

## Declaration Regarding Ministry with Persons of Concern

H3O commits to following the process set out in the Australian Baptist Response to Persons of Concern process by **(please tick one box as appropriate)**:

- A. ensuring that no person who is known to be a person of concern attends church premises or participates in any church programs, activities or events; or,
- B. notifying the Baptist Churches of NSW & ACT Ministry Standards Manager when any person of concern is identified and following the risk management process they advise.

In making this decision, we understand that:

- 1) The Persons of Concern process is developed on a case-by-case basis with careful attention to risk management principles. There will be some instances in which the risk of harm to others cannot be appropriately managed and, in these circumstances, the person of concern may be directed not to attend any church programs, activities or events.
- 2) Baptist Insurance Services **does not provide insurance** cover for claims made in relation to harm caused by any known offender, or person who should reasonably have been identified as a known offender (see explanation on next page).
- 3) As an alternative to insurance coverage and to mitigate risk to churches, access to a contingency fund, managed by Baptist Churches of NSW & ACT Finance and Risk Committee, is available in the event of a claim against the church in relation to harm caused by a known offender:
  - a) The fund will cover **legal fees only** up to a maximum of \$75,000
  - b) The church will be required to pay an excess of \$5000
  - c) Access to this fund is dependent on the church having adhered to the Persons of Concern process as advised by the Baptist Churches of NSW & ACT Ministry Standards Manager.
- 4) The church will be asked to make a financial contribution towards establishment costs if a Person of Concern risk management process proceeds to include a written Individual Accountability and Safety Agreement. This contribution does not represent the full cost of administering a Persons of Concern process and is subsidised by Baptist Churches of NSW & ACT.

Typical Church Attendance (including children)	Financial contribution*:
0 – 50	\$250
51 – 100	\$500
101 – 150	\$1000
151 – 250	\$1500
251 – 350	\$2000
351+	\$2500

\*2023 figures, subject to change

I declare that the relevant governance body of the church has read and understood this statement and on [date] agreed to adopt the Persons of Concern process as indicated above.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Role: \_\_\_\_\_

## Who is person of concern?

A person of concern is someone who:

1. has pleaded guilty to, been convicted of, or has admitted to a sexual criminal offence.
2. has been found to have sexually offended, arising through due diligence checks related to recruitment (screening).
3. is currently charged with a sexual offence.
4. has been the subject of an allegation of a sexual offence and this was not appropriately investigated.
5. has been found to have received an adverse risk assessment arising from sexual misconduct
6. is deemed to be a risk to the safety of children and/or vulnerable adults because of an adverse risk assessment relating to sexual misconduct.
7. exhibits constant wandering across other peoples' sexual boundaries

## Explanation of the 'Known offender' exclusion clause

### Explanation of the Insurance position

Currently with the General Liability Insurance Policy that covers all Baptist Churches in Australia, there is an exclusion clause which states that the insurer will not cover any compensation claims, damages or legal costs associated with any claims in respect of injury sustained by a third person (i.e. a victim) where:

Part 1 - the injury arises either directly or indirectly from sexual abuse; and the perpetrator of the sexual abuse was a representative, member, employee or service provider of the insured.

Part 2 - and the insured knew or ought reasonably to have known that the perpetrator of the sexual abuse had previously: committed sexual abuse; and/or been convicted of sexual abuse; and/or whilst being a representative, member, employee or service provider of the insured, been the subject of a prior complaint in respect of sexual abuse, which has not been appropriately investigated. (Numbers 1-4 of POC list above)

We want to be able to resource churches who face the situation where a person of concern has been worshipping and been involved, or wishes to worship and be involved, in your church.

This process has been developed to reduce the Church's exposure to risk by developing this 7 step process. If this process is followed for the POC who fits into the exclusion clause category, then the Church is eligible to access the Contingency Fund managed by Baptist Churches of NSW & ACT Finance and Risk Committee to help fund legal costs incurred if the Church is sued over a POC re-offending.

### Other Persons of Concern

There are also other persons of concern who do not fall within the exclusion clause and so are covered by the General Liability Insurance Policy (Numbers 5-7 of POC list above).

We have included them in the person of concern definition as we believe that this process perhaps in a modified way is necessary and will help the Churches manage the situation in a clear, transparent and pastoral way as well as reducing the risk of the person of concern causing harm.