

Regulation attached to ordinance

Abuse Protocol

BENCHMARK PRINCIPLES AND FRAMEWORK FOR AN ABUSE PROTOCOL

Introduction

1. The Church expects all members of the clergy and church workers to live according to God's call to Christ-likeness and purity of living.¹ Child abuse, sexual harassment, harassment, sexual assault, assault and sexually inappropriate conduct by members of the Church and church workers are always a failure of such call and lead to the causing of harm to others.

Acknowledgment and Apology

2. It is acknowledged that the Church has not dealt effectively and in some cases not dealt at all with issues of child abuse, sexual harassment, harassment, sexual assault, assault and sexually inappropriate conduct involving members of the clergy and church workers. This failure of the Church has caused spiritual, mental, psychological and physical harm, pain and loss to many people. The Church deeply regrets our failure and the consequent effects. We unreservedly apologise to those who have been harmed. We state our resolve to do all in our power to avoid such failure and to avoid being the cause of such harm in the future.

Response

3. When it is alleged or reasonably suspected that a member of the clergy or church worker has engaged in conduct constituting child abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct or there has been a process failure in dealing with these matters the Church will always take such concerns seriously.
4. By using the Protocol the Church aims to:
 - i. meet the pastoral needs of complainants and victims; and
 - ii. ensure that no further harm is caused.
5. Therefore the Church, through the Protocol, will:
 - i. promptly respond and provide support to every complainant, victim or informant,
 - ii. document the allegation, complaint or information,
 - iii. offer conciliation if appropriate,
 - iv. investigate the circumstances,
 - v. determine, as far as is possible, the truth of the matter,
 - vi. assess what action should be taken to resolve the allegation, complaint or information and to prevent further harm,
 - vii. deal fairly with and facilitate support of the respondent.

¹ Because the Church "receives the ... scriptures ... as being the ultimate rule and standard of faith given by inspiration of God ..." the following Biblical passages are given as examples of relevant principles: 1 Timothy 3, Titus 1, Matthew 5: 27-30, Matthew 5: 48, Philipians 2: 1-18, 1 Corinthians 6: 18-20, Ephesians 5: 1-21, Luke 17: 1-21, Timothy 5: 1-2, Mark 10: 6-9, 1 Corinthians 7, Colossians 3: 1-17, 1 Corinthians 5 & 6

6. To achieve these aims and carry out its intentions, the Protocol includes the following procedures.

Supporting Victims

7. The victims of child abuse, sexual harassment, harassment, sexual assault, assault and sexually inappropriate conduct involving members of the clergy and church workers will be supported personally and in all their participation in the Protocol. As a minimum the Protocol will provide for initial periods of counselling when required by the victim. There will be a transparent process in place to determine if and to what extent on-going counselling will be provided.
8. The Diocese will have in place a procedure to enable other pastoral needs of victims to be met.

Contact Persons

9. Independent contact persons will be available by telephone, email and in writing to be contacted by and to contact complainants, victims, or informants to assist them and to receive allegations, complaints or information relevant to the Protocol. A contact person must:
 - i. not have any other role under the Protocol,
 - ii. inform the complainant of any Diocesan organisation or structure, to which the contact person belongs or any office that the she/he holds,
 - iii. disqualify himself/herself if he/she knows the respondent
 - iv. be able to listen sympathetically,
 - v. be objective but not cold,
 - vi. not provide counseling,
 - vii. have and use common sense,
 - viii. assist but not advise,
 - ix. exercise strict confidentiality,
 - x. understand and be loyal to the Protocol with no hidden agendas,
 - xi. help people to make choices without pushing them,
 - xii. have the time to be readily available,
 - xiii. write clear, informative, factually accurate reports,
 - xiv. understand legal processes and implications.

10. The identity (in general) and contact details of the contact persons will be widely and regularly advertised in Church media and if possible in other media.

Guidelines For Contact Persons When Assisting Complainants, Victims And Informants

Explaining The Confidentiality Provisions Of The Protocol Before Hearing Any Further Details Of The Complaint

11. Persons who are disclosing abuse, assault, or harassment may be unclear about what outcomes they want from the disclosure. They may want to discuss the matter confidentially, find out what options they have under the Protocol and what processes will occur once they provide any information or make a

complaint and then go away and think about it or discuss it with a counsellor before deciding what to do.

12. The contact person will, before obtaining any information from the informant/complainant, tell the person that any disclosure they make to the contact person will be recorded and passed on to the Director, who may also report the matter to the (Arch)Bishop, the respondent, the Diocese's insurer and, if required, to the Police or child protection authorities.
13. If there is any ambivalence about discussing the matter further, the contact person will refer the person to a counsellor either with the authority of the Committee or within guidelines determined by the Committee.

Explaining The Contact Person's Role

14. The contact person will make it clear that they are appointed by the Committee, a body set up by the Diocese to handle complaints and allegations of abuse, assault, misconduct or harassment by members of the clergy and church workers and that it is their role to provide information with regard to the Protocol and to assist the person with initiating the complaint process by disclosing the conduct. They will further explain that it is not their role to provide legal advice or counselling and that they will be making referrals if appropriate.

Listening To Complainant's Concerns And Treating The Matter Sympathetically And Seriously

15. The contact person will listen empathically and identify the person's concerns and the background to their concerns.
16. Diversity should be both expected and respected.
17. The contact person will ascertain from the perspective of the complainant who discloses conduct of a member of the clergy or church worker:
 - i. Who engaged in the disclosed conduct;
 - ii. what occurred;
 - iii. when and where it occurred;
 - iv. how the disclosed conduct affected them, e.g. how did they feel about it?
 - v. how did they respond when the disclosed conduct occurred?
 - vi. How have they been affected since?
 - vii. whether they have already spoken to other people about the disclosed conduct - If yes, was it to friends? Family? The alleged abuser/harasser? A member of the clergy or church worker? Anyone outside the Church? Are they aware of the risks posed by defamation law and the need to maintain confidentiality other than reporting the matter to appropriate authorities?

Identifying Support And Information Needs of Complainants and Victims

18. The contact person's role is to assist the complainant by providing information, facilitating referrals, enabling disclosure, documenting complaints or information and reporting to the Committee. However, someone who discloses they have been abused, assaulted or harassed, is likely to have

wide-ranging needs. This may leave them feeling depressed, anxious, angry and confused. It may trigger episodes of real crisis and cause flashbacks in people who have suffered past abuses, assaults or harassment. The contact person must be alert to these issues and needs and assist complainants and victims to find appropriate support services.

19. A contact person will provide support to complainants by:
 - i. Creating a safe physical and emotional environment in which they can tell their story without interruptions.
 - ii. Actively listening by paraphrasing, clarifying, and checking that the incident/s and disclosed conduct of the respondent is understood from their point of view.
 - iii. Identifying their stated priorities and providing information about their options so they can make informed choices about what they want to do.
20. Whilst providing information and support, this is not the same as counselling, although it draws on skills that are used by counsellors, e.g. reflective listening and affirming the person's strengths and abilities. Nor is it to be legal advice.
21. The contact person will exercise their skill by knowing what they can provide appropriately and when and where to refer the person to other services for additional information, ongoing support and assistance, including confidential counselling and legal advice.
22. Indicators for referral of a complainant to a counsellor are:
 - i. if the person is clinically depressed, traumatised or otherwise in need of personal therapy;
 - ii. if there appears to be any ambivalence about whether the person wants to proceed with a complaint or how they want to proceed with a complaint;
 - iii. if the person for any reason is not able to talk fully and openly to the contact person;
 - iv. if the person is too emotionally distressed to discuss the matter, talk rationally or to make any decisions;
 - v. if the matter is likely to take some time to resolve and the person will need emotional support through the process.
23. To assist people to absorb information, contact persons should convey information both verbally and in writing, e.g. by using handouts.

Identifying Ways In Which The Disclosure Could Be Addressed

24. The contact person will help the complainant identify:
 - i. whether what is disclosed comes within the description of child abuse, harassment, sexual assault, assault [including physical, spiritual or psychological abuse], or any sexually inappropriate behaviour in the Protocol;
 - ii. the options and choices that are therefore available.

25. The contact person needs to ascertain what other advice, if any, has been sought or recommended. If others have become involved, there may need to be a contact with the Protocol arranged for other professionals and persons involved in assisting the complainant.
26. The contact person must ALWAYS advise about:
 - i. options available under the Protocol, i.e. conciliation or investigation and determination (and that they usually occur in that order);
 - ii. the complainant's rights to take external action and other avenues of redress;
 - iii. the rights of the respondent to be informed and to respond;
 - iv. any action which the Committee may take of its own initiative eg. Investigation;
 - v. the responsibility of the Committee and Director to report alleged criminal conduct to the police and alleged child abuse to child protection authorities (subject to relevant State laws).
27. If the disclosed conduct is apparently not covered by the Protocol the complainant must immediately be told so. If it is still of concern to the complainant they must then be assisted to consider how it can be dealt with and who they can see about it. If they still wish the complaint to be recorded with the Protocol this should not be prevented.

Identifying Expectations And Next Steps

28. The contact person will discuss what the complainant wants and what they want to do next. They should be asked what outcomes they are seeking.
29. When a complainant indicates that their main aim is to redress any disadvantage that they may have suffered from the disclosed conduct the contact person will indicate what courses may be open to them.
30. Some complainants will be readily able to articulate the fact that they want:
 - i. the disclosed conduct to stop; or
 - ii. the respondent to know that the disclosed conduct hurt, humiliated, intimidated or offended them; or
 - iii. something specific, such as a change of workplace or other arrangements,
 - iv. financial compensation .
31. These sorts of outcomes may be able to be achieved through conciliation.
32. When a complainant indicates that their main aim appears to be punitive towards the respondent the contact person will explain that:
 - i. "disciplinary" measures may be the end result of a hearing before the Board regarding fitness to hold office, but are not the only possible outcome;
 - ii. the respondent has a right to natural justice (including procedural fairness, the right to know the full details of the allegation if a complaint is made, a right of reply and a right to a fair hearing);

- iii. the aims of the Protocol are to ensure that pastoral needs are met and that no further harm occurs.
33. The contact person will keep in mind that a complainant may need time to think about what to do and may change their minds. Therefore there may be a need for multiple conversations with the complainant.

Assisting Respondents

34. Contact persons may also assist respondents. A contact person must not receive information from or assist both the complainant or victim and the respondent in the same matter. If a contact person in relation to a matter is contacted by a respondent and they have already spoken to the complainant or a victim they must immediately inform the person that they are or have been the complainant's contact person and refer them to another contact person. The same applies if a complainant or victim contacts a contact person who has already spoken to the respondent. Otherwise the names of contact persons in relation to particular matters should be confidential.
35. Contact persons should adopt a similar assisting rather than a directive or advisory approach with respondents as for complainants, creating an environment in which they feel able to talk openly and without interruption, inviting them to talk about their perception of the events in question and giving them appropriate literature. They should discuss with the respondent:
 - i. who, if anyone, has already been informed of the complaint, and that a record will be made of the conversation and passed on to the Committee;
 - ii. their right to see a confidential counsellor and to assistance in obtaining the counselling if necessary;
 - iii. their right to say nothing and the benefits of their co-operation;
 - iv. all the Protocol procedures and the potential benefits of conciliation, if it has been offered;
 - v. the confidential and voluntary nature of conciliation and the fact that information obtained or disclosed during conciliation cannot be used by anyone in any other context;
 - vi. the implications of refusing conciliation;
 - vii. the complainant's right to refuse conciliation;
 - viii. the fact that they must not engage in the disclosed conduct or retaliate against, defame, or in any way victimise a person in relation to the making of a complaint, allegation or providing information, whether under the Protocol or elsewhere;
 - ix. the right of a complainant who alleges that they have been assaulted, abused or harassed to proceed externally (e.g. to the Police, the child protection authorities, the Equal Opportunity Commission or the civil courts);
 - x. the responsibility of the Director and Committee to report alleged criminal conduct to the police and alleged child abuse to child protection authorities (subject to relevant State laws).

Director of Professional Standards (The Director)

36. The Diocese or the Committee as its delegate will appoint a paid² Director whose responsibility will be to implement all actions under the Protocol. She/he will be a full member of but not the chair of the Committee.

37. The Director must:

- i. have qualifications, or experience in legal practice and procedure,
- ii. have skill, training or experience in counseling or an associated area,
- iii. not be a member of the clergy or married to a member of the clergy,
- iv. be granted some form of security of tenure.

38. If the Director receives an allegation or complaint or knows or reasonably suspects that a member of the clergy or a Church worker has engaged in child abuse, sexual harassment, harassment, sexual assault, assault [including physical, spiritual or psychological abuse], or any sexually inappropriate behaviour the Director will promptly cause the following to occur:

- i. invite and assist the complainant or victim to provide a written statement of the allegation or complaints except where a contact person has already done so,
- ii. provide a copy of the written allegation or complaint to the respondent and invite and assist the respondent to provide a written response within 14 days or such other reasonable time as might be allowed,
- iii. bring the matter before the Committee who will advise what further action is to be taken,
- iv. implement what is advised by the Committee and advise all concerned.

39. If the Director receives a complaint that there has been a process failure in dealing with previous allegations of child abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct involving a member of the clergy or a church worker the Director will promptly cause the following to occur:

- i. invite and assist the complainant or victim to provide a written statement of the allegation or complaints except where a contact person has already done so,
- ii. provide a copy of the written allegation or complaint to the Church body concerned and invite the Church body to provide a written response within 14 days or such other reasonable time as might be allowed,
- iii. bring the matter before the Committee who will advise what further action is to be taken,
- iv. implement what is advised by the Committee and advise all concerned.

² Where the diocese cannot appoint their own paid Director they may make arrangements to use the services of the paid Director of another diocese. This may involve the appointment of a Deputy Director to implement arrangements in the Diocese concerned.

Professional Standards Committee (the Committee)

40. The Diocese will appoint the Committee whose responsibility it will be to ensure that all allegations, complaints and information are dealt with in accordance with the Protocol. It will have at least three members in addition to the Director who collectively satisfy the requirements of:

- i. experience in ordained ministry,
- ii. experience in the law,
- iii. experience and qualifications in child protection, counseling or social work,
- iv. gender balance, and
- v. where possible, a person not a member of this Church.

41. The Committee will advise the Director on all matters under the Protocol. It will also be the Committee's role to ensure that the Protocol is publicized and operates satisfactorily and to make recommendations to the Diocese on implementing child protection and safe ministry policy.

42. In every case where the Committee has an allegation, complaint or information and response brought before them by the Director they will advise the Director what further action is to be taken under the Protocol which must be one of the following, to:

- i. take no further action (where the complaint is considered to be false, vexatious, misconceived or trivial),
- ii. refer to another relevant body or person,
- iii. notify the Police or child protection authorities,
- iv. implement a process of conciliation, or
- v. appoint an investigator.

Conciliation

43. The Director, on advice from the Committee, may implement conciliation between the complainant and the respondent where both agree in writing to participate in conciliation. The Director is not to implement conciliation where the complaint or allegation involves child abuse or a serious criminal offence. The person or persons appointed to undertake the conciliation process must be independent and be acceptable to the Director, the complainant and the respondent.

44. If the conciliation process has not resolved the issues to the satisfaction of both the complainant and the respondent within one month from the date of the commencement of the process then the Director must report this to the Committee who must then advise what further action is to be implemented under clause 41 of the Protocol. Conciliation must not continue unless the Director, the complainant and the respondent are of the opinion that there is in their respective opinions a reasonable prospect of resolving the issues through conciliation and the complainant and respondent agree to continue their

participation in the conciliation. The Director shall continue to report each month until the matter is resolved or the complainant or respondent indicate that they no longer agree to continue their participation in the conciliation.

45. All communications, whether written or oral, that take place during conciliation other than any agreed outcome are to be treated as confidential by each person involved in conciliation and cannot be used in any procedure under the Protocol.

Investigation

46. The Director will engage an investigator in a matter when advised to do so by the Committee but must not appoint an investigator and must revoke the appointment if the subject matter is under investigation by some other competent body or is the subject of legal proceedings.
47. An investigator will only be engaged after conciliation has failed to resolve the matter or when the Committee considers that conciliation is not appropriate.
48. The role of the investigator is to gather evidence about complaints, allegations and information to and to make a report.
49. The investigator must:
- i. Carry out an investigation promptly;
 - ii. interview and obtain a written and signed statement from the complainant or victim unless the investigator considers that any statement already obtained under the Protocol is sufficient;
 - iii. interview and obtain a written statement or record from every available relevant witness;
 - iv. include in every statement material which indicates that the maker of the statement understands that their statement is to be used for the purposes of the Protocol;
 - v. notify the respondent of the complaint or allegations at an appropriate time if they have not already been notified and in any event invite them to provide a response and any material relevant to the complaint or allegation;
 - vi. make a written, or with the consent of the respondent a taped record of all interviews with the respondent and provide the respondent with a copy of any such record;
 - vii. allow each person interviewed to have another person present who is not likely to be a witness to the complaint or allegations;
 - viii. inform the Director of any matter or circumstance which causes the investigator to form the view that the investigation should be terminated;
 - ix. provide to the Director a written report setting out the results of the investigation together with signed copies of all statements, records of interviews and any other relevant material.

50. When the Director receives a report from the Investigator he must bring it before the Committee who must advise one of the following:

- i. There is not prima facie evidence that the respondent engaged in conduct which is child abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct and that no further action be taken;
- ii. There is prima facie evidence that the respondent engaged in conduct which is child abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct and that the matter be referred to the Board for consideration;
- iii. There is prima facie evidence that the respondent engaged in conduct which is child abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct but that having regard to all the evidence, a Board is not likely to find that the respondent engaged in such conduct and in such case whether the matter should be referred to the Board for consideration.

51. The Director must take action in accordance with the advice of the Committee.

Professional Standards Board (The Board)

52. The Diocese will appoint a panel from which will be constituted the Board in each case. The panel will include:
- i. A President and Deputy Presidents who shall be a Judge or former Judge or a Legal Practitioner or former Legal Practitioner who has been admitted for at least seven years;
 - ii. Five persons who are members of the clergy;
 - iii. Five lay persons who are members of the Church.
53. Each Board constituted for a particular matter will consist of:
- i. a President or Deputy President; and also
 - ii. an equal number of members of the clergy and lay persons.
54. The role of the Board is to inquire into any complaint, allegation or information referred to them by the Committee.
55. The Board will:
- i. not be bound by the rules of evidence;
 - ii. make whatever inquiry the Board considers appropriate;
 - iii. be assisted by the Committee and the Director;
 - iv. provide procedural fairness to the respondent;
 - v. allow the respondent to be represented by a legal practitioner;
 - vi. determine whether they are reasonably satisfied that the disclosed conduct has occurred;
 - vii. determine to what extent, if any, the conduct affects the respondent's fitness to hold office;
 - viii. recommend to the church body what action, if any, should be taken in regard to the respondent;
 - ix. recommend what action, if any, should be taken in regard to further supporting the victim.

56. The actions that can be recommended by the Board are contained in the Legislation.

Dealing fairly with Respondents

57. Respondents are entitled to have access to contact persons for assistance and to know the substance of the complaint, allegation or information against them at the earliest possible stage. They are to be afforded the opportunity and provided with assistance to put everything before the Committee, investigator and Board which they consider to be relevant. They are entitled to be represented before the Board and to test the evidence. If possible arrangements should be made to provide assistance to pay for their representation.

Records

58. All records under the Protocol will be kept confidential and secure. Access to the records will be controlled by the Director. In accordance with privacy requirements respondents will be entitled to see records relating to themselves unless the Committee determines that to allow them access would put another person at risk of serious harm.
59. Information will only be provided to third parties, including church bodies, for bona fide employment screening purposes, to child protection authorities for the protection of a child or children and to the Police in the investigation or prosecution of an offence.

Outcomes

60. The outcomes which are possible under the Protocol are:
- i. the pastoral needs of the victim are met;
 - ii. the concerns of the complainant or victim regarding the respondent are satisfied in conciliation; and
 - iii. the described conduct is investigated, considered by the Board and recommendations made for action in respect of the respondent to ensure that the conduct is not repeated and no further harm is done.

Role of the (Arch)Bishop and Reporting Requirements

61. The Diocesan Bishop is not involved in the operation of the Protocol. He is entitled to be kept informed of all matters that come before the Protocol, to be regularly updated as to their progress and to make reasonable enquiries regarding any matter which the Committee and Director must answer. He must pass on to the Committee all complaints, allegations and information relevant to the Protocol of which he becomes aware. He must not interfere with or attempt to influence contact persons, the Committee the Director, the investigator or the Board in the exercise of their functions.

Co-operation with Government Authorities

62. The Committee will notify the relevant child protection authorities of all complaints, allegations or information of child abuse where there are

reasonable grounds to suspect that a child or children are at current risk of harm.

63. The Committee will notify the Police of all complaints, allegations or information where the disclosed conduct is a serious criminal offence.
64. The Committee will co-operate fully with the child protection authorities and Police in all their investigations and action. Where possible a formal protocol for co-operation should be entered into with these authorities.

Co-operation with other Dioceses, other Denominations and other Child Related Employers

65. Records of the proceedings under the Protocol will be made available to church bodies, church bodies of other denominations and child-related employers for the purposes of employment screening unless the Committee has advised or the Board has determined that the complaint was false, vexatious or misconceived.
66. The findings, recommendations and implementations of the recommendations of the Board will be recorded in the diocesan registry and in a national register of such findings which should be accessible to all church bodies, church bodies of other denominations and child-related employers for the purposes of employment screening.

Funding

67. The Diocese will provide sufficient funds to enable the Protocol to operate. As a minimum the Director or Deputy Director, the contact persons and the investigators should be paid for their work.

Reviewing and Changing the Protocol

68. The Committee is responsible to review the operation of the Protocol from time to time and to recommend changes to the Diocese.

Dictionary

<i>Allegation</i>	Disclosure of child abuse, sexual harassment, harassment, sexual assault [including physical, spiritual or psychological abuse], or any assault or sexually inappropriate conduct involving a member of the clergy or a church worker.	<i>Complaint</i>	Disclosure by a victim of child abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct involving a member of the clergy or church worker.
<i>Assault</i>	Conduct which intentionally applies force to another or attempts or threatens by any gesture to apply such force to another.	<i>Diocese</i>	Unit of organisation of the Church under the charge of a Bishop and Synod (representative group of clergy and lay persons).
<i>Child abuse</i>	Any conduct (or lack of conduct) which endangers or impairs a child's physical, psychological or emotional health and development. It includes the following abuse: <ul style="list-style-type: none"> • Emotional - constant criticism, belittling and persistent teasing. • Neglect - absence of adequate food, shelter, emotional security, and medical care. • Physical - severe beating, shaking, burns, human bites, strangulation. • Sexual – any sexualized activity with a child including sexual conversation, fondling, masturbation, exhibitionism, attempted sexual intercourse, sexual intercourse, incest, pornography. 	<i>Harassment</i>	Offensive, belittling or threatening conduct directed at an individual or group, which is unwelcome, unsolicited, usually unreciprocated and often (but not always) repeated. For harassment to occur, there does not need to be an intention to offend or harass. The test is whether it was reasonable in all the circumstances that the person felt offended, belittled or threatened. Moreover, harassment may be of a minor nature. Examples of harassing conduct include: <ol style="list-style-type: none"> (a) Offensive physical contact, derogatory language or intimidating actions; (b) Insulting or threatening gestures or language (overt or implied) or continual and unwarranted shouting; (c) Unjustified and unnecessary comments about a person's capacities or attributes; (d) Openly displayed pictures, posters, graffiti or written materials which might be offensive to some; (e) Phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive; (f) Persistent following or stalking .
<i>Church</i>	The Anglican Church of Australia	<i>Informant</i>	Person other than a victim who discloses child abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct involving a member of the clergy or church worker.
<i>Church body</i>	Person, office holder or legal entity who employs, appoints, licences, authorises or elects a member of the clergy or church worker.	<i>Information</i>	Evidence other than an allegation or complaint of child abuse, sexual harassment, harassment, sexual assault, assault and sexually inappropriate conduct involving a member of the clergy or church worker.
<i>Church worker</i>	Person who exercises the authority of the Church including: all members of the clergy who hold a licence or are resident in the diocese; any person holding an office in the diocese; a member of Synod [or any national body of the Church]; a church warden or member of any other parish board, council or committee constituted by canon, ordinance or resolution of the Synod or of a parish council; a person employed by the Church or a diocesan agency; a member of a body incorporated by the diocese; a person in a position of trust in a diocesan agency or parish a person who is engaged in the worship, care and education with parishioners in any capacity any other position of leadership in the diocese.	<i>Legislation</i>	Church canons, ordinances, rules or regulations which authorise action by the Committee, Director, Board and Church body under the Protocol.
<i>Clergy</i>	Person who has been ordained as a deacon, priest or bishop.	<i>Process failure</i>	Failure by a Church body to deal adequately or at all with an allegation, complaint or information of child abuse, sexual harassment, harassment, sexual assault, assault and sexually inappropriate conduct involving a member of the clergy or church worker.
<i>Complainant</i>	Person who discloses child abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct involving a member of the clergy or church worker.	<i>Respondent</i>	Member of the clergy or church worker who it is alleged or there is information has engaged in conduct which is child

abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct.

Serious criminal offence Criminal offence for which a maximum penalty of imprisonment for one year or more may be imposed.

Sexual assault Conduct involving the use of emotional or physical intimidation or violence to force another person to engage in sexual activity.

Sexual harassment Unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Many kinds of behaviour can amount to sexual harassment if they offend or intimidate another person:

- (a) jokes, gestures, displays of offensive pictures;
- (b) telephone or e-mail messages;
- (c) physical contact or expressions of affection that are not reciprocated;
- (d) implicit or explicit demands of a sexual nature;
- (e) refusing to leave another person alone when requested;
- (f) observation (such as by a 'peeping Tom')

Sexual harassment does not arise in the context of choice and mutual consent.

Sexually inappropriate conduct Conduct of a sexual nature which is regarded by right thinking members of the Church in the Diocese as disgraceful and inconsistent with the standards to be observed by a member of the clergy or a church worker.

Victim Person upon whom the disclosed child abuse, sexual harassment, harassment, sexual assault, assault or sexually inappropriate conduct by a member of the clergy or church worker is perpetrated.

Summary of Protocol Procedures

