

SafeR Church:

Prevention of and Response to Abuse

Resource Materials, October 2013

Part II: SafeR Church—

How-To Guide and Tool Kit

Steps 1–3

For Parishes in the Anglican Diocese
of Nova Scotia and Prince Edward Island

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(1) Introduction

• Keep in mind

Many parishes have already done a great deal of work on this issue. The purpose of this Guide is to help parishes take stock of where they are and move forward to create a comprehensive, integrated SafeR Church Plan. Here are a few things to keep in mind as we begin.

1. Be prepared for what this work might unearth or trigger.

The ultimate goal of this effort is to help create, restore, build, nourish, and sustain SafeR Church and SafeR Churches, by minimizing threats and maximizing opportunities through specific prudent, reasonable, appropriate and, above all, effective abuse prevention and response measures.

It's important to recognize going in that working to prevent and respond to the threat of abuse might raise difficult issues or trigger painful memories.

Parish leaders need to be aware of these possibilities, actively watch for signs, and make provisions to respond appropriately

- to the needs of individuals, by identifying a specific person (or persons) who can provide immediate pastoral support and, if necessary, referral to other resources or supports, where appropriate;
- to situations that might trigger the parish's legal obligation to report an allegation, disclosure, or suspicion of abuse. Every parish needs to have a protocol in place for reporting suspicions or allegations of abuse against children and youth (see sample in the Appendix, Part III), as well as a protocol for dealing with situations that fall outside of the scope of child protection legislation.

2. Remember that other resources and supports are available to you.

Other supports—including further resource materials, a blog, and possibly a number of webinars—will be offered over the next fifteen months.

3. Special expertise isn't necessary.

Risk management isn't rocket science (or any other kind). There is no precise formula to follow. And the reality is that we all manage risk hundreds of times every day, in small and large ways. We recognize risks, and we act to minimize the threats and maximize the opportunities.

4. The most important tools for this work cannot be included here.

What this work requires is people who will examine parish realities prayerfully, carefully, deliberately, and honestly, exercising common sense and good judgment, making decisions and following through on them. The most important tools are these:

- ❖ honesty
- ❖ commitment
- ❖ patience
- ❖ care for one another
- ❖ perspective
- ❖ willingness to look at and see reality
- ❖ moral courage
- ❖ trust and faith

• Where we're heading and how we'll get there

Our destination is SafeR Church. We aim to create, restore, build, nourish, and sustain communities of trust and trustworthy communities—SafeR Church for everyone—by taking active measures to prevent and respond to the threat of

- *all forms of abuse—sexual, physical, spiritual, psychological, emotional, etc.—including bullying and harassment;*

committed

- *by anyone involved in our parishes and diocese—children, youth, adults, seniors, men, women, laypeople, and clergy;*

committed

- *against anyone involved in our parishes and diocese—children, youth, adults, seniors, men, women, laypeople, and clergy.*

Part of how we can get there (and remember, the “R” in SafeR is deliberate: we can never make our

parishes and diocese completely “safe”) is through a parish SafeR Church Plan, at whose heart lie specific prudent, reasonable, appropriate, and effective measures. To create the Plan, we'll use a modified version of the basic risk management process used in public, private, and not-for-profit institutions and organizations, including businesses.

It looks like this:

- **Take stock:** (i.e., do a reality check and identify risks—threats and opportunities)
- **Assess risks** (i.e., impact/ probability, value/centrality)
- **Prioritize risks** (i.e., which need our attention first?)
- **Determine response(s) to risks** (i.e., avoid, eliminate, transfer, or accept and reduce risks)
- **Identify risk response measures** (i.e., what, *specifically*, will we do? Put windows in doors, etc.)
- **Plan implementation of measures** (i.e., identify costs, timeline, etc.)
- **Implement measures** (i.e., work the Plan!)

- **Monitor and evaluate measures** (i.e., check that measures *are* prudent, reasonable, appropriate, and *effective*)
- **Adjust measures** (i.e., based on the evaluation, change, add, drop measures, etc.)
- **Update the situation** (i.e., do a reality check, take stock, identify risks, etc.)

As you can see, risk management is a cycle: it is never done “once and for all.” Situations change; so too must responses to threats and opportunities.

- Think for example, of the ways you communicate in your parish: Letters, phone calls, and the bulletin may have been joined by (or replaced by) e-mail, texting, social media, and websites. Parish efforts to manage risk must likewise shift to deal with the threats and opportunities inherent and foreseeable in these new media.

It looks very complicated

It will take effort, but it's far less complicated than it might look, and you have all you need to accomplish it.

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• **Glossary**

We all know that the same word may mean different things to different people or in different contexts. While that’s often not a problem, sometimes it creates confusion and difficulties. This is true of a small number of words often used in risk management work.

These words are not specifically legal or technical; most are words we use every day. But they are used in specific ways in this Guide, and it’s important that what is meant by them is clear—especially the words “policy,” “measures,” and “plan.”

• **AUDIT:** An audit is an examination, a deliberate and deep look at something in order to understand it and how it works, and to identify its inherent and foreseeable risks—positive risks (opportunities) and negative risks (threats). In creating your parish’s Plan, you will audit its Ministries (i.e., programs, activities, services, and the positions associated with them, etc.), as well as its Governance, and its Intangibles.

• **MEASURE(s):** A generic term referring to a specific action or set of actions. There are thousands of abuse prevention and response measures a parish might take, including putting windows in office doors; increasing the ratio of adults to children in a program; training youth workers and educating youth group participants about abuse prevention; postponing a trip because of bad weather; putting new tires on the church van; instituting a policy, etc.

• **PERSONNEL:** A generic, collective term used here to refer to all those who act on behalf of the parish in some way. Personnel may include clergy, laypeople, paid or unpaid staff, volunteers, interns, part-time or full-time, temporary or permanent workers or employees. Unless it is important to distinguish, for example, between employees and volunteers, etc., we’ll use the term personnel.

• **PLAN:** A blueprint for action. A parish SafeR Church Plan is the blueprint for its abuse prevention and response efforts. Its two primary elements are

- the **Policy** on which the Plan is grounded, and
- a list of specific abuse prevention and response **Measures**, and a plan for their implementation.

• **POLICY:** A set of statements that give **general guidance and direction** to an organization in relation to a specific topic or issue. A parish’s SafeR Church **Policy** will guide and direct the choice of its specific abuse prevention and response **Measures**.

• **POSITION:** A generic term that refers to any role or job that a person might undertake in a parish, whether paid or unpaid, short- or long-term, filled by a layperson or clergy, etc. Examples include rector, warden, member of parish council, Sunday School teacher, committee member, youth group leader, etc.

• **Risk Management Misconceptions and Realities**

Following is an outline of ten common, potentially dangerous misconceptions about this work, and a reality check.

MISCONCEPTION	REALITY
<p>(1) The secular law has nothing to do with churches. Nobody sues a church or church leaders. My personal assets could never be at risk if I’m a lay, volunteer church leader or a member of clergy.</p> <p>We’re not lawyers; we can’t be expected to know the relevant law.</p>	<p>(1) Individual members of churches, parishes, the diocese, etc., are all subject to the secular law. Not-for-profits and charities, including churches, have been and are sued. The personal assets of leaders <i>may be</i> at risk in some situations, although protecting them is often a simple and straightforward matter, and they are far less at risk if the organization is incorporated.</p> <p>You don’t have to be lawyers to lead a parish, but ignorance of the law is not an excuse either: Parishes are required to comply with all applicable law and laws. Leaders should educate themselves about these, and they should be prepared to seek legal advice; that, in itself, can be a significant risk management measure.</p>
<p>(2) Parishes are legally obligated to do “everything humanly possible” to manage risk, to protect people from harm, and to protect the church and church leaders/members from liability.</p>	<p>(2) Parishes (and that means their leaders) are legally obligated to take all reasonable measures under the circumstances to manage risk and protect people and the church. What is reasonable varies according to the circumstances. Promising something that you can’t deliver—i.e., to “do everything humanly possible”—increases risk; it doesn’t reduce risk.</p>
<p>(3) The goal of risk management efforts is to make the parish and its people and its programs safe.</p> <p>The goal of risk management efforts is to create and implement a policy.</p>	<p>(3) SafeR, not safe: It’s a critical distinction. It is impossible to make any situation completely or absolutely safe. The goal of risk management in a parish is to help create, restore, build, nourish, and sustain SafeR Church for all.</p> <p>Thinking that the goal is “to create and implement a policy” sets us up to ask the wrong question and often to head down the wrong path. The question is not “what should our policy be”? The question is “how do we make our parish safeR”?</p>

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MISCONCEPTION	REALITY
<p>(4) Good risk management is about creating policies—the more detailed and strict, the better.</p> <p>Good risk management policies remove authority and discretion from individuals, preventing them from exercising judgment.</p>	<p>(4) A policy is, at best, one risk management measure among many that might be appropriate in certain circumstances. A sound policy about something like abuse prevention and response sets out general principles and broad direction, not detailed instructions.</p> <p>Sound policies do not eliminate judgment or discretion; on the contrary, they provide authority and support for judgment and discretion. In effect, they assign authority and demand that people exercise discretion and judgment.</p>
<p>(5) Zero-tolerance policies are good risk management measures because they disallow the use of discretion and treat all situations the same way.</p>	<p>(5) Zero-tolerance policies are terrible risk management measures for precisely those reasons. Judgment and discretion are essential to good risk management and should not be removed from decisions about risks.</p> <p>The worst feature of zero-tolerance policies is that they treat all kinds of different situations as if they were the same, e.g., treating a pair of nail clippers or a water balloon the same way as a gun would be treated. True stories: In schools with zero-tolerance policies, a 14-year-old was expelled from high school for bringing a weapon (nail clippers) to school, and a 12-year-old was charged with a criminal offence because he threw a water balloon that accidentally hit a teacher (The “harm” done? The teacher’s clothes got wet.).</p>
<p>(6) Good risk management requires that we stop doing any activity that is risky or potentially dangerous.</p>	<p>(6) Not true. Many programs, services, and activities that are important to individuals and society are inherently dangerous (think about mentoring programs, counselling, or space exploration, for example). It is not always necessary to stop doing something <i>solely</i> because it is risky. Risk management is about facing risks squarely and making good decisions about them. That often includes accepting the inherent and foreseeable risks of certain activities—<i>and</i> then acting to reduce them as far as is reasonably possible!</p>

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MISCONCEPTION	REALITY
(7) The most dangerous activities are those that involve small children.	(7) Programs, services, and activities that involve or serve youth are, far and away, the riskiest of situations. Think of the incredible physical, emotional, intellectual, etc., changes that take place as children enter puberty and grow through the teenage years. In addition, as children age, they become more and more responsible for their own actions under the law. What is fairly clear in situations involving young children is often murky in the case of teens. In addition, adults usually agree on what needs to be done in relation to small children but often disagree—sometimes wildly—about what is or isn’t appropriate for youth (think of the controversy over ATVs, for example.)
(8) Education and information are the best risk management measures available.	(8) Education and information can be important measures, but they are not always the most effective. Having information or being educated doesn’t necessarily mean an end to risky behaviour (think about bullying, or smoking as examples of that fact).
(9) Waivers aren’t worth the paper on which they are printed.	(9) Waivers (and consents, indemnification agreements, releases, and assumptions of risk) are often upheld by the courts, when they are properly drafted, administered, and supported. Although Canadian courts will not allow parents to waive the legal rights of very young children, consents, releases, indemnifications, and assumptions of risk can still be useful risk management measures and should be considered.
(10) Risk management takes forever, costs a fortune, is very complicated, requires the involvement of specialists and experts, adds enormously to our workload, and alienates everyone in sight. Anything less is not enough. (And it’s all so negative!)	(10) Don't overestimate how complex risk management is or what might be required. The right measures to manage a risk—i.e., those that are prudent, reasonable, appropriate and, above all, <i>effective</i> —may well be almost invisible, inexpensive, easy to implement, and not personally intrusive or controversial. Furthermore, risk management work and its fruits can be used for other purposes, especially program planning and evaluation. And risk is both positive and negative; risk is uncertainty and possibility—both that things might go badly, but also that things might go well. Risk management is really about working to minimize the former and maximize the latter.

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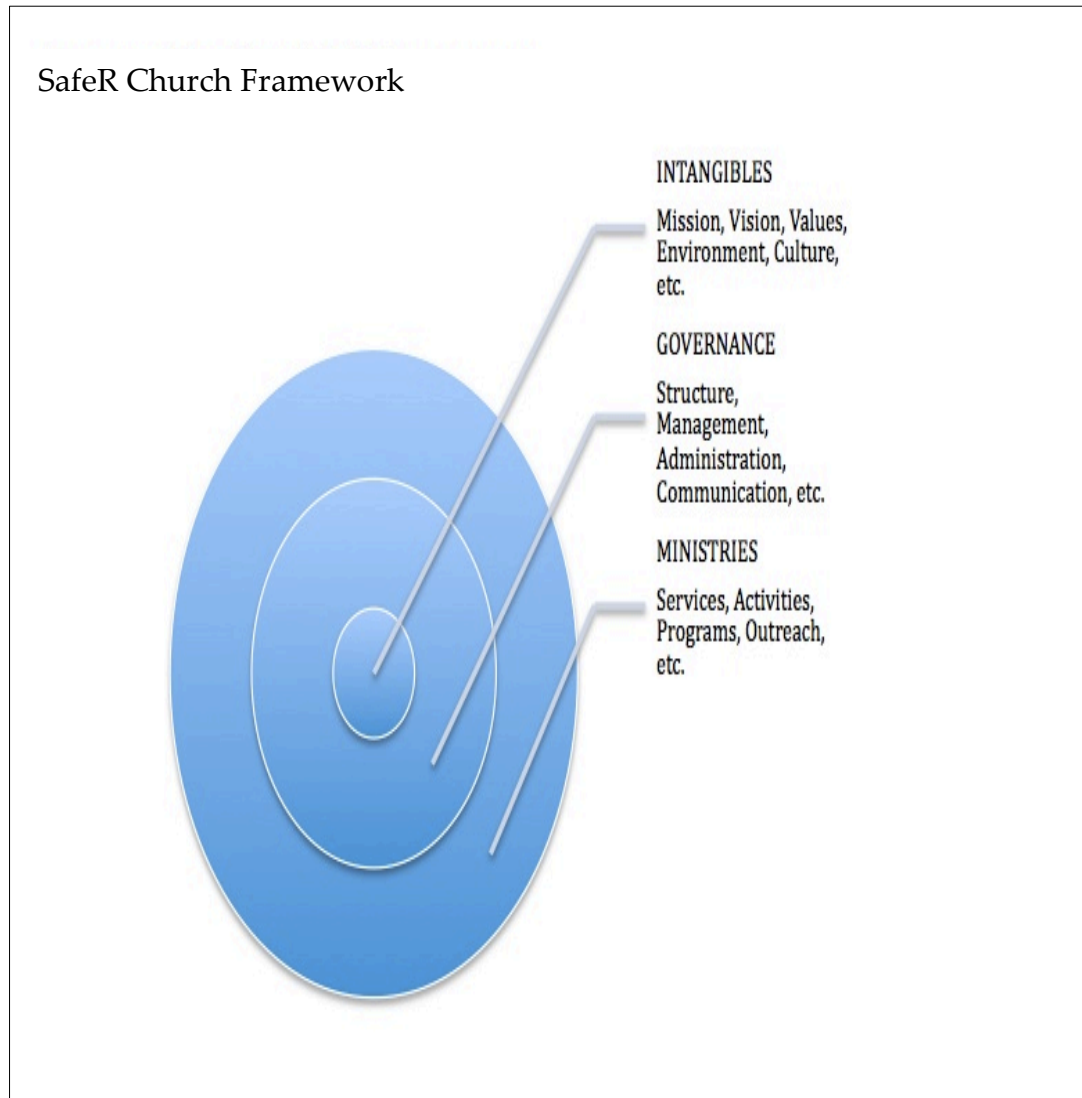
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(2) SafeR Church Framework

• Why use a framework?

Risk management is the active, deliberate, *organized* effort to manage risk. Unfortunately, risk management efforts are often *disorganized* and haphazard—they sometimes are little more than “cherry-picking.” Why? It’s not lack of commitment or effort or good intentions. More often than not, it’s because there is no structure for the work.

People often aren’t sure where to start or end, how to organize the work, or what needs to be included. This is one reason that screening has become the primary risk management measure in some organizations. In reality, however, there is much more to abuse prevention and response than screening.



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We have to look at the bigger picture and be organized in our efforts: A framework helps us to do that. A framework offers

- a graphic representation of the various “layers” of an organization—so that risk management efforts will be comprehensive; and
- a structure through which and around which risk management efforts can be organized.

• **The SafeR Church Framework**

The framework used here depicts a parish as comprising three layers—Ministries, Governance, and Intangibles—and structures the work of creating a SafeR Church Plan around them. (This is only one way of describing the “layers” of a parish, of course. There are many others.)

Here’s what each “layer” depicts and includes:

○ **Ministries**

Clearly, if we’re going to combat the threat of abuse, if we’re going to create, restore, build, nourish, and sustain SafeR Church, then we have to carefully scrutinize all the programs, services, and activities—the **Ministries**, for short—that the parish is engaged in or operates, especially, and as a first priority, those in which the risk of abuse is significant.

Analyzing a parish’s **Ministries** means

- looking at the what, why, who, where, when, how, etc., of each program, service, and activity—from Sunday School to Friendly Visiting and Pastoral Counselling—those ministries the parish controls and those it participates in or supports;

- identifying inherent and foreseeable threats and opportunities; and
- establishing measures to minimize the threats to, and maximize the opportunities for, SafeR Church in each.

○ **Governance**

The next layer to be considered we are calling **Governance**: the formal and informal ways a parish is controlled, organized, structured, managed, and administered. Significant risk often resides in the Governance of an organization.

Suppose, for example, that there is no formal oversight process for a particular youth activity. That gap may place people at risk; in fact, it might pose as significant a threat as the actual activities involved. Parish abuse response and prevention efforts that don’t include a serious look at **Governance** are incomplete.

○ **Intangibles**

At the very heart of any and every organization is the layer we're calling the **Intangibles**, realities that can't be touched or measured, but that are nevertheless real: They affect everyone and everything.

Looking at the **Intangibles** means identifying the threats and opportunities in a parish's culture, atmosphere, and environment. It means asking questions like these:

- What is the parish's mission? Its vision? Its values?
- What is the atmosphere like in this parish? How does it feel to be part of it?
- What are the unwritten rules? How do things *really* get done here?
- What are its traditions, its attitudes, its culture?
- Is this parish a community of trust? A trustworthy community?

It may surprise you to see the **Intangibles** included here. The reason for doing so is simple and serious:

Unless an organization, including a parish, deals with its intangible realities—unless it is integral to efforts to create, restore, build, nourish, and sustain SafeR Church—those efforts will be compromised, undermined, and could be rendered ineffective. Some might even be counter-productive.

Intangible realities can help an organization grow and flourish, or they can devastate and even destroy it, because they affect everything, including what the organization does, those who are involved with it, as well as their relationships with one another. One writer, commenting on the huge impact of the **Intangible realities** on business organizations, puts it this way:

“Culture trumps plans, EVERY TIME.”

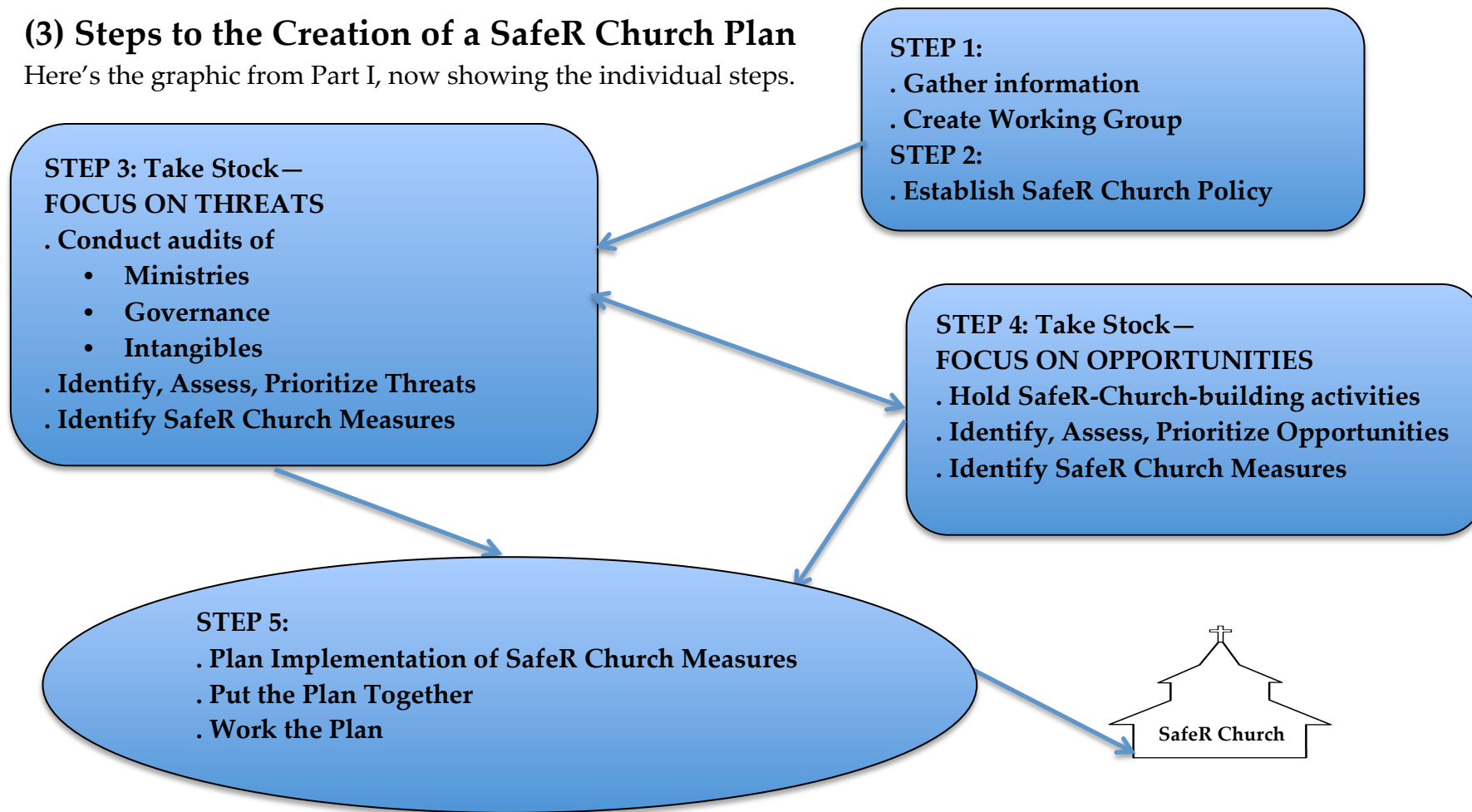
For obvious reasons, dealing with the Intangibles is—often and by far—the most complex, difficult part of this work.

The **Intangibles** is the home of what one writer has called “The Undiscussables”—i.e., the things we all know are going on but can't talk about, the proverbial “elephant(s) in the room”: If we're going to fight abuse, these **Intangible realities** have to be discussed—and more than this: they have to be addressed specifically and explicitly.

Dealing with the Intangibles is often the most complex and difficult part of this work; it's also indispensable.

(3) Steps to the Creation of a SafeR Church Plan

Here’s the graphic from Part I, now showing the individual steps.



Remember: The Plan is not the goal, the “end”: SafeR Church is the end, and the Plan is a means to that end.

Step 1.

■ Gather Information

■ Set up Working Group

TOOLS:

■ Parish Information Template

■ Sample Terms of Reference

■ Gather Information

• What and why

Begin by gathering information for reference and as a kind of baseline that will allow you to check the accuracy of what the parish says about itself (e.g., in policy, activity descriptions, etc.).

For example:

- Suppose you discover that the information circulating about your youth program is no longer current or accurate. That discrepancy could invalidate parental consent.

- Or, suppose the parish has established a protocol for certain situations, but it is not being followed. What happens if someone is harmed as a result (even partly) of the protocol not being followed?

In both cases, there's a disconnect between reality and the information the parish provides, and that's a risk: In the first case, information about the program should be updated so that it's accurate; in the second, decisions need to be made about the protocol that isn't being followed: Is it the right one? If not, what is? How do you seek to ensure a protocol is followed? Etc.

Note: This checklist has been expanded (from the list included in Resource Materials Package #1) to reflect the expanded understanding of this work: creating SafeR Church *for all*.

■ Parish Information Checklist

Gather copies of the following (or have readily available in electronic form):

- Documents that describe or govern all programs, services, and activities the church operates or supports (e.g., program descriptions, policies, procedures, guidelines, publicity, training materials, etc.);
- Governing documents, terms of reference of all parish bodies, e.g., Parish Council, committees, etc.
- Descriptions of all positions (paid, unpaid, part-time, full-time, held by laypeople or clergy, etc.)
- Information about all measures your parish is currently taking related to abuse prevention and response (e.g., descriptions of screening processes, protocol for reporting allegations, etc.)
- Information from external sources—e.g., the diocese, insurers, community partners, etc.—that is relevant to abuse prevention and response
- Any other information that might be relevant: *When in doubt, include it!*

■ Set up Working Group

• What and why

The Working Group should be a relatively small group of people, assigned to organize and oversee the process of creating a SafeR Church Plan. The goal is to involve many people in the parish in this work as it unfolds, but overall responsibility for the work should be assigned to a small group.

A few considerations:

- There is a fair bit of work to do, but it is time-limited. The initial Plan must be completed by January 2015.
- The work is “front-end loaded,” with Step 3 likely to be the most time-consuming and potentially complicated.
- The Group needs to be large enough that the work can be shared, but not so large that it can’t make decisions.

- The Group should include laypeople and members of the clergy, people who can bring different perspectives and experience to the table.

Key criteria for choosing Working Group members:

- Willingness and time;
- Keen interest in and commitment to creating, restoring, building, nourishing, and maintaining SafeR Church for all;
- Recognition of the potential of this work to contribute to the parish’s flourishing;
- Enthusiasm for involving the whole parish in the effort;
- Ability and willingness to speak truth and deal with difficult issues that might surface or be revealed;
- Sensitivity to the delicate issues being dealt with and care for those who may be suffering because of abuse.

■ Sample Terms of Reference SafeR Church Working Group

Purpose: To lead the parish and oversee the work of creating and beginning to implement a SafeR Church Plan, using the resource materials and supports provided by the diocese.

Timeline: Plan ready for implementation by January 2015

Time Commitment: Variable; (heaviest during Step 3?). Minimum 3 hours per week.

Support/Reporting: Parish Council will provide support to the Working Group; the Group will report to Council monthly on progress, issues, etc.

Leadership of the Group:
_____(Name)____ is appointed to chair the Working Group.

Step 2.

■ Establish SafeR Church Policy

TOOL:

■ Sample SafeR Church Policy

■ Establish

SafeR Church Policy

- What and why

When undertaking the work of responding to and preventing abuse, many organizations describe the goal as “creating an abuse policy.” It isn’t. The goal is *not* the creation of a policy (or of a Plan, for that matter). The goal is to make the organization safeR by seeking to prevent and respond to abuse. Policies (and Plans) are means to that end, not the end itself.

In addition, “policy” and “plan” should be distinguished from one another.

Policy about an issue such as abuse prevention and response should provide guiding principles and overall direction, not an outline of specific measures

Policies are matters of governance; plans are matters of operations. A policy about abuse prevention and response should provide guidance and overall direction to the plan, not a description or outline of the way(s) the organization will operationalize the policy—i.e., the specific measures that will be taken.

Policies govern fairly fundamental matters and set out a relatively stable, long-term course

Adopting or changing policy is a significant matter, requiring deliberation by and a decision of the governing body(ies)—or, as in some organizations, of all members. Policies are actually matters of governance, not operations.

Specific **measures** (e.g., screening procedures, etc.) on the other hand are operational matters; they aren’t policies. One of the significant problems of labelling measures as “policies” is that they then become subject to the same formal approval process used for any other policy. That can be a cumbersome process, and it can be dangerous.

Suppose, for example, you realize that an abuse prevention measure you have in place is inadequate and needs to be changed immediately, or the situation in a program changes and you need to add new measures. Those who are involved in the day-to-day management of programs, services, and activities need to be able to respond to such matters quickly; to add, drop, or change measures relatively quickly. It takes some time (and it should) to change an organization’s policies.

Organizations are bound by their policies and can be held to account if they are not followed

It is fairly (and frighteningly) common to find organizations that have policies in place—sometimes binders full of policies—which they ignore (or have forgotten about). In fact, this can be one of the perverse side effects of making “creating a policy” the goal. “We have a policy; therefore we’ve done what we need to do.” Wrong.

People sometimes are not aware that just as organizations can be held accountable for operating outside of their purposes and their constitution and bylaws, so too can they be held accountable for not following their own policies:

- Suppose, for example, you create a **policy** that requires a minimum of two adults to be in a room with a child or children at all times in parish activities.

This is a good *practice* (though it is never a guarantee of safety), but it is not always possible to do it.

Suppose, for example, that there are two adults in a room with children, and a child has a serious allergic reaction. One adult may have to see to the child and leave the other adult alone—at least temporarily—with a child or children.

The measure, the so-called “two-adult rule” is a sensible precaution. The problem is enshrining it in **policy** rather than making it a best practice and standard procedure.

• SafeR Church Policy

Having a policy to govern and direct parish abuse prevention and response work *is* important, and the sample policy below is offered to help you create your own.

CAVEAT: This sample policy should not simply be copied and adopted. It offers a template and a starting point for discussion and deliberation about a SafeR Church Policy tailored to your parish’s realities.

As described above, this sample policy is a set of statements of principle and general direction intended to guide and shape a parish’s choices about specific abuse prevention and response measures in the service of creating, restoring, building, nourishing, and sustaining SafeR Church.

This sample policy includes the following sections:

1. Preamble
2. Definitions
3. Application
4. Policy Statements
5. Approval Information

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■ **SAMPLE SafeR Church Policy**

SAFER CHURCH POLICY

of _____ (name of parish) _____, a parish in the diocese of Nova Scotia and Prince Edward Island, (hereinafter referred to as “this Parish” or “the Parish”), located in _____ (name of town, city, etc.) _____, (province) _____.

This policy became effective as of this date: _____ (day/month/year) _____ and will be reviewed annually.

(1) PREAMBLE: (Sets out the principles on which the policy is founded)

WHEREAS this Parish is to be guided in the matter of prevention of and response to abuse—as in all matters—by the teachings of Jesus Christ,

WHEREAS this Parish seeks to create, restore, build, nourish, and sustain itself as a community of trust and a trustworthy community, a SafeR Church,

WHEREAS this Parish recognizes that the threat of abuse is real and present and endangers the well-being of all involved with the Parish, and the Parish itself,

WHEREAS this Parish accepts that it has moral, ethical, and legal obligations to take active, deliberate action to prevent and respond to the risks of abuse,

WHEREAS this Parish is part of the diocese of Nova Scotia and Prince Edward Island and as such is obligated to heed diocesan canons, policies, guidelines, directives, etc., relevant to abuse prevention and response,

WE, (Parish Council on behalf of the Parish?), hereby adopt this as our parish’s SafeR Church Policy. We commit ourselves and this Parish to abiding by its principles and following its guidance and direction in our efforts to create SafeR Church *for everyone*, by taking active measures to prevent and respond to the threat of *all* forms of abuse—sexual, physical, spiritual, psychological, emotional, etc., including bullying and harassment; committed *by* anyone involved in this Parish—children, youth, adults, seniors, men, women, laypeople, and clergy; committed *against* anyone involved in this Parish—children, youth, adults, seniors, men, women, laypeople, and clergy.

(2) DEFINITIONS

In this policy, the following words are defined as follows:

- a) “Abuse”: Mistreatment of a person. Included here are sexual, physical, emotional, spiritual, or psychological abuse, as well as harassment and bullying.
- b) “Child/children/youth:
(Nova Scotia: The Nova Scotia *Children and Family Services Act* defines a “child” as, generally, a person under the age of 16. The Act does not define a “youth.” The Nova Scotia *Age of Majority Act* establishes that an adult is a person 19 years of age or older.)
(PEI: The PEI *Child Protection Act* defines a “child” as a person under the age of 18 and a “youth” as a person over the age of 12 years and under the age of 18 years. The PEI *Age of Majority Act* establishes that an adult is a person 18 years of age or older.)
- c) “Governance”: The formal and informal structures and processes through which this Parish is controlled, organized, structured, managed, administered, etc.
- d) “Intangibles”: Realities that cannot be touched or measured, but that are essential elements of the Parish, e.g., its culture, atmosphere, and environment.
- e) “Ministries”: The programs, services, and activities of this Parish, both those it controls and directs and those in which it participates or those which it supports.

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- f) “The/this “Parish””: ____ (name of your parish)_____, in (town, village, city, etc.), (province)
- g) “Personnel”: A generic, collective term that refers to anyone who does work or performs services on behalf of and at the request of the Church. The word is to be understood broadly and may include laypersons and ordained clergy, employees, volunteers, students, interns, etc. It includes people working on a part-time, full-time, temporary, permanent, seasonal, casual, paid, or unpaid basis, and may include contractors, depending on the situation.
- h) The “Plan”: The Parish’s SafeR Church Plan.

(3) APPLICATION

This policy will apply to every relevant aspect of this Parish’s life, including its Intangibles, Governance, and Ministries. Every individual in this Parish is subject to this policy.

(4) SAFER CHURCH ABUSE RESPONSE AND PREVENTION POLICIES

1. Priority given to the well-being of individuals, in particular people who are vulnerable

The Parish will never compromise its obligation to promote and protect the well-being of individuals, in particular children, youth, and others vulnerable people, by putting the interests of any individual, or its own interests, ahead of those of an individual who has made an allegation or disclosure of abuse, or who, it is suspected, has been abused.

If an individual who has been convicted of a civil or criminal abuse-related offence wishes to participate in the life of the Parish, the Parish will carefully consider what participation might and should include or exclude, seeking to extend the love of Christ and opportunities for reconciliation and restoration to that individual, but without undermining or compromising the Parish’s primary obligation to take active measures to protect people who are vulnerable.

2. Compliance with civil law in matters related to abuse prevention and response

The Parish will abide by all applicable, relevant municipal, provincial, and federal law and regulation, including, but not limited to, the reporting requirements and other obligations set out in provincial child welfare legislation with respect to the abuse of children or youth, and to any relevant provisions of applicable adult protection statutes or other law.

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3. Recognition of diocesan requirements and directives in matters related to abuse prevention and response

The Parish will heed requirements established by the diocese in matters related to abuse prevention and response.

4. Cooperation with civil authorities in investigations of abuse

The Parish will cooperate with child welfare/protection agencies and other civil authorities (e.g., the police) in any investigation of allegations, reports, disclosures, or suspicions of abuse in the Parish.

5. Internal investigation of abuse in relation to a child or youth

The Parish will **never** initiate or undertake an internal investigation, for its own purposes, of an allegation, suspicion, report, or disclosure of abuse of a child or youth, unless and until the civil authorities – including child welfare/protection agencies and the police – have made a final disposition in the matter and have indicated that it is appropriate for the Parish to undertake such an investigation.

6. Development and implementation of SafeR Church Plan

The Parish undertakes to create and implement an ongoing SafeR Church Plan. The deadline for implementation of an initial Plan is January 2015.

6a. Specific abuse prevention and response measures

The Plan will identify specific abuse response and prevention measures in relation to its Ministries, Governance, and Intangibles. The Parish undertakes to

- i) establish and enforce these measures,
- ii) regularly monitor, evaluate, and test that they are prudent, reasonable, appropriate, and effective, and
- iii) adjust measures as circumstances warrant.

6b. Abuse response and prevention education and training

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As an integral part of the SafeR Church Plan, the Parish undertakes to provide, on a periodic and ongoing basis, abuse response and prevention awareness-raising information as well as awareness-building, education, and/or training opportunities, as appropriate, for

- i) all members of the Parish
- ii) all governance bodies and their members
- iii) all individuals and groups involved in providing Parish programs, services, and activities
- iv) all individuals and groups participating in parish programs, services, and activities.

6c. Annual review of SafeR Church Plan

The Parish will undertake an annual review the SafeR Church Plan, including this policy and the specific measures the Plan identifies. In addition, any allegation, disclosure, report, or suspicion of abuse in the Parish will trigger a review of this Policy and any relevant specific abuse prevention and response measures. Any deficiencies identified through this review are to be corrected as quickly as is reasonably possible.

(5) Approval of the Parish SafeR Church Policy

This policy was approved _____ (through what process, by which governance body(ies))
on this date _____ (day, month, year), and is effective as of this date _____ (day, month, year).

Official Signature(s)? (Rector, Wardens, Chair of Parish Council?)

Step 3.

■ Identify Risks—Threats

■ Identify Measures

to Manage Threats in

i.	Parish Ministries
ii.	Parish Governance
iii.	Parish Intangibles

• How-To: Step 3 Audits and Step 4 Activities

■ PROGRAMS, SERVICES, ACTIVITIES AUDIT TOOL

• How-To: Identifying Negative Risks, i.e., Threats

• How-To: Assessing and Prioritizing Threats

• How-To: The Four Basic Risk Management Decisions

■ POSITION AUDIT TOOL

• How-To: Auditing Positions
• “Position” and BFORs—the central issues in screening

■ GOVERNANCE AUDIT TOOL

• How-To: Auditing Governance

■ INTANGIBLES AUDIT TOOL

• How-To: Auditing Intangibles

■ Identify Risks—Threats

■ Identify Measures to Manage Threats

• What and why

Remember that parishes are obligated to take active measures to prevent and respond to threats of harm related to

1. Premises,
2. Programs,
3. People.

That’s what Step 3 is about just that: Identifying threats relating to premises, programs, and people in the parish’s Ministries, Governance, and Intangibles, and identifying prudent, reasonable, appropriate, and effective measures to manage those threats.

Mix it up: Step 3 and Step 4

Step 3 is focussed on the question “what could go *wrong* here?” Step 4 looks at “what could go *right* here?” The steps have been separated here for the sake of clarity, but focussing only on the negative (i.e., threats) can be very draining.

In addition, the ideas generated in Steps 3 and 4 will often overlap and should all inform your decisions about SafeR Church measures. So, why not mix it up—do a number of audits, then some SafeR-Church-building activities, then audits, then activities, etc.?

Where to begin

Don’t stress over trying to figure out some perfect order for this work. Common sense, experience, instinct, and judgment will tell you where the most significant threats lie: start there.

Don’t let the process overrule common sense

Suppose in an audit you identify an urgent threat that isn’t being managed. Deal with it (at least initially) right away—don’t wait until you get to Step 5. Likewise, if you identify a measure that is simple, inexpensive, not problematic to implement, etc.—consider implementing it right away.

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• How-To: Step 3 Audits and Step 4 Activities

NOTE: This outline shows information about Step 4 activities as well as those of Step 3. It will be included again in Part III, where the details of Step 4 are set out.

FOCUS ON THREATS: Step 3	FOCUS ON OPPORTUNITIES: Step 4
<p>What’s involved? - Conducting audits of Ministries, Governance, and Intangibles</p>	<p>What’s involved? - Holding SafeR-Church-building activities</p>
<p>Who’s involved? - A different group for each audit; member(s) of the Working Group (not necessarily all members at all meetings) - People who can bring knowledge, experience, and perspective to each audit: e.g., teacher, parent of participant at the audit of Sunday School program, etc. - Someone to lead the group through the audit; someone to act as scribe. The same person could do both.</p>	<p>Who’s involved? - Probably a different group for each activity - Members of the Working Group (not necessarily all members at all activities) - Depends on the activity, but a mixed group – seniors, adults, teens, children—whenever appropriate - Someone to lead the activity and one or more people to observe, act as scribe, take notes, etc.</p>
<p>How much time is involved? - It will vary, depending on the complexity of the matter being audited. The first audit will probably take 3-4 hours; as people become familiar with the process, it should take less time. It isn’t always necessary to start from scratch—look for the partially completed audits that will be posted on the SafeR Church Blog, and use them.</p>	<p>How much time is involved? - A couple of hours for each activity - A number of activities could be done in a day set aside for SafeR-Church-building Activities.</p>
<p>Where should audits be done? - A room with a table the group can sit around. Flip chart sheets need to be posted, so the room has to allow for that and, if possible, space so that people can walk around and read the flip chart sheets.</p>	<p>Where should activities be held? - Depends on the activity and size of group</p>
<p>What supplies, equipment, information, etc., will we need? - A paper copies of the audit tool for each participant - Flip chart paper, markers, tape, etc. - Information gathered in Step 1 about whatever is being audited (e.g., program descriptions, terms of reference, policies, etc.)</p>	<p>What supplies, equipment, information, etc., will we need? - Paper copies of the activity description(s) - Other supplies or equipment needed depend on the activity; descriptions in Part III will offer ideas.</p>
<p>Don’t worry if opportunities are identified while you’re doing audits (that focus on threats), or if threats are identified while you are involved in SafeR-Church-building activities (that focus on opportunities). It’s bound to happen. Add the information wherever it fits.</p>	

■ PROGRAMS, SERVICES, ACTIVITIES AUDIT TOOL

There are two basic audit tools for parish ministries: the focus of the first is programs, services, and activities (e.g., Sunday School); the focus of the second is the positions related to them (e.g., Sunday School teacher).

Programs, Services, Activities Audit Tool

1. ANALYZE THE SPECIFIC PROGRAM/SERVICE/ACTIVITY:

(e.g., Sunday School, youth group, friendly visiting, pastoral visiting, mission trip, Bible Study group, etc.)

Describe the **Who? What? Where? When? How? Why?**, etc. of this program, service, or activity as completely as you can.

2. IDENTIFY THE INHERENT AND FORESEEABLE RISKS* IN THIS PROGRAM/SERVICE/ACTIVITY:

Note: The audit is primarily focussed on *threats, but if *opportunities are mentioned, note them as well.

- Think about **who might be harmed?** (which individuals, groups, organizations, etc.?)
- Think about **how harm might occur and what kind of harm, loss, damage, or injury might occur**
- Think about **where and when harm might occur.** Don't forget about **risks in the Intangibles and Governance of this particular program, service, or activity.**

3. ASSESS AND PRIORITIZE THE THREATS IDENTIFIED:

- Check to see if there is a **history of any of these risks being realized and injury or harm taking place** in this program, service, activity, etc. If yes, how serious was it? What was done about it?
- **Rate the risks in terms of probability and impact**, as well as **how important or integral** the program, service, or activity is to the parish and on the **nature and level of obligation** the parish owes to the people involved in it. Which need action first?

4. IDENTIFY SAFER CHURCH MEASURES TO MANAGE THE INHERENT AND FORESEEABLE RISKS:

- Ask **what you can do to avoid, eliminate, or transfer** each risk? Some risks will likely have to be **accepted**—how will you **minimize** them?

5. CREATE A PRIORITIZED LIST OF RISKS AND SAFER CHURCH MEASURES TO MANAGE THEM.

- Take this list forward to Step 5. Again, remember to act on anything urgent—don't wait because you haven't reached Step 5.

• **How-To: Identifying Negative Risks, i.e., Threats**

NOTE: Most of what follows on these How-To pages is relevant to the audits of all layers (especially How-To identify, assess, prioritize, and make decisions about, risks). Some applies to particular audits. Likewise, some audit questions apply in some situations but not others. Don't try to force things to fit—these are prompts intended to help move discussion, not a checklist.

Use the tools; don't let them rule

The audit tools are provided to help you structure and organize the work, and to help you focus on the right questions. In general, it's easier if you walk through them methodically, but it could be more effective with some groups to brainstorm first, and then to go back to fill in the blanks and fill out the picture. Don't let the tool hold you captive; better that information is captured than missed because you're "not on that question."

Make time to take a final look at all the questions and answers before you finish an audit.

• **Describe Ministries (programs, services, activities, positions), Governance, or Intangibles**

Paint as complete a picture of the situation as you can. Remember to think about the

- **WHY**—why is the parish doing this (e.g., offering this service, structuring committees this way, etc.)? How does it fit into the parish's vision and mission? How central or peripheral is it to the parish? Why is the governance structure set up this way?
- **WHAT**—what are all the pieces of this reality? The specific, obvious and not-so-obvious elements of it? (e.g., activities involved in a program, duties assigned to a particular position, parish governance structure? Etc.)
- **WHO**—who are the people involved? Participants? Leaders? Organizers? Supporters? Laypeople? Clergy? Children? Teens? Adults? Seniors? Etc.
- **WHEN**—when does whatever you are describing take place? How often?

- **WHERE**—where does this take place or happen? Think about the obvious (e.g., the church building?) and less-obvious "locations," including over the phone, on the Internet, in cars, at restaurants, etc.
- **HOW**—how does this program, service, or activity work? Is there a fixed program (e.g., particular curriculum or set of materials used?) How does this reporting structure work—who reports to whom, when, about what, etc.? If this is about an Intangible reality, how is it manifesting itself in the parish?

• **Think about what kinds of harm might be done in/as a result of the threat you are considering**

- Bodily Harm (physical injury)
- Personal Injury (non-physical injury, e.g., emotional /psychological, etc.)
- Loss of Reputation, Goodwill, Credibility, Support
- Financial Loss
- Property Damage
- Legal Liability (i.e., an individual and/or the parish being held legally responsible for harm done).

• **Think about who might be harmed and who might (unintentionally or intentionally) cause harm in this situation**

- Children, teens, adults, seniors, men, women, laypeople, clergy
- Participants, leaders
- Church personnel – lay, clergy, paid staff, volunteers, students, etc.
- The parish itself
- The diocese, the Anglican Church of Canada, the Christian church
- The larger community, general public, etc.

• **Think about where and when harm might occur**

- In the church, on the grounds
- At camps, conferences, on field trips, etc.)
- Anywhere the church or its representatives offer programs, activities, services, outreach
- On the phone, in cyberspace
- In transit to and from services activities, programs, etc.

- Remember that risks may also be “located” in the Governance and Intangibles, including the governance of, and intangibles in, specific programs, services, and activities.

Triage

It is simply not possible to address all risks, period. There just aren’t enough resources—human energy, time, money, etc.—to do that, and this is as true of the largest corporation as it is of the smallest not-for-profit organization, including parishes. Consequently, you have to do triage here: i.e., use specific criteria to assess risks and assign a priority to them, so that you can deal with the most serious risks first.

Assess risks to prioritize them

The point of assessing risks is to prioritize them: low, medium, high, or on some kind of scale, 1-3 or 1-5

in terms of urgency, etc. Whatever method you use, you should end up with a list of risks, especially threats, in order of priority, starting with those you think need to be dealt with first.

Expect disagreements

Don’t be surprised if different people and different groups of people make different assessment decisions. People generally agree about the highest priorities and the lowest, but often disagree about those in the middle (especially where youth are concerned).

Don’t let it bog you down. List highest priorities first, then the controversial ones, and get started. The list will sort itself out as you move ahead.

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•How-To: Assessing and Prioritizing Threats

This is a matter of common sense (not chemistry!); a matter of experience, and care, often requiring judgment calls. The most important considerations in assessing and prioritizing risk are

1. **Probability and Impact**
2. **Obligation and Importance**

1. Probability and Impact

▪ **Probability (likelihood):** Some risks are more likely to be realized than others (e.g., someone is more likely to be hurt by a skate blade during a hockey game than to be struck by lightning during a baseball game). Given the tragic history of abuse of vulnerable individuals by people in positions of trust, that risk always has to be rated as significant.

▪ **Impact:** Some risks have potentially catastrophic consequences, others minor ones, and others might cause harm, injury, loss, or damage that falls somewhere in between these two extremes.

▪ **Rate each risk in terms of probability and impact.**

Where would you place it in this grid?

HIGH Probability HIGH Impact (HIGHEST PRIORITY)	HIGH Probability LOW Impact (Second/third priority?)
LOW Probability HIGH Impact (Second/third priority?)	LOW Probability LOW Impact (Lowest Priority)

2. Obligation and Importance

Considering these factors and their relationship to one another can be especially helpful if there are disagreements about prioritizing risks based on probability and impact.

▪ **Obligation:** How extensive or intense an obligation does the parish owe the people involved in this situation? The most extensive obligations are owed to children, youth, and others who are in some way vulnerable.

▪ **Importance:** How important is the situation in which this risk arises to the parish? How central to its mission? Identity?

Rate each risk in relation to obligation and importance.

Where would you place it in this grid?

HIGH level of obligation to people IMPORTANT—Core (HIGHEST PRIORITY)	HIGH level of obligation to people LESS IMPORTANT—Peripheral (Second/third priority?)
LOW level of obligation to people IMPORTANT—Core (Second/third priority?)	LOW level of obligation to people LESS IMPORTANT—Peripheral (Lowest priority)

Using these criteria should help you to establish a prioritized list of risks—e.g., Low, Medium, High; or 1-3 or 1-5, Least Urgent to Most Urgent, etc. Here’s a tip: If your range includes too many possibilities, decision-making can get bogged down, e.g., debating whether something is a 3 or a 4, on a 1-5 scale. A scale of 1-3 may be a better option for that reason.

• How-To: The Four Basic Risk Management Decisions

The four basic decisions

There are basically four kinds of action that can be taken in response to negative risks, i.e., threats:

- (1) **Avoid** the risk
- (2) **Eliminate** the risk
- (3) **Transfer** the risk
- (4) **Accept** the risk and **minimize** it.

Sometimes, the decision involves more than one of these choices, and some choices are simply not possible in relation to some risks—e.g., we cannot **eliminate** the risk of bad weather (though we can usually **avoid** it, e.g., by postponing an activity!)

Measures that **transfer risk** (and/or liability for harm caused) include such things as arranging for someone else or some other organization to do something

(rather than doing it yourselves)—e.g., hiring a caterer; using a taxi or bus rather than using private cars; hiring a licensed tradesperson to do a piece of work rather than doing it yourselves, etc.

Purchasing insurance is a way of seeking to transfer liability for harm caused if a risk is realized. It's essential, though, to know this: Simply having an insurance policy in place may not be enough. Parishes must know what their insurer requires of them—and fulfill those requirements—a policy might not be effective otherwise.

On many occasions, the most appropriate (sometimes the only) decision is to **accept** specific inherent and foreseeable negative risks. For example, taking care of babies and small children is fraught with such risk, but if you're going to run a daycare centre (or a

nursery, for that matter), you must accept the basic risks of doing so. That's not the end of the story, of course. The next step is to carefully identify and then implement measures that will **minimize** the risks you have accepted.

In deciding how to respond to a risk, the basic questions are these:

• *What is prudent, reasonable, and appropriate here? To avoid, eliminate, transfer, or accept and then minimize this particular threat? Or some combination of these?*

• *What **specific** measures should we take (i.e., what should we do—and remember, words are actions too—) to effectively respond to this threat?*

Check the Appendix (in Part III) for examples and ideas of abuse prevention and response measures, including those called for in the SafeR Church Policy.

■ POSITION AUDIT TOOL

This tool can be used to audit any position in a parish. Be as specific, detailed, and complete as possible. Check the SafeR Church Blog for partially-completed audits that you can use as starting points for your own.

Position Audit Tool		POSITION TITLE: _____
<p>1. ANALYZE THE POSITION:</p> <p>A. WHY? Describe the nature and purpose(s) of this position. Why does it exist? Who determines that? What kind of ministry is involved?</p> <p>B. WHO? Which individuals and/or groups of people are served by the person in this position? Describe them: e.g., What are their characteristics, needs, etc.?</p> <p>C. WHAT? Describe all the types and kinds of things a person does as part of this position.</p> <p>D. WHERE? Where does the person in this position do these activities, provide these services, etc.?</p> <p>E. WHEN? When does a person in this position do these things?</p> <p>F. HOW? How are the duties of this position fulfilled? I.e., does the individual have autonomy? Are some elements fixed—e.g., is there a set program or curriculum that has to be followed, etc.?</p> <p>G. STRUCTURE AND GOVERNANCE: Where and how does this position fit, i.e., within which program? Within which ministry area (e.g., outreach, pastoral care, etc.) program or service or activity, etc.? To whom does the person in this position report? How? How is the person in this position supervised? Observed? Monitored? Evaluated?</p> <p>H. INTANGIBLES: What are the intangible realities related to this position?</p> <p>I. EMPLOYMENT “STATUS”: Is this a paid position? Unpaid? Filled by a volunteer? A student? A layperson, ordained clergy? Is it part-time or full-time? Seasonal? Continuous? Permanent? Temporary? Contract? Does this person have to be licensed by the diocese?</p> <p>J. MISCELLANEOUS: Is there anything else that should be noted about this position that hasn’t been identified above?</p>	<p>2. IDENTIFY AND ASSESS THE RISKS: What are the inherent and foreseeable risks related to this position? Threats: Who (or what) could be harmed? How? How likely is the risk of harm? How serious would the harm be? Opportunities: Who (or what) could be enriched? How could this position contribute to creating SafeR Church?</p> <p>3. IDENTIFY THE BONA FIDE OCCUPATIONAL REQUIREMENTS (BFORS) OF THIS POSITION Based on this analysis and audit you have just completed, identify the Bona Fide Occupational Requirements (BFORS) of this position, i.e., the qualities, characteristics, skills, talents, abilities, etc., an individual needs to have (or develop) in order to successfully fulfill the position.</p> <p>4. IDENTIFY PRE-HIRING SCREENING MEASURES: Given the BFORS named above, identify appropriate screening measures/tools that will allow you to identify whether (and to what degree) an applicant meets the BFORS of the position.</p> <p>5. IDENTIFY POST-HIRING SCREENING MEASURES: Given the BFORS named above, identify appropriate screening measures/tools that will allow you to identify whether, and to what degree, a person who holds the position actually does meet its BFORS.</p> <p>6. MANAGE RISK THROUGH POSITION AND ENVIRONMENT DESIGN: What could be done to change this position or the environment (physical, structural, etc.) in which the work associated with it is done to reduce its inherent and foreseeable threats and increase its inherent and foreseeable opportunities?</p>	

• **How-To: Auditing Positions**

In any situation, most risk (threats and opportunities)—and the most serious risks—come from people: what we do, don't do, do well or badly; what we do accidentally and unintentionally, or deliberately and intentionally.

And when people are placed in positions of trust over vulnerable people, the risks, including the threat of all forms of abuse—sexual, physical, emotional, spiritual, psychological, including harassment and bullying—multiply exponentially.

Consequently, the abuse prevention and response measures your parish implements to help create, restore, build, nourish, and sustain SafeR Church must include significant measures to address the inherent and foreseeable risks in the various positions that people hold in your

parish, especially positions of trust with vulnerable people.

Screening (before but, especially, *after* someone takes on a particular position) is essential of course, but screening measures are not the only ones that can help reduce the risk associated with people and the positions they hold. Abuse prevention and response measures related to the position itself, to the way it is structured, governed, etc., are equally important. The audit tool above is designed to help you identify both kinds of measures.

Civil law and risk management related to personnel and positions

We've referred to the civil law—municipal, provincial, and federal—before in this Guide. Parishes are subject to and must abide by applicable law and laws. In relation to choosing screening measures, the law—especially human rights law and employment

law—has a lot to say. Parishes must ensure* that they comply with all applicable law both in choosing and implementing screening measures.

*(The word “ensure” implies a virtual guarantee; most of the time it's impossible to guarantee that something will or won't happen and therefore foolhardy to promise it! But the word is used deliberately here because organizations can be held legally liable for failing to *ensure* that they comply with law(s) applicable to screening.)

Abuse may never have happened in your parish, but it has happened and *continues to happen* in religious institutions and organizations (and in many others), in rural villages, towns, and big cities, in the Maritimes and everywhere else. Effective measures focussed on positions can help minimize this very real threat.

• **“Position” and BFORs—
the central issues in screening**

“Position” refers to the particular role that someone plays in a parish—rector, warden, Sunday School teacher, volunteer visitor, parish council member, custodian, secretary, etc. People do certain things, for certain people, at certain times and places, etc., in the service of some part of the parish’s mission.

When we use specific screening measures (e.g., interviews, etc.), we must “apply” them to specific individuals, of course. But choosing appropriate and effective screening measures has nothing to do with individuals and everything to do with the position; more specifically, with the (BFORs) of that position.

Who says so (and defines BFORs?)

The Supreme Court of Canada, in a 1999 case (referred to as *Meiorin*).

This case concerned a female firefighter who lost her job when she failed a test of cardiopulmonary strength, which the fire service adopted as both

- (1) a pre-hiring screening measure, i.e., applicants who couldn’t pass the test would not be hired for the position of firefighter, and
- (2) a post-hiring screening measure, i.e., serving firefighters who couldn’t pass the test lost their jobs.

Ms. Meiorin argued that the test unfairly discriminated against her on the basis of her gender. Her human rights case was ultimately decided by the Supreme Court, and in its ruling, the Court established the rules every organization—commercial, not-for-profit, public, etc.—must follow in choosing screening measures. Essentially, the Court said that the screening measures, pre-hiring or post-hiring, for any position *must* be chosen

based on the **Bona Fide Occupational Requirements**, or BFORs, i.e., the characteristics, qualities, skills, etc., *that are* **(1) identified in good faith**, (i.e., people believe they are necessary to the successful performance of the duties of the position and are not making them requirements in order to exclude certain individuals or groups from the position), *and are* **(2) clearly connected** with the duties of the position, *and are* **(3) demonstrably necessary** to the successful performance of the duties of the position.

The Supreme Court ruled that the fire service had *not* demonstrated that **having the cardiopulmonary capacity needed to pass the test** was necessary to successfully fulfill the duties of the position. It **was not a BFOR of that position**, and the test was therefore not a legitimate screening measure for that position.

The position audit tool (above) will help you to identify BFORs that meet the three tests set out by the Supreme Court and, on that basis, to identify legitimate pre-hiring and post-hiring screening measures for parish positions.

Distinguishing BFORs from screening measures

One of the ways that organizations get themselves into difficulties in screening is by confusing screening measures with BFORs.

BFOR: Particular skill (e.g., teaching, secretarial skills)

Screening measures: Degree, diploma, experience, references, etc.

Screening measures have to help you determine if someone has this skill. If you make having a certain diploma, degree, experience, etc., the BFOR, you could end up with someone who has a diploma or experience, etc., but not the skill(s).

Where do we start?

Because this work is focussed on abuse prevention and response, the answer is very clear:

- Positions of trust with and over vulnerable people should be audited first. Among these, the order should be roughly as follows (use your judgment about the ultimate priority):

- Currently vacant and you are seeking to fill it, or
- New and you are seeking to fill it
- Currently filled, and there have been or are difficulties.
- All other positions of trust with vulnerable people.

Next would come

- Other positions of trust, starting with those that are vacant, new, filled, and/or where there are or have been difficulties, then
- All other positions (again, start with vacant or new positions, positions in which there have been difficulties, etc.).

Auditing vacant or new positions

Auditing a new or currently vacant position will generate the information you need to create a job description that truly reflects the BFORs of the position and identify the screening measures, pre-hiring in particular, that will be used for it.

Auditing currently-filled positions

All audits must be conducted with great care; audits of positions that are currently filled must be handled even more carefully still, so as to be respectful and considerate of the person in the position.

Employment law and screening

In relation to people who would be considered “employees” under the law, a parish must comply with either the Nova Scotia *Labour Standards Code* or the PEI *Employment Standards Act*, as well as with the relevant common law governing employment matters.

Human rights law and screening

In addition, human rights law applies to all kinds of positions, not just those that have a salary or wage attached to them. Unpaid personnel are generally not protected by employment standards legislation, but Canadian courts, including the Supreme Court, have found that, in many cases, they *are* protected by human rights legislation.

This means that not hiring a volunteer (or firing one for that matter) on the basis of a ground protected by provincial human rights legislation (e.g., age, gender, race, creed, etc.) may well be illegal—*unless* it is directly related to the BFORs of the position.

For example, physical disability is a prohibited ground of discrimination. But suppose you are looking for a volunteer driver. Someone who is legally blind has a

physical disability, but human rights legislation would allow you to exclude this person *from this position* because having good eyesight is a clearly defensible BFOR of the position of driver (although it might not be for the position of receptionist).

For more information about employment and human rights law and screening, check out the SafeR Church Blog in November.

Why are we talking about “hiring” volunteers?

In part, for brevity—rather than talking about “hiring paid personnel” and “engaging volunteer personnel,” we’ve used the word “hiring” to refer to both. But the term “hiring” is also used to make a point: “Engaging” volunteers, especially in positions of trust is as serious a business as “hiring” employees.

Organizations can be held legally liable for harm caused by volunteers as well as by paid employees. Screening for both is equally important and, generally, follows the same rules; i.e., screening measures have to be based on the BFORs of the position.

And what’s this about “pre-hiring” and “post-hiring” screening? How do you screen after hiring?

In fact, you can only really screen someone properly *after* he or she is “on the job.” Why? Because it is literally impossible to know whether someone can and will faithfully and competently fulfill the duties of a position *before* he or she is in place. Unfortunately, many organizations place all or almost all their “eggs” in the pre-hiring screening basket, sometimes with disastrous, even tragic, results.

■ GOVERNANCE AUDIT TOOL

Governance Audit Tool

1. HOW IS THE PARISH GOVERNED?

How is it organized? Structured? Managed? Administered? Some elements of governance—e.g., the role of wardens and of parish council—are established by others, not decided by the parish. Others are determined in the foundation (e.g., constitution and bylaws) and governance (e.g., policies, terms of reference, etc.) documents of individual parishes. Here’s what you’re trying to describe:

- i. **Who is involved in governance?** (i.e., individuals (e.g., rector, warden) and/or bodies (e.g., parish council, committees)
- ii. **What is the role of each?** (i.e., what does each individual/group do in relation to parish governance, e.g., advise, decide, program, supervise, execute decisions, evaluate, recommend action, etc.?)
- iii. **Where/how are these roles determined? Spelled out?** (e.g., in diocesan canons, in the parish constitution, in policy, etc.)
- iv. **What are the relationships among these offices and bodies?** (e.g., who reports to whom, advises, supervises, monitors, etc., which other individuals or groups?) It might be helpful to create an organogram that includes these offices/bodies and illustrates their relationships.

2. IDENTIFY THE INHERENT AND FORESEEABLE RISKS* IN PARISH GOVERNANCE

Note: The audit is focussed on *threats, but if *opportunities are mentioned, note them as well.

- Think about **who might be harmed?** ▪ Think about **how harm might occur** and **what kind of harm might occur.** ▪ Think about **where and when harm might occur.**

3. ASSESS AND PRIORITIZE THE THREATS IDENTIFIED:

- Check to see if there is a **history of any of these risks being realized and injury or harm taking place as a result.** If yes, how serious was the harm done? What was done about the risk?
- Assess the risks in terms of probability and impact and importance and obligation. Prioritize them. Which need action first?

4. IDENTIFY SAFER CHURCH MEASURES TO MANAGE THE INHERENT AND FORESEEABLE RISKS:

- Ask **what you can do to avoid, eliminate, or transfer** each risk? If there are risks that have to be **accepted**, how do you **minimize** them?

5. CREATE A PRIORITIZED LIST OF RISKS AND SAFER CHURCH MEASURES TO MANAGE THEM.

- **Take this list forward** to Step 5, BUT act on urgent matters: Don’t wait because you haven’t reached Step 5.

• How-To: Auditing Governance

Description and analysis

The basic question here is this one:

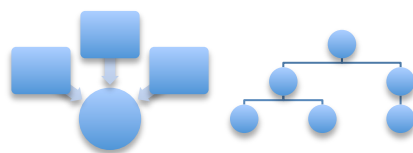
How is our parish organized and structured to manage or administer the things we do?

Subsidiary questions include these:

- How do decisions get made—about personnel, about programs, services, activities, about property, finances, etc.?
- Who has authority over/manages/administers what?
- Who reports to whom? About what? When? How? How often? Etc.
- Which structures are we required to use? Which are discretionary?
- How do we keep records? About what? Where? For how long?

Visualizing Governance

It may be helpful to create a diagram of the governance structures of the parish so that you can see how they relate to one another, as in these examples:



Identification of threats

Since the focus of this work is abuse prevention and response, the financial governance of the parish is not really of primary concern—unless relevant threats arise there. It's worth asking the question about all areas of governance.

Risks of abuse that arise in the **Governance** layer generally have to do with reporting or supervision or oversight—the lack of, absence of, gaps in, or assumptions made about—any one of these: You might

be surprised how common these risks are. They often look like this:

- A new program has been undertaken, and the issue of oversight—who is responsible for what—hasn't been asked (fairly common in co-sponsored activities);
- There's a gap in terms of monitoring a particular program: There is no mechanism set up to ask for feedback from leaders, participants, or anyone else;
- Programs sometimes run for years without ever being properly evaluated (if at all).

These kinds of gaps and oversights create risks, and harm can and has been done as a result of them.

Make no mistake: People who intend to abuse others often *seek out* and take advantage of just such gaps in **Governance**.

■ INTANGIBLES AUDIT TOOL

Intangibles Audit Tool

1. WHAT ARE THE MOST SIGNIFICANT INTANGIBLE REALITIES IN OUR PARISH?

Here are some questions to get you started:

- What is the parish’s mission? Its vision? Its values? ▪ What are its traditions, its attitudes?
- What is the atmosphere like in this parish? How does it feel to be part of it?
- What are the unwritten rules? How do things really get done here?
- How does it feel to be part of this parish? ▪ How would you describe the parish? Is it a community of trust? A trustworthy community?

2. IDENTIFY THE INHERENT AND FORESEEABLE RISKS* IN THE INTANGIBLES:

Note: The audit is focussed on *threats, but if *opportunities are mentioned, note them as well.

- Think about **who might be harmed**. ▪ Think about **how harm might occur** and **what kind of harm might occur**.
- Think about **where and when harm might occur** as a result of these threats in the Intangibles.

3. ASSESS AND PRIORITIZE THE THREATS IDENTIFIED:

- **Is there a history of any of these risks being realized and injury or harm taking place as a result?** If yes, how serious was the harm done? What was done about the risk?
- Assess the risks in terms of **probability and impact and importance and obligation**. Prioritize them. Which need action first?

4. IDENTIFY SAFER CHURCH MEASURES TO MANAGE THE INHERENT AND FORESEEABLE RISKS:

- Ask **what you can do to avoid, eliminate, or transfer** each risk? If some risks have to be **accepted**, how do you **minimize** them?

5. CREATE A PRIORITIZED LIST OF RISKS AND SAFER CHURCH MEASURES TO MANAGE THEM.

- **Take this list forward** to Step 5, BUT act on urgent matters: Don’t wait because you haven’t reached Step 5.

• **How-To:**
Auditing Intangibles

Warning:

**Auditing the Intangibles is risky
—not doing it is riskier still!**

Risk management efforts seldom include looking at this area of an organization, and they are often fatally compromised as a result.

If the **Intangible realities—values, attitudes, culture, atmosphere, environment, etc.**—of any situation are not dealt with, efforts to manage risk are undermined and may be undone completely. You can have marvellous plans, brilliant policies, and stringent processes and protocols in place—and **Intangibles**, including people’s attitudes toward and support for them, can undermine them and sometimes make them completely ineffective.

It’s not a mystery why the Intangibles are seldom looked at—let alone examined intentionally, clearly, and in any kind of organized fashion. It can be very tough to talk about these things. It’s a lot easier to talk about the fact that you need to build a fence or buy a lock or hire a bus to take people to an event, or about the need to provide training or education, or to increase the ratio of adults to children in a program, etc. (and all of these can be important abuse prevention and response measures).

It’s far more difficult to deal with **Intangible realities** such as these:

- An atmosphere of denial: “Abuse has never happened here, isn’t happening here, and couldn’t happen here, so why do we have to do anything to prevent or respond to it or help people feel safe to talk about it?”

- A culture that allows adults to bully others, and that neither names it nor stops it.
- An environment in which the unwritten rules determine how things *really* get done.

Intangible realities pervade, suffuse, and colour every part of every organization: They affect how a parish is governed, what it does, and who is involved (or not involved).

The **Intangible realities** are the “location” of the most serious threats of harm, but they can also offer the most significant opportunities for flourishing. It’s primarily the Intangibles in any organization that make it safeR, and SafeR Church is defined by the most significant **Intangible reality** of all: **Trust**. Safer Churches are communities of trust and trustworthy communities.

Conducting this audit differently

Conducting this audit can be tricky for all of the reasons identified above. It is the most open-ended of the audits and may be the most difficult, if there are significant **Intangible realities** that impede or undermine the parish’s efforts to prevent or respond to abuse—or, worse, that are themselves abusive.

At some point, a group of people is going to have to deal frankly with the issues that are raised—those that undermine trust in the community and its trustworthiness and those that build that trust and trustworthiness.

You are between a rock and a hard place in several ways here: If these realities are not dealt with, they can undermine your efforts to prevent and respond to abuse. On the other hand, dealing with them may create real tension or open conflict.

At the same time, you have an obligation to take action to protect people, especially vulnerable people, and the parish itself, and if Intangible Realities are posing serious threats, then that obligation means you have to deal with them.

There are a number of legal issues and risks you have to be careful about here. Because issues raised here might relate to specific individuals, there is a danger that someone’s reputation might be damaged publicly. At the same time, an organization has the right to discuss matters that affect it. Check the SafeR Church Blog in December for more about these particular issues.

Maintaining confidentiality

Given the nature of the Intangibles, maintaining confidentiality is very important. So it’s probably unwise to conduct this audit the same way you would conduct others.

Think about how seeking information about **Intangibles** might best be done in your parish. Perhaps, as a first step, you could ask everyone in the parish to give you feedback about the **Intangibles** anonymously, in writing. There are risks in doing this, and it could only be a first step—the Working Group would have to consider the feedback very carefully, especially where individuals are concerned—but it might be a way of starting to get at the “elephants in the room”: the **Intangible realities** that pose real threats, and that everyone knows about but won’t talk about—at least not publicly.

The audit tool for **Intangibles** is similar to the others in this Guide. That’s because you’re doing the same thing here as in the others (although perhaps not in the same way): examining reality, identifying threats, and identifying measures to manage them.

• **Take Stock: What should it look like when we've reached the end of Step 3?**

1. You have established an initial SafeR Church Policy
2. You have completed the audits of parish Ministries, Governance, and Intangibles
3. You may have held some Step 4 activities as well to mix things up
4. You have a prioritized list of
 - Threats in/to parish Ministries, Governance, and Intangibles
 - Measures to manage those risks.

So, it's on to Step 4 and 5, which are outlined in Part III of this Guide and Tool Kit.