



# Lutheran Church of Australia | SA/NT District| Policy

## Sex Offender

PSU\_SA/NT\_POL\_003

Issue Date	02/07/2012	Approved By	The LCA SA/NT District Church Council
Effective Date	02/07/2012	Published By	The PSU SA/NT District

### ***Purpose***

Sexual abuse by people in positions of trust has a destructive impact on other people's lives. Such abuse is totally unacceptable to the Lutheran Church of Australia SA/NT District (the District).

In observing Jesus command to love one another we are to treat each other with respect and dignity. In honouring people, we are fulfilling our responsibility under the law of the land. The District recognises that within our Christian community every person is at the same time saint and sinner. This means that our community includes those who may violate and oppress others through an abusive use of power, as well as those who have been sinned against, hurt and violated.

Pastoral care is fundamental to a person who has been sinned against. Such a person must be offered acknowledgement of their hurt and the injustice which they have experienced, as well as support, understanding, care and counselling, to allow for healing and reconciliation. The offender also needs to be cared for in a way that provides for truthful confrontation, support, counselling, forgiveness and mercy that leads to repentance, healing and reconciliation.

### ***Policy Statement***

As the Lutheran Church of Australia, SA/NT District (the District), we strive to be an inclusive community. This Policy aims to provide for the safety and well-being of the District as a whole. This includes responsible and accountable inclusion of a *Sex Offender* enabling participation in the church community to meet the offender's spiritual needs, whilst balancing concern for meeting the District's legal and moral obligations in caring for those who are most vulnerable including children, youth and elderly.

Where disclosures of sexual abuse by pastors and/or other church workers/volunteers/members are made, the District policy in dealing with a *Sex Offender* is underpinned by the following:

- response to allegations of sexual abuse must be based on evidence that supports the allegations
- pastoral care/counselling will be offered and made available to the primary and secondary victims of the abuse
- pastoral care/counselling will also be offered and made available to the person who is under investigation, who has admitted to an allegation or is a convicted *Sex Offender*
- in meeting the District's legal and moral obligations, individualised risk assessments and management plans must be carried out to determine the terms and conditions required for a *Sex Offender's* inclusion within the church community

- the aim of the risk assessment and the management plan is to identify all foreseeable risks and to provide a responsible plan in dealing with the identified risks and to ensure that the District's paramount duty of care to protect those who are most vulnerable including a *Sex Offender*, is not compromised
- subject to a management plan, a *Sex Offender* is required to sign an agreement in the form of a *Covenant* (where applicable). This *Covenant* is signed by a *Sex Offender*, the District and a supporting congregation prior to participation by a *Sex Offender* in any public worship, church activities and/or programs of the District
- this agreement anticipates accountability by the *Sex Offender* and aims to demonstrate the District's due diligence that everything reasonably practicable to protect everyone from harm is undertaken
- any breaches of this *Covenant* by the *Sex Offender* gives the other parties the right to prevent the *Sex Offender* from all public worship and any church sponsored activities
- this *Covenant* also aims to create a practical way, where possible, for the *Sex Offender* to engage in the church community to experience the healing and forgiveness of Jesus and the church community
- the effectiveness of the signed *Covenant* should be monitored to ensure the terms and conditions of the *Covenant* are met; and reviewed periodically to meet the changing environment and circumstances
- a person who has been convicted of child abuse will not be permitted or allowed to work with children or youth as a worker and/or a volunteer in any church sponsored activities.

In supporting the *Sex Offender*, the District is also committed to protecting those who are most vulnerable by taking all reasonable steps to provide a safe environment for all, free from harm. To achieve this, the District will develop strategies and implement necessary practices that work towards prevention of abuse.

These practices encompass:

- the Lutheran Church of Australia's (the LCA) Safe Place policies and procedures that include a process for raising and responding to grievances, allegations of abuse and misconduct
- the LCA's child protection processes that require regular training in child protection for all workers and volunteers who work with children and youth, at all levels of the District
- the District's Health and Safety policy and procedures
- rigorous selection and induction processes for pastors and for all other workers, including volunteers, who work with those who are most vulnerable
- processes that recognise the importance of being sensitive to the needs and feelings of those, who are victims of abuse and/or sexual crime and their families and to the needs of the offenders and their families.

The District is further committed to measuring the effectiveness of these protective measures. This is achieved by carrying out regular audit reviews and risk assessments of the District's policies and procedures relating to the prevention of sexual abuse.

## ***Application of the Policy***

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This Policy applies to:

- The Lutheran Church of Australia SA/NT District
- All workers of the Lutheran Church of Australia SA/NT (including the volunteers)
- The Lutheran Church of Australia SA/NT Congregations and Auxiliaries (including the volunteers)

This Policy applies to:

- All aspects of employment, including recruitment and selection
- On-site, off-site and after hours work, work-related social functions, wherever and whenever workers may be as a result of their duties
- Workers treatment of other workers, or other people encountered in the course of their duties

## ***Policy Definitions***

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<b>Sex Offender</b>	<i>Any person with a history of inappropriate or illegal sexual conduct.</i>
<b>The Covenant</b>	<i>A signed agreement that outlines the terms and conditions between the Sex Offender, the District and the supporting congregation that aims to provide a responsible way for inclusion of the Sex Offender to participate in any public worship, church and/or programs of the District.</i>

## ***Supporting Policies/Procedures***

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- This Policy is the Appendix to and supports the Lutheran Church of Australia's Safe Place Policy and Procedures for the SA/NT District.
- Sex Offender Covenant