



2023 EDITION

BREAKING THE SILENCE

Policy & Code of Conduct

2023 Edition

Conduct Protocol Unit

Presbyterian Church of Australia in NSW/ACT

Our Policy

This statement applies to all persons holding a **position of authority within the church**, and all congregations, presbyteries, organisations, and committees within **the church**. It is our commitment to dealing with **abuse** within **the church**.

This policy statement relates to **abuse** as defined in **Breaking the Silence**. It does not apply to any other forms of abuse, grievance or personal injury claim.

Policy Statement

- We commit ourselves to respect other people's minds, emotions and bodies. We have established **Breaking the Silence** as the public criteria according to which the community may judge the resolve of **the church** to address issues of abuse within **the church**.
- We acknowledge and accept the trust granted to us by those who are taking part in church activities, their families, and the wider community. We therefore commit ourselves to striving to ensure that all our actions are morally upright.
- We acknowledge that, as a church, our responses to **victims** in the past have varied greatly. We express regret and sorrow for the hurt caused whenever the response has denied or minimised the pain that **victims** have experienced, or caused them to experience further pain.
- We are committed to establishing a process that strives for truth and confidentiality. We will ensure as far as possible that a compassionate response is the first priority in all **allegations**, even at a time when it is not yet certain that the **allegations** are accurate, through offering assistance, protection and care without passing judgement or prejudicing the rights of the **alleged offender**. We acknowledge that concealing the truth is contrary to the character of God, unjust to **victims** and a disservice to **offenders**.
- We understand and value the need for support to all parties involved in an **allegation**, including the **aggrieved person** and the **alleged offender**, and we actively seek to provide this support.
- We acknowledge the personal and public difficulties that a false, misconceived, malicious or vexatious **allegation** can cause for the person accused. We will take whatever steps are possible to address these difficulties.

- We are willing to know the full extent of the problem of abuse and the causes of such behaviour within **the church**. We will strive to be aware of our legal responsibilities and obligations in relation to prevention, reporting and processing requirements and seek to meet them at all times.
- We acknowledge that we have had to make changes in the way that we relate to **children** and **young people** and others, and as a result, some good things have been lost. However we will bear this loss to ensure as far as possible that the vulnerable are safe.
- We will ensure as far as possible that all people in **positions of authority within the church** and / or working with **children** and **young people** are aware of the appropriate standard of conduct and boundaries. We require those who work on behalf of **the church** to indicate their agreement with this policy statement and work towards providing an environment that prevents abuse.
- We believe that churches ought to be places of safety and refuge for **children, young people** and others, where they should be and feel safe from any threat when on church property or involved in activities operated by **the church**, or accessing services provided by **the church**. We believe that **the church** should be a place where people can disclose abuse and have it dealt with effectively.
- As a church we are committed to the implementation of the **Child Safe Standards**.
- We will establish a prevention strategy that includes screening, sound recruitment and selection procedures, clear boundaries, risk identification and management, education, support, supervision and training.
- We acknowledge that the age of consent for sexual activity is determined by legislation. However, we are mindful that this must be read in the light of our moral and spiritual responsibility. All people in a position of authority within the church, be it real or perceived, paid or unpaid, have a moral and spiritual responsibility towards those over whom they have authority. In this situation it is never appropriate to take part in sexual activity of any kind, regardless of the person's age. We affirm that sexual behaviour belongs in a biblical marriage relationship only and that in this context it is a good gift of God.
- All **allegations** will be notified to the appropriate external authorities, overseen by the **CPU**, investigated thoroughly and determined as described in **Breaking the Silence**.
- Irrespective of any other action that may be taken by authorities outside **the church**, **the church** reserves the right to exercise its powers according to the **Code of Discipline** and **Breaking the Silence** wherever this action is deemed necessary.

Code of Conduct

The following constitutes **the church's Code of Conduct** for behaviour for a person in a **position of authority within the church**:

1. As a person in a **position of authority within the church** you must always be concerned about the integrity of your position, likely perceptions of **the church** and the wider community, and the need to acknowledge the real or perceived power given to you as a result of holding this position. You should avoid situations where you are vulnerable to temptation or where your conduct may be construed to be a breach of this Code of Conduct. You will make yourself familiar with the provisions of **Breaking the Silence**.
2. You must not fail to take action to prevent to the best of your ability and report as required any of the following:
 - **child abuse,**
 - **a child or young person at risk of significant harm,**
 - **reportable conduct,**
 - **sexual misconduct, and / or**
 - **conduct that breaches the Breaking the Silence Code of Conduct.**
3. **Sexualised behaviour** is any behaviour that may reasonably be perceived to be of a sexual nature according to the standards of the time by the person to whom it is directed. **Sexualised behaviour** is only permitted as set out in the Word of God. Except with one's own marriage partner, all **sexualised behaviour** is forbidden. If you are not married you must abstain from all sexual or **sexualised behaviour**.
4. You must not engage in or condone any behaviour that could be considered to be:
 - **child abuse,**
 - **putting a child or young person at risk of significant harm,**
 - **reportable conduct, and / or**
 - **conduct that breaches this Breaking the Silence Code of Conduct.**



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5. You must not engage in or condone any behaviour that could be considered to be **sexual misconduct**, understanding that **sexual misconduct** is contact or invitation, via any means, of a sexual nature which is inconsistent with the integrity of a person in a **position of authority within the church**. **Sexual misconduct** includes any behaviour that could be reasonably considered to be **sexual assault, sexual exploitation, sexual harassment, coercion or grooming** of an **adult** or a **child or young person**.

6. **Sexual exploitation** refers to any form of **sexualised behaviour** with an **adult, child or young person**, whether or not there is consent and regardless of who initiated the behaviour, where that behaviour is contrary to the Word of God. Therefore, you will not among other things engage in or condone any of the following:
 - behaviour or a pattern of behaviour aimed at the involvement of others in sexual acts, including but not limited to **coercion or grooming behaviour**,
 - **sexualised behaviour** with a person below the age of consent,
 - **sexualised behaviour** with a person with whom there is a supervisory, **pastoral care**, or counselling relationship,
 - the production, distribution, possession of or accessing of pornographic material of any kind,
 - taking advantage of the conscious or unconscious use of sexually provocative behaviour that some victims of abuse display,
 - engaging the services of a prostitute, or soliciting or providing such services,
 - visiting, without legitimate reason, a brothel or any place maintained for the abuse-of-sex industry,
 - viewing or reading, in print or otherwise, material of a sexually explicit nature, except for a legitimate purpose,
 - participating in sexually explicit conversation via social media, chat rooms, gaming or any other means, and
 - asking, without legitimate reason, any questions about the intimate details of a person's sexual life or providing details of your own sexual life.

7. **Sexual harassment** means unwelcome **sexualised behaviour**, whether intended or not, in relation to an **adult, child or young person** where that person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. Therefore, you will not, among other things engage in or condone:
- implicit or explicit demands or suggestions for sexual activities,
 - making any gesture, action or comment of a sexual nature to a person or about a person in their presence,
 - making jokes containing sexual references or innuendo using any form of communication,
 - exposure to any form of sexually explicit or suggestive material, including but not limited to pornography of any kind,
 - physical contact that is inappropriate to the situation or uncomfortable or confusing for the receiver, including kissing, hugging, touching, pinching, patting or aggressive physical conduct,
 - touching any sexual part of the body, including the “only kidding” or accidental occasions of sexual touch,
 - generating or participating in inappropriate personal correspondence (including electronic communication) in respect of sexual or romantic feelings or in breach of the Code of Conduct,
 - inappropriate giving of gifts, including those of a sexual, suggestive or romantic nature that is in breach of the Code of Conduct,
 - inappropriate or unnecessary discussion of, or inquiry about, personal matters of a sexual nature,
 - inappropriate intrusion of personal space or physical privacy, including being alone in a bedroom or bathroom or allowing inappropriate exposure during activities that require dressing or changing clothes,
 - voyeurism, and
 - persistent following or stalking.

8. **Coercion or grooming behaviour** refers to physical or psychological actions intrinsic to initiating or hiding abusive behaviour, which involved the manipulative cultivation of relationships with vulnerable **adults, children** and / or **young people**, their **carers** and others in authority. You will not exhibit any behaviour that could be considered to be **coercion or grooming behaviour**.
9. With regard to **children and young people**:
 - You will not visit a **child or young person** in their own home unless a parent is present or you visit with another person in a **position of authority within the church** with parental permission.
 - You will adhere to Section 16 of **Breaking the Silence** when providing overnight activities which include accommodating groups of **children/young people** in any way other than with their **carer**.
 - You will not provide any form of accommodation for any reason where there is not strict segregation by sex, with the exception of married couples and families. Supervision of **children** and / or **young people** must be provided by a person of the same sex.
 - You will ensure that any activity involving **children** and / or **young people** is open to observation by parents and other adults with a legitimate interest.
10. With regard to **adults, children and young people**:
 - You will not condone or participate in **bullying** behaviour, where **bullying** is the repeated seeking out or targeting of an **adult, child or young person** to cause them distress and humiliation or to exploit them, including exclusion from a peer group, intimidation and extortion.
 - You will not condone or participate in **domestic or family violence**, which involves violent, abusive or intimidating behaviour carried out by a partner, carer or family member to control, dominate or instil fear. This includes physical, emotional, psychological, sexual, financial or other types of abuse,
 - You will not participate in or allow nude swimming or other such activities.
 - You will not participate in or allow initiations and secret ceremonies.

11. With regard to **adults, children and young people**, either the Presbytery or Session may make temporary variations in respect to the details of the following. These temporary variations will be formally recorded by the Presbytery or Session and will be made on a restricted basis for individuals in specific circumstances for a specific period of time. Where no temporary variation is formally recorded, the following will apply without change:
- You will take care to ensure an appropriate balance of transparency and confidentiality so that the private concerns of others are not disclosed or revealed improperly. In ordinary circumstances, when you are providing **pastoral care** to, or working with members of the opposite sex, you will strive to do so in an environment that allows visual surveillance and, where reasonable, have other people within hearing distance.
 - You will not allow a **child** to sleep in close proximity to an adult, other than a parent or guardian, unless there is a significant separation, and privacy of all parties is respected.
 - You will not allow an **adult** to share accommodation with one **child** or **young person** only unless they are a parent or guardian of that **child** or **young person**.
 - You will not drive a **child** or **young person** unaccompanied.

Where specified provisions cannot be followed in an emergency, the circumstances of the emergency and the actions taken should be reported to and approved by the **supervising body**. Where the actions taken are not approved they will be considered to be a breach of the Code of Conduct.

Any breaches of this Code of Conduct for any reason will be reported to the appropriate **supervising body** as soon as possible. The **supervising body** will then report the matter to the CPU.

INFORMATION & ASSISTANCE

Breaking the Silence is not limited to child abuse. As a church we are concerned for all people, regardless of age, who may be abused. Breaking the Silence covers:

- child abuse
- risk of significant harm,
- reportable conduct,
- sexual misconduct, and / or
- conduct that breaches the Breaking the Silence Code of Conduct, including Domestic Violence.

It does not extend to other forms of abuse and does not cover any other forms of grievance or personal injury. Words in bold have a specific meaning as defined in Breaking the Silence.

This document is a summary only. As a guideline it should not be solely relied upon for advice. Those in a position of authority within the church should consult Breaking the Silence full policy and obtain professional advice in each situation and every individual case. Remember, you are not on your own in these matters.

Helpful Contact Numbers

National

Kids Help Line	1800 55 1800
Lifeline	13 11 14
1800RESPECT	1800 73 77 32

New South Wales

Child Protection Hotline	13 21 11
NSW Domestic Violence Line	1800 656 463

Australian Capital Territory

Child and Youth Protection Services	1300 556 729
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Tasmania

Child Safety Service	1800 000 123
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Western Australia

Department for Child Protection	1800 273 889
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**For more information or assistance about anything
within this document please contact:**

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He has shown you, O mortal, what is good.
And what does the Lord require of you?
To act justly and to love mercy
and to walk humbly with your God.

Micah 6:8

