging a child to sit on the lap, talking about sex and inappropriate touching.

Incapable Person

Incapable Person means a person who is so mentally impaired as to be incapable of understanding the nature of the act or the subject of the charge against the accused or of guarding himself or herself against exploitation or abuse.

Limited Access Agreement

Limited Access Agreement means a signed written agreement between a person the subject of a sexual abuse allegation or a person convicted of a sexual abuse offence and a local church. The agreement allows the person to participate in certain aspects of church life, setting clear boundaries including what the individual will or will not do.

Local Church

The Local Church means a congregation, company or gathering of Seventh-day Adventist believers in the territory of the Western Australian Conference.

Local Church/Company Safe Place Committee

The local church/company Safe Place Committee means the committee appointed by the a local church/company (being a sister church/company of the Western Australian Conference) which is responsible for monitoring, advising and managing all matters pertaining to the local church/company Safe Place Policy in the local area. The committee is responsible to the local church/company Board.

Person Convicted of a Sexual Abuse Offence

Person Convicted of a Sexual Abuse Offence means a person who has been convicted of a sexual abuse crime in a court of law or who has been found on the balance of probabilities to have committed a sexual abuse offence by the Committee of Sexual Ethics of the Australian Union Conference.

Person in Authority

Person in Authority means an individual who has under their care, supervision or authority, children, incapable persons or seniors.

Person who is the Subject of a Sexual Abuse Allegation

Person who is the Subject of a Sexual Abuse Allegation means a person against whom a claim of sexual abuse has been made.

Safe Place Services

Safe Place Services means the entity of the Australian Union Conference dedicated to raising awareness and responsibility in the area of abuse/misconduct by:

- 1 Providing information and education, protocols and policies that are intended to create a 'safe' Church environment.
- 2 Maintaining a free phone service that provides information and support.
- 3 Arranging appropriate support for those involved in complaints about abuse and/or sexual misconduct.

Safe Place Services/Investigation Co-ordination Management Committee

Safe Place Services/Investigation Co-ordination Management Committee means the committee of the Australian Union Conference responsible for monitoring, advising and managing the work of Safe Place Services and the Investigation Co-coordinator. It also monitors and receives operational reports from CSE.

Senior

Senior means a person aged 60 years or more.

SPD

The SPD means the South Pacific Division of the Seventh-day Adventist Church and its trustee companies.

Trustee Companies of the Church

Trustee Companies of the Church means Seventh-day Adventist Church (Western Australian Conference) Limited, the Seventh-day Adventist Schools (Western Australia) Limited and the Seventh-day Adventist Aged Care (Western Australia) Limited.

Volunteer

Volunteer means a person who provides services to an organisation and who may or may not receive benefit or remuneration. Volunteers include persons elected or appointed to serve on boards, committees or other groups. Behavioural expectations under this policy are the same for volunteers as for employees.

Western Australian Conference Safe Place Committee

The Western Australian Conference Safe Place Committee means the committee appointed by the Executive Committee of the Western Australian Conference which is responsible for monitoring, advising and managing all matters (excluding investigations of allegations) relating to Safe Place Policies in the Western Australian Conference. The committee is responsible to the Executive Committee of the Western Australian Conference.

Working with Children

Working with Children means any activity by an individual that involves direct contact with children. This may include but is not limited to:

- pre-schools, kindergartens and child care centers (including residential child care centers).
- schools or other educational institutions.
- clubs, associations or movements (including those of a cultural, religious, recreational or sporting nature) having a significant child membership.
- any religious organisation (including the local church).
- any entertainment venues where the clientele is primarily children
- babysitting, child-minding, fostering or other child care
- provision of “taxi” services for the transport of children
- private tuition of children
- provision of counseling or other support services for children
- school buses
- overnight camps for children.

4 Seventh-day Adventist Perspective of Sexual Abuse

4.1 General Conference Policy

Statement on Child Sexual Abuse

Child sexual abuse occurs when a person older or stronger than the child uses his or her power, authority, or position of trust to involve a child in sexual behavior or activity. Incest, a specific form of child sexual abuse, is defined as any sexual activity between a child and a parent, a sibling, an extended family member, or a step/surrogate parent.

Sexual abusers may be men or women and may be of any age, nationality, or socio-economic background. They are often men who are married with children, have respectable jobs, and may be regular churchgoers. It is common for abusers to strongly deny their abusive behavior, to refuse to see their actions as a problem, and to rationalize their behavior or place blame on something or someone else. While it is true that many abusers exhibit deeply rooted insecurities and low self-esteem, these problems should never be accepted as an excuse for sexually abusing a child. Most authorities agree that the real issue in child sexual abuse is more related to a desire for power and control than for sex.

When God created the human family, He began with a marriage between a man and a woman based on mutual love and trust. This relationship is still designed to provide the foundation for a stable, happy family in which the dignity, worth, and integrity of each family member is protected and upheld. Every child, whether male or female, is to be affirmed as a gift from God. Parents are given the privilege and responsibility of providing nurture, protection, and physical care for the children entrusted to them by God. Children should be able to honour, respect, and trust their parents and other family members without the risk of abuse.

The Bible condemns child sexual abuse in the strongest possible terms. It sees any attempt to confuse, blur, or denigrate personal, generational, or gender boundaries through sexually abusive behavior as an act of betrayal and a gross violation of personhood. It openly condemns abuses of power, authority, and responsibility because these strike at the very heart of the victims' deepest feelings about themselves, others, and God, and shatter their capacity to love and trust. Jesus used strong language to condemn the actions of anyone who, through word or deed, causes a child to stumble.

The Adventist Christian community is not immune from child sexual abuse. We believe that the tenets of the Seventh-day Adventist faith require us to be actively involved in its prevention. We are also committed to spiritually assisting abused and abusive individuals and their healing and recovery process, and to holding church professionals and church lay leaders accountable for maintaining their personal behavior as is appropriate for persons in positions of spiritual leadership and trust.

As a Church we believe our faith calls us to:

1. Uphold the principles of Christ for family relationships in which the self-respect, dignity, and purity of children are recognized as divinely mandated rights.
2. Provide an atmosphere where children who have been abused can feel safe when reporting sexual abuse and can feel that someone will listen to them.
3. Become thoroughly informed about sexual abuse and its impact upon our own church community.
4. Help ministers and lay leaders to recognize the warning signs of child sexual abuse and know how to respond appropriately when abuse is suspected or a child reports being sexually abused.
5. Establish referral relationships with professional counselors and local sexual assault agencies who can, with their professional skills, assist abuse victims and their families.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

6. Create guidelines/policies at the appropriate levels to assist church leaders in:
 - a. Endeavoring to treat with fairness persons accused of sexually abusing children,
 - b. Holding abusers accountable for their actions and administering appropriate discipline.
7. Support the education and enrichment of families and family members by:
 - a. Dispelling commonly held religious and cultural beliefs which may be used to justify or cover up child sexual abuse.
 - b. Building a healthy sense of personal worth in each child which enables him or her to respect self and others.
 - c. Fostering Christ like relationships between males and females in the home and in the church.
8. Provide caring support and a faith-based redemptive ministry within the church community for abuse survivors and abusers while enabling them to access the available network of professional resources in the community.
9. Encourage the training of more family professionals to facilitate the healing and recovery process of abuse victims and perpetrators.

(The above statement is informed by principles expressed in the following scriptural passages: Gen 1:26-28; 2:18-25; Lev 18:20; 2 Sam 13:1-22; Matt 18:6-9; 1 Cor 5:1-5; Eph 6:1-4; Col 3:18-21; 1 Tim 5:5-8.)

This statement was voted during the Spring Meeting of the General Conference Executive Committee on Tuesday, April 1, 1997, in Loma Linda, California.

4.2 How are Seventh-day Adventists making their Churches a Safe Place?

Seventh-day Adventists take reports of abuse seriously. We believe that to remain indifferent and unresponsive is to condone, perpetuate and potentially extend such behavior. We cooperate with other professional services to seek justice for sexual abuse victims while showing redemptive mercy to their perpetrators.

We recognise that addressing allegations of abuse involves:

1. Telling the truth about abuse
2. Naming and condemning abuse
3. Showing compassion for victims of abuse
4. Preventing further abuse
5. Confronting the perpetrator and imposing appropriate consequences
6. Recognising the wrongfulness of abuse
7. Assist in trying to free victims from the suffering caused by the abuse.

Adventists will attempt to provide a ministry of reconciliation as individual's attitudes and behavior change and open possibilities for forgiveness and new beginnings. We will address the spiritual questions confronting abused persons, seeking to understand the reasons for abuse and developing better ways of preventing it.

5 Help and Healing for Survivors of Abuse

The Church recognises that each survivor's needs are individual to them. However there are some general needs which are universal to all survivors.

Survivors need:

1. **To be loved** - It's important that there are people around survivors who can model healthy, loving relationships. Survivors need to be shown that there are people who genuinely love and care for them, wanting only the best for them at all times.
2. **To be accepted** - It's difficult for survivors to accept themselves, let alone believe that they are accepted by others. Many will display low self-esteem and a low self-image due to their abuse experience. If they can be shown true acceptance within safe, secure relationships, they may gradually be able to accept themselves and learn to value and prize themselves in a healthy, nurturing way.
3. **To be given reasons to trust:** For a survivor, trusting others can be difficult. Their abuse experience has taught them that people cannot be trusted so it takes time for trust to be established. As supporters model that they are trustworthy, the survivor will gradually be able to risk trusting others.
4. **To be believed:** It is crucial that the person's story of their abuse is believed, particularly when they have tried to tell someone in the past and were not believed. Telling is a very courageous step and survivors need affirming and validating constantly.
5. **To know the abuse wasn't their fault:** When a child is abused, the responsibility for that abuse is totally upon the adult. The child is the innocent party, yet many survivors carry round with them a crippling burden of guilt and shame. They feel that there must be something wrong with them for the abuse to have happened, or that they must have provoked it or deserved it. Survivors need to grasp that it wasn't their fault and they don't need to feel guilty or ashamed. This may need to be repeated many times before it is fully integrated into their belief system.
6. **Support to break the silence:** Survivors need to be supported in a safe and secure environment if they choose to break their silence regarding their abuse.
7. **Professional help:** There may be a need for the survivor to talk to someone who is experienced and qualified in dealing with survivors of abuse. This can be a counsellor, psychotherapist or psychiatrist, for example, someone who is outside the person's normal world, who is able to help them move through the healing process.
8. **A support network:** Many survivors feel lonely and isolated, even in the midst of a close family, so it's very important that they be encouraged to build and maintain a network of supportive, positive people who they can turn to, especially in times of crisis.
9. **Time to heal:** If we consider that some survivors keep the secret of their abuse for 10, 20 or even 40 years, we should not expect them to heal in a matter of weeks. Supporters need to understand that dealing with such traumatic material is a long-term process.
10. **To grieve:** There are many losses associated with the effects of abuse. These can include loss of childhood, loss of innocence, loss of nurturing, loss of trust, loss of privacy, personal space and boundaries, and there may be many others. When recognised, these losses may be grieved over in the same way as we would grieve over the loss of a loved one.
11. **To understand healing is hard work:** Working through the trauma of abuse is hard work, emotionally, mentally and physically. However the rewards of healing are worth it. Many survivors can testify to the fact that their lives are richly rewarding and fulfilling as a result of healing and being transformed from a victim to a survivor to a victor. Supporters must allow survivors to deal with their situation at their own pace.
12. **To be empowered:** Survivors should be encouraged to voice their views and to expect that these will be valued.

5.1 How can Healing Come?

“Healing is not an end. It is a process. Healing works on many levels and takes many forms. Healing has many voices and no single “answer”. Healing is painful, but it is more painful to turn away from the healing. My journey has been mine alone. No one else has felt the same pain or process that I have – though we “group” with others for comfort. We gather strength in knowing that we are not alone. In fact, we are never alone. My “journey” has taken me down a very special and unique path of healing and my spiritual life has grown and developed along the way.” (a survivor)

Healing and restoring trust takes lots of hard work. It takes a community of support – parents, partners, children, church leaders, siblings and congregations.

We as a church community can help victims in their recovery process by:

1. Truth-telling - Give voice to the reality of the abuse.
2. Acknowledging the violation - Hear the truth, name the abuse, and condemn it as wrong.
3. Showing Compassion - Listen to and suffer with the victim. The victim and their family should be consulted if the person the subject of an abuse allegation or the person convicted of an abuse offence is applying for church attendance. The victim and their family should be asked for their input and this should be considered confidential. The victim’s privacy should be respected during any required discussions concerning the person the subject of an abuse allegation or the person convicted of an abuse offence.
4. Personally contacting the victims of abuse and their families - This may enable them to stay in touch with the church, as many lose their confidence and their faith in God. They could be notified of special programs and events that may encourage them to attend. Small groups, craft groups and other such support groups could be used as points of contact. Even a note or card sent as encouragement is often greatly appreciated.

“Most survivors of abuse have real difficulty accepting God’s love. First they believe they are too unlovable. Second, they have problems relating to a God they cannot see when love by those they can see has been very distorted. Third, they have problems believing God really cares.” Draper, Perry L. - Haunted Memories – Healing the Pain of Childhood Abuse, p179

5. Protecting the vulnerable - Take steps to prevent further abuse to the victim and others. The victim and their family should be made aware of the location of the person the subject of an abuse allegation or the person convicted of an abuse offence (i.e. which church they are attending). Any communication to the victim concerning the person the subject of an abuse allegation or the person convicted of an abuse offence should be made through the WA Conference Safe Place Committee.
6. Being Accountable - Confront the person the subject of an abuse allegation or the person convicted of an abuse offence and impose negative consequences.
7. Restitution -. Restitution is a tangible, means of acknowledging the harm done while contributing to the repair of the damage. In addition to its symbolic value, it is helpful in a material sense. Counseling information should be offered to the victim and their family. A list of local professional therapists and counselors (which is regularly updated) should be available in each church, which can be given to the victim and their family following the incidence of abuse. Many survivors of sexual abuse need intensive and ongoing therapy to deal with the many issues that continue to arise in the years following the abuse – sometimes their entire lives. This counsel needs to come from professionals. The church cannot supply this concentrated time and expertise.
8. Vindication: Set the victim free from the suffering caused by the abuse. Professional speakers could be invited to run a seminar series or even give an occasional church service. The opportunity could then be made for them to speak individually to the victim and their family. This also provides the full congregation with information on abuse

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

issues and passes on the message that the church is interested in the recovery process and is there to help.

“You, Lord, have saved my life from death, my eyes from tears, my feet from stumbling. Now I will walk at your side in this land of the living.” Psalms 116:8-9

Section 5 has been adapted from Watton on the Web, a section of River Ministries (Norfolk)
Section 5.1 has been adapted from “The Elements of Justice Making”, Centre for Prevention of Sexual and Domestic Violence, Seattle Washington WA 1992.

6 Sexual Offences in Scripture

6.1 How should the Church Treat Sexual Offenders

The teachings of the Bible, at the same time, uphold the seriousness of sin and the power of God's grace in Christ to forgive and restore the sinner. Though they may have particular devastating social consequences, sexual offenses are not in the eyes of God worse than other sins, and they are to be seen against the background of what the Bible as a whole teaches about eternal ethical principles, as they are expressed and realized in God's law and God's grace.

6.1.1 Sexual Sin

The Decalogue includes principles of respect for others, sexual faithfulness within marriage, and a condemnation of covetousness (Exodus 20:14, 17). The social laws, which were given to govern the community within the land of Israel, built on these eternal principles, but applied them to the local situation in light of the challenges of the culture of the time. These laws were far more specific than the Decalogue in a number of areas dealing with, for instance, sexual offenses.

The list of various sexual misdemeanors in the Old Testament law (Leviticus 18) does not explicitly mention child sexual abuse, but indirectly covers pedophilia because forbidden sexual relations are stated without age limit. It is clear that anyone involved in such sexual sin was cut off from the community (Leviticus 18:29).

The peoples who were neighbors to Israel worshipped other gods. At times, this involved having sexual relations with temple prostitutes. If this occurred in Israel, such sexual sin was to be punished by death (Leviticus 20:10-16).

Sex outside the context of marriage was seen as a major evil that would lead people away from God to worship other gods (Leviticus 18:24-30, Deuteronomy 12:29-32).

It is clear that God's method of dealing with sinners, sexual offenders included, in the community of Israel in the Old Testament period was to isolate the offending person in order to protect the rest of the community.

6.1.2 Exclusion

Sexual sin is also an issue in the New Testament Church. The Early Church was not as Israel a theocracy, nevertheless the apostles applied ethical principles to the communal life of the church. The apostle Paul, for instance, reprimands the Corinthians for allowing a church member to have a sexual relationship with his father's wife. Paul states this is not even condoned in the general community. He is direct in the way he approaches the matter:

"In the name of our Lord Jesus Christ, when you are gathered together, along with my spirit, with the power of our Lord Jesus Christ, deliver such a one to Satan for the destruction of the flesh, that his spirit may be saved in the day of the Lord Jesus." 1 Corinthians 5:4, 5.

Paul goes on to state:

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

“But now I have written to you not to keep company with anyone named a brother, who is sexually immoral, or covetous, or an idolater, or a reviler, or a drunkard, or an extortionist—not even to eat with such a person.” 1 Corinthians 5:11.

It appears that this exclusion would give the person time to examine his sinful ways and make amends. Later Paul writes that Christians should flee from sexual sin because it brings disrepute on their body temples and the temple that is the Church (1 Corinthians 6:15-20).

6.1.3 Redemption

It is evident that the Corinthian Church heeded the rebuke from Paul, as he addresses the same issue in the next letter to Corinth.

“This punishment which was inflicted by the majority is sufficient for such a man, so that, on the contrary, you ought rather to forgive and comfort him, lest perhaps such a one be swallowed up with too much sorrow. Therefore I urge you to reaffirm your love to him. For to this end I also wrote, that I might put you to the test, whether you are obedient in all things. Now whom you forgive anything, I also forgive. For if indeed I have forgiven anything, I have forgiven that one for your sakes in the presence of Christ, lest Satan should take advantage of us; for we are not ignorant of his devices.” 2 Corinthians 2:6-11.

It seems that the man involved in the sexual sin had repented of his sin and was doing right. However, the church was still excluding him and not offering forgiveness and love. Paul suggests that by withholding forgiveness Satan can take advantage of us too.

It is clearly evident *that in the New Testament Church* the principle of exclusion borrowed from the Old Testament had a redemptive purpose.

6.1.4 Forgiveness and Reconciliation

Jesus asks those who follow Him to forgive people as many times as these same people sin against them. (Matthew 18:21, 22). Giving forgiveness to one who sins against us, releases the blame, anger and emotions that well up inside us when we are wronged and hurt. Forgiveness removes barriers and provides the means to reconciliation and restored relationships.

Jesus goes on to tell the story of the unmerciful servant clearly indicating in verse 35 that forgiveness must be from the heart. Matt 6:14, 15 states when you forgive men who have sinned against you, God will also forgive you.

6.2 Sin and Its Consequences

Even though God forgives our sin, we as sinners still have to suffer the consequences of sin. Moses struck the rock in anger, to bring water to the people when God asked him just to speak to the rock. Although he was forgiven, the consequence was that he was not allowed to enter the land of Canaan (Numbers 20:7-13 cf Exodus 17:6). There is no record of Moses complaining. (Moses forgiveness is assumed as he was taken to heaven after his death. Deuteronomy 34, Mark 9:1-8).

David, the second king of Israel coveted, committed adultery, lied and murdered and when confronted with his sin repented. God forgave him, but then outlined the consequences of the sin. The sword would strike in his family; immorality would come to his family publicly and he would lose his child of adultery (2 Samuel 12:7-19).

Offering forgiveness individually and through the Church should not intervene in softening the consequences of sin.

6.3 Restoration

The power of God's grace to forgive, heal, and restore is upheld throughout Scripture. The gospel is God's power to save those who believe (Romans 1:16). This faith in God implies repentance of sin and redemption from its power (Proverbs 28:13). Sinners are restored to the full status as children in God's family (Romans 8:16; Ephesians 2:19), being forgiven through faith, and furthermore, the Holy Spirit provides power no longer to live in slavery of sin (Romans 6:6-7).

Thus individual restoration may take place for the repentant sinner, but the sexual offender may nevertheless not be fully restored within the community of faith. For the sake of both the victims of any sins committed, the perpetrator, and the Church community as a whole, the offender is, for instance, never to be placed in a position within the Church community where working directly with children.

6.4 The Church and its Responsibilities

The Church is the collective group of believers and followers of Jesus. If someone believes in Jesus it is anticipated that they become part of the Church.

“For as the body is one and has many members, but all the members of that one body, being many, are one body, so also is Christ. For by one Spirit we were all baptized into one body—whether Jews or Greeks, whether slaves or free—and have all been made to drink into one Spirit. For in fact the body is not one member but many.” 1 Corinthians 12:12-14.

The body is one of the pictures of the Church in the New Testament. When the church is the body, Jesus is the head (Ephesians 1:22, 23). When the Church is a building, Jesus is the foundation stone (Ephesians 2:19-22). When the church is the bride, Jesus is the Bridegroom (Ephesians 5:22-33). There is a close connection between Christ and His Church. Individual believers are to be connected to Jesus Church.

The purposes of the Church can be described as twofold: it is to proclaim the teachings of Jesus to the world (cf. Matt 28:19-20), and it is to create a fellowship of love which testifies to Jesus (cf. John 13:35).

In dealing with perpetrators or sexual offenders, the responsibilities of the Church stem from both of these areas. On the one hand the Church is to protect its mission, on the other hand members are in their mutual relationships to exemplify the power of the forgiving love of Jesus. Those who belong to the church are to love, forgive and encourage one another (1 John 3:11, 4:7-16, Ephesians 4:32, Colossians 3:13, 1 Thessalonians 5:11, Hebrews 10:19-22).

The Church is a close community, and each person has responsibility for the other which includes warning, rebuking and challenging people over the sins of their lives (1 Peter 5:5, Ephesians 4:25, Romans 15:14, James 5:9, 19, 20).

Church in the New Testament is thus not about buildings, but about closeness in community. This community is responsible for helping each other to be the best Christians possible. Exclusion from this community of faith really hurt.

6.4.1 Responsibility for At Risk Persons

“And whoever welcomes a little child like this in my name welcomes me. But if anyone causes one of these little ones who believes in me to sin, it would be better for him to have a large millstone hung around his neck and to be drowned in the depths of the sea.” Matthew 18:5, 6.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

It is further the responsibility of the Church community to protect members within the community, especially those who are vulnerable. Children are examples of such at risk persons and are very important to Jesus (Mark 10:13-16). Jesus does not want them to stumble in their walk with God. In fact He will do all that He can to bring a person into His kingdom.

6.5 What would Jesus do?

Jesus not only associated with tax collectors, prostitutes and sinners but he ate with them and accepted them as human beings. (Luke 15:1,2). The outcasts of society like pimps, drug dealers, conmen and those involved in sexual sin would be welcome in Jesus presence today.

Jesus also welcomed children, defended their right to come to Him and protected them by placing His arms around them (Mark 10:13-16)

Jesus was able to both protect those at risk and welcome the perpetrators of crime.

6.6 Conclusion

It is clear from scripture that there are consequences for the perpetrator of sexual sin, but there is also a redemptive process. This process may include a period of exclusion, but it also should include, where genuine repentance is shown, the opportunity for the perpetrator to fellowship with the community of faith within limits determined by the need to protect the victim, the church, and the perpetrator against future risks.

7 Western Australian Legal Environment

The protection of children is a responsibility shared by both the community and the Government. The importance of an inter-agency approach is recognised by the key agencies responsible for protecting children.

There are two primary agencies with statutory responsibility for matters regarding the protection of children. This is the Department for Child Protection (“DCP”) and the WA Police (“the Police”). All other stakeholders perform different functions in the protective and criminal process, which are inevitably channeled through the Police and/or the DCP.

The Police are responsible for the investigation of child abuse that may constitute a criminal offence. This includes the initiation of court action where appropriate.

The DCP is responsible for investigating allegations of child abuse and where necessary taking protective action to ensure a child’s safety or well-being, including the initiating of proceedings in the Children’s Court. The DCP is also responsible for providing ongoing support to the child and the family.

The State of WA does not require mandatory reporting of child abuse/maltreatment. The State Government agencies have reciprocal agreements and an acknowledged “duty of care and responsibility” to ensure that children are safe and protected. For example the DCP, the Police, Education Department and Health Department are involved. Specific documents such as “Interagency Collaborative Framework for Protecting Children” and the “Reciprocal Child Protection Procedures” have been developed to strengthen collaboration and partnerships between communities, agencies and government Departments to protect children from harm.

Generally there are two distinctions between the agencies. The Police are involved with reports involving either intra-familial or extra-familial abuse. Whereas, the cases that involve “protection” issues are the statutory responsibility of the DCP.

Issues of abuse involving non-relatives or non-carers are generally considered a Police matter. However, the DCP can be involved if the individuals or family involved request specific services – i.e. counseling. Thus the DCP is primarily involved in cases of intra-familial abuse or where the allegation involves a person in “loco parentis” or as a “carer” of a child or someone who has regular contact with a child. For example – an allegation involving a “Stranger” who abused a child or a person from a church would generally involve only the Police. However, if circumstances showed the child’s parent/carer was not acting to protect the child, or involved in the abuse then the DCP would also have responsibility.

Concerns that a child has been abused in any way can be reported to either agency – who have in place procedures to initiate a joint response. Both the DCP and the Police have trained officers who can make assessments and investigate cases of reported child abuse or maltreatment. If unsure – contact the nearest DCP Duty Officer or the Police - Child Abuse Squad to report your concerns. Anonymous enquiries can be made with either the Police or the DCP.

7.1 The Children and Community Services Act 2004

This Act defines the DCP mandate, role and responsibilities. The ‘Act’ also prescribes the boundaries of departmental work that enable workers to act within such areas to promote responsibility and growth in family and community life and contribute to the care and protection of children.

Any concerns regarding the “care” or “protection” of children are the responsibility of DCP. Officers have a statutory responsibility to investigate allegations of child abuse and maintain records of outcomes of investigations. The Department can also provide services such as protective behaviours and counseling.

The “Children and Community Services Act 2004” has strengthened the statutory powers of the DCP to receive and assess allegations of child abuse and neglect and to take action to protect

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

children and young people. This is an Act that has taken the place of the *Child Welfare Act 1947*, the *Community Services Act 1972* and the *Welfare and Assistance Act 1961* and will result in some new procedures for the Department.

The Western Australian “*Children and Community Services Act 2004*”, Section 129 (1) and (2) says:

129 Protection from liability for giving information

- (1) *This section applies if a person acting in good faith -*
 - (a) *gives information to the CEO or another officer about any aspect of the wellbeing of a child;*
 - (b) *gives information to the CEO or another officer for the purposes of, or in connection with, an investigation referred to in section 32(1)(d);*
 - (c) *gives information to the CEO or another officer for the purposes of, or in connection with, a protection application or any other application to the Court under this Part; or*
 - (d) *gives information to the CEO under section 40(6).*
- (2) *In giving the information the person -*
 - (a) *does not incur any civil or criminal liability;*
 - (b) *is not to be taken to have breached any duty of confidentiality or secrecy imposed by law; and*
 - (c) *is not to be taken to have breached any professional ethics or standards or to have engaged in unprofessional conduct.*

7.2 The Criminal Code

The Criminal Code is set out in several sections. Some sections involve assaults (Chapter 26 , Section 222,313,317), offences endangering life or health (Chapter 29, Sections 297 and 301) and sexual offences (Chapter 31).

Offences are also categorised specifically by age (children under 13 – Section 320, children aged between 13-16 – Section 321) and is primarily to do with the outcome of the court process – the seriousness of the consequences. Another Section (Section 321A also deals with circumstances of a “Sexual relationship” with a child. While Section 329 deals with sexual offences by relatives (defacto child or lineal relative). Additionally, Section 330 deals with offences against “incapable persons”.

The Criminal Code has a complete section on “Sex Offences” (Chapter 31 - Sections 319 to 330) – detailing all forms of sexual activity that are prohibited by law. The laws in relation to sexual offences reflects the popular morality and the prevailing standards of the community. This includes natural sexual practices between persons of opposite sexes where absence of consent, age or a relationship is in issue, certain natural practices between persons of opposite sexes; certain homosexual activity between male persons and cases involving relations with animals.

Section 322 - “Offences committed by a person in Authority against a child of or over the age of 16” (but under the age of 18) is particularly important as it defines the range of offences that are applicable in the age group that is often regarded as a grey area.

It must also be kept in mind that the two agencies have differing “standards of proof”. The Criminal Code operates such that circumstances need to have occurred “beyond reasonable doubt” whereas issues in the Children’s Court are similar to Civil Matters – where the standard of proof is on the “balance of probabilities”. Thus the “evidence” required by the agencies in their investigation of child abuse is different. The DCP has statutory power to protect children where there is evidence of significant harm or risk of harm – whereas the Police have a number of “elements” that need to be proved in a court of law for the charges to be accepted.

For example – a case where a young child makes a disclosure that an adult has done an act that would be categorised as sexual abuse. The Police may not be able to obtain all the elements of the offence to allow a charge to be procured. This does not mean that the adult is cleared of all wrongdoing or “innocent”. There may be sufficient evidence for DCP to

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

substantiate the allegation of abuse or to consider that the child (or other children) are at risk of abuse. Likewise in the situation where there was enough evidence to “charge” the adult with an offence, circumstances may mean that the charges are dropped – this may mean that the Police have information that affected the case’s ability to proceed to court – the individual charged may still be considered a risk to children. All of these factors need to be considered in circumstances where an investigation has occurred or an allegation of abuse has been reported or is known.

The DCP and Police work together in the investigation of child abuse – referred to as a “joint approach”. The collaboration and exchange of information and joint investigation of cases of a mutual interest by appropriately trained officers is a child focused technique that is in the best interests of the child. Of particular concern is the need to minimise the number of times that a child must retell their experiences to the police, DCP and medical practitioners. In addition to emotional distress, multiple interviewing may also affect a child’s ability to recount what has happened to them. This has implications for evidence in criminal and civil proceedings.

The “Criminal Law Amendment (Sexual Assault and other Matters) Bill 2004” was proclaimed in January 2005. The Bill amends the Evidence Act 1906 and facilitates the electronic recording of child interviews and allows for such recordings to be admitted in court proceedings. The Spirit of the legislation is to protect child victims from the court process and to obtain the best evidence. Children are interviewed by trained staff from Police and DCP to elicit as much information as possible in a way which is legally defensible.

Thus child victims of physical or sexual abuse, or children who have witnessed a physical or sexual assault of another child or adult can also have their evidence visually recorded.

8 Insurance

Risk Management Service of the South Pacific Division advise that where a person is a known sexual offender, they should not be appointed to a church office or provided with the opportunity to work with children.

If a local church elects to do otherwise, then they should be aware that the local church will be liable for both the legal costs and any awarded damages from the claim brought against the church from an incident arising out of the activities of a known sexual offender.

They also go on to state that insurance or the lack thereof should not be the sole reason for denying or barring a person from church attendance. Rather it is a matter of taking whatever steps a prudent person would take to minimize the possibility of a claim ever occurring.

There is no insurance company that will insure the Church against the risk of a known sex offender abusing an at risk person. The risk to the Church of potential liability is significant. As a result just one successful court case could have a devastating affect on the ability of the Church to continue its operations in Western Australia.

It is therefore prudent for the Church to take every reasonable step to avoid the potential liability of an insurance claim by limiting the access of persons who are the subject of abuse allegations and persons who have been convicted of an abuse offence to our churches, schools, camps and care facilities.

9 Policies

9.1 Safe Place Policy

At risk persons should be free to take part in all and any form of activity conducted, run or sponsored by the Western Australian Conference of the Seventh-day Adventist Church (“the Church”) and its Trustee Companies without exposure to the risk of abuse.

The Church accepts that protection of at risk persons is both a corporate and an individual responsibility. Every person who shares in the work of the Church, including staff, volunteers, contractors and supporters also share in the responsibility to take reasonable precautions to protect the at risk persons that we serve. The Church will demonstrate its concern for the protection of at risk persons by developing policies, practices and guidelines that increase awareness and provide a framework for accountability of the Church, each local church and individual church members.

The Church recognizes the importance of protecting at risk persons and in doing so it makes the following commitment to:

- Require all employees, volunteers, contractors, local church leaders and church members who have a duty of care of at risk persons, to report all alleged incidents of abuse of at risk persons to the Australian Union Conference (“AUC”) Safe Place Services and the Western Australian Conference Safe Place Committee.
- Develop, implement and review guidelines and practices that support the protection of at risk persons.
- Develop ongoing programs that educate and train staff, church members and other persons to understand and develop policies and procedures to protect at risk persons.
- Develop appropriate screening procedures for all staff, volunteers, contractors, interns and others as required for all the organisations within the Church.
- Advocate the protection of at risk persons from all forms of exploitation, especially sexual exploitation.
- Protect confidential information about at risk persons and their families.
- Demonstrate care and understanding for victims of abuse.
- Demonstrate responsibility to and respect for at risk persons and victims, by being sensitive in all our communications that involve them.
- Hold persons who are the subject of an abuse allegation and persons who have been convicted of an abuse offence accountable through church disciplinary procedures.
- Inform persons who are the subject of a sexual abuse allegation and persons who have been convicted of a sexual abuse offence that their attendance at a Seventh-day Adventist church is a privilege and not a right.
- Establish conditions under which persons who are the subject of a sexual abuse allegation or persons who have been convicted of a sexual abuse offence may attend a Seventh-day Adventist Church or Institution. Such conditions may include exclusion for a period of time or permanently.
- Develop policies and procedures that will assist local churches to:
 - Establish Limited Access Agreements with persons who are the subject of a sexual abuse allegation or persons convicted of a sexual abuse offence under terms and conditions detailed in subsequent sections of this policy.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

- Exclude persons the subject of a sexual abuse allegation or persons convicted of a sexual abuse offence under terms and conditions detailed in subsequent sections of this policy.
- Support the interaction between other organisations of the Seventh-day Adventist Church and with government/non-government organisations and domestic agencies for the purpose of increasing awareness and support for the protection of at risk persons.

9.2 Privacy Policy

Staff, Professional Assessors and Committee Members of the Western Australian Conference (The Conference) Safe Place Committee collect information about alleged and convicted sexual abuse offenders, informants and others. The Conference and the Safe Place Committee are committed to maintaining the privacy of individuals whose personal information is collected in accordance with the National Privacy Principles and the Privacy Act. The personal information collected either by, or on behalf of the Conference and the Safe Place Committee, will only be used for the purposes of evaluating the risk of an alleged or convicted sexual abuse offender attending a local church or church organisation. The Safe Place Committee will not use information collected for any other purpose, unless the individual gives his or her consent.

- 1 The information collected may include: name, address, date of birth, gender, contact telephone numbers and details of the alleged or convicted sexual offender or of the victim.
- 2 As per the Privacy Act 1988 and Amendments 2002, no personal information that is collected by the WA Conference Safe Place Committee will be disclosed except in accordance with the relevant legislation.
- 3 All interviewees will sign a consent form that gives their approval for information to be collected and outlines how they may access information.
- 4 Information will not be disclosed without prior consent of interviewees unless required by law, e.g. file subpoenaed to court.
- 5 Paper files and the taped record of interviews will be stored in a fireproof filing cabinet which has a combination lock known only to the Secretary of the WA Conference and the Chairman and Secretary of the WA Conference Safe Place Committee.
- 6 Information contained on computer will be stored in a password-protected manner.

9.3 Adult Sexual Abuse

Seventh-day Adventists affirm the dignity and worth of each human being and decry all forms of sexual abuse.

We recognize the global extent of this problem and the serious, long-term effects upon the lives of all involved. We believe that Christians must respond to abuse both within the Church and in the community. We believe that to remain indifferent and unresponsive is to condone, perpetuate, and potentially extend such behaviour.

We accept our responsibility to cooperate with other professional services, to listen and care for those suffering from abuse, to highlight the injustices, and to speak out in defense of the abused. We will help persons in need to identify and access the range of available professional services.

When changed attitudes and behavior open possibilities for forgiveness and new beginnings, we will provide a ministry of reconciliation. We will assist families in grief over relationships that cannot be restored. We will address the spiritual questions confronting abused persons, seeking to understand the origins of abuse and developing better ways of preventing the recurring cycle.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

Taken from a statement approved and voted by the General Conference of Seventh-day Adventists Administrative Committee (ADCOM) released by the Office of the President, at the General Conference session in Utrecht, The Netherlands, June 29-July 8, 1995.

DEFINITION AND DYNAMICS

Sexual assault of an adult is a crime. It occurs whenever there is sexual activity to which a person does not consent, whether that activity is coerced through violence or otherwise. It occurs for example when someone does not agree to penetration (to any extent) of the vagina or anus by a penis, or by another part of the body or an object.

Due to the power imbalance between minister, teacher, elder or any employee holding a responsible position within the Church and church members, the Church does not believe that a parishioner can give informed consent when deciding to have an illicit sexual relationship with a minister, teacher, elder or any employee holding a responsible position within the Church, even if the conduct complained of does not constitute a criminal offence.

Ministry, by its very nature has both a powerful spiritual and pastoral dimension. Sexual misconduct thus constitutes and compounds an abuse of power, as ministers and elders continuously interact with people seeking assistance on the most intimate of matters. The role of the minister or elder provides ready access to the deepest fears, hopes and pains of parishioners. This Church leader/parishioner relationship, by virtue of the role, readily results in an unequal balance of power and can leave the parishioner vulnerable. Parishioners have the right to expect that the ministers and elders will act in a way that is in their best interest and be safe from exploitation. The principle involved is that people in such a vulnerable situation have a diminished ability to refuse the advances of the more powerful ones.

In this policy, sexual relations between someone in a position of responsibility and someone for whom they are pastorally responsible is treated as sexual misconduct by the person in the position of responsibility if it falls short of criminal behavior.

In addressing this issue, the Church needs to be aware of the potential debilitating effect of pastoral and moral problems. Sexual misconduct undermines the moral authority of the Church and calls into question its pastoral and administrative practices.

At the local level, the Church may face a major crisis of confidence in its minister, teacher, elder or any employee holding a responsible position within the Church. Ministers and elders who act in a sexually inappropriate manner undermine their moral authority. The trust of the whole community is violated. Most significantly, the concept of the image of God is distorted for the violated individual, setting up barriers for their understanding of God's love and redemptive activity.

Administrators who fail to act with compassion and justice, exacerbate the pain of the abused. Their actions may also impact negatively on the rehabilitative process for the person who is subject of an abuse offence.

When adult sexual misconduct occurs between two Church members, Safe Place Services can provide the pastor with guidelines to assist him/her in dealing with the issue.

REPORTING INCIDENTS

1. If consent has not been given for the alleged sexual activity then the alleged abuse should be reported to the police.
2. If consent has not been given for the alleged sexual activity and the informant chooses not to report this to the police, contact may be made with Safe Place Services 1800 220 468.
3. If both parties consented to be involved in the alleged sexual activity and one of the parties is a minister, teacher, elder or any employee holding a responsible position within the Church, then the matter should be reported to Safe Place Services 1800 220 468.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

4. If both parties consented to be involved in the alleged sexual activity and neither of the parties is a minister, teacher, elder or an employee holding a responsible position within the Church, then the matter can be reported to Safe Place Services 1800 220 468, and they will assist the local church pastor and board in dealing with the matter.

9.4 Sexual Harassment Interim Policy

The Church is committed to ensuring that its working and worshipping environments are free from discrimination and harassment. Employees and members are to exemplify a Christ-like life and should avoid all appearance of wrong-doing. They should not participate in discriminatory or sexual behavior that is harmful to themselves and/or others. Sexual harassment will not be tolerated under any circumstances and is prohibited by law.

The Church aims to:

- 1 Create an environment for work and worship that is free from discrimination and harassment and where all members are treated with dignity, courtesy and respect;
- 2 Implement training and awareness-raising strategies to ensure that all employees and volunteers know their rights and responsibilities;
- 3 Provide an effective procedure for complaints based on the principles of natural justice;
- 4 Treat all complaints in a sensitive, fair, timely and confidential fashion;
- 5 Develop strategies to limit victimisation or reprisals
- 6 Encourage the reporting of behavior which breaches the discrimination and harassment policy;
- 7 Promote appropriate standards of conduct at all times.

DEFINITION

Sexual harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature in relation to the other person. For harassment to occur there does not have to be an intention to offend or harass.

Examples of behavior which might contravene the law are:

- 1 Unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature.
- 2 Unwelcome direct or indirect sex-oriented comments (kidding, teasing, jokes, innuendo, etc.).
- 3 Unnecessary touching of an individual (e.g.: patting, pinching, hugging, repeated brushing against another person's body)

REPORTING INCIDENTS

Incidents can be reported to:

- 1 The immediate department director or the designated officer of the organization if it is a work situation, or
- 2 Safe Place Services on 1800 220 468, if it is a work or Church related matter

DISCIPLINE

A violation of this policy may result in discipline, including dismissal from employment and/or Church censure.

9.5 Compulsory Reporting of Abuse

At present, in Western Australia, reporting of suspected abuse (including abuse of children) is not compulsory.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

However in accordance with the Safe Policy outlined above, the WA Conference requires that all employees, volunteers, contractors, local church leaders and church members who have a duty of care of at risk persons, report all alleged incidents of abuse of at risk persons immediately to the Australian Union Conference (“AUC”) Safe Place Services and the Western Australian Conference Safe Place Committee.

Investigation of alleged incidents is not the role of the WA Conference Safe Place Committee. However, this committee must be informed of the allegations to facilitate the process of consideration of a Limited Access Agreement for the person who is the subject of the abuse allegation.

The reports submitted to Safe Place Services and the WA Conference Safe Place Committee are in addition to any reports which may be submitted to the relevant government authorities.

9.5.1 Confidentiality and the Reporting of Abuse

Confidentiality should never be used as an excuse to not report abuse. Confidentiality is not about secrecy. It is an assurance that written and spoken information is protected from being shared with unauthorized persons, or for a purpose other than that for which it was collected. It is the handling of information with responsibility.

If a child discloses abuse or it is suspected that they have been abused, or if an adult says they have abused a child or children, the Church strongly recommends that this must be reported to the Police and/or the WA Department for Child Protection. In addition the allegation must be reported to Safe Place Services and the WA Conference Safe Place Committee in accordance with 9.1.

While clergy are not currently required by law to report cases of abuse, as Christians we can argue a moral and ethical obligation for everyone to report cases of abuse.

9.6 Record Keeping

There is a need to keep records i.e. all documents including but not limited to documents, records, tape recordings, videos and any other material, secure that detail, the processes, actions, agreements of the WA Conference, the Local Church or the Trustee Company Safe Place Committees. All records should be kept because:

- 1 There may be representations over the way that a matter has been assessed by the professional assessor, the advice or decisions of a Safe Place Committee or the details of a Limited Access Agreement.
- 2 There may be an appeal over the decision of a committee.
- 3 They may be subpoenaed by a Court of Law.

All records will be kept in accordance with the following principles:

- 1 Confidentiality – all information in a person’s file is confidential. Information can only be disclosed under court order.
- 2 Authenticity – all entries in a person’s file must be signed and dated.
- 3 Relevance – all records must be relevant to that individual.
- 4 Access – the record will be made available to the person to whom they relate, with supervision of the Chairman or Secretary of the WA Conference Safe Place Committee.
- 5 Durability – documents shall be maintained at the Western Australian Conference, as a permanent record.
- 6 Storage – files shall be stored in a locked, fireproof filing cabinet or a secure password protected electronic means. Where electronic means are used for storage the records

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

should be encrypted and stored on a secure file server. Back up copies of records must be stored either on tape or disc and must be stored in a locked fireproof filing cabinet.

Records will be kept for ninety-nine years.

9.7 Supporting Alleged and Convicted Offenders Safely

Seventh-day Adventists strive to be an inclusive community. However, concern for the safety and well-being of at our risk persons and our congregations as a whole, must be given priority over the privileges and inclusion of a person who is the subject of a sexual abuse allegation or a person who has been convicted of a sexual abuse offence.

Therefore the Western Australian Conference of the Seventh-day Adventist Church:

- Cannot provide access for a person who is the subject of a sexual abuse allegation or a person convicted of a sexual abuse offence to the schools, camps or care facilities operated by our trustee companies. However, under special circumstances, approval may be granted for a one off attendance of this person at a specific event where appropriate controls are instituted and under conditions detailed below.
- Can accept a person who is the subject of a sexual abuse allegation or a person who has been convicted of a sexual abuse offence into our congregations where it is evident that such inclusion is at minimal risk to our at risk persons and the overall health of the congregation.

The Church believes that a person with a commitment to avoiding future abuses will welcome the opportunity for controls on their behavior. Stop It Now! writes:

“You can show your support of the abuser’s willingness to live a different life that keeps children safe. Your support and watchfulness can help in his or her recovery. It is also a chance to let the abuser know that you are aware of the past and are watching his or her actions today.” Stop it Now!, Child Sexual Abuse: Facts 10.

In order to facilitate the management of the relationship of a persons who are the subject of a sexual abuse allegation or persons convicted of a sexual abuse offence to the local church or the Church’s trustee companies, the Church requires the following three tiered approach:

- Safe Place Services will receive all allegations of sexual abuse on the Hotline number 1800 220 468 and will arrange for an independent investigation and then assessment by the Committee for Sexual Ethics.
- The WA Conference Safe Place Committee will manage all matters relating to Safe Place issues in the WA Conference. This will include engaging a professional to assess the likelihood of a person who has been convicted of a sexual abuse offence of re-offending.
- A Safe Place Committee will be established by each local church to manage their Safe Place Policy and manage Limited Access Agreements. In addition a Safe Place Committee will be established by each Trustee Company to manage the Safe Place Policy specific to their organisation.

In requiring this approach the Church recognises that the local church or trustee companies do not have the resources to determine the likelihood of a person who is the subject of a sexual abuse allegation or the person convicted of a sexual abuse offence re-offending.

In addition the Conference Safe Place Committee will:

- Provide impartiality and consistency in dealing with matters concerning a person who is the subject of a sexual abuse allegation and a person who has been convicted of a sexual abuse offence.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

- Ensure that a uniform approach is taken to the treatment of persons who are the subject of a sexual abuse allegation and persons who have been convicted of a sexual abuse offence across all local churches and trustee companies of the Church.

However, there are no guarantees that the person the subject of a sexual abuse allegation or the person convicted of a sexual abuse offence will not re-offend. The best that the Church can do is take whatever steps a prudent person would take to protect at risk persons. As such, the question that needs to be answered is “given what professionals have advised, will this person sign and obey a Limited Access Agreement that they can maintain with the local church in order to assure the safety of our at risk persons?” If the answer is clearly yes, given the professional assessment and the representations of the local church, and the assessed risk of re-offending is low to medium, then it may be possible for a Limited Access Agreement to be offered to the person who is the subject of a sexual abuse allegation or the person who has been convicted of a sexual abuse offence.

9.8 Committee Terms of Reference

The terms of reference of each committee are as follows:

9.8.1 Western Australian Conference Safe Place Committee

The WA Conference Safe Place Committee is responsible to the Executive Committee of the Church for:

- i. Safe Place Policies of each Trustee Company and all local churches.
- ii. Reporting of incidents of abuse to Safe Place Services and the relevant government authorities where those incidents have not already been reported to those organisations.
- iii. Receiving of requests from local churches for the assessment of a person convicted of a sexual abuse offence who wishes to attend a local church and with whom the local church wishes to establish a Limited Access Agreement.
- iv. Receiving of requests from local churches for advice on establishing a Limited Access Agreement with a person who is the subject of a sexual abuse allegation.
- v. Providing an assessment to the local church of the likelihood of the person in iii. re-offending, The committee will determine, based on a professional assessment, if, on the balance of probabilities, the likelihood of re-offending is low, medium or high. In arriving at this decision the committee may determine if it is appropriate for them to use existing prison or psychologist’s assessments of the convicted sexual offender. In addition where the committee determines that it is not appropriate to use such records a new professional assessment must be obtained by the committee. The committee’s determination on the use of psychological assessments will be final and in the interests of privacy of the convicted sexual offender the reasons for such determinations will not be divulged to the local church Safe Place Committee.
- vi. Where the risk of re-offending determined in v. is low or medium, the committee shall advise the local church on appropriate conditions for the Limited Access Agreement.
- vii. The facilitation of training services to the local church in the monitoring of persons who are the subject of a sexual abuse allegation or persons who have been convicted of a sexual abuse offence.
- viii. Receiving Limited Access Agreement Compliance Reports from each local church Safe Place Committee following their periodic interviews with the holders of Limited Access Agreements.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

- ix. Confidentiality of all information provided to the committee.
- x. Referral of appeals from local churches concerning the decisions of the WA Conference Safe Place Committee to the Executive Committee.
- xi. Advising the trustee companies of the Church regarding the risk of providing access to a school or care facility of a person who is the subject of a sexual abuse allegation or person convicted of a sexual abuse offence for one off, specific event. If the advice is that access should be granted, then the committee shall also advise the trustee company of the appropriate conditions for providing such access.
- xii. Advising the local church regarding the risk of allowing attendance of persons who are the subject of a sexual abuse allegation or of persons convicted of a sexual abuse offence for a one off, specific event. E.g. a wedding, baptism or funeral. If the advice is that access be granted then the WA Conference Safe Place Committee shall also advise conditions that will allow for provision of the access.
- xiii. Providing training and resources to members of the local church Safe Place Committees.
- xiv. Providing training and resources to the local church for the training of those in positions of authority and parents and carers of at risk persons in procedures for keeping the local church a Safe Place.
- xv. Provide training and resources to the local church to assist them in caring for survivors of abuse (as outlined in Section 5 – Help and Healing for Survivors of Abuse).
- xvi. Provide advice and assistance to the WA Conference Employee and Volunteer Evaluation Committee as requested.
- xvii. Any other matters referred by the WA Conference Executive Committee.

9.8.2 Local Church Safe Place Committee

The local church Safe Place Committee is responsible to the local church Board for:

- i. Developing and implementing the local Safe Place Policy document.
- ii. Submitting the local Safe Place Policy document to the WA Conference Safe Place Committee for review.
- iii. Reporting all matters of alleged sexual abuse to Safe Place Services for investigation/risk assessment. In addition the report shall also be forwarded to the WA Conference Safe Place Committee for advice on the implementation of a Limited Access Agreement with the person who is the subject of the abuse allegation.
- iv. In consultation with the victim and their family, reporting the alleged incidents of sexual abuse to the Police or the Department for Child Protection of the Western Australian Government if the allegation has not already been reported to these organisations by the claimant.
- v. Referring a request to attend the local church by a person who is the subject of a sexual abuse allegation or by a person who has been convicted of a sexual abuse offence to the WA Conference Safe Place Committee for assessment.
- vi. Receiving advice from the WA Conference Safe Place Committee as to the risk of allowing attendance of a person who is the subject of a sexual abuse allegation or a person who has been convicted of a sexual abuse offence at the local church.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

- vii. Deciding if the person who is the subject of a sexual abuse allegation or the person who has been convicted of a sexual abuse offence will be offered or declined a Limited Access Agreement. If the assessment of the WA Conference Safe Place Committee is that the person is at high risk of re-offending then the committee must decline the request of the person to attend the local church as this will impose an unacceptable level of risk to the at risk persons. If the risk is assessed as medium or low then the local church Safe Place Committee may or may not decide to enter into a Limited Access Agreement with the person.
- viii. Developing the Limited Access Agreement with the person who is the subject of a sexual abuse allegation or with a person who has been convicted of a sexual abuse offence and who has been approved to enter into a Limited Access Agreement under vii). The committee should include the terms and conditions advised by the WA Conference Safe Place Committee.
- ix. Monitoring the compliance of the person who is party to a Limited Access Agreement with the conditions of the Agreement.
- x. Interviewing the party to a Limited Access Agreement initially every three months to ensure compliance with the conditions of the Limited Access Agreement. With advice of the WA Conference Safe Place Committee the interview periods may be increased to six months if the party to the Limited Access Agreement has demonstrated compliance with the Limited Access Agreement conditions over a minimum period of two years.
- xi. Seeking advice from the WA Conference Safe Place Committee on suggested modifications of the Limited Access Agreement.
- xii. Reporting to the WA Conference Safe Place Committee following the completion of the interviews with each party to a Limited Access Agreement.
- xiii. Seeking advice from the WA Conference Safe Place Committee as to the risk of allowing attendance of persons who are the subject of a sexual abuse allegation or of persons convicted of a sexual abuse offence for a one off, specific events at the local church. E.g. a wedding, baptism or funeral.
- xiv. Request assistance from the WA Conference Safe Place Committee in the training of members of the local church Safe Place Committee.
- xv. Request assistance from the WA Conference Safe Place Committee to train monitors in the procedures for monitoring those persons who have entered into Limited Access Agreements with the local church.
- xvi. Request assistance from the WA Safe Place Committee to provide training in keeping the church a safe place to those in positions of authority and parents/carers of at risk persons.
- xvii. Forward copies of all records to the WA Conference Safe Place Committee for safe keeping in accordance with the Record Keeping Policy in section 9.6.
- xviii. Acknowledge that where a local church within the Western Australia Conference is determining the matter of Church discipline in the context of sexual misconduct, the local church board and business meeting may rely on the report of an official Church tribunal, that is the Committee for Sexual Ethics, as prima facie evidence of the facts.

9.8.3 Trustee Company Safe Place Committee

The Trustee Company Safe Place Committee is responsible to the Trustee Company board of directors for:

- i. Developing and implementing the local Safe Place Policy document.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

- ii. Referring all matters of alleged abuse to Safe Place Services for investigation and report the alleged abuse to the WA Conference Safe Place Committee.
- iii. Requesting and receiving advice from the WA Conference Safe Place Committee as to the risk of allowing attendance of a person who is subject of a sexual abuse allegation or a person who has been convicted of a sexual abuse offence to attend a one off specific event of the trust company. E.g. School Concert.
- iv. Ensure the safe storage of records in accordance with the Record Keeping Policy in section 9.6

10 Making the Conference a Safe Place

The objective of a Safe Place Policy is to outline the policies and procedures to make the organisation a safe place. It is necessary in a church organisation with its multiple levels of organisational hierarchy to ensure that there is a consistency of application of the policies and procedures across all levels of the organisation. It is therefore imperative that all levels of the church from the Trustee Companies to the local churches cooperate to implement the procedures outlined below.

10.1 Undertakings of the Church

The Church agrees to:

1. Provide the services of the WA Conference Safe Place Committee at no cost to the Trustee Company or the local church.
2. Provide training to the local church in procedures for the monitoring of persons who are the subject of an abuse allegation or persons who have been convicted of an abuse offence.
3. Provide the services of the Executive Committee as the arbiter in any dispute between the WA Conference Safe Place Committee and the Local Church Safe Place Committee.
4. Provide the services of a Professional Assessor where required at no cost to the local church.

10.2 Undertakings of the Local Church

The local church at a duly constituted business meeting, chaired by the Conference President or his appointee, shall agree:

1. To abide by the WA Conference Safe Place Policy and Guidelines as amended from time to time.
2. To appoint a Safe Place Committee whose terms of reference shall include those detailed in 9.8.2.above.
3. That as a church their first concern will be for the victims of abuse. Accordingly where the person convicted of an abuse offence wishes to attend the same church as the victim, the WA Conference Safe Place Committee will negotiate with the victim to achieve the best outcome for the victim.
4. That persons who are the subject of a sexual abuse allegation or persons who have been convicted of a sexual abuse offence will only be allowed to attend the church subject to the conditions detailed in this policy.
5. That persons who have been convicted of a sexual abuse offence will be dealt with appropriately through church disciplinary procedures in accordance with the procedures detailed in the Church Manual, SPD, AUC Policy and WA Conference Policy.
6. That persons who have been convicted of a sexual abuse offence will not be allowed to hold any office or position in the local church without the approval of the WA Conference Safe Place Committee
7. That persons who are the subject of a sexual abuse allegation will not be allowed to hold any office or position in the local church until investigations by government authorities and/or Safe Place Services have been completed and their name cleared.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

8. That the names of the persons who are holders of a Limited Access Agreement will be advised to the following people or groups within the church. Such advice is on the basis that they “need to know” to ensure adequate protection of at risk persons:
 - a. Persons in Authority such as the Church Board or leaders of the Sabbath School divisions and/or Pathfinders/Adventurers.
 - b. Parents or carers of at risk persons.
 - c. Approved persons who are appointed to monitor the holders of Limited Access Agreements.
9. That at each church service or meeting organised by the local church and at which person/s who hold a Limited Access Agreement with the local church are attending, provide at least one trained observer to monitor the movements of EACH holder of a Limited Access Agreement who is in attendance.
10. That they will Report to the WA Conference Safe Place Committee any known persons who are the subject of a sexual abuse allegation or known persons who have been convicted of a sexual abuse offence who attends their church with whom they do not have a Limited Access Agreement.
11. That where a local church within the Western Australia Conference is determining the matter of Church discipline in the context of sexual misconduct, the local church board and business meeting may rely on the report of an official Church tribunal, that is the Committee for Sexual Ethics, as prima facie evidence of the facts.

10.3 Undertakings of a Person who has been Convicted of a Sexual Abuse Offence

The person who has been convicted of a sexual abuse offence may not attend a local church until they have been offered and signed a Limited Access Agreement.

The person who has been convicted of a sexual abuse offence may not attend a WA Conference Institution or function until they have the specific approval from the WA Conference. Such approval may also contain conditions and restrictions.

The person who has been convicted of a sexual abuse offence will be allowed limited access to the local church with which they have a signed Limited Access Agreement if they agree to the following conditions:

1. Avoid any contact with children or incapable persons while attending any meeting or function on the premises of or organised by the Seventh-day Adventist Church with which they hold a Limited Access Agreement.
2. Not accept or hold any position in the local church.
3. Sign a release form to enable the WA Conference Safe Place Committee to
 - a. Contact the person’s treatment provider and/or current therapist to view and/or copy as appropriate the person’s files and where deemed appropriate make those files available to a Professional Assessor for assessment.
 - b. If deemed appropriate, arrange for the professional assessor to:
 - i. interview the person with the objective of determining if the offender is on the balance of probabilities likely to re-offend.
 - ii. Make a recommendation to the WA Conference Safe Place Committee concerning the likelihood of the person re-offending.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

4. If the person refuses permission to make their files available to the WA Conference Safe Place Committee or to undertake an assessment with a nominated professional then the WA Conference Safe Place Committee will advise the local church Safe Place Committee that they must decline to offer a Limited Access Agreement to the person as this will impose an unacceptable level of risk to the local church.
5. Enter into and continue a treatment program if required by the Professional Assessor.
6. Sign a Limited Access Agreement with the local church, if approval is granted by the local church Safe Place Committee.
7. Only attend the local church with which the Limited Access Agreement has been signed.
8. Accept that if they do attend a Seventh-day Adventist Church in the WA Conference with whom they do not have a Limited Access Agreement then they will be asked to leave as they are breaching their existing Limited Access Agreement. If they refuse to leave then the police will be called. In addition the breach of the agreement will be reported to the WA Conference Safe Place Committee.
9. Their name being forwarded to church pastors, senior elders of local churches, and other persons in the WA Conference on a need to know basis, advising that they are a holder of a Limited Access Agreement. The circulation of such names will be determined by the Conference Safe Place Committee having regard to the level of risk of the person convicted of a sexual offence re-offending.
10. Submit to three monthly reviews of the Limited Access Agreement by the local church Safe Place Committee and that they understand that the results of the review will be forwarded to the WA Conference Safe Place Committee. Where compliance with a Limited Access Agreement has been clearly demonstrated over at least a two year period the interview period may be increased to six months with the approval of the Conference Safe Place Committee.
11. Not attend the local church with which the Limited Access Agreement has been signed if for any reason the Limited Access Agreement is terminated.

10.4 Undertakings of the Person who is the subject of a Sexual Abuse Allegation.

The person who is the subject of a sexual abuse allegation may not attend a local church until they have been offered and signed a Limited Access Agreement.

The person who is the subject of a sexual abuse allegation may not attend a WA Conference Institution or function until they have the specific approval from the WA Conference. Such approval may also contain conditions and restrictions.

The person who is the subject of a sexual abuse allegation will be allowed Limited Access to the local church at which they are regularly attending if they agree to the following conditions:

1. To step aside from church office until the allegations have been dealt with by either the AUC Committee for Sexual Ethics and/or the appropriate government authority.
2. To have the allegations investigated by Safe Place Services.
3. To avoid any contact with children or incapable persons while attending any meeting or function on the premises of or organized by the local church.
4. To sign a Limited Access Agreement with the local church if approval is granted by the local church Safe Place Policy Committee.
5. To only attend the local church with which the Limited Access Agreement has been signed.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

6. To submit to regular reviews of compliance with terms and conditions of the Limited Access Agreement by the local church Safe Place Committee and that the results of the review will be forwarded to the WA Conference Safe Place Committee.
7. To agree that if they do attend a local church where they do not have a Limited Access Agreement then they will be asked to leave as they are breaching their existing Limited Access Agreement. If they refuse to leave then the police will be called. In addition the breach of the agreement will be reported to the WA Conference Safe Place Committee.
8. To not attend the local church with which the Limited Access Agreement has been signed if for any reason the Limited Access Agreement is terminated.

If the person who is the subject of the sexual abuse allegation refuses to cooperate with the investigation of the allegations by the Safe Place Services Investigation Coordinator then the local church must decline to offer a Limited Access Agreement to the person.

If on the balance of probability the allegation is not proven then the local church Safe Place Committee may modify or cancel the Limited Access Agreement.

10.5 Undertakings of the Person Convicted of a Sexual Abuse Offence (Attending 5 Years +)

If the person who has been convicted of a sexual abuse offence has been attending the local church for 5 years or more prior to the date of implementation of this policy, without re-offending and without a Limited Access Agreement with that local church, then the person will be allowed limited access the local church after the following conditions have been met:

The person shall agree to:

1. Not hold any position within the church.
2. Avoid any contact with children and incapable persons while attending any meeting or function on the premises of or organized by the local church.
3. Sign a release form to enable the WA Conference Safe Place Committee to
 - a. Contact the person's treatment provider and/or current therapist to view and/or copy as appropriate the person's files and where deemed appropriate make those files available to a Professional Assessor for assessment.
 - b. If deemed appropriate, arrange for the professional assessor to:
 - i. interview the person with the objective of determining if the offender is on the balance of probabilities likely to re-offend.
 - ii. Make a recommendation to the WA Conference Safe Place Committee concerning the likelihood of the person re-offending.
4. If the person refuses permission to make their files available to the WA Conference Safe Place Committee or to undertake an assessment with a nominated professional then the WA Conference Safe Place Committee will advise the local church Safe Place Committee that they must decline to offer a Limited Access Agreement to the person as this will impose an unacceptable level of risk to the local church.
5. Sign a Limited Access Agreement with the local church, if approval is granted by the local church Safe Place Committee.
6. Only attend the local church with which a Limited Access Agreement has been signed.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

7. Submit to six monthly reviews of the Limited Access Agreement by the local church Safe Place Committee and agree that the results of the review will be forwarded to the WA Conference Safe Place Committee.
8. Not attend the local church with which the Limited Access Agreement has been signed if for any reason the Limited Access Agreement is terminated by the local church Safe Place Committee.

10.6 Termination of a Limited Access Agreement

A Limited Access Agreement may be terminated with the person who is the subject of a sexual abuse allegation or the person who is convicted of a sexual abuse offence by the local church Safe Place Committee under the following circumstances:

1. Refusal of the person to allow the WA Conference Safe Place Committee to contact the person's treatment provider and/or parole officer for the purpose of reassessment.
2. Refusal of the person to go for a new risk assessment if required by the WA Conference Safe Place Committee.
3. Report by a Professional Assessor that the person is at a high risk of re-offending.
4. Refusal of the person to sign a new or revised Limited Access Agreement.
5. Refusal of person to comply with the requirements of the Limited Access Agreement.
6. An allegation that the person has re-offended.
7. An unsatisfactory report from the interviews with the local church Safe Place Committee.
8. Attending a local church within the WA Conference with which they do not have a Limited Access Agreement.
9. A breach of a term or condition of the Limited Access Agreement.

If the Limited Access Agreement is terminated then the person will not be allowed to attend any local church in the Western Australian Conference of the Seventh-day Adventist Church.

10.7 Screening Measures of the WA Conference of the Seventh-day Adventist Church

The Church and its Trustee Companies shall implement a series of screening measures to ensure that current and future staff, volunteers and contractors appointed to positions where they are:

- 1) A person working with children, incapable persons, or seniors or
- 2) A person in authority working with children, incapable persons, or seniors or
- 3) A person working in a financial or administration role.

are of sound character. This screening process is a recurrent requirement for current and future employees and volunteers.

To ensure that employees, volunteers and contractors are adequately informed of this requirement a statement to this effect will be included in all press advertisements for future positions. Alternatively, the candidate must be clearly advised that they will be required to undergo a screening process that will include a National Police Clearance or Working with Children Check.

This process will be standardised and for the Church, Trustee Companies and local churches and will include assessment of current and future staff based on the following processes –

- Investigation

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

- Evaluation, and
- Adjudication

10.7.1 Screening of Volunteers, Employees and Contractors

Screening measures will include the following:

1. **National Police Clearance or a Working with Children Check for staff and volunteers conducted before new staff and volunteers are appointed and then at 3 year intervals.**

If the individual is required to provide a National Police or Working with Children Check as a pre-condition of employment then that person will bear the cost. If the individual is required to provide a Volunteer National Police or Working with Children Check as a pre-condition of employment as a volunteer then the cost will be borne by the employing organisation.

2. **National Police Clearance or Working with Children Check for existing staff and volunteers as soon as possible and then at 3 year intervals.**

The cost of all National Police Clearance and Working with Children Checks that are required as a condition of continuing interaction with the Church will be borne by the employing organisation.

3. **Signing of an appropriate confidential Statutory Declaration.**

The Statutory Declaration will also be used in situations where the National Police Clearance or Working with Children Check is not considered suitable or possible. This Statutory Declaration shall not be used as a regular means of checking the suitability of employees or volunteers for any extended period of time. For instance, if a person was required to fill out and sign a Statutory Declaration because they were a one-off visitor to a Vacation Bible School then that Statutory Declaration is only valid for that one event.

4. **The right of the Conference to refuse to accept a National Police Clearance or Working with Children Check for staff or volunteers presented to the Conference by any individual.**

A refusal to accept a National Police Clearance or Working with Children Check for staff or volunteers presented to the Conference by any individual means that the person involved must complete a new National Police Clearance or new Working with Children Check.

5. **The right of the Conference to ask for International Police Clearance from the appropriate country or countries for staff and volunteers who have spent considerable time working or living overseas.**

Note:

- State police do not conduct international checks.
- International checks are subject to the legislation of the country where the person was a resident.
- Any applicant from overseas should contact the relevant overseas police force to obtain a criminal or police records check.
- Some countries will not release information regarding an individual for personal or third party purposes.
- Where police records checks cannot be made, referee checks must be conducted with a number of individuals who personally knew the individual while they were residing in the other country.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

- The credentials of a person acting as a referee must be verified and can include previous employers, government officials, and family members.
- Overseas applicants should not commence employment until this process is satisfactorily completed.

6. **New National Police Clearance or Working with Children Check for employees or volunteers who are transferring to a new position which requires a check**

Before they are transferred or redeployed they must be advised that such a check is necessary.

7. **Screening measures conducted by the Church do not apply for any persons who wish to use the check for employment outside of the Church in Western Australia**

As such these screening measures cannot be used by any person to claim that they already are an “approved person” or to circumvent any screening process used in another state or by any other church or organization.

10.7.2 Assessment of Employees, Staff or Contractors

In the event that the National Police Clearance, Working with Children Check or completed statutory declaration show a disclosable court outcome and/or pending matter or allegation, or an adverse finding by the AUC Committee for Sexual Ethics or a similar institution, or a self-declaration is given which may prohibit a person from associating with, seeking employment with, or remaining in employment with the Church; the Church, a Trust Company, or a local church, will need to make an assessment of the suitability of the individual.

1. The process for determining the individual's suitability should ensure that:
 - the individual is provided with an opportunity to respond to the result of their National Police check, Working with Children Check or disclosure in their Statutory Declaration.
 - an assessment of suitability is made in accordance with the written assessment criteria for the role.
 - a recommendation is provided to the appropriate Church committee for a decision.
 - any decision made for or against a person is able to be justified.
 - the completed investigation, evaluation, and adjudication stages, and any written reasons for that decision, are stored in a secure location and only state whether the police records check was satisfactory or unsatisfactory and give the recommendation
 - An appeal be allowed at all stages of the process,
 - Written notification be given to the applicant, staff member or volunteer,
2. It is essential that procedural fairness and natural justice be shown to all parties concerned. However, it is also paramount in a case of alleged child abuse that the person abused is protected and treated sensitively and is not required to face the alleged perpetrator.
3. Assessment Stages for checking the suitability of employees, persons in authority, volunteers, and persons in financial or administrative roles within the Conference are shown below and will be carried out by suitable Conference personnel and/or committees,
 - a) Investigation,
 - b) Evaluation,
 - c) Adjudication.

10.7.3 Investigation

The Employee & Volunteer Investigation Committee is appointed by the Church Executive Committee. The Chairperson of the committee shall be appointed by the Church Executive Committee. The Committee's terms of reference are:

- a) Interview an individual who has a disclosable conviction or is the subject of an allegation about their behavior.
- b) Facilitate the collection of information that will enable the process of evaluation and adjudication to be carried out.
- c) Collect all the available material and/or information and make it available to the Evaluation Committee.
- d) Not be a participant in the process of evaluation or adjudication.
- e) Not make any form of recommendation to the evaluation team.
- f) Assist in the process of a review if the person under investigation requests a review.
- g) The chairperson may delegate the duties of the Chairperson to another committee member temporarily if unable to attend a meeting.

10.7.4 Evaluation

The Employee & Volunteer Evaluation Committee is appointed by the Church Executive Committee. Its members will include

- WA Conference President
- WA School System Superintendent of Schools,
- WA Aged Care System CEO.

and other members as appointed by the Conference Executive Committee. The chairman of the committee shall be the WA Conference President or his nominee. The Committee may request advice and assistance from the WA Conference Safe Place Committee.

Its terms of reference are:

- a) Analyse and evaluate the information provided from the Employee and Volunteer Investigation Committee
- b) Accept or reject the information. If the material is rejected it is to be referred back to the Employee and Volunteer Investigation Committee with a request to provide additional information. This may require the hiring of professional investigative help.
- c) Interview the individual if it is deemed necessary OR it has been requested by the individual under investigation.
- d) Make a recommendation to the Employee & Volunteer Adjudication Committee regarding the role that the individual will have within the Church, its trust companies or the local church. This recommendation may include acceptance or rejection of the individuals application to be a volunteer or an employee, or it may impose restrictions on the individuals role if such restrictions can be imposed with minimal risk to our at risk persons.
- e) Forward the information and recommendations to the Employee & Volunteer Adjudication Committee for adjudication with the individual.

Western Australian Conference of the Seventh-day Adventist Church – Safe Place Policy

- f) Not be a participant in the process of investigation.
- g) Assist in the process of a review if the person under investigation requests a review.

10.7.5 Adjudication

The Employee & Volunteer Adjudication Committee will be appointed by the Church Executive Committee and will be made up of all members of the Church Administration Committee and any other members appointed by the Church Executive Committee. The Chairperson of the committee will be the Chairperson of the Church Administrative Committee or his nominee.

The terms of reference are:

- Evaluate the information that has been provided intact from the evaluation committee and which will enable the process of adjudication to be carried out.
- Accept or reject the material provided intact from the evaluation committee. If the material is rejected it shall not be destroyed and it will be sent back to the evaluation committee with a request to provide additional material. This may require the hiring of professional help or assistance of the WA Conference Safe Place Committee.
- Make a decision regarding the role that the individual will have within the Conference and whether that role is free of restrictions, restricted in some way, or the person is rejected.
- Not be a participant in the process of investigation.
- Assist in the process of a review if the person under investigation requests a review.

10.7.6 Rejection of an Applicant

An applicant for employment as a volunteer or employee with the Church should not be automatically excluded from a job or placement on the basis of having a police record or adverse finding or self declaration. It may be lawful to discriminate against a person on the grounds of a National Police Clearance or Working with Children Check that shows a criminal conviction or an adverse finding from the CSE or other organisation, or a self declaration BUT it may not be necessary or wise.

Reasons for rejection of an applicant may include:

- Refusal by the applicant to undertake a National Police check or a Working with Children check or to sign a statutory declaration.
- Refusal of the applicant to explain the circumstances surrounding a disclosure of a conviction.
- An admission by the applicant that they have a conviction for any form of abuse crime against a child, incapable person, senior or adult.
- An assessment by the appropriate Church committees that the risk to children, incapable persons, or seniors is high if the applicant is allowed employment or allowed to act as a volunteer for the Church, its Trust Companies or the local church.
- A statement by the applicant that they no longer wish to continue the process.
- Acts of violence by the applicant.

- Allegations that the applicant has abused a child, incapable person, or senior.
- A National Police check or Working with Children check shows that the applicant has a serious criminal conviction.

10.7.7 Guidelines for Reviewing Criminal History or Adverse Finding or Adverse Self Declaration Information

An applicants history or self declaration that shows criminal offences or adverse findings (the offences), should not necessarily preclude employment, and committees and employers are encouraged to consider the history within the overall assessment of an employee's or volunteer's good character and reputation, as well as the following factors;

- The nature of the offence/s.
- An extended criminal history or accumulation of individual minor offences.
- Any mitigating or extenuating circumstances which might be revealed in relation to the offence[s] committed which may or may not be favourable to the applicant. In particular it may be necessary to consider the background of the individual. E.g. the family, social, ethnic, or economic background.
- The length of time since the offence took place. Is there evidence of a continuing problem.
- Whether the offence was committed as a juvenile or an adult. i.e. Assess what level of maturity influenced judgment at the time.
- The general character displayed since the offence was committed. e.g.. Steady employment record and favourable reports by past employers.
- The relevance of the type of crime to the nature of work if seeking employment or voluntary work in a sensitive work area.
- The applicant's attitude to the process of National Police checks or Working with Children Checks.
- The applicant's attitude to their personal problem.
- Any demonstrated need to protect at risk persons no matter what the circumstances or persons involved.
- If charges were laid what was the result of those charges?