

06.01

Policy on Prevention of Risk of Harm from a Person of Concern

Theological foundation

While the church, empowered by the Holy Spirit, embodies the grace and love of Christ in word and deed, sin also finds its destructive and abusive expression among us in word and deed. Harm (including abuse) leads to suffering. Our society has become increasingly aware of trauma and the deep and lasting wounds caused by harm.

The gospel message of God's mercy and divine forgiveness does not obviate the devastating effect sin has on entire communities, particularly on individuals who experience harm.

The risk and fear of harm intensifies when a person of concern returns to, or arrives in, a community.

On such occasions, the church is highly conscious that it has a responsibility to protect children and other vulnerable persons from the risk of harm during their participation in worship or other church-related activities. In Christ, we see God's heart of compassion as he reaches out to meet the needs of the vulnerable. As the body of Christ in the world, the church is called to undertake this same journey of love and compassion. Such faithfulness may come at a price – this is the way of the cross.

Purpose

The purpose of this policy is to provide for the safety and wellbeing of all who come under the care of the church or engage with the church when it is establishing ways to meet the spiritual and pastoral needs of persons of concern.

Relevant to

The policy and related procedures apply to:

- all ministries and activities of the church
- all pastors, employees, volunteers, members and visitors.

Objectives

The objectives of this policy are to:

- safeguard the care and wellbeing of children and other vulnerable people when pastoral care and services are offered to persons of concern
- implement a rigorous process, including a risk assessment and management plan, which reduces the risk of children and other vulnerable people being at risk of harm from a person of concern
- prioritise the wellbeing of people affected by the actions of a person of concern where these people and the person of concern are part of the same church community
- provide pastoral care and support to people who are affected by the actions of persons of concern
- provide the church community with confidence in the process and its outcomes
- comply with all relevant legislative requirements.

Policy statement

The church is committed to the safety and wellbeing of all who come under its care, especially children and vulnerable people. To meet this commitment, the church recognises that its ministry to persons of concern must be provided on the basis of careful, sensitive and rigorous assessments and agreed plans that minimise the risk of harm to people in or who engage with the church community, especially children and the vulnerable.

Definitions

Harm

A reference to 'harm' should be taken to mean physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional abuse or neglect.

Emotional (psychological) harm, harassment or abuse

This means negative and unwanted behaviour towards a person (or group of people) which offends, humiliates, intimidates or undermines the person. Psychological harassment or abuse is often repeated or part of a pattern of behaviour, which alone may be relatively minor but cumulatively can become a serious form of violence that can have serious psychological effects on a person. Behaviour that is a once-off occurrence is considered to be abuse if it is sufficiently serious.

Sexual harm, harassment or abuse

This is where a person uses power or authority over a child or vulnerable adult to involve them in sexual activity. This sexual activity might be in person or online. Physical force is sometimes involved. Manipulation, grooming, bribes and threats are more common. The sexual activity might include fondling of the genitals, masturbation, oral sex, vaginal or anal penetration, or exposing the child (or vulnerable adult) to pornography. A significant proportion of instances of sexual harm, harassment and abuse are committed by other children. An offending child may not be older but will have greater power than the target child.

Sexual harm, harassment or abuse includes where a person:

- makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person (the person harassed) or
- engages in other unwelcome conduct of a sexual nature in relation to the person harassed

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

When someone makes an unwanted sexual advance, an unwanted request for sexual favours, or engages in other unwanted sexual conduct towards another person (the person being harassed), it is considered sexual harm, harassment or abuse. This includes situations where a reasonable person, taking into account all the circumstances, would have anticipated the possibility that the person being harassed would be offended, humiliated, or intimidated.

'Conduct of a sexual nature' includes making a statement of a sexual nature to a person or in the presence of a person, whether the statement is made orally or in writing.

Physical harm or abuse

This means any incident where a person is threatened or physically attacked by direct or indirect application of force that creates a risk to health, safety and wellbeing, whether intentional or unintentional, including:

- striking, scratching, biting, spitting or any other type of direct physical contact
- throwing objects at or towards a person
- attacking a person with or without any type of weapon
- pushing, shoving, tripping or grabbing a person.

Spiritual harm or abuse

This means when a person with spiritual authority uses that authority to coerce, control or exploit another person causing spiritual wounds. Such wounding or scarring affects a person's relationship with God, and they may develop a distorted image of God and themselves.

For the purpose of this policy, the term 'person of concern' refers to each of the following persons:

- has pleaded guilty to, been convicted of, admitted to or is currently charged with a criminal offence related to sexual harassment or abuse (including grooming), physical abuse or stalking
- has received an adverse risk assessment from the church or another organisation relating to sexual harm, harassment or abuse (including grooming), physical harm or abuse, emotional (psychological) harm, harassment or abuse, or spiritual harm or abuse
- is the subject of an allegation of sexual harm, harassment or abuse (including grooming), physical harm or abuse, emotional (psychological) harassment or abuse, or spiritual abuse that is still under investigation
- is receiving, or has received, treatment for disordered and harmful behaviour
- has received a negative result in relation to a working with children type check or another background screening check.

Procedural principles

The application of the policy will provide for:

- risk assessment procedures that identify potential and actual risks to the safety and wellbeing of children and other vulnerable people
- the person of concern to stand aside from any role within the church and not attend any activity that involves or may involve children or other vulnerable people until a risk assessment has been conducted and a management plan is in place and has been accepted by the person of concern
- risk management that mitigates the identified risks in accordance with accountability plans agreed by an appropriate approving entity
- the apportionment between the person of concern and the church of the costs of preparing the management plans, such as the payment for external, expert reports
- the application of any relevant legal requirements in the formulation and implementation of management plans
- the provision of pastoral care and services to persons of concern in a manner that is consistent with church policy.
- review of management plans on at least an annual basis
- follow up on learning process to improve policies, procedures and practice
- effective external communication of the policy.

Responsible person/s

- The church's Professional Standards Department (PSD), acting on behalf of the General Church Board (GCB), is responsible for using procedures, including the church's procedure on Prevention of Risk of Harm from a Person of Concern, to implement the policy.
- PSD is also responsible for monitoring implementation of this policy across the church and reporting to GCB, the management of a database of persons of concern, the establishment and maintenance of a list of forensic psychologists, stewardship of the church's procedure on Prevention of Risk of Harm from a Person of Concern, provision of independent advice, preparation of management plans and implementation of relevant training.
- District church councils and boards are responsible for implementing this policy and related procedures within their respective districts and reporting to PSD.
- Congregation/parish councils are responsible for implementing this policy and related procedures, including the engagement with and reporting to PSD and their respective district.
- Governance boards of all church-related entities (including the Board of the Directors of Lutheran Education Australia) are responsible for application of policies and procedures on Prevention of Risk of Harm from a Person of Concern that meet their particular requirements but are consistent with the church's policy on Prevention of Risk of Harm from a Person of Concern and related procedures.

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