

06.01–1

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

Purpose

The purpose of this procedure is to implement the policy on Prevention of Risk of Harm from a Person of Concern (the policy).

Step 1: Identification and notification

1.1 Anyone may become aware of someone who is potentially a person of concern (PoC), as defined by the policy.

This may occur through:

- the relevant individual applying for leadership (via a leadership application form, screening and/or interview process)
- allegation against a leader or congregation member
- self-disclosure
- reliable disclosure from others
- media reports/information
- suspicions formed on reasonable grounds.

1.2 The person, who has become aware that an individual is a potential PoC, must notify the pastor or a congregation/parish key officeholder.¹

1.3 The relevant pastor or officeholder must contact the church's Professional Standards Department (PSD)² within three days of becoming aware of the potential PoC and provide relevant details, including (but not limited to):

- the name and contact details of the individual
- why it is believed the individual may be a PoC, as defined under the policy
- whether the individual has, to date, been participating in any activities of the church, including regular Sunday worship
- any concerns that have been expressed about the individual's observed behaviour.

¹ Chairperson, vice chairperson, treasurer or secretary

² If the pastor is the potential PoC, or if neither the pastor nor an officeholder has been available, the person referred to in Section 1.2 must directly contact PSD.

1.4 If it is clear the relevant individual falls within the definition of PoC, the pastor/officeholder notifies the PoC that they are not permitted to attend any activity of the church until an assessment has been carried out and a management plan is in place. The evidence of a clear finding may include:

- a recorded conviction
- an admission of wrongdoing by the PoC
- a new allegation of very recent misconduct.

If it is clear that the relevant individual falls within the definition of a PoC, it is appropriate to proceed immediately to step 3.

Step 2: Preliminary view

2.1 If it is not yet clear whether the relevant individual falls within the definition of PoC, under the policy, PSD will aim to provide a written preliminary view on this issue, setting out an analysis of the potential risk and basing the view on the information currently available, to the pastor/officeholder within seven days.

2.2 If the preliminary view is the person is a PoC, the pastor/officeholder notifies the PoC that they are not permitted to attend any activity of the church until an assessment has been carried out and a management plan is in place. If the preliminary view is the person is not a PoC, PSD will notify the person in writing that it is closing its file.

Step 3: Assessment

3.1 The pastor/officeholder confidentially informs the congregation leadership of the presence of a PoC. Neither the identity of the PoC nor any other details should be provided to the leadership at this stage.

The congregation leadership establishes a sub-committee (at least two persons), known as the process management group, to manage the implementation of the process. Criteria, regarding selection of suitable persons for the process management group, are set out in Appendix A.

PSD meets with the process management group, a congregation/parish key officeholder and the pastor to ensure they clearly understand this procedure and to establish who else needs to know about the PoC.

If the process management group is willing to continue, and if possible, a leader and PSD meet with the PoC to explain this procedure.³ The PoC may bring a support person to this meeting. The PoC has up to seven days to agree to participate in the process. See pages 4 to 5 of this procedure for what happens if the PoC refuses to participate.

3.2 If necessary, PSD meets with the PoC again for the purpose of gathering specific information and reporting to the process management group.

³ An example of when it might not be possible to hold such a meeting is when the PoC is currently the subject of a police investigation. It is important not to compromise any police work. It is important to note as well that if there has been a new allegation or report, which requires an internal investigation in accordance with the church's Child Protection Procedure or Complaints Handling Procedure (www.lca.org.au/policies), carrying out an investigation may need to take priority.

The PoC confirms in writing that they agree to provide all court documents, reports, psychological assessments and police statements.

PSD reports interim findings, based on the information received,⁴ to the process management group.

3.3 If the process management group and PSD consider that it may be safe for the PoC to attend worship or other church activities, they develop an interim management plan. A congregation/parish key officeholder, PSD and the PoC will sign the interim management plan. PSD also provides a written (de-identified) summary of the interim management plan to the district church council or board for discussion and approval. This document addresses the following areas:

- acknowledgement of specific concern (eg details of the offence/s or area of boundary-straying)
- responsibilities of the PoC to the process and the congregation
- responsibilities of the leadership of the congregation to the PoC
- disclosure – who will and will not be told
- specific conditions of church involvement, given known risks
- management of breaches of the plan
- responsibilities of PSD to continue the process
- cessation of involvement (eg what is to occur if the PoC moves to another congregation/denomination)
- review of the plan.

The process management group and PSD may consider that it would not be safe for the PoC to attend worship or other activities; reasons for this can include but are not restricted to:

- an assessment that the congregation does not have the capacity to manage the PoC
- an assessment that the congregation's specific types of ministries make it inappropriate for the POC to attend
- the congregation leadership is not willing to proceed
- the PoC does not wish to participate
- the PoC leaves the congregation.

3.4 The process management group and PSD will proceed to preparing a full risk assessment, taking into account all of the relevant information provided by the PoC.

If the PoC already has a current risk assessment report and a court-appointed parole officer or is undergoing counselling, PSD will use these reports and professionals to formulate recommendations concerning the risk level.

Depending on all of the circumstances, an up-to-date forensic psychological assessment may be necessary.

If a forensic psychological assessment is sought, the forensic psychologist must have experience in writing court and prison reports.

⁴ It is possible the information leads to the relevant individual ceasing to be a PoC; in this case, PSD will notify the individual in writing that it is closing its file.

Step 4: Establishment

4.1 PSD, in consultation with the process management group and the PoC,⁵ will develop the exact content of a tailored management plan. If this management plan requires that the PoC is monitored during activities, it will list the names of a sub-committee of persons (at least two) known as the accountability group. Criteria, regarding selection of suitable persons for the accountability group, are set out in Appendix B.

The accountability group will:

- monitor the PoC during congregation events
- hold the PoC accountable
- support the PoC to manage their behaviour.

PSD is available to support the accountability group.

4.2 PSD provides a written (de-identified) summary of the terms of the management plan to the district church council or board for approval. A congregation/parish key officeholder on behalf of the congregation leadership, the district bishop on behalf of the relevant district and the PoC sign the management plan, with all parties agreeing to their respective roles.

4.3 If the district church council or board accepts a recommendation not to proceed, a pastoral care plan for the PoC will be developed – if it is possible in the circumstances.

Step 5: Monitoring, reviews and reports

5.1 The accountability group, pastor and relevant congregation/parish key officeholders are responsible for the ongoing management of the PoC, in line with the established management plan.

5.2 A congregation/parish key officeholder provides a report, regarding the implementation of the management plan, to the district church council or board at least annually. Appendix C is a template for the report.

5.3 The district church council or board, with assistance from PSD, prepares an annual report regarding the implementation of management plans in the relevant district. Appendix D is a template for the report.

5.4 PSD regularly updates the church's insurers in relation to the implementation of management plans.

If the PoC does not agree to proceed

It is possible that, at any stage throughout the above process, the PoC will not agree to proceed and will refuse to engage any further in the process.

In such an event, the process management group and PSD may request that the district church council or board sends a letter to the PoC, which says they are not permitted to attend any activities of the church or enter church property.

PSD and the process management group implements, where possible, an alternative worship arrangement, for example, a small group of adults or one-on-one-style ministry/pastoral care.

⁵ While the PoC should be consulted, they must not be permitted to drive the process.

PROCEDURE ON PREVENTION OF RISK OF HARM FROM A PERSON OF CONCERN

If the PoC subsequently arrives at a normal congregation activity, a pastor or congregation/parish key officeholder gently and pastorally asks the PoC to leave.

If the PoC rejects or ignores this request and stays, the pastor or congregation/parish key officeholder again gently and pastorally asks the PoC to leave.

If the PoC rejects or ignores this further request and stays, the pastor or congregation/parish key officeholder more firmly asks the PoC to leave.

If the PoC rejects or ignores this third request and stays, the pastor or congregation key officeholder calls the local police, explains the reasons for the PoC not being permitted to attend the activity, and shows any letter (that says the PoC is not permitted to attend any activities of the church) to the police.

Dispute resolution

Under the policy, PSD, acting on behalf of the General Church Board, is responsible for using this procedure to implement the policy.

It is possible that, at various stages throughout the above process, representatives of the relevant congregation leadership (eg church council) and PSD may disagree. If so, all efforts will be made to resolve the disagreement in a collegial manner.

If a disagreement cannot be resolved in a collegial manner, the congregation leadership or PSD may refer the matter to the relevant district church council or board for direction. The district church council or board should consider seeking legal advice.

Costs

A PoC is normally responsible for meeting the costs of any external assistance that is required under this procedure. If the PoC is suffering from financial hardship and is unable to meet the relevant costs, the district church council or board may, at its sole discretion, bear the costs.

Other notes

The *Privacy Act 1988* (Cth) or the *Privacy Act 2020* (NZ) may apply to certain steps taken in accordance with this procedure. Should any queries arise in this respect, assistance is to be sought from PSD.

Document controls

Document ID:	06.01 (Linked Procedure)
Prepared by:	PSD
Reviewed by:	GCB/E
Ownership:	OC EOC
Approved publication:	16 September 2022
Review date:	September 2025

Procedure on Prevention of Risk of Harm from a Person of Concern flow chart

