



## **Policy for Protection of Children, Youth and Other Vulnerable People in the Evangelical Lutheran Church in Canada**

### **1. UNDERSTANDING THE NEED**

#### **REDUCING THE RISK OF SEXUAL ABUSE OF VULNERABLE PERSONS**

The Evangelical Lutheran Church in Canada (ELCIC) has a mandate to minister to individuals, families, adults, youth and children. In that context, the ELCIC stresses the sanctity of human life and the importance and worth of each individual as a child of God.

The physical and sexual abuse of children has increasingly and properly claimed the attention of our society. In response, it is the commitment of the ELCIC to provide reasonable protective care to all preschoolers, children, youth and other vulnerable people involved in ministries or programs of the ELCIC.

Childhood innocence is a gift given by God. Children are naturally trusting. Children readily place their faith in adults who care for them. It is our responsibility as a church to safeguard that trust.

#### **IT CAN HAPPEN IN ANY CHURCH**

Incidents of abuse can occur in any church – including the ELCIC. Churches have traditionally accepted the services of anyone expressing an interest in working as a volunteer with children, youth or other vulnerable persons. Churches are by nature trusting institutions. Asking sensitive questions of those who are giving their time and talent can be seen as intrusive by church leaders. No one wants to offend potential volunteers, especially longtime church members with a history of good service. These realities can make a church susceptible to incidents of abuse. There are few topics that create more emotional turmoil than that of child abuse, especially if it is sexual in nature.

#### **IMPACT**

A single incident of abuse can devastate a church. Members become outraged and bewildered. Parents question whether their own children have been victimized. The viability of the church's youth and children's programs is jeopardized. Church leaders face blame and guilt for allowing the incident to happen.

Such incidents often attract media attention – sometimes on a national scale. Television stations conduct live interviews from church property on the evening news. Front page stories hit the local paper. Community residents begin to associate the church with the incident of abuse. However, far more tragic is the emotional trauma to the victim and the victim's family, and the enormous potential legal liability the church faces. If a trial ensues, the issue stays alive in the media for months, sometimes even years.

## 2. UNDERSTANDING ABUSE

### DEFINITIONS

*Abuse* is characterized as follows:

- It can be physical, emotional or sexual;
- It always involves the misuse of power;
- Misuse of power takes place when people take advantage of the authority or power they have over vulnerable people. Vulnerable people include adults with physical or mental disabilities and children.

*Physical abuse* is using physical force or action that results, or could result, in injury to a vulnerable person. It is more than reasonable discipline. Sometimes injury is caused by over-discipline. Injuring a child, youth or other vulnerable person is not acceptable, regardless of differing cultural standards on discipline.

- In 97 per cent of reported cases of physical abuse, parents are the perpetrators.\*
- The perpetrator of physical abuse is approximately 1.5 times more likely to be male than female.\*

*Emotional abuse* is a pattern of hurting an individual's feelings to the point of damaging their self-respect. It includes verbal attacks, insults, humiliation or rejection. A child, youth or vulnerable person who is emotionally harmed may demonstrate severe anxiety, depression, withdrawal, self-destructive or aggressive behaviour.

*Sexual abuse* occurs when a child, youth or other vulnerable person is used by somebody else for sexual stimulation or gratification. Sexual activity between children or youth may also be sexual abuse if older or more powerful children or youth take sexual advantage of those who are younger or less powerful.

*Sexual abuse* includes behaviour that involves touching and non-touching aspects.

Types of sexual abuse that involve touching include:

- Fondling
- Oral, genital and anal penetration
- Intercourse
- Rape

Types of sexual abuse that do not involve touching include:

- Verbal comments
- Exposure to pornography
- Obscene phone calls, e-mail or other communications
- Exhibitionism
- Allowing children to witness sexual activity

### SYMPTOMS OF ABUSE AND MOLESTATION

---

\* Wolfe, David. *Child Abuse. Implications for Child Development and Psychopathology*. Newbury Park, California: Sage, 1987. P.20.

Church volunteers and staff should be alert to the physical signs of abuse and molestation, as well as to behavioural and verbal signs that a victim may exhibit.

Physical signs may include:

- lacerations and bruises
- nightmares
- irritation, pain or injury to the genital area
- difficulty with urination
- discomfort when sitting
- torn or bloody underclothing
- venereal disease

Behavioural signs may include:

- anxiety when approaching church or nursery area
- nervous or hostile behaviour toward adults
- sexual self-consciousness
- “acting out” sexual behaviour
- withdrawal from church activities and friends

Verbal signs may include the following statements:

- I don't like (names a particular person).
- (Particular person) does things to me when we're alone.
- I don't like to be alone with (particular person).
- (Particular person) fooled around with me.

## **THE EFFECTS OF SEXUAL ABUSE OF VULNERABLE PEOPLE**

Child sexual abuse robs children of their childhood and can potentially scar its young victims for life. Too often, in the past, the effects of abuse were minimized or dismissed. Children were viewed as being resilient. Recent research has shown that children can suffer significant pain from even a single abusive incident. Church members must be aware of the pain and long term suffering that can accompany such abuse. Abused children can display a wide range of negative symptoms in the aftermath of abuse. Abuse can result in abnormal fears, post traumatic stress disorder (PTSD), aggressive behaviour, sexual “acting out,” depression and poor self-esteem. Sexually transmitted disease is also a possible outcome.

The degree of damage depends upon several factors including the intensity, duration and frequency of the abuse. In addition, the relationship of the perpetrator to the child matters. If the abuser is a known and trusted authority figure in the child’s life, the degree of impact increases dramatically.

Consequences of child sexual abuse can plague victims into adulthood. Outcome studies of adult survivors of child sexual abuse suggest the following effects: sexual dysfunction, eating disorders, substance abuse, promiscuity, disassociation from emotions, and possible perpetration of sexual abuse on others. When church leaders, pastors, and respected congregational volunteers perpetrate the abuse, lifelong religious confusion and deep feelings of enmity toward God and the church can occur.

## **THE PROFILE OF A CHILD MOLESTER**

Who is the typical child molester? Some church leaders assume that molesters are “strangers wearing trench coats” or “dirty old men.” These stereotypes are not only inaccurate, but they also contribute dangerously to a false sense of security. Researchers in the field of child sexual abuse currently indicate that no single profile fits the various perpetrators of abuse. Church leaders can become preoccupied screening for stereotypes, while not suspecting the real molester could be an active adult or teen in the church.

## **CONSIDER THE FOLLOWING**

If abuse occurs in the church, a respected member will most likely be the molester. Emphasis upon “stranger danger” will leave the church ill prepared. While it’s uncomfortable even to consider this, the most likely assailants include Sunday School teachers, religious educators, nursery or preschool volunteers, teachers in a church operated school, camp counselors, Scout leaders, “concerned” adults who volunteer to transport children to church, and clergy. Trusted adults – male or female – can easily mislead children. Most incidents of child sexual abuse take place in the context of an ongoing relationship between the abuser and the child.

- Over 80% of the time, the abuser is someone known to the victim.
- Most abuses take place within the context of an ongoing relationship.
- The typical offender is between the ages of 20 and 30 years.
- 20% of sex offenders begin their activity before the age of 18.
- Child abusers are often married and have children.

### **3. THE CHURCH'S LEGAL VULNERABILITY**

#### **WHY CHURCHES ARE VULNERABLE**

Churches have unique features that can make them susceptible to incidents of molestation. This risk increases dramatically for overnight activities.

#### **A. Access**

The Boy Scouts, Big Brothers, and similar organizations have instituted comprehensive programs to reduce the risk of child molestation. Child molesters are attracted to an institution in which they have immediate access to potential victims in an atmosphere of complete trust.

#### **B. Need**

Most churches struggle to get adequate help for children's and youth programs. Recruiting Sunday School teachers, for example, can become an unending effort. Turnover among volunteers is also high. A willing volunteer provides welcome relief.

Churches need to understand the extent of their liability. Churches are not "guarantors" of the safety and well-being of children. They are not absolutely liable for every injury that occurs on their premises or in the course of their activities. Generally, they are responsible only for those injuries that result from their negligence. Victims of molestation who have sued a church often allege that the church was negligent in not adequately screening applicants or for not providing adequate supervision.

#### **C. The Civil and Legal Liability of the Church**

Increasingly and often more dramatically, the church and its personnel (i.e. staff, Council members, officers and pastors) are being held accountable for the acts of individual abusers within the church even though neither the church, nor its leaders were aware of the abuse or condoned it. Churches are being sued in Civil Courts for damages sustained by victims and their families. Those victims and their families are attempting to hold churches accountable by alleging that:

- the church is vicariously liable for the acts of its personnel, be they paid staff or volunteers, regardless of whether the church was itself negligent or even knew of the abuse;
- the church was negligent in its hiring or accepting personnel, whether paid or volunteer;
- the church was negligent in the supervising or monitoring of its personnel or membership.

(Church and the Law Update, June 1994)

## 4. PROTECTION PROCEDURES

### COMMITMENTS

The Evangelical Lutheran Church in Canada makes the following commitments to protect children, youth and vulnerable adults, and those who minister to and with them:

- 1) Screening of those who work with children, youth and other vulnerable individuals is important.
- 2) All salaried staff will undergo a *police records check*.
- 3) All employees and volunteers who work with preschoolers, children and youth will be made familiar with the nature of child sexual abuse.
- 4) All employees and volunteers who work with preschoolers, children and youth will be made familiar with the guidelines contained in the *Policy to Protect Children, Youth and Other Vulnerable People in the ELCIC*.
- 5) The policies to prevent sexual abuse are regarded seriously and will be enforced.
- 6) All volunteers will sign a VOLUNTEER MINISTRY COVENANT, agreeing to comply with church policies and guidelines.
- 7) In general, two unrelated adults, preferably one male and one female, will be present during activities involving children and youth.
- 8) In general, volunteers will be permitted to work with preschoolers, children or youth only after they have been active participants of an ELCIC congregation, ministry or office for a period of six months. (This provision may be waived where the person is transferring in from another church and/or has a letter of recommendation signed by a minister of that church.)
- 9) References for volunteers applying for any position involving work with preschoolers, children or youth will be checked. The right to require a police records check is reserved. A police records check will always be required in those instances where someone is a new resident or unknown to the church community or where an applicant's credentials cannot be verified.
- 10) A directory of names and addresses of parents and children will be carefully maintained.

## **WASHROOM GUIDELINES**

Parents are to be encouraged to take their children to visit the washroom prior to each class or service. This recommendation is to be communicated to parents at the beginning of each new school year, and throughout the year to newcomers.

### **A. Nursery**

As a general rule, volunteers in the nursery will not be expected to change diapers. However in the event that this becomes necessary the following rules will apply:

- Diaper changing must always take place in such a way that another nursery volunteer or responsible adult can see the child being changed.
- Young volunteers must be of confirmation age or older, with appropriate training, before being permitted to change diapers.

### **B. Preschool**

- For a group of preschoolers, two adults will escort the children to the washroom.
- If just one child must go to the washroom, the adult volunteer should escort the child to the washroom and prop the outside door open. The volunteer should then remain outside the washroom door and wait for the child before escorting him or her back to the classroom. The volunteer should call the child's name if they are taking longer than seems necessary.
- The volunteer should never be alone with a child in an unsupervised washroom and never go into a washroom cubicle with a child and shut the door.
- When preschool children need assistance in the washroom, an adult may enter the washroom cubicle to assist only when a second adult is within visual contact. If this is not possible, inform another adult when taking a child to the washroom and when returning.
- A second adult should be within visual contact. If this is not possible, inform another adult when taking a child to the washroom and when returning.
- In light of the fact that most abusers are male, and for the protection of male volunteers, it would be wise for men to avoid assisting boys or girls of any age in the washrooms. It is suggested that only women assist children in the washrooms.

### **C. Ages 5-7**

- A child seven years of age or younger should not be sent to the washroom alone, but should be accompanied by an adult volunteer.
- For children seven years of age and under, the adult volunteer should escort the child to the washroom, and prop the door open to make sure that everything is in order. The volunteer should then remain outside the washroom door and wait for the child before escorting him or her back to the classroom.
- The volunteer should call the child's name if they are taking longer than seems necessary.
- The volunteer should never go into a washroom cubicle with a child/youth and shut the door.

## **PROPER DISPLAY OF AFFECTION**

Touch is an essential responsibility in nurturing lives. Volunteers need to be aware of, and sensitive to, differences in sexual development, cultural differences, family backgrounds, individual personalities, and special needs. Physical contact with children should be age and developmentally appropriate. The following guidelines are recommended as healthy and positive displays of God's love:

### **A. Appropriate Touch**

Love and caring can be expressed in the following appropriate ways:

- Bend down to the child's eye level and speak kindly; listen to him or her carefully;
- Take a child's hand and lead him or her to an activity;
- Put an arm around the shoulder of a child who needs quieting or comforting;
- Take both of the child's hands as you say, "You did such a good job!" (or "I'm so glad to see you. We've missed you!" etc.);
- Pat a child on the head, hand, shoulder or back to affirm him or her;
- Hold a child by the shoulders or hand to keep his or her attention while you redirect the child's behaviour;
- Gently hold a child's chin to help him or her focus on what you are saying;
- Hold and console a preschool child who is crying.

### **B. Inappropriate Touch**

Staff and volunteers should avoid:

- Kissing a child or coaxing a child to kiss you;
- Extended hugging;
- Tickling;
- Touching a child in any area that would normally be covered by a bathing suit (except when assisting a child with toileting as outlined previously);
- Carrying older children or having them sit on your lap;
- Being alone with a child.

## **STAFFING AND SUPERVISION GUIDELINES**

Church staff and volunteers should always conduct themselves appropriately, being an example of integrity, respect and honesty to those in their care. The desire is to provide a safe and loving environment where children and youth feel comfortable and are protected.

### **A. Supervision**

Programs that involve children and youth must always include adequate supervision. Supervision should also be maintained before and after the event until all children are in the custody of their parents or legal guardians.

### **B. Two Adults**

In general, there are to be two unrelated adults in any enclosed room with children or youth. Family (couple) ministry teams work well and are encouraged as a method of staffing. However, for the protection of this family, we recommend the presence of at least one other volunteer not related to the family.

**C. Parental Permission**

Consent of a parent must be obtained before transporting or being alone with a child or youth. Children and youth must also have written parental permission for involvement in confirmation ministry programs, (Name of Congregation) Youth, or other church-sponsored field trips or outings. See ACTIVITY PERMISSION FORM (Document G).

**D. Day Trips**

- Activities conducted away from church property should be pre-approved by the congregational pastor or the manager or director of the ministry, program or office.
- Parents should be notified at least one week prior to the outing.
- A completed ACTIVITY PERMISSION FORM (Document G) and MEDICAL PERMISSION FORM (Document H) are required for each child participating in day trips.
- Day trips must be supervised by a minimum of two approved, unrelated adult leaders.
- All supervising adults must be approved volunteers.
- When transporting children is involved in an activity, all drivers must have a valid driver's license and current automobile insurance. The number of persons per car must never exceed the number of seat belts.

**E. Overnight Events**

- Overnight activities should be pre-approved by the congregational pastor or the manager or director of the ministry program or office.
- Parental permission should be secured in writing for over-night events.
- A completed ACTIVITY PERMISSION FORM (Document G) and MEDICAL PERMISSION FORM (Document H) are required for each child participating in overnight events.
- Overnight trips must be supervised by a minimum of two approved, unrelated adult leaders.
- Overnight activities should have a minimum ratio of one adult leader for every five children or one adult leader for every nine youths. Each leader should have an assigned group of children/youth for whom they will be responsible during the overnight event.
- All supervising adults must be approved volunteers.

## **WHAT DOES THIS MEAN?**

### **A. What Does this Mean for Nursery, Sunday School and Confirmation Ministry?**

- All Sunday School and Nursery staff must wear name tags so that they can be easily identified.
- Two unrelated adults should be with any group of children. If it is necessary for an adult to be alone with children, there must be a window in the door providing an unobstructed view of the children or the door must be left open.
- Each Sunday, the Sunday School Coordinator (or designate) should make regular visits to ensure each class is properly staffed and supervised.
- Should there be a nursery staffed by volunteers, a sign-up sheet indicating child's name, parent's name and parent's location should be provided in the nursery.
- Children should not be dropped-off in a pre-school classroom without a teacher or caregiver present.
- Pre-school children should be released only to a parent or adult family member known to the staff-person.
- For nursery and for pre-school classes, follow the washroom guidelines, page 7.
- Observe the guidelines for proper display of affection, page 8.
- For day trips or special events, follow guidelines, page 9.
- When in doubt, confer with the congregational pastor or manager or director of the ministry or office.

### **B. What Does this Mean for Youth Group Leaders?**

- Two unrelated adult leaders should always be present at any youth group activity.
- Obtain parental permission for youth to be transported or involved in youth group activities. See the ACTIVITY PERMISSION FORM (Document G).
- Observe the guidelines for proper display of affection, page 8.
- For day trips or special events, follow guidelines, page 9.
- When in doubt, confer with a pastor, manager or director.

### **C. What Does this Mean for Mentors?**

- To the extent possible, meet in such public environments as Tim Horton's, a park setting, a congregational fellowship room, a community centre, etc.
- Consider meeting in a group with one or more fellow mentors and youth.
- Always obtain parental permission to transport youth or to be alone with them.
- Observe the guidelines for proper display of affection, page 8.
- When in doubt, confer with a pastor, manager or director.

### **D. What Does this Mean for Other Volunteers?**

- Follow the staffing and supervision guidelines, pages 8.
- Observe the guidelines for proper display of affection, page 8.
- When in doubt, confer with a pastor, manager or director.

## 5. RECRUITMENT OF VOLUNTEERS

All prospective volunteers for ministry with children and youth must meet the following requirements:

- active participation in an ELCIC congregation or ministry for at least six months, or a letter of recommendation from a former pastor;
- attendance at a session to review this policy;
- signing of a VOLUNTEER MINISTRY COVENANT (Document A);
- completion of a VOLUNTEER APPLICATION FORM (Document B);
- participation in an interview;
- a reference check;
- a *police records check* if required.

### REVIEW OF THE POLICY

All prospective volunteers for ministry with children and youth must attend an introductory session to review this policy. These sessions will be offered by the congregation, ministry or office for groups or individuals as required. A copy of the *Policy to Protect Children, Youth and Other Vulnerable People in the ELCIC* will be provided to all prospective volunteers with the expectation that they read the material and become familiar with the contents.

### VOLUNTEER APPLICATION

Prospective volunteers for ministry with children and youth must complete a VOLUNTEER MINISTRY COVENANT (Document A) and VOLUNTEER APPLICATION FORM (Document B). (To protect the church from legal liability and for the protection of all volunteers, every prospective ministry leader – including established or long-time members of the ELCIC – must complete the VOLUNTEER APPLICATION FORM.)

The VOLUNTEER APPLICATION FORM is critical in protecting the church from legal action if a case of abuse occurs in which a church volunteer is involved. To protect vulnerable people and to be protected from liability, the church must take reasonable action in screening and supervising the volunteers involved in any work with children, youth or other vulnerable people. A court can find the church legally liable if it is less than systematic and therefore negligent in screening volunteers. By having prospective volunteers fill out a VOLUNTEER APPLICATION FORM, the church greatly reduces the potential for abuse and the resultant liability.

The pastor of a congregation or the manager or director of an ELCIC ministry or office will monitor the status of the application process and will ultimately place completed material in a secure *Volunteer Placement File* containing:

- Volunteer Ministry Covenant (Document A)
- Volunteer Application Form (Document B)
- Volunteer Interview Form (Document C)
- Volunteer References Verification Form (Document D)
- Volunteer Approval Form (Document F)
- Police records check report (if required)

### INTERVIEW

An interview, conducted by two people authorized by a congregational council or the manager or supervisor of an ELCIC ministry or office, provides an opportunity to review the important items from the VOLUNTEER MINISTRY COVENANT (Document A) and VOLUNTEER APPLICATION FORM (Document B) in a personal setting. The interviewers can ask follow-up questions and questions of clarification. The information given in the interview will be available only to the interviewers and the congregational pastor or the manager or director of an ELCIC ministry or office. The interview will allow the prospective volunteer the opportunity to ask questions about various children's ministries and the reasons behind our child protection procedures.

## REFERENCE CHECK

Three personal references are requested on the VOLUNTEER APPLICATION FORM (Document B). References that are acceptable are limited to the following:

- Former or present pastor;
- Long-time friend (minimum of 5 years);
- One parent (for minors);
- Teacher (for minors);
- Congregational member (who has sufficient strength of relationship to comment on the individual's personal habits and character);
- Employer or colleague.

At least two of these references will be contacted and asked to affirm the appointment of the volunteer. The person making the contacts, the date, and a summary of the reference's comments will all be recorded on the VOLUNTEER REFERENCES VERIFICATION FORM (Document D) which will become part of the individual's *Volunteer Placement File*. A suggested VOLUNTEER REFERENCE VERIFICATION SCRIPT (Document E) can be used for telephone follow-up when screening applications.

## POLICE RECORDS CHECK

The right to ask for a *police records check* for volunteers is reserved by the ELCIC. (All salaried staff submit to a *police records check* for their own protection and for the protection of the church.)

A *police records check* will always be required in those instances where someone is a new resident or unknown to the church community or where an applicant's references cannot be fully verified. Minors (under 16 years of age) are exempt from a *police records check*.

The cost for a *police records check* requested by the ELCIC will be borne by the church.

The *police records check* report is to be brought to the pastor, manager or director. If there is no criminal record of any sort, the volunteer may be considered for ongoing service in the church. If there is a record or information which raises some concern, the pastor and Congregational Council chairperson, or the management team of an ELCIC ministry or office will meet to discuss and resolve the matter.

If the offense is other than child or sexual abuse, the volunteer may proceed with ministry in the church provided both the pastors and the Congregational Council chairperson or the management team agree. The following are criteria to consider when evaluating the information:

- The number and type of convictions;
- The age and circumstances of the offender at the time of the offense;
- The length of time between past criminal activity and the present;
- The conduct and circumstances of the individual since the offense; and
- The likelihood of the individual repeating the offense.

If any offense is related to the abuse of children or is of a sexual nature, the prospective volunteer will not be approved for ministry with children, youth or vulnerable people in the ELCIC.

The information contained in the *police records check* report is considered strictly confidential. Only the pastor and Council chairperson or the manager or director of an ELCIC ministry or office can be privy to the information.

A copy of any submitted *police records check* report will be kept in the confidential, secure *Volunteer Placement File*.

## **APPROVAL**

The pastor, manager or director will review the materials and complete the VOLUNTEER APPROVAL FORM (Document F). A *prospective volunteer* becomes an *approved volunteer* once the pastor, manager or director signs the VOLUNTEER APPROVAL FORM. All volunteer application materials will be kept in a confidential, secure *Volunteer Placement File* for a minimum of 7 years.

## **DISQUALIFICATION**

*Kinds of criminal convictions which disqualify individuals from working with children and youth:*

- A criminal conviction for a sexual offense involving a minor would disqualify an applicant.
- Other crimes would strongly suggest that a person should not be considered for work with minors in the ELCIC. At the same time, some crimes would not result in automatic disqualification because they would not suggest a risk of abuse or molestation. For example, some property offenses would not be included in this list, particularly if the offense occurred long ago and the individual has a long history of impeccable behaviour.

*Will religious conversion make a difference for someone who has been guilty of past abuse?*

No. Occasionally, a person may freely admit to a prior incident, but insist that they have since had a conversion experience and that they now present no risk whatever. The safest course is to encourage such an individual to work in the church, but in a position not involving access to children, youth or other vulnerable people. This is a reasonable accommodation of the individual's desire to serve in the ELCIC.

A church that permits such an individual to work with children, youth or other vulnerable people, on the basis of the professed religious conversion, will have a virtually indefensible position should another incident of abuse occur. The defense – that the abuser claimed to have been converted – would likely be viewed with derision by a civil court. Putting a known abuser in a position involving access to children, youth or other vulnerable people is taking an enormous risk.

## **6. INCIDENT REPORTING PROCEDURES**

Anyone who has concerns regarding the safety of a child must report it to the pastor, manager or director who will facilitate the contact with the appropriate child protection agency. The church's legal advisor will also be contacted.

Where a rostered minister is the object of an allegation, the Bishop of the synod in which the minister is rostered will be advised.

Abuse or neglect need not have already occurred for a child to be in need of protection; it is not necessary to wait until a child has been harmed to intervene.

### **DISCUSS SUSPICIOUS BEHAVIOUR IMMEDIATELY**

Any inappropriate conduct or relationships between volunteers and a child, youth or other vulnerable person must be confronted immediately and investigated. Prompt warnings must be issued when appropriate, and the situation monitored very closely. The volunteer's services should be terminated immediately for continued violation of sufficient gravity. Sunday School staff, Confirmation Ministry mentors, Youth Group coordinators and other ministry leaders should note when a youth or child appears aloof or withdrawn, or exhibits a marked personality change. This may indicate a problem that deserves attention.

### **WHEN AN ALLEGATION OCCURS**

If any volunteer leader has concern for the safety or well-being of any child, youth or other vulnerable person in the ELCIC s/he should report it immediately to the pastor, manager or director who will offer support and assistance in reporting the concern. The pastor, manager or director will contact the church's lawyer and will obtain from the concerned person all information necessary to complete the SUSPECTED ABUSE REPORT FORM (Document I).

If the alleged perpetrator is a volunteer in the ELCIC s/he will be advised of the allegation and suspended from his or her duties. S/he will be advised to seek legal counsel. Pastoral care will be offered to all involved.

If the alleged perpetrator is a rostered minister, the incident will be immediately reported to Bishop of the Synod in which the minister is rostered.

If the alleged perpetrator is a non-rostered employee, the incident will be immediately reported to their immediate supervisor.

### **RESPONDING TO A CHILD, YOUTH OR OTHER VULNERABLE PERSON**

When a child, youth or other vulnerable person first comes to you, be sure to take his or her word seriously. Don't deny the problem, but stay calm and listen to the individual. Give emotional support, reminding the individual that he or she is not at fault. Tell the individual that he or she was right in telling you about the problem. Do not promise the individual that "you will not tell anyone."

## **CONFIDENTIALITY**

In these matters it is important to keep the information restricted to those who need to be advised. This means that all suspicions of abuse should be directed only to the pastor, bishop, manager or director or immediate supervisor.

The only claim of confidentiality which overrides the legal duty to report may be that of solicitor-client privilege. Thus physicians, clergy and others who consider their professional relationships confidential for certain purposes are not exempt from the duty to report child abuse or neglect.

## **RESPONSIBILITY OF THE MINISTER, MANAGER OR DIRECTOR**

As soon as possible after an incident is disclosed the minister, manager or director will:

- In conversation with the person who has made the disclosure, complete the SUSPECTED ABUSE REPORT FORM. (Document I).
- Advise the person who has made the disclosure to maintain his/her own detailed notes including names, dates, times, places, etc.
- Assist the person who has come to you to contact appropriate authorities. An in-depth investigation will be left to professionals who are familiar with such cases.
- Take the allegations seriously without prejudging the situation and reach out to the victim and the victim's family. Showing care and support help to prevent further hurt and extending whatever pastoral resources are appropriate. The care and safety of the victim is the first priority.
- Treat the accused with dignity and support. If the accused is an approved volunteer, that person should be suspended from his or her duties until the investigation is finished. If the person is a paid employee, arrangements should be made to either maintain or suspend his or her income until the allegations are cleared or substantiated.

## **PROTECTION FROM LIABILITY**

Church personnel are required to immediately report to the appropriate local authorities any suspected case of child abuse. It is not a breach of confidence between church personnel and the child involved. No person is personally liable for anything done or omitted in good faith in the exercise of this responsibility. Church leaders are accountable to God to protect God's children. Although protecting parents as much as possible from undue interference by outside authorities may be desirable, the protection of children from abuse is more important.

As part of a child protection investigation, social workers are required under the Child and Family Services Act to assess:

- the child's current state of health;
- their sense of safety and their views of abuse;
- previous abuse, neglect or harm; and
- the ability of the parent(s) to care for and protect the child.

The social worker will talk to people who have contact with the victim and family. They may request records or other types of information. They are entitled to whatever information is needed to complete an investigation. If denied access to a record, they can seek a court order.

## **WHO MUST REPORT**

All persons who have “reasonable grounds to suspect that a child is or may be in need of protection” have an obligation to report.

## **REPORT FOLLOW-UP**

A SUSPECTED ABUSE FOLLOW-UP REPORT FORM (Document J) should always be completed by a pastor following a report of suspected abuse. Completed SUSPECTED ABUSE REPORT FORM (Document I) and SUSPECTED ABUSE FOLLOW-UP REPORT FORM (Document J) should be kept in a confidential file.

## **7. Response to Allegations of Abuse**

Realistically, no practical prevention strategy is completely effective. An accusation of sexual abuse may occur in any church. The *Policy to Protect Children, Youth and other Vulnerable People in the ELCIC* contains an approved strategy to respond to allegations of abuse.

The ELCIC response strategy recognizes the following underlying principles:

- All allegations are to be taken seriously.
- Situations must be handled forthrightly with due respect for people’s privacy and confidentiality.
- Full co-operation must be given to civil authorities under the guidance of the church lawyer.
- Adequate care must be shown for the well-being of victims.
- The victim should not be held responsible in any way.

## **RECORDS**

Records of volunteer applications and related material will be maintained. Records shall be kept at least seven years in a safe and accessible location, honouring their confidentiality.

## **SPOKESPERSON**

The pastor or Congregational Council chairperson or manager or director of an ELCIC ministry or office will serve as the spokesperson for the congregation, ministry or office. S/he will speak to the media and the congregation, ministry or office regarding the matter in a discreet, informed, truthful and diplomatic way.

## **POSITION OF THE CONGREGATION, MINISTRY OR OFFICE**

In the case of an allegation of abuse, the following points would be made until all of the facts are uncovered and the case reviewed:

- It is always tragic when individuals are abused or exploited.
- The congregation/ministry/office is aware of the toll which any form of abuse takes.
- Careful precautions have been taken to protect the children entrusted to church’s care.
- Accusations of abuse are distressing to the church.
- The congregation/ministry/office will do all in its power to address any needs in this situation.
- For the welfare of those involved, all information has been directed to the appropriate authorities.

## CONDUCT AND COUNSEL

The ELCIC congregation/ministry/office will not engage in denial, minimization, or blame.

- It will not be denied that the incident occurred; all allegations are taken seriously. Once a formal complaint has been made, even if there is clear evidence to the contrary, the church is under a responsibility to follow this policy's process.
- The nature of the incident will not be minimized by saying such things as "It only happened once," or "It wasn't that serious."
- The victim or the victim's family will not be blamed.
- The church will not be accusatory.

Divulging details of an accusation in any public interview will not be tolerated. The church will endeavour to have its lawyer present while answering any investigative questions from the police or social service agencies. The accused will be advised to seek legal counsel and will be offered pastoral care.

## 8. IMPLEMENTATION AND ACCOUNTABILITY

The topic of abuse and the introduction of the *Policy to Protect Children, Youth and Other Vulnerable People in the ELCIC* will create a variety of reactions among church members. Many will solidly support the adoption of the policy. Some will have questions while some may have reservations. The need for such a policy will be presented in introductory sessions and opportunity for feedback will be provided. The pastor, congregational council chairperson, manager or director will be available to address concerns and provide specific answers about the policy.

### PRESENTATION OF THE POLICY

The following key points will be made:

- Sexual abuse can happen in the church.
- One incident can devastate a child, a family and the church.
- The legal liabilities can be enormous.
- Church leaders may be held liable.
- A prevention program can reduce risk through relatively simple procedures.

On an ongoing basis, members of the congregation will be kept informed of the key issues pertaining to abuse and why a decision was made to establish a prevention plan. This will continue to nurture a commitment within the church membership to maintain a safe environment for all children, youth and other vulnerable people. The climate in these presentations will be one of hope. The church community will realize that the ELCIC is taking action to address the real needs of our community. The focus will be upon the great responsibility God has given to us to care for our children.

## MONITORING THE POLICY

Ministry leaders – especially the pastor, Sunday school coordinators, Christian education Committee members, youth advisors – will review the guidelines set out in the policy as part of program planning. This monitoring will examine the following:

- Have volunteers/staff been trained regarding these policies?
- Are volunteers/staff following the required policies and procedures?
- What obstacles exist to compliance with these policies?
- What is the level of cooperation?
- Do sufficient materials exist for training and information?
- Are the policies current and readily available?

If problems exist in the policies, they should be brought to the attention of the pastor, manager or director. Helpful revisions that do not sacrifice the integrity of the policy are welcomed.

## EDUCATION OF SALARIED STAFF AND VOLUNTEERS

Routines will be established for the training of all new staff and volunteers who serve the church.

### A. Salaried Staff

Salaried staff who will be working with children or youth will be introduced to the *Policy to Protect Children, Youth and Other Vulnerable People* upon being called or hired. A police records check is mandatory.

### B. New Volunteers

Training or orientation sessions about the policy will occur in the congregation/ministry, office at least once a year. Depending upon the circumstances and the time of year, an individual training session may also be offered for a volunteer who joins a program mid-Year.

Individuals who apply to begin in ministry after a program is under way must still complete the volunteer approval process. The initial policy orientation/training session may be arranged on an individual or small-group basis.

## ACCOUNTABILITY

THE ELCIC will avoid any undue interference when a report of abuse has been filed with the appropriate authorities. The pastor, manager or director will ask the agency how the congregation, ministry or office can assist in helping and supporting the hurting victim and his or her family. Pastoral care will be offered to the victim and those suspected or guilty of abuse. This does not exclude the need for individuals to receive professional counselling.

Notes:

- The Evangelical Lutheran Church in Canada is grateful to the Eastern Synod of the ELCIC for its *Safe Steps Program* on which this policy heavily draws.