The Anglican Communion Charter for the Safety of People and the Safe Church Policies of the Anglican Church of Canada

Scully, Eileen

Prepared for Rev. Dr. Eileen Scully, Director of Faith Worship and Ministry by Mary Margaret Wells, December 3, 2018

Table of Contents

WHAT IS THE CHARTER FOR THE SAFETY OF PEOPLE? p.1 PURPOSE OF THIS REPORT p.2 THE FIVE COMMITMENTS OF THE CHARTER FOR THE SAFETY OF PEOPLE p.5 SAFE CHURCH POLICIES IN CANADA IN 2018: A SUMMARY OF FINDINGS p.6 BIBLIOGRAPHY p.12 Appendix 1. CHARTER FOR THE SAFETY OF PEOPLE: THE FIVE COMMITMENTS p.14

What is the Charter for the Safety of People?

The Anglican Communion Charter for the Safety of People was adopted in October 2012 by the Anglican Consultative Council (ACC-15). The **Charter** is the result of several years of work by the Anglican Communion Safe Church Network and can be seen as a model for best practice standards. Both lay persons and clergy of the Anglican Church of Canada were active participants in this global initiative that led to the Charter.

The *Five Commitments of the Charter* provide that Provinces of the Anglican Communion will extend:

- 1. Pastoral Support where there is abuse
- 2. Effective Responses to abuse
- 3. Practice of Pastoral Ministry
- 4. Effective Review of Suitability for Ministry
- 5. A Culture of Safety in the Church

As set out in the *Charter*, the witness of Scripture recognises and affirms God's love for all members of the human family and the priority given in Jesus' ministry to children and the vulnerable of society. The five *Commitments* provide a framework for effective Safe Church policies and procedures. A more detailed description of the *Commitments* can be found on in Appendix 1, *Charter for the Safety of People*.

What is the Anglican Communion Safe Church Commission?

The Anglican Communion Safe Church Commission (ACSCC) is an international body which was established at the request of the Anglican Consultative Council at its meeting in Lusaka, Zambia, in 2016 (ACC-16). Its creation was recommended by the Anglican Communion Safe Church Network with an objective of developing "International Guidelines to enhance the safety of all persons—especially children, young people and vulnerable adults—within the provinces of the Anglican Communion... The establishment of the Anglican Communion Safe Church Commission was requested in one of four safeguarding resolutions approved by ACC-16. Its creation builds on the adoption by ACC-15 of the Charter for the Safety of People within the Churches of the Anglican Communion". The Commission, made up of thirteen representatives of the provinces of the Communion, including Canada, has produced draft *Guidelines for the Safety of People.*

These *Guidelines* will be presented for approval at the Anglican Consultative Council (ACC 17) in Hong Kong in April/May 2019, with a view to being presented at the Lambeth Conference in 2020.

Safe Church in Canada

Since the Diocese of Toronto developed and implemented the first *Sexual Misconduct Policy and Procedures* in 1992, the Anglican Church of Canada has been in the forefront of work to ensure

personal safety in the Church. The *Charter for the Safety of People* and the forthcoming international *Guidelines* have been influenced significantly by Safe Church policy development in Canada. In the past 25 years Misconduct Policies have been developed by all Anglican dioceses in Canada. They are periodically reviewed and updated and have been re-named with various titles such as "Policies for Responsible Ministry", "Safe Church Policies" or "Safeguarding Policies". The linguistic changes have tended to reflect a cultural impetus to express a positive purpose of protection for children and other vulnerable persons. For this report, the term "Safe Church Policy" will be used generically.

A more detailed history can be found in Appendix 3.

PURPOSE OF THIS REPORT

This report is intended to support and inform the work of dioceses of the Anglican Church of Canada as they continue their regular reviews and updates of their Safe Church policies. The study reviews current (2018) Canadian diocesan policies using the framework of the Anglican Communion Charter for the Safety of People and the recommendations of the Anglican Communion Safe Church Anglican Guidelines.

The report is forward looking and will:

- keep dioceses of the Anglican Church of Canada abreast of most recent developments of the Commitments and Guidelines of the Charter for the Safety of People and the international Guidelines;
- highlight the current procedures in place that reflect the Commitments of the Charter;
- identify elements for dioceses in Canada to consider for priority in future reviews and revisions of their policies;
- provide a framework for Canadian Safe Church Policy development that anticipates the International Guidelines that will be presented to Anglican Consultative Council 17 in Hong Kong in 2019;
- provide a foundation for the creation of a template for Safe Church policy;
- support the Anglican Church in Canada's continued position of leadership in ensuring the Safety of People; and,
- provide the Anglican Church in Canada information to create a resource for consistent practice across the country.

There are 30 dioceses in Canada. In addition to these, the policy bases of two other jurisdictions were studied in this project: that of the Military Ordinariate (Chaplains' branch of the Canadian Armed Forces), and that of the General Synod (national structure).

A letter from the Director of Faith, Worship, and Ministry was sent to all bishops informing them of the study and requesting that they provide access to their Safe Church policies and procedures. Safe Church policies of all dioceses were obtained largely from the diocesan websites with follow-up e-mail requests to each of the Bishops in those cases where the policies were not easily found in a public, online, form.

Charts based on the five commitments of the *Charter for the Safety of People* and the Guidelines were developed to identify the presence or absence of elements that are recommended to effectively implement these five commitments of the *Charter for the Safety of People*.

It is not expected that all commitments and procedures detailed in the *Guidelines* would be present in all Canadian policies at the time of this study in mid-2018. Rather, the study both highlights the current diocesan policies and procedures that reflect the Commitments of the Charter, and identifies elements for the Canadian Church to consider in future reviews and revisions of their policies. Several diocesan leaders indicated that their policies were, in fact, at this time, undergoing review and revision, and so it is anticipated that this study will need to be updated within a year or two, or kept current, as a longer-term, ongoing project.

THE STUDY:

In the summer of 2017 following her appointment to the Commission, the author undertook an overview survey of the Canadian Anglican Diocesan Sexual Misconduct Policies in order to be able to report to the Commission the status of policies designed to prevent sexual misconduct in the Canadian Church. This was provided first to Rev. Dr. Eileen Scully, Director of Faith, Worship and Ministry, Anglican Church of Canada and then to the Commission in October 2017 (see Appendix (1.).

In March of 2018 Rev. Scully supported a proposal for the author to undertake a multi-variate analysis of key procedures present in the 30 Canadian Diocesan, and additional two other jurisdictions' Safe Church policies. The analysis would reflect the framework of the Commitments of the *Charter for the Safety of People*.

STUDY VARIABLES:

For the purpose of this Review, Sexual Misconduct policies will be called Safe Church policies. The procedures (the variables) are designed to be congruent with the five Commitments of the Charter for the Safety of People. Unless a particular distinction needs to be made, these policies are referred to as 'diocesan' policies (with the understanding two additional jurisdictions are covered in the study).

METHOD:

Effective implementation of the Commitments of the *Charter* depends on having effective basic procedural elements.

Five charts were developed to identify the presence or absence in the Canadian diocesan policy documents of elements needed to effectively implement the Five Commitments of the Charter for the Safety of People.

The Anglican Communion Safe Church Commission is in the process of developing a report to the Anglican Consultative Council 17 in 2019 that offers "best practice guidelines" for implementing the Charter in the diverse cultures of the Communion.

The parameters of the study are forward looking and reflect some new "best practices" that are being developed by the Commission to bring to ACC-17 in April 2019.

It is not expected that all elements and procedures enunciated in the Charter would be present in all Canadian policies at the time of this study in mid-2018. Rather, the study both highlights the current procedures that reflect the Commitments of the Charter, and identifies elements for the Canadian Church to consider prioritizing in future reviews and revisions of their policies.

Confidentiality:

Data on the procedural variables was collected through review of the relevant policy in each diocese. What is being presented in this report back to Faith, Worship, and Ministry are the summary findings, which are aggregate in nature. In general, only the aggregate findings of the Review as set out in this report should be disseminated widely. Specific findings from review of an individual diocese' policy are available to that particular diocesan leadership upon request.

SAFE CHURCH POLICIES IN CANADA IN 2018:

A SUMMARY OF FINDINGS:

- All (100%) of Canadian Anglican dioceses have some of procedures in place to achieve the Charter Commitment to PASTORAL SUPPORT for allegations of abuse.
- Most (88%) of Canadian Anglican dioceses have some procedures in place to achieve the Charter Commitment for EFFECTIVE RESPONSE to allegations of abuse.
- Fewer than half of dioceses (41%) have some procedures in place to achieve the Charter Commitment to PASTORAL MINISTRY (education and training) for responding to allegations of abuse.
- (88%) of Canadian Anglican dioceses currently have some procedures in place to achieve the Charter Commitment to SUITABILITY FOR MINISTRY.
- (55%) of Canadian Anglican dioceses currently have some procedures in place to achieve the Charter Commitment to a CULTURE OF SAFETY.

Chart Summarizing Current Procedures in Canadian Anglican Dioceses that Reflect the Five Commitments of the Charter for the Safety of People

| Charter Commitment | Anglican Communion Guidelines for Effective Implementation of the Charter | Current (2018) Canadian Safe Church Policies | Recommendations for Updating Canadian Safe Church Policies |
|---|--|--|--|
| Commitment 1: Pastoral support where there is abuse. | Theological statement of compassion and care Appointment of support person (complainant) Appointment of support person (offenders) Offering spiritual assistance and other forms of pastoral care Training for Support persons Supervision of support persons | • 31/32 dioceses/jurisdictions of Canada have some Procedures to achieve the Charter Commitment to Pastoral Support. | Approximately one half of the dioceses (17) may want to consider adding procedures for training and supervision of Support Persons for alleged victims and alleged offenders |
| Commitment 2: Effective responses to abuse | Policy and related documents are made known on diocesan website Procedure for complaint is made known on website Availability of pastoral care for complainants and alleged offenders Impartial process for determination of allegations Assessment of future suitability for ministry | • Most dioceses (30/32) provide most of the elements for effective response | • Some diocesan policies have elements missing related to Safe Church documents available on their websites, including assessment of future suitability for ministry and crisis support for affected parishes and other church organizations |

| Charter Commitment | Anglican Communion Guidelines for Effective Implementation of the Charter | Current (2018) Canadian Safe Church Policies | Recommendations for Updating Canadian Safe Church Policies |
|---|---|--|--|
| | Crisis Support for Congregations | | |
| Commitment 3: Practice of pastoral ministry | Adopt education standards for practice of pastoral ministry Curriculum includes description of fiduciary responsibility and dual relationships in place for pastoral relationships Curriculum includes training in discernment of role of power in clergy and leadership Curriculum includes training in how to recognize and address abuse of power Bi-annual participation in training for pastoral ministry required for church personnel and clergy | • 14 /32 dioceses provide some procedures for pastoral ministry. | Missing elements tend to include adoption of education standards for pastoral ministry and training in how to recognize abuse of power |
| Commitment 4: Suitability for ministry | Policies in place to assess suitability of persons for ordination, including background checks | • 30/32 dioceses currently have some procedures in place to achieve the Charter Commitment to suitability for ministry. | • 17/32 dioceses do not have safety related policies in place for detailed information sharing |

| Charter Commitment | Anglican Communion Guidelines for Effective Implementation of the Charter | Current (2018) Canadian Safe Church Policies | Recommendations for Updating Canadian Safe Church Policies |
|--------------------------------------|---|---|--|
| | Policies in place to assess suitability of persons for appointment to positions of responsibility, including background checks Policies in place for information sharing between bishops when there is a request for transfer between dioceses | | between Bishops when there is a request for transfer between dioceses |
| Commitment 5: A culture of safety | Prevention education training on Safe Church in place Training includes review of physical environment for safety Training includes guidelines for interpersonal behaviour with children | 19/32 of Anglican Dioceses of Canada currently have procedures in place to achieve the Charter Commitment to a culture of safety. | Of those dioceses that do have some sort of policy and procedure , about half have specific training for Safe Church |

Observations and Recommendations:

Almost all dioceses in Canada have some form of Safe Church policy. Some appear as detailed Sexual Misconduct Policies, some are Safe Church Policies, many include Screening Programs. Some policies are found in the Canons or Policy Handbooks of Dioceses rather than being standalone policies.

Commitment One: Pastoral Support where there is Abuse: All diocesan Safe Church policies in Canada are grounded in faith based theological reflection and express a commitment to spiritual care of complainants, alleged offenders and parishes. Some dioceses recruit, train and supervise persons for these roles systematically. However, some do not identify how these persons are to be identified, recruited, trained and supervised. This may be due scarcity of resources, especially in small, rural or northern dioceses.

Recommendation: It may be useful to consider options for virtual (internet) training and consultation

Commitment Two: Effective Responses to Abuse: Only a few dioceses advertise a commitment to abuse prevention and Safe Church on the main page of their websites. Few provide links to their policies and procedures. Without this information readily available, a person who believes they have been abused has no way of knowing what to expect if they inform the diocese that they have a complaint. Similarly, accused persons do not have ready access to information about their rights and the procedures that they can expect to be implemented. Transparency is one of the keys to accountability and empowerment. It is also a powerful deterrent to misconduct.

The description of a fair and just procedure for investigation and decision making is clear in only about half of the policies. An interesting question arises about standard of proof. Generally, this is seen as rising to the civil level of proof (on the balance of probabilities) rather than the higher criminal level of proof.

Another question that should could be more fully explored is: who bears the burden of establishing proof? At least one diocesan document explicitly places the burden of proof on the complainant. Given that the research literature on sexual abuse establishes that abuse of power is a constant dynamic in sexual abuse, I would suggest that this is an unfair pressure to put on a person who may already be experiencing disempowerment at the time of their complaint. In consideration of this example, I would suggest that the onus should be on the diocese.

Recommendations: Dioceses should consider and implement ways to provide open access to information about their Safe Church policies through use of social media. A clear and consistent principle on the nature of due process and on who should bear the burden of proof should be developed.

Commitment Three: The Practice of Pastoral Ministry: This commitment ensures diocese have high education standards and practices in abuse prevention for persons in ministry as well as lay staff. *This tends to not be a requirement in Canadian diocesan Safe Church policies.*

Recommendations: It should be considered a strong consideration to include in Safe Church policy formation and annual training on personal boundaries in ministry, how to prevent abuse, how to recognize, and it when you see it an how to respond both compassionately and within a fair process.

Commitment Four: Suitability for Ministry: 30 out of the 32 Anglican dioceses (and other jurisdictions in the study) currently have some procedures in place in their Safe Church policies to achieve this *Charter Commitment*. There are three dioceses that appear to have no provision addressing this.

Of note, there seems to be no built-in risk management procedures regarding misconduct for clergy or lay staff who are transferring to another diocese. Reporting regarding a history of misconduct are not specifically included in the policies to address what happens when clergy transfer between dioceses. This enables cover-up of misconduct. There have been known instances of sex offenders transferring to another diocese and the new diocese not being alerted to the situation. Screening of clergy specific to lowering the risk for sexual and other misconduct is virtually non-existent or is reduced to a police records check.

Recommendation: The Safe Church Commission is developing an information tool that can be used for transfers between dioceses. It will address sexual misconduct as well as other behavioural risk issues. In the meantime, Canadian dioceses would do well to put this "on their radar" as a needed, formalized, procedure on top of whatever informal conversations happen amongst bishops.

Commitment Five: Maintaining a Culture of Safety: Over half of Anglican dioceses in Canada currently have procedures in place to achieve the Charter Commitment to a culture of safety. This refers to preventive education training for staff, clergy and volunteers, on maintaining a safe environment.

Recommendations: There are numerous educational programs on behavioural approaches to abuse prevention. Many are available online, making them more highly accessible. Volunteers Canada offers a "Screening in Faith" program that is comprehensive and has been successfully implemented in several Anglican Dioceses. As well there are several organizations that can provide expert training. These can be found in the bibliography.

Conclusion:

It has been a great privilege to participate in the Anglican response to sexual misconduct. We began to learn that sexual misconduct can intrude on what should be our safest, most meaningful places, exploiting the powerless and the vulnerable. Thirty years ago in Canada, starting with the Anglican Diocese of Toronto, Anglicans began to develop comprehensive policies, training programs and resources to combat the deeply saddening understanding that sexual abuse occurs in our churches. This policy has informed many Anglican dioceses across the country. Recently, the courage of the victims who have come forward in the #MeToo and #ChurchToo movement serves to forcefully remind us in the Church of the untold harm that can be caused by sexual misconduct.

At the same time, we see this movement as needing refinement to include due process mechanisms, care for alleged offenders and systemic support for alleged victims. Our painful learning in the Church can be a gift to the secular world as it comes to grip with this complex problem.

As Christians we believe that sexuality and sexual activity are gifts of God and that sexual relationships give us joy, and intimate pleasure that cements our personal relationships.

We know too that any of God's gifts are potentially open to abuse. Abuse of the gift of sexuality is potentially soul-destroying. It has caused turmoil on faith communities.

In Canada we have gained in experience through years of confronting this issue in our Church. Canadian Anglicans have also reached out to the world and have been an energizing force in the Anglican Safe Church Network. Canada's learnings and efforts have fed into the establishment and work of the Anglican Communion Safe Church Commission. As a Commission member it has been deeply rewarding to see Canada's experience in Safe Church joining with work from other parts of the globe and helping to create a powerful instrument for compassion and justice.

The Commitments of the Charter for the Safety of People offer an opportunity for the Anglican Church of Canada to both lead and to grow in its capacity to effectively maintain Safe Church. It is hoped that this Review, with its detailed exploration of Safe Church Policies in light of the Charter Commitments, will be an energizing resource supporting and sustaining our determination to make our Church as safe as possible in the coming years.

BIBLIOGRAPHY

Berry, Jason. Lead Us Not Into Temptation. Doubleday, 1992.

Canadian Conference of Catholic Bishops. *Breach of Trust, Breach of Faith; Child Sexual Abuse in the Church and in Society.* Publications Service, Canadian Conference of Catholic Bishops. 1992.

Center for the Prevention of Domestic and Sexual Violence. *Clergy Misconduct: Sexual Abuse in the Ministerial Relationship*, Workshop Manual. 1992.

Anglican Communion Consultative Council. *Charter for the Safety of People*, 2016 https://acscn.anglicancommunion.org/media/99278/Safe-Church-Charter-November-2012.pdf

Engleberg - Moston, Estelle and Stephen Moston. *Sexual Harassment: the Employer's Guide to Causes, Consequences and Remedies.* Business and Professional Publishing, Australia, 1997.

Erickson Pearson, Jan. Safe Connections; What ParishonersCan Do To Understand and Prevent Clergy Sexual Abuse. Augsburg Fortress, Publishers, 1996.

Finkelhor, David. Child Sexual Abuse; New Theory and Research. The Free Press, 1984.

Fortune, Marie M.. Sexual Violence: The Unmentionable Sin, An Ethical and Pastoral Perspective. Pilgrim Press, 1983.

Fortune, Marie M.. Is Nothing Sacred? When Sex Invades the Pastoral Relationship. Harper and Row, 1989.

Gonsiorek, John. *Breach of Trust: Sexual Exploitation by Health Care Professionals and Clergy.* Sage, 1995.

Gartner, Richard. "Sexual victimization of boys by men: Meanings and consequences" *Journal of Gay & Lesbian Psychotherapy*, January 1999.

Hammeal-Urban, Robin. *Wholeness After Betrayal: Restoring Trust in the Wake of Misconduct.* Church Publishing, 2015.

Hedberg, Thomas M., S.D.B., and Betsy Caprio. "A Code of Ethics for Spiritual Directors, the Centre for Sacred Theology", Dove Publications, 1992.

Herman, Judith Lewis, M.D.. Trauma and Recovery. Harper Collins, 1992.

Hopkins, Nancy Myers, and Mark Laser. Restoring the Soul of a Church. Liturgical Press, 1995.

Kirby, A.L.. "Sexual Abuse by Members of a Religious Organization: Obligations and Preventive Measures", *The Philanthropist*, Vol. 12, No.3.

Leehan, James. Pastoral Care for Survivors of Family Abuse. Westminster/John Knox Press, 1989.

Lightle, Juliana and Doucet, Betsy. *Sexual Harassment in the Workplace, A Guide to Prevention*. Crisp Publications, Inc, Menlo Park, California,1992.

Loftus, J.A., SJ. Sexual Abuse by Clergy

O'Malley, William J.. "The Grail Quest, Male Spirituality", *America*, May 9, 1992, Vol. 166, No. 16.

Pellauer, Mary, et al. *Sexual Assault and Abuse, a Handbook for Clergy and Religious Professionals.* Harper and Row, 1987.

Roberts, A. *Assessment, crisis intervention, and trauma treatment: the integrative act intervention model. Brief Treatment and Crisis Intervention*, 2(1), 1-22, 2006. https://www.google.ca/search?q=roberts%2C+a.+(2006).+assessment%2C+crisis+intervention%2C+ and+trauma+treatment%3A+the+integrative+act+intervention+model.+brief+treatment+and+crisis+ intervention%2C+2(1)%2C+1-

22.&rlz=1C1GGRV_enCA751CA751&oq=Roberts+&aqs=chrome.1.69i57j35i39j0l4.5846j0j8&so urceid=chrome&ie=UTF-8

Rossetti, Stephen J.. A Tragic Grace, The Catholic Church and Child Sexual Abuse. Liturgical Press, 1996.

Rutter, Peter, M.D.. Sex in the Forbidden Zone. Jeremy P. Torcher, Inc.

Sekandari, Dr. Nafisa. http://mentalhealth4muslims.com/child-abuse-the-muslim-community/, "Child Abuse & The Muslim Community", Mental Health for Muslims, April 17, 2017 *Rashid, Qasim. How the teachings of Islam could help us prevent more sexual abuse scandals, The Independent, October 15, 2017. https://www.independent.co.uk/voices/harvey-weinsteinislam-sexual-assault-rape-womens-rights-a8001521.html*

Trothen, Tracy. A Survey Of Policies And Practices In Respect To Responses by Religious Institutions To Complaints Of Child Sexual Abuse and Complaints By Adults of Historical Child Sexual Abuse, 1960-2006. Queen's University, Kingston Ontario.

Vinicky, Janice Marie. "A Code of Ethics for Spiritual Directors" *Human Development* Volume, 14, No.3, 1993.

Wells, Mary. *Canada's Law on Child Sexual Abuse: A Handbook*. Department of Justice, Canada, 1992.

Wells, Mary. *Responsible Ministry: A Model Misconduct Policy for Faith Communities and Institutions*, North Toronto Counselling Services, 2000.

Women's Inter-Church Council of Canada. *Restore: Ending Violence against Women.* Toronto: 2018.

Appendix 1.)

CHARTER FOR THE SAFETY OF PEOPLE: THE FIVE COMMITMENTS

The Five Commitments of the Charter are to Provide:

Pastoral support where there is abuse

1. We will provide pastoral support for the abused, their families, and affected parishes and church organizations by: (a) listening with patience and compassion to their experiences and concerns, and (b) offering spiritual assistance and other forms of pastoral care.

Effective responses to abuse

2. We will have and implement policies and procedures to respond properly to allegations of abuse against clergy and other church personnel that include:

(a) making known within churches the procedure for making complaints;

(b) arranging pastoral care for any person making a complaint of abuse;

(c) the impartial determination of allegations of abuse against clergy and other church personnel, and assessment of their suitability for future ministry;

(d) providing support for affected parishes and church organizations.

Practice of pastoral ministry

3. We will adopt and promote by education and training standards for the practice of pastoral ministry by clergy and other church personnel.

Suitability for ministry

4. We will have and implement policies and procedures to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church including checking their background.

A culture of safety

5. We will promote a culture of safety in parishes and church organizations by education and training to help clergy, other church personnel and participants prevent the occurrence of abuse.