



Creating a safe environment in the Presbyterian Church of Victoria: The Person of Concern Procedure

Safe Church Policy – 2, 7, 8, 9, 10, 11, 17, 18, 19
Safe Church Code of Conduct – 1, 2, 4,

Appropriate and Safe Ministry to a Person of Concern

In churches today we need to address issues which would not have been dealt with by churches in the past, especially in the area of child safety and safety from abuse in general.

More than ever, the Presbyterian Church of Victoria (PCV) is aware of issues of safety, duty of care, and protection from abuse for children and vulnerable adults. In addition, standards of care now expected as a matter of law (specifically the Betrayal of Trust laws) and of community practice are higher than they were in the past and are rightly being enforced.

While it is our highest priority to protect children and vulnerable adults and to allow the Church to be a place where they can worship and grow securely, we also acknowledge that there will, from time to time, be those who are in our denomination, who will be deemed as a risk to others' safety, but who are also seeking salvation, spiritual growth and reconciliation with God and man. Such a person is referred to as a 'Person of Concern'.

It is important that we show the love of Jesus to such a person while at the same time showing a duty of care to others in the Church community who may be vulnerable.

The church is an organisation that is required by law (Wrongs Amendment (Organisational Child Abuse) Act 2017), to make reasonable steps to minimise the risk of child abuse, perpetuated by organisational representatives i.e. we have to protect members of our church.

All regular church attendees who fall under the definition of "Person of Concern" (see below) are required to have an appropriate risk management plan formulated with internal and external safeguarding input and regular review.

Risk management may include a Safety Agreement signed by church representatives and the Person of Concern.

A Person of Concern may not hold any office or role within the church, paid or unpaid.

Appropriate risk assessment and management allows a Person of Concern to be a member of a church community.

The Safe Church Committee has contracted Kooyoora, an external, independent professional standards and safeguarding agency, to assess and help sessions risk manage Persons of Concern.

Kooyoora roles in POC Procedure:

1. receives reports about Persons of Concern
2. can determine who is a Person of Concern
3. will assist with a risk management plan
4. will assist with Safety Agreements: formation, implementation and review
5. informs the Head of Entity (the Clerk of Assembly) of POCs who notifies the church insurers

Who is a 'Person of Concern' (POC)?

A 'Person of Concern' is a person who fits any of the following criteria:

1. Has pleaded guilty to, been convicted of, or has admitted to a sexual or abuse related criminal offence (including stalking and grooming offences).
2. Has been found to have sexually offended, arising through due diligence checks related to recruitment (for example, through the application of the Safe Church Volunteer Approval Process or a Negative Notice provided by the Department of Justice in response to a Working With Children Check application).
3. Is currently charged with a sexual or abuse related criminal offence.
4. A person who, as a result of sexual abuse or physical or other abuse, has received an adverse risk assessment from a professional with appropriate qualifications and experience.
5. 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 organisation because of sexual abuse, physical abuse or other abuse, or who has been refused ordination, employment or appointment in the Church or another organisation because of an adverse risk assessment arising from sexual abuse, physical abuse or other abuse.
6. A person who has received or is receiving treatment for disordered sexual behaviour.

A POC is a known risk to the safety of children and/or vulnerable adults in the Church and hence a risk to the Church. The PCV must act to mitigate this risk from both a legal duty of care perspective and also from an insurance perspective as a POC is a person who would be excluded from insurance cover if they were to offend in the Church. In the case of children, the 'Failure to Protect' law and the Victorian Child Safe Standards also mean the PCV must act to protect children from a known risk to their safety from abuse.

The decision to allow the inclusion of a person of concern in church life depends upon careful risk assessment (See the document 'Risk Assessment for a Person of Concern in the Presbyterian Church of Victoria').

Who is a 'child'?

Any person under the age of 18 years.

Who is a 'vulnerable adult'?

A person who is considered to be susceptible to abuse or exploitation based on factors such as their health status (physical or mental), age, grief, social isolation, previous experience of abuse or financial hardship.

Vulnerability may be temporary or permanent.

Why is a procedure required in response to the presence of a POC in a congregation?

The PCV has a moral and legal responsibility to ensure that all people within our denomination or receiving ministry from PCV organisations are safe within the life of the Church.

The PCV is committed to ensuring our churches and organisations are places where people are cared for, nurtured and sustained in their faith and lives.

The PCV also recognises that the Church has a duty of care to ensure children and vulnerable adults are protected from harm. Further, the advent of the Betrayal of Trust laws in Victoria, the Victorian Child Safe Standards and other child protection legislation also raises the legal requirement for the Church to have documented strategies for preventing and responding to child sexual abuse.

Without risk managements plans or safety agreements in place, individuals in governance roles, and the denomination as a whole, risk potential civil and/or criminal liability, in addition to reputational risk.

Finally, the procedure is especially needed, given that the Sexual Abuse Insurance held by the PCV does not cover the participation of a POC in a PCV church.

What is 'duty of care'?

Duty of care is a common law concept that refers to the responsibility organisations, such as churches, have to provide people with an adequate level of protection against harm.

It is the duty of the PCV to protect people who engage with the denomination from all reasonably foreseeable risk of emotional (psychological), physical and sexual injury.

If the appropriate policies and procedures are not in place and active, the PCV may be held negligent should an incident of abuse occur, as well as failing in our Christian and moral duty.

What are the Betrayal of Trust laws?

There are three criminal offences within Victoria, established in 2014-15, which further protect children from abuse:

A grooming offence which targets communication, including online communication, with a child or their parents with the intent of committing child sexual abuse

A failure to disclose offence that requires adults to report to police a reasonable belief that a sexual offence has been committed against a child

A failure to protect offence that applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but negligently failed to do so.

These offences are known as the ‘Betrayal of Trust’ laws and as a result of these laws the PCV must act in cases of known risk to the safety of children from child sexual abuse within PCV churches and organisations.

What are the Victorian Child Safe Standards?

The Victorian Child Safe Standards are a direct result of the ‘Betrayal of Trust’ Victorian State Government Parliamentary Inquiry into the Handling of Child Abuse in Religious and Non-Government Organisations, held in 2012-13.

As a result of the Inquiry the State Government have introduced a number of new pieces of legislation, which have bipartisan support among all political parties in Victoria. The Child Safe Standards are intentionally designed to increase the safety of children in all organisations, religious or otherwise.

At the heart of the standards is the desire of our community to say “Never again” to the abuse of children within organisations in Victoria – this is something the Christian Church absolutely aligns with.

For churches and Christian organisations the Child Safe Standards provide further impetus to achieve best practice in protecting children now from harm and from the lifelong effects of child abuse.

The Standards require organisations to have clear, documented processes to identify and remove or reduce known risks to children’s safety from abuse.

The POC strategy ensures the PCV appropriately complies.

What is the Victorian Reportable Conduct Scheme?

This scheme mandates the reporting to the Victorian Commission for Children and Young People of all allegations, disclosures and concerns relating to child abuse by employees and volunteers within organisations with children in Victoria.

The PCV is legally required to make such reports and have in place formal responses to such issues, including systems of risk management.

The POC strategy forms a key part of the PCV being able to legally comply with the Scheme.

What is the Wrongs Amendment (Organisational Child Abuse) Act 2017?

A statutory duty of care under the Wrongs Amendment (Organisational Child Abuse) Act 2017 (see Part XIII of Wrongs Act 1958) has been created to ensure there is a clear legal duty placed on organisations to take reasonable steps to minimise the risk of child abuse, perpetrated by organisational representatives.

This means a child abuse survivor (plaintiff) will have a clear cause of action when commencing legal proceedings against an organisation for the sexual and/or physical abuse of a child. It is then up to the organisation to prove that it took reasonable precautions to prevent the abuse.

What is the intention of the POC Procedure?

The intention of this procedure is to have the Safe Church Unit work together with church leaders (including pastors, elders and other leaders) and a POC to ensure that appropriate safeguards (through the clear setting of boundaries and expectations) are deployed within PCV churches and organisations to protect people from harm while allowing for the continued presence and involvement of a POC in the life of the PCV.

In this way the PCV seeks to balance:

- The right of children and vulnerable adults to be safe from harm in the Church
- The wish of a POC to participate in the life of the Church
- The legal duty of care of the Session (as the governance body of a congregation) and the PCV (as the denomination) to mitigate risks posed by a POC in the Church
- The Victorian child safety legal obligations of the Session, as both individuals and members of a governance body of an organisation with children

The procedure acknowledges the need for denominational support, training, establishment, monitoring and oversight in this process.

It aims to ensure that all reasonable measures have been put in place to ensure safe ministry occurs with a POC – ministry that is God-honouring, abuse free, harm free, person valuing and respectful.

How does the POC Procedure work?

The procedure involves working co-operatively with church leaders resulting in the introduction of a risk management plan to ensure that safe ministry occurs when a POC is participating in a PCV church.

The Safe Church Unit resources and assists courts of the Church in the formation of the risk management plan.

The risk management plan is an arrangement establishing the boundaries and conditions of a POC's participation in the life of the PCV, whether this be in a PCV congregation or organisation.

One form of arrangement is known as a 'Safety Agreement'. Safety Agreements are utilised in many Christian denominations within Victoria, and indeed Australia, to manage POCs within their denomination.

What is a 'Safety Agreement'?

A Safety Agreement:

- Outlines the way a POC can participate in the life of the congregation and the PCV, through the setting of clear terms and conditions regarding behaviour/actions
- Is agreed after consultations between the relevant parties, with the assistance and support of the Safe Church Unit
- Is tailored to the individual situation
- Establishes a permanent system of monitoring a POC within the congregation or organisation
- Provides for intentional pastoral care for a POC in the congregation
- Is signed by the POC and the church leaders (pastor/s and elders) of the particular congregation or organisation
- Is in place for the duration of the POC's participation in the PCV

- Provides legal evidence of the actions taken by the Session and the PCV to reduce real and potential risks associated with ministry to the POC
- Is regularly reviewed by sessions each session meeting and reported on to presbyteries each presbytery meeting

The POC understand that if the agreement is breached, the person will no longer be able to participate in any activity, ministry or worship

The use of ‘Monitors’

A monitor is someone tasked with ensuring compliance with the conditions of the Safety Agreement.

More than one monitor is appointed and established by the Safety Agreement. People who serve in this role need to be able to exercise compassion without losing the gravity of purpose. In most situations one or more elders will take on the monitor roles.

A monitor needs to:

- Prioritise the interest of the congregation or organisation over any relationship with the POC
- Maintain an ongoing awareness of the need for monitoring of the POC and be confident to report any breaches of the Safety Agreement boundaries and conditions by the POC, as the POC may attempt to test the boundaries of the agreement
- Neither minimise nor exaggerate the seriousness of the POC’s circumstance and/or behaviour and able to respect the need for a Safety Agreement
- Regularly attend church services, congregational/organisational events and be involved in any ministry or activity the POC participates in
- Be willing to be accountable to their fellow church leaders in their role as monitor
- Realise the importance of this role and maintain strict and appropriate confidentiality
- Maintain appropriate boundaries with the POC – the role is not to befriend the POC nor to offer pastoral care. Pastoral care is offered under a separate section of the Safety Agreement by other people within the congregation or organisation.
- Have realistic expectations and understand the role is a medium-to-long term undertaking.

Is the POC Procedure a Christian response?

A Christian church or organisation can be one of the few places where a POC, as a recipient of God’s love and grace, can find a place where Christian welcome, teaching from Scripture and encouragement to grow in Christ is offered to them.

However, participation in the life of a Christian church or organisation is not a guarantee of Christlike behaviour nor a guarantee against repeating past sinful behaviour that has been abusive and caused harm.

A risk management plan or a Safety Agreement offers clear expectations and firm boundaries with transparency and accountability.

This procedure is a way of including the POC in the life of the PCV while maintaining the PCV’s commitment to ensuring that all our congregations and organisations are safe in every respect for everyone within them.

Finally, this procedure aligns with the PCV’s Safe Church Policy and Code of Conduct, both of which stem from a Christian commitment to deal with abuse and the risk of abuse of abuse in the Church from a biblical and godly foundation.

In conclusion, the POC Procedure acknowledges:

- People within PCV congregations and organisations rightly expect them to be places of safety from abuse
- The legal duty of care owed by the PCV to provide such a place and to do so in an intentional and planned fashion, carefully balancing the needs and rights of all parties
- The expectation that the PCV will identify and appropriately manage risk posed by a POC
- The high level of community concern about sexual abuse and abuse in general (particularly in churches)
- The legal obligations of the PCV under the Victorian child safety legislation
- That there are survivors of abuse in our congregations and organisations and we seek to care for them effectively
- That there is no 'typical' POC and so each Safety Agreement will be tailored individually
- The issues of forgiveness and the POC's right to privacy
- The risk management and liability issues around a POC's participation in the life of the PCV
- The need for the support and assistance of the Safe Church Unit in the implementation of this strategy.

Person of Concern (POC) Procedure Process – In the case of a Risk Management Plan

This process may alter, depending on individual circumstances. In the case where a person self-discloses behaviours/conduct/offences to a minister and/or a person in another church role, a risk management plan will necessarily be put in place regardless, based on this self-disclosure.

Step 1 – Identification

A POC is identified in a Presbyterian Church of Victoria (PCV) congregation.



Step 2 – Notification

Kooyoora is notified of the POC.



Step 3 – Deliberation

Kooyoora notifies the Session that a POC is present in the congregation & provides the relevant information to the Session. The Session meets with the Safe Church Facilitator to formally receive and consider the information, along with the Safe Church PCV, legal and insurance obligations upon the Session. Risk assessment is undertaken and Session considers if the Session can safely include the POC under a risk management plan.



Step 4 – Decision

Session decides if:

- a) A risk management plan can be implemented to safely include the POC in the church
- b) Alternate ministry, outside the church, can be implemented instead of a risk management plan
- c) The POC cannot be safely included



Step 5 – Establishment Phase

If a risk management plan is chosen by the Session this document is then drafted with the assistance of SCU.

If a different decision is taken by Session then this is progressed with the assistance of the SCU.



Step 6 – Administrative Phase

All relevant notifications and documentation are completed by the Session and SCU.

A copy of all relevant minutes should be sent to Kooyoora.



Step 7 - Review

The state of any Risk Management Plans is to be regularly reviewed by session and reported to each ordinary presbytery meeting

A formal review with Kooyoora is required at least every 12 months.

Immediate/event-triggered review is required whenever circumstances materially change.

Person of Concern (POC) Procedure Process – In the case of a Safety Agreement

This process may alter, depending on individual circumstances. In the case where a person self-discloses behaviours/conduct/offences to a minister and/or a person in another church role, a safety agreement will necessarily be put in place regardless, based on this self-disclosure.

Step 1 – Identification

A POC is identified in a Presbyterian Church of Victoria (PCV) congregation - see definitions



Step 2 – Notification

Kooyoora is notified of the POC.



Step 3 – Deliberation

Kooyoora notifies the Session that a POC is present in the congregation & provides the relevant information to the Session.

The POC is invited to attend a meeting regarding the matter, with at least two members of Session and bringing along a support person, if they wish.



Step 4 – Meeting with the POC

In this meeting the POC is made aware of their identification as a POC and the legal requirements upon the Church to mitigate risks posed by POCs. The POC is given an opportunity to respond and be heard in regards to the matter. The POC is informed that the Session will then meet to decide how to proceed and then communicate back to the POC.



Step 5 – Session reconvenes

After the first meeting with the POC, Session meets again and decides how to proceed. Kooyoora can act as a resource to assist in this.



Step 6 – Establishment Phase

If a Safety Agreement is chosen by the Session this document is then drafted with the assistance of Kooyoora and offered to the POC for signing.

If a different decision is taken by Session then this is progressed with the assistance of the Kooyoora and the SCU.



Step 7 – Administrative Phase

All relevant notifications and documentation are completed by the Session, Kooyoora and the SCU.

A copy of all relevant session minutes should be sent to Kooyoora



Step 8 - Review

The state of any Safety Agreements is to be regularly reviewed by session and reported to each ordinary presbytery meeting

A formal review with Kooyoora and re-signing is required at least every 12 months,

Immediate/event-triggered review is required whenever circumstances materially change.

Information for ministering to a Person of Concern

This document has been prepared to assist church leaders, including pastors and sessions and is designed to be read in tandem with the Person of Concern Procedure document.

If there is any hope for any of us, then there is hope for a Person of Concern (POC) in God's family of believers.

God, in His great mercy, sent Jesus to die for us even when we were still His enemies.

Jesus came for the sinful, the unclean, the unlovely and the unloved.

In practising safe ministry to a POC we as the Church hold out the hope of the Gospel, that they might confess before God, repent, ask for forgiveness and be cleansed.

We can stand with a POC as they walk their journey of faith within a setting that enables them to participate in the life of the Church without jeopardising the safety of others.

The Gospel of Jesus Christ is open to all who truly seek it, and it would be a terrible thing for the Church to turn away POCs.

However, this does not mean that we neglect to take steps to prevent or minimise the risk of abuse.

Nor does it mean that we be naïve about the techniques used by some POCs to resist accountability or to convince church leaders that they pose no risk at all.

Indeed, we are mindful that the Lord Jesus himself warned his disciples to be aware of "wolves in sheep's clothing" and said in Matthew 10:16,

"Behold I send you out as sheep in the midst of wolves. Therefore be as wise as serpents and as harmless as doves."

When we minister to a POC we need to be aware that some POCs:

- May be practised at deceit, both of themselves and others
- May return to past abusive behaviours
- Have often manipulated systems and people to hide their abusive behaviour, including grooming church leaders to see them in a certain light

Realistically, the only indicator we have of future behaviour is past behaviour and while we know that all things are possible with God we also know that we have a holy duty before Him to care for His little ones and protect them from harm.

Risk Factors

Sometimes a POC will be a known offender – they may even be on the Sex Offenders Register. Other times they will be a person where there are credible reports relating to their past abusive behaviour, perhaps including sexual offence allegations (whether relating to adults or children) or allegations of other abuse, but they have never been charged or convicted.

Often in such circumstances there may not have been enough evidence to convict but there is still, on balance of probability, a known risk.

Perhaps the victim(s) were too traumatised to report, or too young to know who to tell, or perhaps even too frightened, embarrassed or intimidated to proceed.

When it comes to POCs in churches, issues can all too easily be swept under the carpet or perhaps well-intentioned church leaders attempt to entirely moderate the risk themselves with no formal structure, often to the detriment of the vulnerable, the POC, the congregation and the denomination.

Whatever the individual circumstances of a POC it is critical to remember that there is no such thing as no risk attached to a POC.

There is always what is known as 'residual risk' – namely, the fact that nobody can predict the future behaviour of another person.

It is also helpful to understand that risk factors do not look at guilt or innocence but provide warning flags in regards to whether an individual may be a danger to vulnerable people in the church – be they children or adults.

Further, a POC may be higher or lower risk and this is helpful to remember when ministering to a POC.

What are the high risk factors associated with ministering to a POC in a congregation or organisation?

High risk congregations/organisations are:

- Unaware of the risks of abuse and naïve about how abusive personalities target and manipulate people and groups in order to access potential victims
- Often operating with a very informal, family-like structure where anyone can do anything in the congregation/organisation because there are high levels of trust and low levels of scrutiny
- Uneducated about the nature of abuse and abusers and the legal responsibilities of the Church to protect children and the vulnerable
- So keen to trust others and so averse to setting appropriate boundaries for people that they are unwittingly extremely vulnerable to the dangers posed by a POC

High risk POCS exhibit some or even all of the following behaviour:

- Ask for forgiveness but do not apologise, demanding that others immediately "forgive and forget" – they will often wield Scripture as a weapon to do this
- Refuse to accept that they pose a risk
- Deny past behaviour (even when there are known credible reports) or blame others for their own behaviour (for example – "She drove me to it" or "It wasn't my fault, she said she wanted to")
- Minimise or downplay their behaviour ("it wasn't that bad" or "I was just trying to help the child and they have misunderstood things/made things up")
- Have an entitlement attitude ("it's my right to be in this role/church")
- Initially attempt to charm the church leaders to believe they pose no risk and there should be no appropriate boundaries put in place on their participation in the Church

- Refuse to acknowledge the right of the Church to address the issue of risk and put in place a Safety Agreement
- Resist, drag out or even refuse to be part of the process
- Turn on the church leaders and accuse them of being “Un-Christian” by implementing the POC Procedure
- Threaten to “take this to a higher authority” or to take legal action
- Become hostile and aggressive, even physically threatening
- Use drugs and alcohol (which lower inhibitions and can increase the risk of offending)

Finally, ministering to a POC in the Church can be difficult. There are no perfect solutions. However, by recognising the risks and understanding the moral and legal duty of care owed by the Church to people within the Church, we can implement appropriate boundaries, through the POC Strategy, which balance the rights and needs of all parties.