

## Code of Conduct

My concern is that this Code of Conduct is too prescriptive for Church Workers. Rather than 'using their reasonable endeavours', or 'seeking to' meet the standards and follow the guidelines, the Code mandates compliance. This results in personal liability for the Church Worker and, in particular an additional risk for vicars, priests-in-charge, senior ministers and the Dean under **clause 23**.

A Church Worker would have to get independent legal advice before signing the Statement of Commitment. This is a cost most volunteers would not be prepared to meet.

Vicars, priests-in-charge, senior ministers and the Dean are not in a position to recommend the Statement to a Church Worker because it is beyond their legal capacity to do so. Additionally there is the likelihood of being drawn into litigation by that Church Worker if they relied on the minister's recommendation to sign the Statement. I suggest the acknowledgement that the Church Worker has 'understood' the Code is meaningless without professional legal advice as to liability because of the prescriptive wording of the obligations being undertaken.

There needs to be written confirmation that all Church Workers are fully indemnified by their parish's insurance cover for all costs of any claim under the Code, other than wilful acts or omissions on the part of the Church Worker.

Are all Church Workers, including those who are volunteers, so covered?

In relation to the specific clauses of the Code:

- **Preamble para 3:** 'seek' to maintain high ethical standards, but thereafter the Code is very prescriptive – using the word '**must**' 69 times. This a concern because it has the effect of shifting the burden of proof in any claim from Kooyoora Ltd (which is resourced by the Diocese) to the individual Church Worker (who is self-funded). Why would Church Workers be prepared to expose themselves to personal liability, without indemnity from the Diocesan insurance?
- **clause 1** – no longer 'seeking to' but 'must meet the standards'.
- **clause 4** – can a Church Worker be said to both meet the standards and also have a cogent reason for not following the guidelines?
- while **clause 29(f)** prohibits 'jumping to conclusions', the Code and the Statement of Commitment are predicated on the basis the Church Worker is guilty, 'unless there are cogent reasons for not doing so' (clauses 4, 6, 20, 21). The burden of proof falls to the individuals, most of whom are volunteers. This is why they need to be indemnified for all acts or omissions other than wilful ones.
- **clause 23** – what are the reasonable steps that a vicar, priest-in-charge, senior minister or the Dean must take to ensure a Church Worker 'observes' the obligations in cl. 23(a) (i) and (ii) other than accompanying them at all times?

- **clause 23(e)** – I presume that this clause refers to action taken to uphold the Code and not actions contrary to it.
- **clause 24 (c)** – is ‘unacceptable’ limited to ‘unacceptable under the standards and guidelines of this Code, or is it intended to have some wider meaning?
- **clause 25 (d)** – the Code’s preamble speaks of children (defined in legislation as a person under 18) but the Code is silent what is meant by a ‘young person’. surely anyone over 18 is an adult. There is an absolute obligation (‘must’) to allow children to participate in decisions affecting them. How can they all be involved in deciding the syllabus for Sunday School, for instance? Some of ours can’t even read yet. This is simply impractical.
- **clause 25(f)** – does this mean ‘intended’ to be offensive, or ‘taken’ as offensive? The latter is difficult to predict.
- **Clause 25(h)** – is this an objective or subjective test? – is it sufficient that the Church Worker thought they were being cautious, or is it a ‘reasonable person’ test?
- **clause 26(a)(i)** – what if no one is on the other side of the glass panel or open door? Is knowingly proceeding with a class or interview a failure to comply with the Code?
- **clauses 26(a) & 41(a)** – how do you show a movie in a well-lit room? There is no exception to this rule.
- **clause 26(a)(ii)** – it is not practicable for small parishes to have two people present for such things as confirmation classes. No young person wants their mother in the corner of the room and, in any case, they might not be available. These rules are too rigid. It reeks of utter distrust of clergy.
- **clause 34(a)** – all practical steps that occur to the Church Worker at the time, or on a ‘reasonable person’ basis?
- **clause 42(a)** – not sure who the adult-in-charge is and who is informing them about what? [I think the legal spell-checker meant ‘sight’ not ‘cite’. What if these documents can’t be produced readily, though presumably they will be on all websites?
- **clause 42(d)** – is the designated Safety Officer to be present on every occasion when there are visitors? When are they required to be on site at their parish?
- **clause 47** – If, in addition to the Child Safe Policy, the Code of Conduct, the Statement of Commitment and the Child Safe Standards, there also to be a Parish Duty of Care Handbook dealing with child safety, then we have definitely moved into the twilight zone.