



Policy	Principles for the use of names of persons who perpetrated or failed to take action in relation to child sexual abuse.		
Body adopting policy:	Diocesan Council	Date of adoption or last review:	11 November 2020
Related Documents:	Procedure	Review schedule:	5 Years

1. Purpose

This policy sets out the principles which govern the use of names of persons who perpetrated or failed to take action in relation to child sexual abuse, and the decision-making powers and process to make a Naming Decision in relation to such names.

2. Introduction

The Synod of the Diocese of Adelaide of the Anglican Church of Australia Incorporated (the Synod) acknowledges that traditionally the Church names organisations, buildings, property, trusts, bursaries, gifts, prizes, scholarships and events, and includes names on commemorative plaques or other permanent records acknowledging persons such as bishops, priests, school principals, benefactors and others.

In recognition of the impact of child sexual abuse on those abused and their families, their courage, and the pain they have experienced and continue to endure, the Synod has a responsibility to consider carefully the use of names of persons who either:

1. perpetrated child sexual abuse; or
2. failed, without reasonable excuse, to report or take action when they were aware of child sexual abuse.

The Synod recognises that the uses of such names is likely to cause distress to people who have been abused and their families.

The Synod also recognises that people may experience distress if the name of a person is removed or not used.

Therefore, the Synod has adopted this policy to manage the use of names in these circumstances.

3. Scope

Recommendation SC2016/2/27 of the Standing Committee of the General Synod recommended principles for the use of names of persons who perpetrated or failed to take action in relation to child sexual abuse. This policy seeks to implement that recommendation.

Section 64 of the Parochial Administration Ordinance 1985 (“the Ordinance”) states, inter alia that: *“The name of the church mission hall or other building erected or to be erected upon any portion of the Parish Trust Property so set apart shall unless such name shall have been included in the said*

Declaration of Trust be determined by the Parish Council subject nevertheless to the approval of such name by the Bishop.”

As the Bishop has the authority to approve, the Bishop also has the authority to withdraw that approval. Accordingly, all Parishes in the Diocese of Adelaide that are subject to the Parochial Administration Ordinance 1985 are required to comply with this Policy. Parishes not subject to the Ordinance are encouraged to adopt this Policy as part of their own. In the context of this Policy, the authority to make a Naming Decision as defined under this Policy shall be the Diocesan Council on advice from the Bishop.

4. Application of this Policy

1. A Naming Decision is subject to this policy if it relates to a person who:
 - a. has pleaded guilty or been found guilty under a Relevant Law;
 - b. has pleaded guilty or been found guilty of failing to report or take action in response to information under a Relevant Law;
 - c. has been the subject of a finding by either a State Authority or an Anglican Church of Australia fitness for office or disciplinary-like body, to the effect that the person:
 - i. perpetrated child sexual abuse; or
 - ii. without reasonable excuse, failed to report or take action in response to information related to child sexual abuse.
 - d. is the subject of information plausibly establishing that they:
 - i. perpetrated child sexual abuse; or
 - ii. without reasonable excuse, failed to report or take action when they were aware of child sexual abuse.

5. Definitions

Authority means the Diocesan Council on advice from the Bishop.

Child sexual abuse means conduct that falls under a Relevant Law.

Ministry Unit means a parish, agency or other Anglican community or institution.

Naming Decision means deciding whether a person’s name should be used or not used or removed in relation to the naming of an organisation, a building or part of a building, a property or part of a property, a vessel, a trust, a bursary, a gift, a prize, a scholarship, an event or any other matter or thing, or in relation to a commemorative plaque or other permanent record.

Relevant Law includes any of the following criminal offences of the *Criminal Law Consolidation Act 1935* (SA), or any equivalent provision in legislation which repeals or replaces the Act, or any equivalent provision in any Commonwealth, State or Territory legislation, or any equivalent provision in any legislation of a foreign jurisdiction:

- Part 3, Division 11 of the *Criminal Law Consolidation Act 1935*;
- Part 3, Division 11A of the *Criminal Law Consolidation Act 1935*; and
- Part 5, Division 5A of the *Criminal Law Consolidation Act 1935*

State Authority means any body established by Commonwealth, State or Territory legislation, or any equivalent body established in a foreign jurisdiction, with the capacity and authority to make a determination in relation to alleged offending.

Synod means the Synod of the Diocese of Adelaide of the Anglican Church of Australia Incorporated.

6. Principles

- a. Synod will remove the name and image of persons who perpetrated child sexual abuse from, and not use their name or image in connection with, organisations, buildings or parts of buildings, properties or parts of properties, vessels, trusts, bursaries, gifts, prizes, scholarships, events or any other matter or thing for which it has responsibility.
- b. Synod should normally remove the name and image of persons who without reasonable excuse, failed to report or take action when they were aware of child sexual abuse, and not use their name or image in connection with organisations, buildings or parts of buildings, properties or parts of properties, vessels, trusts, bursaries, gifts, prizes, scholarships, events or any other matter or thing for which it has responsibility.
- c. Despite paragraphs a. and b. above, Synod should not remove the name or image of persons who perpetrated child sexual abuse or who, without reasonable excuse, failed to report or take action when they were aware of child sexual abuse, from commemorative plaques or other permanent records which record historical events, such as the officiation or attendance of such persons at the opening of a building. The “rewriting” of history by removing references to such persons should be avoided.
- d. The Authority that makes a Naming Decision to which this Policy applies must apply these principles and follow the procedures made under this policy in making that Naming Decision.
- e. After a Naming Decision is made, if any information comes to light that casts reasonable doubt over the correct application of the Policy to a Naming Decision, the Authority may request the Bishop to approve a re-consideration of the Naming Decision.

7. Policy review

This Policy is subject to review every five years.

PROCEDURE

Procedures for Use of Names of Persons who Perpetrated, or Failed to Take Action in Relation to Child Sexual Abuse

Application of Policy

1. Any Authority, person or body determining whether this policy applies to a person the subject of a Naming Decision may rely on:
 1. a certificate of conviction issued by a relevant Court;
 2. information provided by a relevant State Authority or Anglican Church of Australia fitness for office or disciplinary-like body; or
 3. information provided by the Professional Standards Director of a diocese (or equivalent officer).
2. The determination of plausibility of allegations of a person perpetrating child sexual abuse or failing, without reasonable excuse, to report or take action when they were aware of child sexual abuse, is to be established by the Professional Standards Committee and advised to the Secretary of Synod.
3. If there is an existing name to which this policy applies, the Registrar and Secretary of Synod, on advice from the Professional Standards Director, will notify the Authority, which must then take steps to make a Naming Decision in relation to that name.
4. The Authority that considers that an existing name may be subject to this policy should consult the Registrar and Secretary of Synod. The Registrar and Secretary of Synod must cause enquiries to be made of the Professional Standards Director and the National Register and determine if this policy applies.
5. In all circumstances, the Authority must notify the Registrar and Secretary of Synod if it proposes to make a Naming Decision under this policy.

Naming Decision Making Process

6. The Authority must take reasonable steps to sensitively inform and consult with persons who may have an interest in the Naming Decision, such as:
 1. persons who were sexually abused as children;
 2. persons who have made allegations of child sexual abuse;
 3. affected family members of persons under a or b;
 4. the person whose name is under consideration and/or their family members; and
 5. members of the community affected.
7. The Authority must notify the Registrar and Secretary of Synod of the outcome of the consultations and of the proposed Naming Decision before announcing and implementing that decision.

Actions to be Taken After Removal, or Decision not to Use Name

8. Acknowledging that removal of, or decision not to use, a name can result in distress, confusion or anxiety within the community, Synod should, after the decision, communicate sensitively with family members, past- students' associations and other groups that may be connected to the name. This process should ensure that relevant information is provided to interested persons, and appropriate respect is given to those impacted by the naming decision.
9. The Ministry Unit may make a liturgical response to implementing the Naming Decision as a means of supporting those affected by the decision. This may include, for instance, a service that acknowledges those who have suffered child sexual abuse.
10. Whether a person's name is removed or not, appropriate pastoral support will be offered to persons distressed by the Naming Decision.