

# ANGLICAN CHURCH OF AUSTRALIA

## Diocese of Melbourne

### SAFETY AGREEMENT

regarding the participation of [insert name]  
in the life of the Parish of [insert name]

v 23.1.2020

#### BETWEEN:

[Insert name and address of the Person of Concern] **(the Person of Concern)**

of the first part

[Insert names of the Vicar or Senior Minister and the churchwardens]

**(the Parish Representatives** which expression includes the successors in office of each of those office holders from time to time and in the case of Vicar or Senior Minister, includes a locum tenens acting in place of them)

of the Parish of [insert name and address of Parish] **(the Parish)**

of the second part

[Insert name of the Director of Professional Standards or their delegate, acting on behalf of the PSC] **(the Director** which expression includes the successor in office of that office holder from time to time)

of the third part

#### BACKGROUND

- A. The parties are committed to the physical, emotional and spiritual wellbeing of all people who participate in the life of the Parish including children and vulnerable people;
- B. The Person of Concern wishes to participate in the life of the Parish and has applied to the Office of Professional Standards for a clearance to do so;
- C. The provisions of Part 4.3 of the *Professional Standards Uniform Act 2016* (Melb) **(the Act)** regulate the participation in the life of a parish of Persons of Concern as defined in the Act and as set out in the second schedule to this agreement;
- D. The Professional Standards Committee resolved to declare that the Person of Concern is a prescribed Person of Concern for the purposes of the Act;

- E. The Professional Standards Committee has determined pursuant to the Act to grant the Person of Concern a clearance to participate in the life of the Parish subject to the Person of Concern and the Parish Representatives entering into this agreement;
- F. The Person of Concern and the Parish Representatives wish to enter into this agreement to record their commitment to comply with its provisions

**NOW THIS AGREEMENT WITNESSES:**

**1 COMMITMENT OF THE PARISH TO THE PERSON OF CONCERN**

- 1.1 The Parish accepts the Person of Concern as a member of the Parish community, and encourages them to use their gifts subject to this agreement, as a member or prospective member of the body of Christ in the Parish for the glory of God.
- 1.2 The Parish commits itself to provide pastoral supervision and support to the Person of Concern, and not to place the Person of Concern in any situation where they are or may be alone with a child or children associated with the Parish other than their own (**child or children**).
- 1.3 The Parish Representatives must take all reasonable steps that may be necessary or desirable on their part to ensure that the Parish complies with its obligations under subclauses 1.1 and 1.2.
- 1.4 The Parish Representatives appoint the persons named in **item 1** of the first schedule as the members of the Parish Accountability Group to provide pastoral supervision and support to the Person of Concern.
- 1.5 The Parish Representatives may appoint additional persons as members of the Parish Accountability Group, and will advise the Person of Concern of their appointment.
- 1.6 The Parish Representatives enter into this agreement for themselves and their respective successors in office.

**2 COMMITMENT OF THE PERSON OF CONCERN TO THE PARISH**

*General*

- 2.1 The Person of Concern agrees to –

- (a) comply with the provisions of this agreement;
- (b) perform any obligations on their part to be performed; and
- (c) observe any conditions of permission on their part to be observed.

2.2 The Person of Concern must not–

- (a) place themselves in any situation where they are or may be alone with a child or children;
- (b) conduct themselves in contravention of the law or of the conditions of any parole or supervision order granted in their favour;
- (c) engage with or make contact with any child or children whether in the course of any permitted activity or otherwise and whether the contact is physical, online or otherwise;
- (d) make comments or gestures that are offensive, sarcastic or sexually suggestive in front of any child or children;
- (e) develop any relationship with a child or children, whether in person, online or otherwise;
- (f) give their personal contact details to any child or children;
- (g) take or publish any photo or video of any child or children; and
- (h) must notify the Director in writing if they intend to attend a worship service or other parish activity at another parish.

*Attendance at worship services and other parish activities*

2.3 The Person of Concern may attend–

- (a) the regular worship service in the Parish specified in **item 2** of the first schedule;
- (b) the parish activities specified in **item 3** of the first schedule subject to any conditions there stated;
- (c) other worship services and parish activities with the prior agreement in writing of the Parish Representatives and the Director.

2.4 The Person of Concern must not attend any other worship service or activity of the Parish, whether on parish property or otherwise.

2.5 The Person of Concern must enter and leave an authorised worship service or activity of the Parish by the route if any specified by the Parish Representatives, and stay away from areas of the premises that are allocated for the principal use of children.

- 2.6 The Person of Concern must sit in the church and at other authorised activities in locations determined by the Parish Representatives and must not sit or stand close to, or be alone with a child or children.
- 2.7 The Person of Concern must only visit the toilet facilities on the premises of the Parish when supervised by a Parish Representative or a member of the Parish Accountability Group.
- 2.8 The Person of Concern must not participate in any children's or youth activity or camp of the Parish where children are in attendance.
- 2.9 The Person of Concern must not accept nomination for election or appointment –
- (a) by the general meeting of the Parish to the Parish Council, the Incumbency Committee or to the Synod of the Diocese; or
  - (b) by the Parish Council to any statutory role office or position; or
  - (c) by the Vicar or Senior Minister to any role office or position in the Parish.

*Reasonable directions*

- 2.10 The Person of Concern must comply with all reasonable directions given by a Parish Representative or a member of the Parish Accountability Group at worship services and other authorised activities for the purpose of ensuring the welfare and safety of any person or persons.
- 2.11 The Person of Concern must meet regularly, and as requested, with the members of the Parish Accountability Group.
- 2.12 The Person of Concern understands that if any person makes a complaint against them of abusive behaviour towards or with a child or adult, it will be immediately reported to the Director, and may be reported to the police and child protection authority.

*Deposition from Holy Orders*

- 2.13 The Person of Concern agrees that if they are a member of the clergy who have been deposed from Holy Orders, they must not–
- (a) wear any clerical clothing or accessory at any worship service or activity of the Parish or to call themselves by a title used by a member

of the clergy (e.g. Reverend) in any communication with a person involved in the Parish;

- (b) otherwise hold themselves out as being a person in Holy Orders;
- (c) officiate or act in any manner that is reserved to a person in Holy Orders; or
- (d) accept or hold any office in the Church capable of being held only by a person in Holy Orders;

### **3 CESSATION OF PARTICIPATION BY THE PERSON OF CONCERN**

#### **3.1 If the Person of Concern–**

- (a) gives notice to the Vicar or Senior Minister that they no longer wish to participate in the life of the Parish; or
  - (b) ceases for a period of at least 3 consecutive months to participate in the life of the Parish without the leave of the Parish Representatives
- either the Director or the Parish Representatives may by notice in writing to the Person of Concern terminate this agreement.

#### **3.2 Upon the giving of that notice of termination, the Person of Concern must not participate further in the life of the Parish except to be admitted to the Holy Communion or the Lord's Supper in circumstances approved in advance in writing by the Archbishop.**

### **4 CESSATION FOR BREACH BY THE PERSON OF CONCERN**

#### **4.1 If the Person of Concern–**

- (a) breaches a provision of this agreement and, after notice from the Director or the Parish Representatives of the breach–
  - (i) fails to acknowledge the breach and where possible, remedy the same; or
  - (ii) continues to act in breach of the agreement;
- (b) repudiates this agreement;
- (c) is charged with a sexual offence or other offence against the person;
- (d) breaches a condition of their parole or supervision order;
- (e) has their clearance for participation expire according to its terms; or
- (f) has their clearance for participation cancelled by the Professional Standards Committee on the direction of the Board or on review, the Review Board

either the Director or the Parish Representatives may by notice in writing to the Person of Concern terminate this agreement with immediate effect.

- 4.2 Upon the giving of that notice of termination, the Person of Concern must not participate further in the life of the Parish except to be admitted to the Holy Communion or the Lord's Supper in circumstances approved in advance in writing by the Archbishop.

## **5 CONFIDENTIALITY AND DISCLOSURE**

- 5.1 Each party must keep this agreement confidential and not disclose its contents except—

- (a) to the members of the Parish Accountability Group from time to time;
- (b) to others in the Parish, as determined by them in consultation with the Director;
- (c) to the Archbishop and the responsible Bishop in the Diocese or their delegate;
- (d) to any person undertaking the role of a Parish Representative in the future;
- (e) as may be authorised or required by the Act as enacted from time to time or any Act in substitution for that Act; and
- (f) as may be authorised or required by the *National Register Canon 2007* of General Synod or any canon enacted by General Synod in substitution for that canon.

- 5.2 Without limiting the operation of clause 5.1, the material facts relating to the clearance of a Person of Concern and their participation in the life of the Parish may be disclosed:

- (a) to any person, whether or not a member of the Parish, by one of the Parish Representatives or the Director when authorised by the Act or when he or she reasonably considers that it is necessary to ensure the welfare and safety of any person; and
- (b) to the Vicar or Senior Minister and churchwardens in another parish, and their Bishop, or the persons responsible for safe ministry in another denomination, by the Director when authorised by the Act or when he or she is aware or reasonably suspects that the Person of

Concern has moved, or is proposing to move, to that parish or denomination.

## 6 **REVIEW**

- 6.1 The Director must review the operation of this Agreement and of the Parish Accountability Group at least once a year.
- 6.2 Any agreement reached in any review, including a variation to this agreement, must be approved by the Professional Standards Committee, recorded in writing, dated and signed by all parties and the original and varied agreement must be retained by the Director.

## 7 **SUCCESSORS IN OFFICE**

- 7.1 When a Vicar or Senior Minister ceases to hold office for whatever reason–
- (a) they must notify the Director; and
  - (b) the Director must provide their successor in office with this agreement and request them to commit to performing the same and to be bound by it in place of their predecessor in office.
- 7.2 When a Vicar or Senior Minister takes leave for whatever reason, they must provide any locum tenens with this agreement and request them to commit to performing the same and to be bound by it in their place during the period of their ministry as locum tenens.
- 7.3 When a Churchwarden appointed ceases to hold office for whatever reason, they must provide their successor in office with this agreement and request them to commit to performing the same and to be bound by it in place of their predecessor in office.

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## **THE FIRST SCHEDULE**

### **ITEM 1 – the members of the Parish Accountability Group**

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### **ITEM 2 – the regular worship service in the Parish**

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**ITEM 3 – the permitted Parish activities**

Parish General Meeting

Parish fete for a period of one hour accompanied by a person appointed by a Parish Representative

Parish Dinner or Lunch to be seated at a table with no children

Morning tea after worship service accompanied by a person appointed by a Parish Representative

*[Modify the above as circumstances require]*

**THE SECOND SCHEDULE*****Definition of Person of Concern***

- 67C. Unless the context requires otherwise, a Person of Concern is a person whose presence may constitute an unacceptable risk of harm to any person engaged in the activities of the parish as a result of sexual abuse or physical abuse and includes one or more of the following:
- (a) a person who has pleaded guilty to, has been convicted of, or has admitted to having committed, a sexual offence or other offence against the person;
  - (b) a person who is currently charged with a sexual offence or other offence against the person;
  - (c) a person who has been disciplined or had other action taken against them under a disciplinary or professional standards process of the Church or another organization because of sexual abuse or physical abuse, or who has been refused ordination, employment or appointment in the Church or another organization because of an adverse risk assessment arising from sexual abuse or physical abuse;
  - (d) a person who, as a result of sexual abuse or physical abuse, has received an adverse risk assessment from a professional with appropriate qualifications and experience in accordance with the requirements of another church or a statutory authority;
  - (e) a person who has received or is receiving treatment for disordered sexual behaviour;
  - (f) any other person within a class of persons prescribed from time to time by the Diocesan Bishop in Council.

**IN WITNESS** the parties have signed below in the presence of the witness specified

**SIGNATURES**

