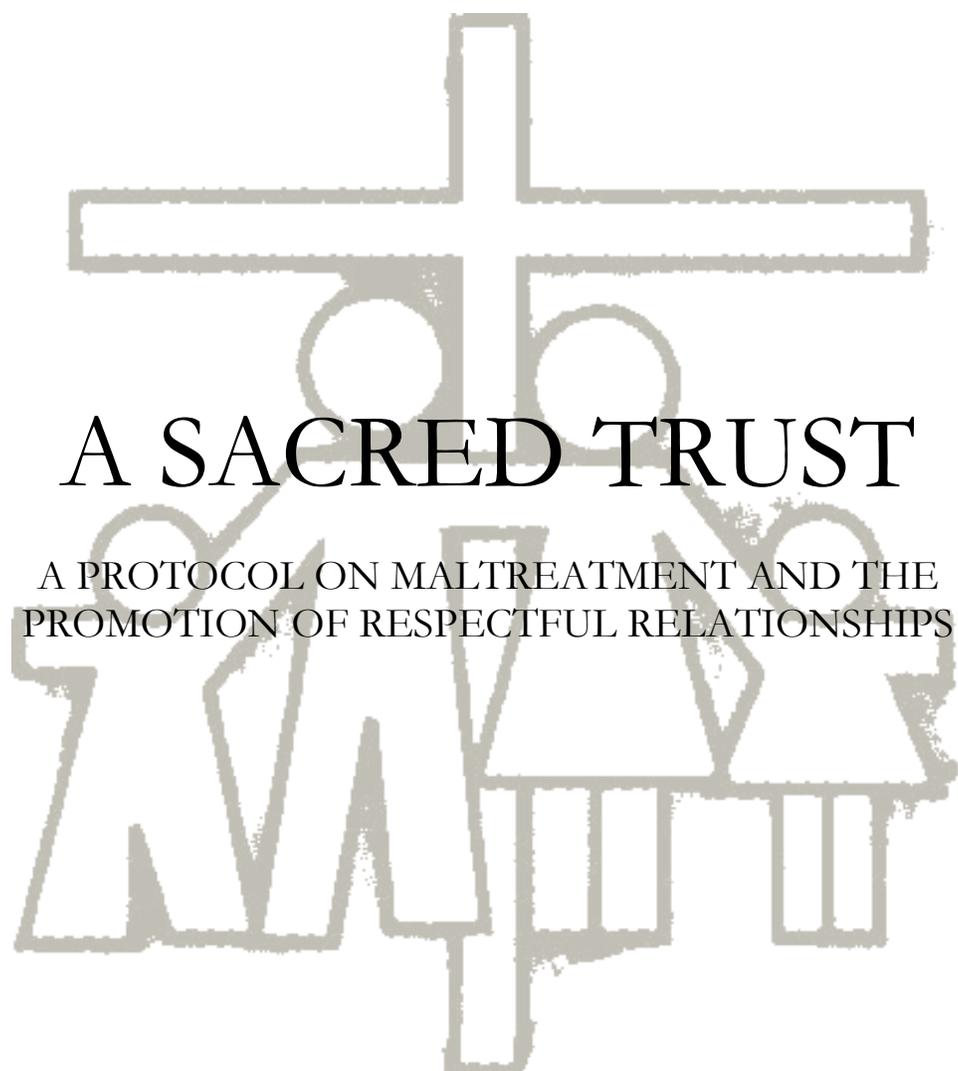


DIOCESE OF EASTERN NEWFOUNDLAND AND LABRADOR



A SACRED TRUST

A PROTOCOL ON MALTREATMENT AND THE
PROMOTION OF RESPECTFUL RELATIONSHIPS

JUNE 2015

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INTRODUCTION

1. The Diocese of Eastern Newfoundland and Labrador (“the Diocese”) is committed to ensuring that our church is a safe and holy place for all people. Our Baptismal Covenant states that we are to seek and serve Christ in all persons, loving our neighbour as ourselves (*Book of Alternative Services*, p. 159). It is our solemn responsibility, therefore, to be actively involved in seeking the welfare of all members of our community and especially those who are vulnerable through age, infirmity or pastoral circumstances. This is a sacred trust which must be responsibly and safely managed.
2. This document, *A Sacred Trust: A Protocol on Maltreatment and the Promotion of Respectful Relationships* (“*A Sacred Trust*”), has been developed with a twofold purpose:
 - a. To prevent maltreatment and promote respectful relationships within the Diocese through education and screening of all clergy, employees, and volunteers.
 - b. To respond to allegations of maltreatment within the Church and support all parties through this process.
3. Acceptance of and adherence to the Protocol is a mandatory and vital component of the life and work of all clergy, employees and volunteers of Synod office, parishes, and other diocesan ministries and activities.
4. The Bishop of Eastern Newfoundland and Labrador (“the Bishop”) is responsible for over-seeing the administration of *A Sacred Trust*.
5. The Metropolitan of the Ecclesiastical Province of Canada will assume the responsibilities of the Bishop in the administration of this protocol where the Bishop is the subject of an allegation of maltreatment.
6. The Advisory Committee on Maltreatment and the Promotion of Respectful Relations (“the Advisory Committee”) is responsible for advising and/or assisting the Bishop with respect to the application of *A Sacred Trust*.

WHAT CONSTITUTES MALTREATMENT?

7. For the purposes of *A Sacred Trust*, the term “maltreatment” includes any physical, sexual or emotional abuse, harassment or exploitation by a cleric, employee or volunteer towards another person – adult or child, ordained or lay – in the context of their role within the Diocese. This includes the production, possession and/or distribution of child pornography.
8. The World Health Organization defines “child maltreatment” – sometimes referred to as “child abuse and neglect” – to include all forms of physical and emotional ill-treatment,

sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity.

9. With respect to children under, or apparently under, the age of 16, within the Diocese we are legally bound, under the *Children and Youth Care and Protection Act [2010]*, by a duty to immediately report when we have information that a child is, or may be, in need of protective intervention.
10. For the purposes of *A Sacred Trust*, the term "children" refers to those under 16 years of age, the term "youth" refers to those 16 years of age but younger than 18 years of age, and the term "adult" refers to those 18 years of age and older.
11. An "adult in need of protective intervention" is defined in Section 5 of the *Adult Protection Act [2011]* as an adult who lacks capacity and who is incapable of caring for themselves, or who refuses, delays or is unable to make provision for adequate care and attention for themselves; or who is abused or neglected.
12. Under Section 12(1) of this legislation we also have a duty to immediately report when we reasonably believe that an adult may be an adult in need of protective intervention. This duty to report is fulfilled only when we provide that information, together with the name and address of the adult, if known, to the Department of Health and Community Services, a social worker or a peace officer.
13. With respect to vulnerable adult persons, Section 2(a) of the *Adult Protection Act [2011]* defines "abuse" as the deliberate mistreatment of an adult who lacks the capacity to protect themselves that causes or is reasonably likely, within a short period of time, to cause the adult serious physical, psychological or emotional harm, or substantial damage to or loss of assets and includes intimidation, humiliation and sexual assault.
14. Furthermore, Section 2(k) of the *Adult Protection Act [2011]* defines "neglect" as the failure to provide care, assistance, guidance or attention to an adult who lacks capacity that causes, or is reasonably likely, within a short period of time, to cause the adult serious physical, psychological or emotional harm or substantial damage to or substantial loss of assets.

PREVENTION

15. All stipendiary clergy and employees, as a condition of employment, as well as all non-stipendiary clergy and volunteers eighteen years of age and older, holding positions identified as involving risk (see Risk Assessment Checklist at Annex A), as a condition of voluntary service, must:
 - a. Receive an orientation to, and a copy of, *A Sacred Trust*.
 - b. Agree in writing to comply with *A Sacred Trust* (Annex C).

- c. Apply for a ‘Certificate of Conduct’ and a ‘Vulnerable Sectors Check’.
16. Certificates of Conduct/Vulnerable Sector Checks will be processed according to the following guidelines:
- a. Stipendiary clergy, as well as all laypersons employed within the Diocese are required to make application for a Certificate of Conduct/Vulnerable Sector Check.
 - b. Synod office will initiate the application process for diocesan volunteers (Annex B).
 - c. The incumbent of a parish will initiate the application process for non-stipendiary clergy serving in the parish, as well as for parish volunteers (Annex B).
 - d. Original copies of Certificates of Conduct/Vulnerable Sector Checks for clergy (both stipendiary and non-stipendiary), diocesan employees and diocesan volunteers will be received and held at Synod office, and a copy will be provided to the applicant upon request.
 - e. Original copies of Certificates of Conduct/Vulnerable Sector Checks for parish employees and volunteers will be received and held at the parish office. A photocopy may be held on file, but it must be annotated with the date the original copy was viewed and signed by the incumbent.
 - f. A copy of Certificates of Conduct/Vulnerable Sector Checks for non-stipendiary clergy volunteering in a parish may be held at the parish office in addition to the copy required at Synod Office. It should be noted that these documents are confidential and must be stored in a locked cabinet.
 - g. If an offense is identified, the individual may still be accepted into a position provided the offense is not related to the tasks of the position.
 - h. Certificates shall be renewed every five (5) years or as circumstances dictate.
 - i. All certificates/checks and other documentation necessitated by this protocol must be held on file at the parish or Synod office, in a manner that it is readily accessible, for a period of not less than fifty (50) years.
17. All leaders 18 years of age and older, who volunteer with the C.L.B., comply with the requirements of *A Sacred Trust* through the “Put the Child First” policy and process.
18. The Advisory Committee is available, upon request, to present or assist with presentations on *A Sacred Trust* or on issues concerning maltreatment and the promotion of respectful relationships.

RESPONSE TO ALLEGATIONS

DIOCESAN RESOURCE PERSONS

19. Two Diocesan Resource Persons (“Resource Persons”) will be appointed by the Bishop and shall be members of the Advisory Committee. As directed by the Bishop, the Resource Persons shall:
- a. Provide information and support to church leaders and all persons having concerns about maltreatment and respectful relationships.
 - b. Assist with reporting and documenting maltreatment.
 - c. Facilitate communication between Diocesan and investigating officials.
 - d. Provide feedback and support to individuals alleging maltreatment.
 - e. Offer support for the subject of the allegations and his or her family.
 - f. Develop Diocesan training programmes on maltreatment and respectful relationships.
 - g. Be informed of local resources and services.
 - h. Maintain communication with the Bishop with respect to allegations of maltreatment.

ADVISORY COMMITTEE

20. An Advisory Committee consisting of four to six persons, in addition to the Resource Persons, shall be appointed by the Bishop. Membership should include individuals with experience and/or training in the area of maltreatment. The Committee will advise and support the Bishop and the Resource Persons in the exercise of their duties and responsibilities with respect to *A Sacred Trust*.

MEDIA RELATIONS

21. The Bishop will designate a person who will be responsible for working with the media regarding allegations of maltreatment within the Diocese.

TRAINING

22. Training opportunities shall be provided for the persons assuming these responsibilities.

GENERAL PROCEDURES

23. Caution must be taken not to interfere with any investigation which may be undertaken by Child, Youth and Family Services or the police. The investigating authorities shall be notified when contact by the Resource Persons is being initiated.

24. With respect to maltreatment of a child actually or apparently under the age of sixteen, there is a Duty to Report and other statutory requirements under the *Children and Youth Care and Protection Act [2010]*, Section 11, as follows:

11. (1) Where a person has information that a child is or may be in need of protective intervention, the person shall immediately report the matter to a director, social worker or a peace officer.

(2) Where a person makes a report under subsection (1), the person shall report all the information in his or her possession.

(3) Where a report is made to a peace officer under subsection (1), the peace officer shall, as soon as possible after receiving the report, inform a director or social worker.

(4) This section applies, notwithstanding the provisions of another Act, to a person referred to in subsection (5) who, in the course of his or her professional duties, has reasonable grounds to suspect that a child is or may be in need of protective intervention.

(5) Subsection (4) applies to every person who performs professional or official duties with respect to a child, including,

(a) a health care professional;

(b) a teacher, educational psychologist, guidance counsellor, school principal, social worker, family counsellor, member of the clergy or religious leader, operator or employee of a child care service, a youth worker and a recreational worker;

(c) a peace officer; and

(d) a solicitor.

(6) This section applies notwithstanding that the information is confidential or privileged, and an action does not lie against the informant unless the making of the report is done maliciously or without reasonable cause.

(7) A person shall not interfere with or harass a person who gives information under this section.

(8) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six months, or to both a fine and imprisonment.

(9) Notwithstanding section 7 of the *Provincial Offences Act*, any information or complaint under this section may be laid or made within 3 years from the day when the matter of the information or complaint arose.

25. The legislated duty to report is fulfilled by reporting the incident/allegation to Child, Youth and Family Services, the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police (applicable telephone numbers may be found in the front of the telephone book).
26. The “secrecy” with which a confession of sin is traditionally treated by the confessor (‘The Reconciliation of a Penitent’, *Book of Alternative Services*, p. 166) **shall not** be offered when the subject of the confession involves the maltreatment of a child actually or apparently under the age of sixteen, or the maltreatment of an adult who lacks the capacity to protect themselves. The legislated Duty to Report applies. Nonetheless, with the understanding that the maltreatment will be reported, if the penitent still desires the sacrament, absolution is not to be denied by the confessor.

SPECIFIC PROCEDURES

27. After all statutory requirements are met, the following procedures shall be followed:
- a. Allegations shall be referred immediately and directly to the Bishop.
 - b. The Bishop may consult the Advisory Committee or Resource Persons when an allegation is received.
 - c. In the case of a cleric in receipt of a stipend or other employee of the Church, during an investigation, the person who is the subject of the allegation will be placed on leave of absence with pay. This leave is without prejudice and does not imply the guilt or innocence of the person under investigation.
 - d. In the case of a person who is not employed by the Church but who holds a licence from the Bishop, there will be a suspension of the licence during the investigation. This suspension is without prejudice and does not imply the guilt or innocence of the person under investigation.
 - e. In the case of a volunteer, if there is an investigation, the person who is the subject of the allegation shall be placed on leave of absence from such parish or diocesan activity. This leave of absence is without prejudice and does not imply the guilt or innocence of the person under investigation.
 - f. When directed to do so by the Bishop, the Resource Persons and/or the Advisory Committee shall offer to provide or arrange support for the alleged victim, the complainant, the alleged perpetrator and their family members.
 - g. Upon request, the Bishop, the Resource Persons and, where appropriate, a member or members of the Advisory Committee, may meet with the Churchwardens, Vestry and/or the parish in which the alleged maltreatment took place.

- h. If the investigation is inconclusive or the alleged perpetrator is not charged, the Bishop, the Resource Persons and the Advisory Committee, may consult on a wider basis about what action, if any, should be taken.
- i. Upon request, the Bishop, with the assistance of the Resource Persons and/or the Advisory Committee, shall assist the congregation to address their concerns and bring healing.

DISCIPLINE

- 28. The Bishop is responsible for determining whether disciplinary action is required when a complaint of maltreatment is admitted or substantiated, or an individual is convicted of an offense.
- 29. Pursuant to *General Synod Canon XVIII*, discipline of clergy may include: caution; reprimand; censure with probation or rehabilitation, or both; suspension with or without terms; dismissal from employment; or, removal from a non-stipendiary position.
- 30. Discipline of employees may include: a verbal warning; reprimand in writing; suspension; or, dismissal from employment.
- 31. Discipline of volunteers may include: a verbal warning; reprimand in writing; removal from volunteer position; or, in the case of an individual holding a licence from the Bishop, removal of the licence.
- 32. When an investigation is not pursued or is discontinued, or an allegation is shown to be unfounded, the Bishop may:
 - a. Publically or privately exonerate the person accused.
 - b. Reinstatement of the individual.
 - c. Issue a letter of exoneration to be read from the pulpit by one of the Churchwardens at the main services of the day. (If an allegation has been more widespread than in a single parish, the letter may be read by one of the Churchwardens in each of the parishes).
 - d. Where an allegation has been reported in the media, forward a letter of exoneration to the media that reported the allegation.

GUIDELINES FOR APPROPRIATE LEADERSHIP BEHAVIOUR WITH CHILDREN AND YOUTH

33. The following statements are to guide those who minister to children within the life of the Diocese:
- a. Always inform parents or guardians where their children are and for what purpose when they are within your care.
 - b. When taking a group of children or youth on an outing ensure that more than one adult accompanies and stays with the group.
 - c. Participation of children or youth in any off-premises church-sponsored programs or events must be explicitly authorized by signed parental consent.
 - d. Choose carefully when selecting times and places to meet youth on an individual basis (e.g., office hours; in your home or theirs with someone else within easy contact).
 - e. Physical contact may be initiated by children and youth; however, there is a distinct difference between an appropriate touch and one with sexual overtones.
 - f. Some touching is **never** appropriate with children and youth (e.g., kissing on the lips; touching buttocks, genitals, breasts; rolling on the floor; etc).
 - g. Verbal abuse is damaging. Use words which are respectful of children even when there is need to speak firmly.
 - h. Some adults do have sexual fantasies about children. If you do, discuss your concerns with a trusted and competent counsellor. **Do not** act out these fantasies with children.

Note: These guidelines are offered to help you decide upon appropriate behaviour in your leadership role, for your own protection, and for the protection of children and youth.

REVIEW/REVISION OF *A Sacred Trust*

A Sacred Trust will be reviewed – and necessary revisions made – by the Advisory Committee when there are changes to relevant provincial or federal legislation, when requested to do so by the Bishop or Diocesan Council, or at least every three years.

ANNEX A – RISK ASSESSMENT CHECKLIST

- Identify positions in parish or diocesan ministries
- Add positions not identified on the list
- Other than those positions already so designated (with an “X”), note and assess areas of potential risk
- Request a Certificate of Conduct/Vulnerable Sectors Check if risk has been identified

Ministry Position:	Working with Children:	Working with Youth:	Alone With Vulnerable Adults	Other Risk Factors
Camp Director/Staff	X	X		
Home Visitor			X	
Nursery Coordinator/Assistant	X	X		
Parish/Diocesan Clergy	X	X	X	
Server (Adult)	X	X		
Servers Guild Coordinator	X	X		
Sunday School Teacher/Helper	X	X		
Vacation Bible School Teacher/Helper	X	X		
Youth Band/Choir Leader	X	X		
Youth Leader	X	X		
Youth Pastor/Minister	X	X		
Archivist				
Audio-Visual Controller				
Band/Choir Leader				
Band/Choir Member				
Church Warden				
Committee Chair				
Committee Member				
Counting Team				
Deacon			X	
Diocesan Council Member				
Driver				
Eucharistic Assistant				
Greeter				
Honorary Assistant				
Lay Reader				
Music Director				
Office Administrator				
Office Volunteer				
Organist				

ANNEX B

**REQUEST FOR A CERTIFICATE OF CONDUCT/
VULNERABLE SECTOR CHECK/COURT RECORDS CHECK**

*Note: The following is the suggested text for a cover letter (on parish letterhead) which is to accompany a volunteer's application for a Certificate of Conduct, Vulnerable Sector Check and/ or Court Records Check in order to have the application fee waived. Please note that a Court Records Check **is required** by those who reside within the jurisdiction of the RCMP **prior to** applying for a Certificate of Conduct. The Court Records Check **is not** required by those who reside within the jurisdiction of the RNC. Copies of the above noted application forms may be obtained from the applicable agencies.*

(Date)

(RNC, RCMP, or Provincial Court of Newfoundland and Labrador – as applicable)

To Whom It May Concern,

This is to acknowledge that *(name of parish volunteer)* is applying to serve in a capacity within this parish in which he/she will be ministering to children, youth, or other vulnerable persons.

Please process his/her application for a Criminal Records Screening Certificate/Court Records Check and a Vulnerable Sector Check as a volunteer and forward said document(s) to the undersigned.

Thank you for your assistance in this matter.

Sincerely,

(Signature block of Incumbent)

ANNEX C

**AGREEMENT TO COMPLY WITH *A SACRED TRUST: A PROTOCOL ON
MALTREATMENT AND RESPECTFUL RELATIONSHIPS***

PARISH/ORGANIZATION:

COMMITTEE/MINISTRY/POSITION:

NAME:

DECLARATION:

I have read the document *A Sacred Trust: A Protocol on Maltreatment and the Promotion of Respectful Relationships* and agree to comply with this protocol.

I have received a copy of *A Sacred Trust: A Protocol on Maltreatment and the Promotion of Respectful Relationships* dated: _____.

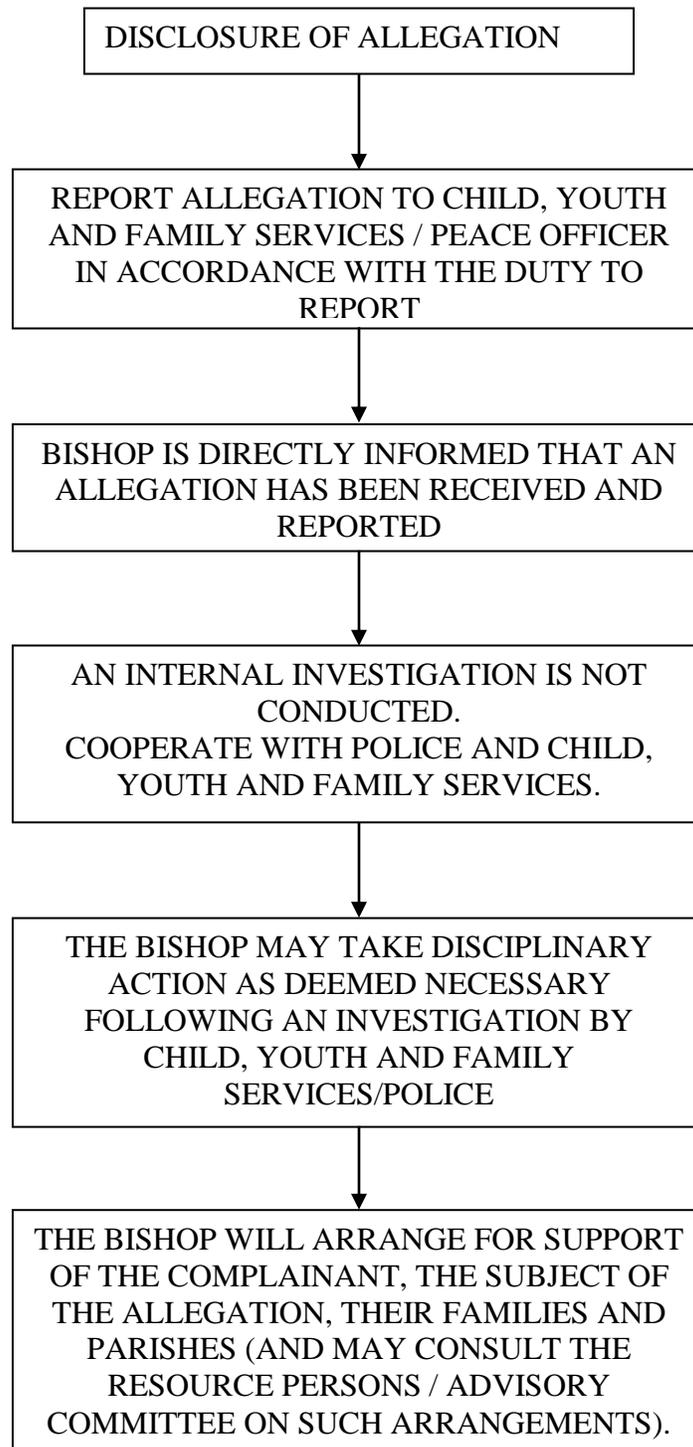
Signature

Date

Note: A copy of this document is to be held on file at Synod Office in the case of clergy or Diocesan employees and volunteers. A copy of this document is to be held on file at the parish in the case of parish employees and volunteers.

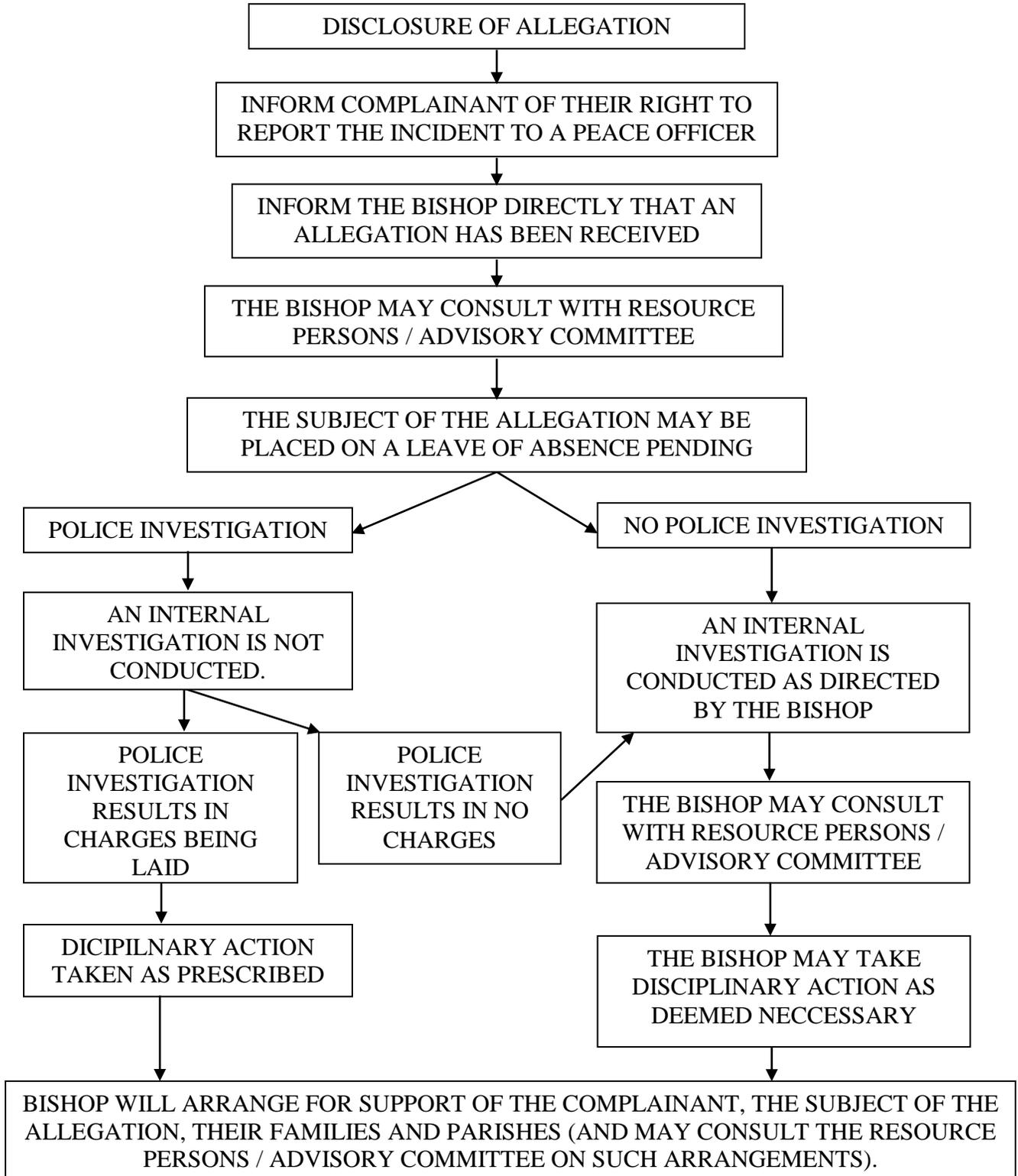
ANNEX D

**PROCEDURES FOR AN ALLEGATION INVOLVING
THE MALTREATMENT OF A CHILD**



ANNEX E

**PROCEDURES FOR AN ALLEGATION INVOLVING
THE MALTREATMENT OF A YOUTH OR ADULT**



ANNEX F

**PROCEDURES FOR AN ALLEGATION INVOLVING THE MALTREATMENT OF
AN ADULT IN NEED OF PROTECTIVE INTERVENTION**

