

## WI2100:02 Frequently Asked Questions – Known Sex Offender Policy

Q. We can't stop a person from worshipping in church with us can we?

A. Although Lutheran core values emphasise an openness to all to join in worship, requirements to protect the flock and especially the vulnerable may require a person to be barred from worshipping with the congregation.

There is a process that must be followed first.

Legislation varies from State to State, however various state laws allow Churches to prohibit people from being present on their premises.

A key point to remember and follow is that once a person has been lawfully prohibited, if the person arrives on a site, the congregation must call the police immediately to have the person removed for breach of the order.

The process to be followed is outlined in general terms below:

..... to be completed

Q. Can our congregation make a local decision to accept a known sex offender to worship with us without any other approval?

A. No.

All congregations and LCA Agencies are insured through LCA Insurance.

A failure on the part of one congregation or agency that leads to the congregation or agency or the LCA being sued affects all.

As the LCA reinsurance company's will not insure LCA Congregations and Agencies from the actions of Known Sex Offenders who undertake actions in LCA Congregations and Agencies that lead to the LCA being sued, all Congregations and Agencies share the financial, reputational and other risks that may occur from the failure of any one congregation or agency to follow policy.

Although Congregations, whether incorporated or unincorporated, act as independent decision making bodies, the District Church Council in conjunction with the Officer Appointed by the LCA reserves the right to decide whether to accept the risks presented by permitting known sex offenders to worship in a congregation or to provide a service to a known sex offender in another environment.

The decision to accept risks essentially requires 'sign off' from three bodies; the Officer Appointed by the LCA, the District Church Council and the Congregation.

Q. Am I covered by LCA's insurance if, in the process of providing a service to a Known Sex Offender, in a home environment, I am sexually assaulted?

A. No. Insurance will not cover you or the Congregation or Agency from any subsequent claim.

Any person or group providing a service to a Known Sex Offender can only do so after being approved to do so by the Officer Appointed by the LCA, District Church Council and the Congregation.

Q. Our congregations is about to appoint a youth worker, is there anything we must do?

A. Yes. You must conduct at least three referee checks on the person; you must call the Professional Standards Unit to determine if the person is a 'person of interest'; and you must ensure the person passes appropriate police or other checks in accordance with state government requirements.

Q. I have a suspicion that a member of the congregation is a sexual offender what should I do?

A. Call the Professional Standards Unit and/or talk to your Pastor.

Q. What will the District Church Council, Professional Standard Unit, and Congregation do with regard to the handling of risks presented by Known Sex Offenders.

A. The Officer Appointed by the LCA will, on a case by case basis, investigate the risks presented by Known Sex Offenders and make recommendations to District Church Council about what should be done to ensure protection of the vulnerable occurs. District Church Council, in conjunction with Professional Standards Unit and the Congregation may choose to implement a number of options including not accepting the risks imposed of providing a service to a known sex offender.

Q. Can congregations use covenants, escorting, chaperoning and other measures to manage Known Sex Offenders in a worship environment and thus manage or minimise the risk?

A. Notwithstanding the implementation of a range of risk management measures including covenants, escorting and chaperoning or even conducting a home service, the LCA will still have no insurance protection in the event the Known Sex Offender reoffends and the LCA is sued.

Any decision to implement risk management and minimisation measures would require approval of District Church Council, Professional Standard Unit, and Congregation. Congregations cannot unilaterally implement these measures on their own.

Q. What is the likelihood of a Known Sex Offender reoffending?

A. Statistics vary quiet widely from jurisdiction to jurisdiction with the likelihood of a Known Sex Offender reoffending varying from 15% to 80%.

Q. In the event of LCA being sued, what could the financial impact be?

A. Case examples are limited however one known example was in the order of \$750,000. In the event District Church Council, in conjunction with the Officer Appointed by the LCA and the Congregation were to allow a Known Sex Offender to worship in a congregation it would prudent to consider setting aside a considerable monetary value per instance into a contingency fund.

Q. In the event of LCA being sued, what could the reputational impact be?

A. The impact of the reputation of the LCA would be considerable. The nature of modern technology, internet, social networking, on-line newspapers, and more is such that once an item adverse to the reputation of the LCA has been recorded it can never be removed from the internet and will damage the reputation of the LCA for years into the future. The LCA will be seen to have failed in its duty of care to the vulnerable.

Q. What happens to congregations that allow Known Sex Offenders to continue to worship in the congregation?

A. Literature indicates that congregations that admit Known Sex Offenders to worship with them decline in membership in significant numbers. Families with children tend to depart the congregation. A split of the congregation is also not unusual. To allow a Known Sex Offender to worship in a congregation at the same time as the abused member is worshipping may be perceived as allowing an abusive relationship to continue and is not in keeping with LCA commitment to protect the vulnerable.

Q. We have a local arrangement with a Known Sex Offender; does this need to be revisited?

A. Yes it must be revisited. The Officer Appointed by the LCA will have to revisit all existing arrangements, conduct a risk assessment and make recommendations to the appropriate District Church Council and Congregation so that District Church Council has the opportunity in conjunction with the Congregation to decide to accept, minimise or otherwise manage the risk.

Q. What is a Known Sex Offender?

A. For all practical purposes a Known Sex Offender is whatever the insurance company defines it as being. Other useful definitions are shown below:

- **Sex offender:** A sex offender is someone who commits sexual offences against children, young people or adults. For the purposes of this policy, it includes persons convicted of sexual offences and persons believed to be sexual offenders based on the balance of probabilities.
- **Sexual offences against children:** These include physical acts, inappropriate touching, conversation or other communication, grooming for sexual purposes, filming and photographing for sexual purposes, accessing indecent images of children by any means.
- **Children:** For the purposes of this policy the term “children” refers to any person under the age of 18 years.
- **Blue card/working with children checks:** This is the name given to detailed national checks of a person’s criminal history, including any charges or convictions. The working with children checks are compulsory before a person commences working with children.

Q. Our congregation has forgiven the person for the sin that has been committed. Isn't that enough?

A. Lutheran values include forgiveness for the sinner. They also include a requirement to protect the vulnerable. Lutherans are also required to manage risks to the vulnerable and also act as a synod in ensuring the reputation of the whole is not damaged through the actions of the individual. Shepherds of any flock must sometime make tough decisions to ensure all members of the flock are protected. Whilst this issue may lead to complex theological discussion, the benefit of the doubt must at all times be focussed to protect the vulnerable.

Q. How can we provide a service to a Known Sex Offender?

A. This answer will vary depending on the acceptance of recommendations made by the Officer Appointed by the LCA, District Church Council and Congregation or Agency. In some cases recommendations to provide a service to a person in a home environment may be accepted with appropriate risk management measures in place.

DRAFT