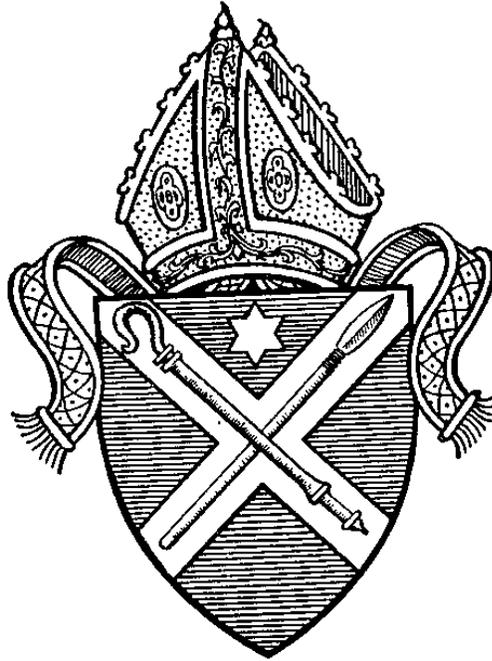


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Anglican Church of Southern Africa



PASTORAL STANDARDS –

CODE OF CONDUCT

PASTORAL STANDARDS, CODE OF CONDUCT

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3. DEFINITIONS, AFFIRMATIONS AND CLARIFICATION OF TERMS ARISING FROM PROVINCIAL SYNOD 2010

Affirmations: The Provisions of Canons 36 to 41 relate to licensed clergy and in applying them, Act XV and Resolution of Permanent Force No. 5 the following definitions, affirmations and set of clarifications are to be a guide.

First: Definition of “minister” - (from Act XV): This refers to any person who engages in public or private ministry in the church, whether formally authorised by ordination or licensing or elected as a lay official, or informally recognized as having authority or influence over others in the Christian community. It naturally includes, but is not limited to, bishops, priests and deacons, lay officers, all licensed lay ministers, Parish Councillors, Sunday school teachers, sidespersons, councillors, music leaders, youth leaders and office holders in church guilds and organizations.

Second: By the words Tribunal or Court as used in this and other Canons is meant a Tribunal of this Church having such jurisdiction as can be claimed by, and may be exercised in, a voluntary association upon the footing of mutual contract or agreement.

Third: Act XV provides primarily for the regulation of the ministries of volunteers other than licensed clergy, for conflict resolution involving such persons, and where necessary for their discipline. It also provides guidelines for all ministries, and procedures for initiating complaints against all ministers whether ordained or lay, stipendiary or voluntary. This Chapter VII provides further for the discipline of clergy where issues cannot be resolved more informally.

Fourth: - Based on Resolution of Permanent Force No. 5: On theological grounds all Christians in areas of public responsibility should be accountable to the same framework of Christian behaviour. The minister’s life needs to be modeled on that of Christ. All ministers need to attend to their own growth and faithfulness as Christians and as learners from Christ, before seeking to teach or lead others in the church. Throughout Holy Scripture, those who care for God’s people and lead them in God’s ways are commended; those who neglect or exploit God’s people are condemned. Every minister, whether bishop, priest, deacon, lay minister or other volunteer, is called to model his or her life and ministry on this pattern. The model for every minister’s role in pastoral care is that of Jesus. The context is that of the Christian community and its health as a body. The minister is accountable in the first instance to God, but also to the church.

Fifth: Set of clarifications – based on ACT XV, statements of fact and law:

- (i) The Canons of The Anglican Church of Southern Africa provide for judicial proceedings when a cleric is alleged to have broken the undertakings they have made to the church at their ordination or licensing. The Canons take precedence over the procedures set out in Act XV or elsewhere in the provincial policy or diocesan rules. There is however a need to supplement the Canons for situations which are not envisaged in the Canons, for the governance of lay volunteers, and for conflict resolution at parish level; this is the function of Act XV. The procedures in Act XV must always be

followed and interpreted with the Canons in mind. These procedures may assist in resolving minor complaints and disputes for which the procedures in the Canons are formal. Where a serious sanction of the kind outlined in the following Canons is contemplated, especially in regard to licensed clergy, the matter must be dealt with in terms of the Canons.

- (ii) Historically, Canon Law (historic church law) has been recognized as a parallel but separate system of law, governing its particular sphere of church affairs. This has required that Canon Law embodies the principles of natural justice recognized in society at large and updated from time to time in light of wider developments in jurisprudence. Synods of the Church in different countries have taken account of these issues in framing and revising Canon law from time to time. Where this has been done with integrity parliaments, courts and public administrations have continued to respect the autonomy of Canon Law.
- (iii) As regards the rights and responsibilities of clergy, Canon Law provides a careful network of mutual undertakings between clerics and the Diocese, represented by the Bishop, both to provide for the needs of clergy and to regulate their pastoral relationships with their people. These undertakings and the expectations upon which they rest, are set out in the Prayer Book, the Constitution and Canons and the Rules of Dioceses, and in the Oaths and Declarations taken by the clergy at the point of ordination and of licensing to any particular ministry.
- (iv) Because of the unique and spiritual nature of the Church and its ministry, this system provides appropriately for the nature and demands of ministry in the church, whether stipendiary or not. This position has been repeatedly affirmed in the secular courts. The Anglican Church of Southern Africa is charged with managing this area of its life in accordance with its own law.

4. PASTORAL STANDARDS, VALUES AND PRACTICES

(Resolution of Permanent Force No. 5 of Provincial Synod as adopted 2002)

Throughout this Resolution the terms used are those defined in Act XV, all of which are wide and inclusive and may overlap with each other. It may be thought too sweeping to put all office holders in the same category of “ministers” but this policy recognizes on theological grounds that all Christians in places of public responsibility should be accountable to the same framework of Christian behaviour.

Biblical Principles

Paul told Timothy to set an example – literally “to make his mark”, or “stamp” the impression of his own life in the lives of the believers in speech, life, love, faith and purity (1 Tim 4:12). For this to happen, the minister’s own life needs first to be modelled on that of Christ. Paul says, “imitate me as I imitate Christ” (1 Cor 11:1). Thus all ministry begins

in our faith; in the life of worship and prayer by which we develop our knowledge of God, by our study of the Bible and our efforts to model our lives on its teaching, by openness to the formation and guidance of the Holy Spirit. All ministers need to attend to their own growth and faithfulness as Christians and as learners from Christ, before seeking to teach or lead others in the church.

Jesus washed his disciples' feet and urged them to do so for each other (John 13). He gave up power and position to serve, to suffer and to die for us (Phil 2). We are called to have the same attitude as he had. Ministers need therefore both to understand the dynamics of power, leadership and authority, and also constantly to model a gentle, servantly way of relating to others.

There are many other passages in scripture from which the values, which should characterise pastoral ministry, can be drawn, notably in the gospels and the epistles, especially the Pastoral Epistles of the New Testament.

Among the other images, which are used in the Bible, our Lord Jesus Christ proclaimed himself the Good Shepherd (John 10:1-18). In doing so he pointed to several characteristics of the reliable pastor – a person of integrity who seeks to give life to other people, one who leads others to safety, one who leads by example and teaching, one who sacrifices time, energy, love and resources for the sake of others. He or she operates out of personal relationship with the people, knows them by name and opens himself/herself to be known by his/her charges. Such pastors operate out of a context of prayer and spirituality and express pastoral ministry out of relationship with God. They are concerned for the unity and harmony of the people they lead and seek to bring outsiders into the family of God.

Throughout Holy Scripture, those who care for God's people and lead them in God's ways are commended; those who neglect or exploit God's people are condemned. Every minister, whether bishop, priest, deacon, lay minister or other volunteer, is called to model his or her life and ministry on this pattern.

The model for any minister's role in pastoral care is that of Jesus. The context is that of the Christian community and its health as a body. The minister is accountable in the first instance to the church and ultimately to God for what he or she does and any damage, which results. Whereas the whole of this document is pastoral in intent, certain pastoral matters need to be specially highlighted and provided for.

Training of clergy and volunteers

Full, rigorous, supportive and thorough training needs to be provided not only for ordained persons, but also for all ministers in terms of the definition used in this document. This must explicitly include issues of ethical standards in ministry and the prevention of misconduct. Awareness programmes for those in training and those already in place in ordained and lay ministry need to be undertaken, as already agreed in principle by the Synod of Bishops, and the authorisation of all ministers (at whatever level) endorsed accordingly. The procedures set out in this document also need to be known and understood by all concerned, both ministers and the church at large. Parishioners need to know the

attitude of the church and their rights to protection from abuse, as well as the proper channels to follow in case of anyone wishing to make a complaint. Experience in other parts of the Anglican Communion suggests that transparency and a clear commitment to avoid all cover-ups, and truly to attend to the complaints of the people, is the best safeguard for the church's life.

It has also been suggested that accredited counsellor training should be included in all clergy training. Clergy and others need appropriate training in financial management.

It is essential for all ministers, especially those who have served for a long time, to be well supervised and supported. Continuing ministerial education, pastoral care of ministers, supervision, and early intervention when warning signals are spotted, are all crucial.

Screening

In making any appointment, the church should:

- ensure that the appropriate training has been undertaken by the appointee;
- secure references where appropriate from an appointee's former parish or diocese; and
- ensure that any relevant criminal charges on the appointee's record have been brought to resolution through ministry or therapy.

Living a balanced life

An important comment comes from the Episcopal Church in the United States, regarding clergy "self care": "the church needs to address self care of clergy and their intimate relationships. Emphasis should be on clergy not only pursuing continuing education, but in keeping Sabbath: regularly taking a day off, taking all of one's vacations, time for marriages, family and children, time for pursuing healthy relationships and supportive friendships outside of the parish, as well as guidelines for single clergy dating. Clergy should be encouraged as part of healthy ministry to regularly consult with a spiritual director and/or therapist. Support systems and resources for clergy and church leaders should be identified." All ministers need to live a balanced life style including habits of prayer and study, holiness and discretion as a matter of course. Days off, holidays, a rule of life and regular visits to one's spiritual director are part of this pattern.

The practice of ministry

All ministers need to be aware of a number of realities:

- the standards which the church expects and the procedures to be followed in the case of allegations of misconduct;

- the dynamics of the counselling relationship and the power relations which are unavoidably involved in it;
 - the necessity for support, ongoing training, supervision and accountability;
 - the minister's own emotional needs and the way these may come across to others
 - the emotional needs and vulnerability of those who seek counselling, and how these may connect with the minister's own personality and needs;
- the variety of approaches which may be made, and the need to clarify each request which may be made for help;
- the limits of a minister's own competence, and other resources available to supplement his or her own resources;
- the balance between the closeness which results from Christian compassion, and a proper objectivity and distance;
- the appropriate moment at which to discontinue counselling, or pass a parishioner on to another minister or other source of help;
- responsibilities within a team, and respect for boundaries in regard to each other's proper area of competence, ministry or authority.

All ministers should endeavour to:

- reflect the life of Christ, bring honour to the reputation of the church, and commend the gospel by their lifestyle;
- reflect the caring demeanour of Christ and promote public understanding of the church as a caring institution in society;
- embody that trustworthiness which is a fruit of the Holy Spirit, never becoming known for unreliability or breaching of confidentiality;
- seek the good of those in their care, and of colleagues whom they supervise or with whom they work;
- allocate time and energy for their own ongoing training and development, submitting their work to regular and appropriate review and appraisal;
- help others to discern their vocations and develop their ministries;
- co-operate with others;

- promote high standards of ministerial practice in their relationships with parishioners, trainees and colleagues;
- honour the Constitution and Canons of ACSA, and the rules of their diocese, especially in regard to the use of power and the representation of the people;
- maintain and promote high standards of confidentiality;
- maintain high standards of administration in regard to correspondence, messages and record keeping;
- be aware of the dangers of financial responsibility, maintain high standards in this regard and routinely work within systems, which protect their own integrity and that of colleagues;
- acknowledge accountability for their work and words, decisions and action taken.

Ministers should exercise care regarding the time, place and length of meetings of a pastoral nature. Meetings should generally take place in office premises during office hours with others in the building. Meetings in homes should be organized so that others are around, doors are open and furniture appropriately arranged. Care should be taken with terms of address, posture, touch and clothing (wearing uniform where applicable). Those who live or work alone should exercise special care.

Ministers should generally avoid travelling alone with a parishioner, especially a young person or child, and should not spend time with a child separately from other people.

Where the needs of a couple are under discussion, the minister should in general seek to minister to the couple and avoid lengthy and intense consideration of a problem with one party only.

Ministers must not:

- abuse their pastoral trust through any form of abuse of parishioners, trainees or colleagues, whether that abuse be physical, verbal, or emotional, sexual, racial or financial; or manipulative or exploitative in any way;
- abuse pastoral trust, including but not limited to, the privileged position they enjoy regarding access to holy places and sacred vessels, to confidences and trust, to homes and hospital bedsides, and to financial and other resources;
- manage church finances inappropriately;

- confuse or misrepresent their personal views as the official standpoint of the church;
- provoke dissension in the congregation.

Ministers should never engage in ministry while under the influence of alcohol or drugs, and should be on the lookout for such influence in parishioners who approach them.

Guidelines for confidentiality

Confidentiality is a key value in ministry, but the degree required may vary from meeting to meeting and from one pastoral situation to another. Judgement is required here. The parishioner and the minister need to agree on the level of confidentiality in any given situation and abide by it. The trust of the parishioner and the wider community is at stake. Where ministry is to be shared between two or more ministers, agreement about this aspect is required. If it is necessary to seek guidance from a colleague or superior, the minister should either obtain the parishioner's permission, or disguise the case.

Parishioners have the right to a confidential relationship with one member of a ministerial team, but ministers need to be aware of the dangers of manipulation and division.

Confidentiality should only be breached where the wellbeing of the parishioner or the safety of another person is manifestly at risk and only after careful consultation with a senior and experienced person in authority. Disclosure may be a legal obligation, especially in cases involving children. There will be constant tension between proper confidentiality and necessary disclosure, which will have to be wrestled with in the course of any minister's life.

In practice, ministers should always assume that personal information given in a context of ministry is confidential.

Ministers should keep any records of pastoral ministry in a way that secures their confidentiality. Due care should be taken with the security of such records, especially if kept in an office or computer.

Every record-holding body such as a parish or diocese should have a clear policy on the openness or confidentiality of records, make that policy known, and abide by it.

Money

It is important for ministers to avoid debt and be aware of financial temptations. Church funds should always be handled in the presence of a witness, and all parish or diocesan procedures scrupulously followed. Good countersigned records should be kept. It is important for all ministers to know something about bookkeeping and to be careful about the use of their signatures. No one should ever sign a blank cheque. Church funds belong to other people and to God; they have probably been collected at great sacrifice to someone. Parish records should be regularly inspected and suspicion should be aroused and acted upon if responsible people find excuses for not bringing ledgers, cheque books or statements to properly called meetings. Records should be kept in ink. If in doubt, someone

in authority should be called in. This may be uncomfortable, but it is better than wishing one had acted sooner when it is already too late.

Care for those involved in allegations of misconduct

Both complainants who may feel ignored, victimized or vulnerable, and defendants and their families (whether innocent or guilty) need someone to talk to. This requires dioceses to put trusted figures into place ahead of a time of crisis and to make them known. People need to be assured that they can receive independent counselling which in no way prejudices their rights, their privacy, or the outcome of any “case” in which they may be involved. Confidence in such structures and ministers will need to be developed before and separately from the occurrence of an incident or an allegation.

The Standards provided in scripture and the longstanding pastoral practice of the church are well known and provide the yardstick against which ministerial behaviour should be judged. Clergy should regularly look to the wording of their ordination services to remind them of the undertakings they have given in this regard.

5. PROCEDURES FOR CLERGY AND LAITY IN MINISTRY

(Act XV of Provincial Synod, adopted 2002)

This Act is to be read in conjunction with the Fifth Resolution of Permanent Force entitled: “Pastoral Standards, Values and Practices”, as amended or substituted from time to time. In the event of the Act being removed by Provincial Synod, and not replaced by any other Resolution of Permanent Force, or Act, then this Act shall be read on its own unless and until otherwise amended, substituted or removed. Throughout this Act the following terms shall have ascribed to them these meanings:

“Minister”

This refers to any person who engages in public or private ministry in the church, whether formally authorized by ordination or licensing, or elected as a lay official, or informally recognized as having authority or influence over others in the Christian community. It naturally includes, but is not limited to, bishops, priests and deacons, all licensed lay ministers, Parish Councillors, Sunday school teachers, sides-persons, counsellors, music leaders, youth leaders and office holders in church guilds and organisations.

“Colleague”

This refers to any minister working with another minister in the church’s work.

“Trainee”

This refers to any person seeking or preparing to become a recognized minister in the sense given above.

“Parishioner”

In this Act XV the term refers primarily to members and their families of Anglican parishes, of any age or in any community in ACSA. It may also apply to visitors from any church background, enquirers from outside the church, casual ministerial contacts, and neighbours.

“Misconduct” includes, but is not limited to, sexual misconduct, misuse of church funds or property, neglect of agreed duties, provoking dissension in the congregation, and any other misdemeanour involving pastoral care or the abuse of a position of power and influence, either on the part of ordained persons or by other persons in its service (both paid and unpaid).

“Sexual misconduct” is unethical conduct of a sexual nature by a minister towards a parishioner with whom the minister has a pastoral relationship, or towards an employee or colleague and includes:

- ❖ sexual abuse or molestation;
- ❖ sexual involvement or contact with someone who is under the age of sixteen or of feeble or unsound mind;
- ❖ sexual exploitation, including attempts to develop an improper sexual relationship between a minister and a parishioner;
- ❖ sexual harassment, including but not limited to sexually-oriented humour or language, questions or comments about sexual behaviour or preference, undesired physical contact, inappropriate comments about clothing or physical appearance.

“Pastoral relationship” means a relationship between a minister and a parishioner in which the minister provides spiritual leadership, counselling, pastoral care, spiritual direction or guidance, hears confession or receives private or sensitive information.

“Relevant Diocesan authority” means the Diocesan Bishop or the person or persons to whom authority has been delegated for any purpose under this Act.

PREAMBLE

The Canons of the ACSA, especially Canons 36 to 41 provide for judicial proceedings when a cleric is alleged to have broken these undertakings. These Canons take precedence over the procedures set out in this Act. There is however a need to supplement these Canons for situations which are not envisaged in the Canons, for the governance of lay volunteers, and for conflict resolution at parish level. The procedures in this Act begin at local level where conflict resolution ought to take place but balance this concern with a determination that serious offences shall not be covered up but be properly addressed by the authorities of the church. At the same time it is hoped that they provide some orderly way of dealing

with gossip and parish squabbles, where parishioners are not “in love and charity with their neighbours”.

Any complainant or aggrieved party shall have the right at any time to lay criminal charges or institute civil action against an alleged offender, in terms of the laws of the land.

These procedures must always be followed and interpreted with the Canons in mind and advice may be needed from the Canon Law Advisory Commission. Where a sentence of the kind outlined in Canon 40 is contemplated, the matter must be dealt with in terms of the Canons.

It should be recognised in the church that not only complainants and defendants, but the whole local Christian community can be disturbed and in need of pastoral care when some kind of crisis takes place. This procedure suggests that a pastoral commission could be set up and made available in advance for such work, entirely independently of the investigative process. This has been done with great effect in other parts of the Anglican Communion, and needs further thought and attention in ACSA.

A. PROCEDURE IN THE CASE OF PERSONS AUTHORIZED FOR MINISTRY AT PARISH LEVEL

(e.g. Sunday school teachers, youth leaders, sidespersons, counsellors, office holders in parish work, etc.)

Step 1. An incident occurs or an allegation of misconduct is made.

Any allegation shall be made in writing within 60 days of the event, except that this period may in the discretion of the relevant Diocesan authority be longer in cases where exceptional personal circumstances (e.g. cases of rape, sexual harassment, etc) or logistical difficulties (e.g. distance, isolation, weather, etc.) apply. Any allegation shall be directed to either the Parish Council, its executive or to the incumbent alone.

Step 2. Duty to report.

The Parish Council (or in cases where confidentiality at parish level is vital, its executive or even the incumbent alone), shall within 48 hours, report in writing to the Archdeacon or other nominee of the Bishop any incident or allegation involving

- The possibility of criminal charges arising from alleged misconduct;
- Sexual misconduct;
- Church funds, assets or accounts;
- Assault;
- Serious dispute or division in the congregation.

The Archdeacon or Bishop's nominee shall have the right to attend all meetings of the Parish Council or its executive concerning such incident or allegation.

The person against whom an allegation has been made and his or her guardians (if a minor) must also be notified of:

- 1) such allegation:
- 2) the process which the Parish Council proposes to follow, which shall include putting the evidence before the alleged offender.
- 3) the fact that the Diocese has been informed, and insofar as may be reasonable, the alleged offender must be guided or referred to others who could guide or assist him or her.

The alleged offender shall have a right to a hearing and may be accompanied or assisted by a colleague, friend or family member.

Step 3. The matter is addressed.

(The Bishop shall have the right, but not be obliged to appoint an investigative team, in terms of B. Step 3 below, in all cases involving incidents or allegations referred to in Step 2 above).

The Parish Council shall proceed to address the matter within not more than 30 days.

Examples of action, which could be taken by the parish council, are:

- reconciliation between individual parishioners;
- counselling, re-training or warning a volunteer (e.g. a Sunday School teacher);
- withdrawing a person's appointment as a lay worker in a parish organization;
- securing the refund of misappropriated funds by way of negotiation;
- apology or ministry to victims of misconduct;
- advising the parish of the successful resolution of a matter.

Step 4. Report to Diocesan Authorities.

In cases involving incidents or allegations referred to in Step 2 above, the executive of the Parish Council shall, within 7 days after the matter has been addressed in terms of Step 3, report to the Archdeacon or other nominee of the Bishop in writing either that the matter

is resolved to the satisfaction of the Parish Council, its executive or incumbent (as the case may be), or that the matter is not resolved and more time is needed, and/or a Diocesan intervention is required. If a Diocesan intervention is required by either the Parish Council or the Diocese, Procedure B below shall be followed from Step 3.

Step 5. Appeals.

Any party to a matter being handled in terms of this procedure, namely an individual complainant or alleged perpetrator (including the guardians of a minor) or the Parish Council, may refer the matter to the Diocese for assistance. A complainant or alleged perpetrator may also refer the matter to the Diocese on appeal if he/she considers the action of the Parish Council to be unsatisfactory. Such appeal shall be made in writing to the Bishop within one week of the day on which any parish decision is communicated to the appellants. The Bishop shall deal with the appeal in terms of Steps 3, 4 and 5 of Procedure B below.

B. PROCEDURE IN THE CASE OF PERSONS AUTHORISED FOR MINISTRY AT DIOCESAN LEVEL

(e.g. Suffragan Bishops, clergy, churchwardens, Parish Councillors and lay ministers).

Step 1. An incident occurs or an allegation of misconduct is made.

Procedure either as in A above or to an official of the Diocese.

Step 2. Duty to report.

In the parish situation, the Parish Council (or in cases where confidentiality is vital, the executive, churchwardens or incumbent) shall within 48 hours refer the incident or allegation in writing to the appropriate authority in the Diocese. Where the allegation arises elsewhere in the life of the Diocese, (e.g. in an institution or guild), or in a dispute between two clergy, or where the complainant wishes to report directly to the Diocese, the complainant(s) shall report in writing to the appropriate authority in the Diocese.

Step 3. Appointment of an investigative team.

The Bishop or the appropriate officer shall within 7 days call on an investigative team for its intervention. Such team

- would ideally consist of persons appointed from outside the parish or area within which the alleged offender worked, in order to ensure objectivity in the investigation;
- might include, for example, a cleric, a lawyer, a social worker and/or someone with specific investigative skills;

- would allow the Bishop to retain an objective approach, in circumstances where he has both disciplinary and pastoral responsibilities towards all parties, including both alleged victims and alleged perpetrators;
- must afford the alleged offender the same opportunities and assistance as is set out in Procedure A, Step 2.

The Bishop shall issue a mandate to the investigative team, defining its responsibilities and setting out possible questions to be answered, etc.

Such team shall, in the course of its work, consult with all parties connected in any relevant way with the incident or allegation.

This investigative team may be deemed to be the Board of Preliminary Inquiry envisaged in Canon 39.2 and the related canonical procedure thereafter followed where appropriate.

Step 4. The investigative team reports.

The investigative team shall conclude its investigations and issue its report to the Bishop or appropriate officer within 14 days of appointment.

Step 5. The Diocese acts.

The Bishop or appropriate officer after due consultation shall act on the report received from the investigative team within 7 days of receipt. Possible actions, which could be taken, include:

- Bringing reconciliation between individuals or groups;
- Counselling, retraining or warning employees or lay volunteers;
- Discipline, withdrawal of licence or dismissal, save only that this shall not be done unless, in the case of priests and deacons, the matter is referred to trial in terms of Canon 39;
- Working with law enforcement agencies in matters involving any alleged criminal activity including e.g. fraud, rape or child abuse;
- Calling the Bishop's Court in terms of Canon 36, section 6.

Step 6. Initiation of parallel pastoral process.

The diocese may initiate a pastoral process, alongside the investigative process, in order to inform and reassure parishioners, secure the normal and orderly continuance of ministry in a pastoral charge, and provide therapy or other support to a situation in crisis.

Step 7. Appeals.

In the event of any aggrieved party being dissatisfied with the action taken under Step 5, then he or she may appeal to the Diocesan Bishop (where an appropriate officer acted) or to the Metropolitan (where the Bishop acted) save only that in cases involving the withdrawal of licence or dismissal of a priest or deacon the appeal shall be in terms of Canon 41 (as it will be in respect of trials in terms of Canon 39). Whether the appeal is directed to the Metropolitan or to the Diocesan Bishop, such appeal (whether taken in person or in writing) shall be heard by a panel of three persons, two of whom shall be appointed by the Metropolitan, and the third of whom shall be the Chancellor of the Diocese concerned, or in the event of there being no Chancellor, a lay person learned in the law of the Diocese concerned. The decision of the panel shall be final and shall be communicated to the parties by the Metropolitan or the Diocesan Bishop, depending upon which of them received the original appeal.

(Note: Any complainant or aggrieved party shall have the right at any time to lay criminal charges or institute civil action against an alleged offender, in terms of the laws of the land and to revoke any charge or civil action, in the event of an amicable solution being reached).

C. PROCEDURE IN THE CASE OF COMPLAINTS AGAINST DIOCESAN BISHOPS

Where there is good cause to show that a Diocesan Bishop has conducted him/herself in a manner that is not fitting for his or her office in terms of the Standards set out in this document, or a dispute occurs at diocesan level involving the Diocesan Bishop, a written complaint may be submitted to the Metropolitan, who may:

- 1) handle the matter pastorally in consultation with either the Dean of the Province or two or more other Bishops or
- 2) act in terms of Canon 38.3 (c), whether or not formal Articles of Presentment have been received.

The alleged offending Diocesan Bishop shall have the same right of appeal as provided in Procedure B, Step 7 above, save that the person acting as Provincial Chancellor shall sit on the appeal and review panel in place of the Diocesan Chancellor.

The complainant in question and/or the Metropolitan shall have the right at any time to lay criminal charges or institute civil action against the alleged offending Bishop, in terms of the laws of the land.

In case of a complaint against the Metropolitan, the above process shall be overseen by and be the responsibility of the Dean of the Province (see e.g. Canon 10, section 19 and Canon 13, section 2).

Records.

- In the case of all proceedings under this section, proper records shall be kept in the relevant Diocesan office, including “incident reports” from parish or Diocesan level, so that statistics can be drawn from time to time regarding the number, extent and frequency of particular kinds of difficulty in the life of the church.

6. CLARIFICATION OF SEXUAL ASSAULT AND HARASSMENT

(Resolution of Permanent Force of Provincial Synod, adopted 2002)
(For the purposes of Canon 37.1 (a) and (b):

1. Sexual assault is sexual penetration under coercive circumstances or assault with the intent to commit a sexual act other than sexual penetration, and includes any intentional act which –
 - (a) causes direct or indirect contact between the anus, breasts, penis or vagina of one person and any part of the body of another person;
 - (b) causes exposure or display of the genital organs of one person to another person; or;
 - (c) has, or may have, the effect of violating the privacy, dignity or sexual integrity of another person; where coercive circumstances include any circumstances where –
 - (i) there is any application of force, whether explicit or implicit, direct or indirect, physical or psychological, against any person or animal;
 - (ii) there is any threat, whether verbal or through conduct, direct or indirect, to cause any form of harm to any person or animal;
 - (iii) the complainant is under the age of sixteen years;
 - (iv) there is an abuse of power or authority, whether explicit or implicit, direct or indirect to the extent that one person is inhibited from indicating his or her unwillingness to participate in such an act;
 - (v) a person’s mental capacity is affected by:
 - (aa) sleep,
 - (bb) any drug, intoxicating liquor or other substance,
 - (cc) mental or physical disability, whether temporary or permanent,
(or)

- (dd) any other condition, whether temporary or permanent, to the extent that he or she is unable to appreciate the nature of an act of sexual penetration, or is unable to resist the commission of such an act or is unable to indicate his or her unwillingness to participate in such an act;
 - (vi) a person is unlawfully detained;
 - (vii) a person believes that he or she is committing an act of sexual penetration with another person; or
 - (viii) a person mistakes an act of sexual penetration which is being committed upon him or her for something other than an act of sexual penetration.
2. Sexual harassment is unwanted conduct of a sexual nature albeit physical, verbal or non-verbal conduct. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual. Sexual attention becomes sexual harassment if:
- (a) the behaviour is persisted in, although a single incident of harassment can constitute sexual harassment
 - (b) the recipient has made it clear that the behaviour is considered offensive, or
 - (c) the perpetrator should have known that the behaviour is regarded as unacceptable.

7. DECLARATIONS TO BE MADE BY CLERGY AND LAY OFFICERS

A. OF DECLARATIONS AND SUBSCRIPTIONS TO BE MADE BY BISHOPS (Canon 16)

The following Declaration shall be made and subscribed before the Metropolitan, or some person duly appointed by him, by all Bishops-Elect of this Province:

(a) Declaration by a Diocesan Bishop.

I, A.B., chosen Bishop of the Diocese of C....., do promise that I will teach and maintain the Faith of our Lord Jesus Christ, and the Doctrine and Discipline by Him delivered to the Church, as acknowledged and set forth by the Anglican Church of Southern Africa in the Constitution of the said Church. And I also do declare that I consent to be bound by and to govern my Diocese in conformity with all the Laws and Canons (both present and future) of the said Church, and by the Rules and Regulations which have heretofore been made, or which may from time to time be made, by [the Diocesan

Synod of the Diocese ofand by] the Provincial Synod of the Province of Southern Africa [or either of them] (*the bracketed words to be omitted where there is no Diocesan Synod*).

I hereby subscribe to the Pastoral Standards set out in Act XV of Provincial Synod, as may be amended from time to time, and undertake to exercise my ministry in accordance with those Standards.

(b) **Declaration by a Bishop Suffragan.**

I, A.B., chosen Bishop Suffragan for the Diocese of C....., do hereby promise that I will teach and maintain the Faith of our Lord Jesus Christ, and the Doctrine and Discipline by Him delivered to the Church, as acknowledged and set forth by the Anglican Church of Southern Africa in the Constitution of the said Church. And I also do declare that I consent to be subject to the authority of the Metropolitan and of the Bishop of the Diocese of C in all matters of Policy, Doctrine and Discipline and to be bound by all the Laws and Canons (both present and future) of the said Church and by the Rules and Regulations which have heretofore been made, or which may from time to time be made, by [the Diocesan Synod of the Diocese of C..... and by] the Provincial Synod of the Anglican Church of Southern Africa, [or either of them,] and also by the Commission to be issued to me in terms of section 9 of Canon 10 *Of Bishops Suffragan* (*the bracketed words to be omitted where there is no Diocesan Synod*).

I hereby subscribe to the Pastoral Standards set out in Act XV of Provincial Synod, as may be amended from time to time, and undertake to exercise my ministry in accordance with those Standards.

B. OF DECLARATIONS AND SUBSCRIPTIONS TO BE MADE BY CLERGY
(Canon 16)

The following declarations, in addition to the Oath of Canonical Obedience to the Bishop, shall then be made and subscribed before the Bishop or his Commissary:

(i) I, A.B., do solemnly make the following declaration:

I declare my belief in the faith which is uniquely revealed in the Holy Scriptures, held by the Primitive Church, summed up in the Creeds and affirmed by the undisputed General Councils, to which the Thirty-Nine Articles of Religion, the Book of Common Prayer, and the Ordering of Bishops, Priests and Deacons bear witness: I affirm my loyalty to this inheritance of faith as my inspiration and guidance under God in bringing

the grace and truth of Christ to this generation and making him known to those in my care.

- (ii) I, A.B., declare that in public prayer and administration of the sacraments, I will use only the forms of service which are authorized or allowed by lawful authority, and that I consent to be bound by all the Laws and Canons (both present and future) of the Anglican Church of Southern Africa and by the Rules and Regulations which have until now been made, or which may from time to time be made by [the Diocesan Synod of the Diocese of and by] the Provincial Synod of the Province of Southern Africa [or either of them] (*the bracketed words to be omitted where there is no Diocesan Synod*).

I hereby subscribe to the Pastoral Standards set out in Act XV of Provincial Synod, as may be amended from time to time, and undertake to exercise my ministry in accordance with those Standards.

C. OF LAY MINISTERS (Canon 20)

1. Appointment

Lay Ministers shall be designated, appointed and admitted in accordance with regulations prescribed by each Diocesan Synod. The exercise of the office of a Lay Minister shall be by licence of the Bishop who may grant, revoke or renew such licence as he deems fit. The Bishop may delegate his authority to grant, revoke or renew a licence (or any one or more of these acts) to a Bishop Suffragan in his Diocese, which delegation he may withdraw at any time.

2. Duties

The duties of licensed lay ministers shall be one or more of the following:

- (a) instructing and preparing candidates for Holy Baptism and Confirmation;
- (b) preaching;
- (c) assisting in the administration of Holy Communion;
- (d) performing such other pastoral duties, not reserved to the ordained ministry, as the Bishop may determine.

3. Privileges of the Laity

Any lay person may:

- (a) in an emergency, baptize;
- (b) at the request of the Incumbent or the Archdeacon, or in an emergency,
 - (i) conduct Divine Service;

- (ii) bury the dead;
- (c) in the service of Holy Communion, or in any other service, at the request of the Priest, read such scriptures and say such prayers as are not reserved to the ordained ministry.

4. *Declaration*

In addition to any Declaration that a Lay Minister may be required to make in terms of the Rules of the Diocese, or by its Bishop or any Incumbent (as the case may be) the Declaration set out in Act VIII of Provincial Synod, shall be made by the Lay Minister concerned.

The Declaration

I..... do hereby declare that I consent and submit to be bound in terms of Article XXI of the Constitution of the Anglican Church of Southern Africa, by the Rules and Regulations relating to my office which have heretofore been made or which from time to time may be made by the Diocesan Synod of the Diocese

of..... or by the Provincial Synod of the Anglican Church of Southern Africa; and I declare that I will faithfully and truly execute the office of

..... within the Diocese of..... to the best of my skill and knowledge.

I hereby subscribe to the Pastoral Standards set out in Act XV of Provincial Synod, as may be amended from time to time, and undertake to exercise my ministry in accordance with those Standards.

(D) OF THE ADMISSION OF CHURCHWARDENS, CHAPELWARDENS AND PARISH COUNCILLORS (Canon 30.5)

Declaration to be made by Churchwardens, Alternate Churchwarden, Chapelwardens and Parish Councillors.

I declare that, in obedience to my Bishop and in accordance with the Constitution and Canons of the Anglican Church of Southern Africa, I will faithfully and truly execute the office of Churchwarden/Alternate Churchwarden/Chapelwarden/Parish Councillor within the Parish of to the best of my skill and knowledge, and for the furtherance of the work of God in this place.

I hereby subscribe to the Pastoral Standards set out in Act XV of Provincial Synod, as may be amended from time to time, and undertake to exercise my ministry in accordance with those Standards.

(E) ALL PURPOSE DECLARATION FOR PARISH USE

(General declaration for other officers – S S teachers, etc.)

I declare that I will faithfully and reverently carry out my duties as in the Parish of..... to the best of my skill and knowledge, and as a witness to God’s love for his Church and for the world.

I hereby subscribe to the Pastoral Standards as set out in Act XV of Provincial Synod, as may be amended from time to time, and undertake to exercise my ministry in accordance with those Standards.

8. Letter of Commendation of Lay People transferring from Parish to Parish

I commend to your pastoral care (name) who has been a communicant in good standing in the Parish/Chapelry of

.....
.....

From.....
to.....

He/She has ministered as a..... in accordance with his/her undertaking to abide by the pastoral standards prevailing in ACSA.

Signed:
.....

Incumbent of the Parochial Charge of
.....

Date:
.....

Postal Address:
.....

In the case of persons licensed for ministry by the Bishop of the Diocese:

Countersigned:

.....

Bishop

of.....

Official Stamp.

Received.....

.....

Incumbent of the Parochial Charge of

.....

Date:

.....

...

(Note: please file completed letter carefully in parish and give photocopies to the person commended and the sending parish.)

9. Certificate of Completion of Awareness Training in Pastoral Standards, Values and Practices of ACSA.

Diocese

of.....

I hereby confirm that..... has completed the minimum four hour ACSA awareness training programme concerning the Pastoral Standards, Values and Practices of ACSA and Procedures for Clergy and Laity in Ministry

Signed:

Name:

Office held:

Rector:

Note: This certificate should only be signed by the persons authorised in the diocese to conduct the above training.

The certificate must be retained by the person concerned and a copy held in the files of the parish or where applicable, the diocese.

10. Summary of Pastoral Standards for Publication

ACSA PASTORAL STANDARDS

ALL WHO MINISTER IN THE CHURCH

- Should care for God's people with compassion and integrity
- Should avoid abusing any person in their pastoral care, or anybody else
- Should live as Christians with sound habits of worship, daily prayer and Bible reading, self control in moral behaviour, trustworthiness in relationships, financial integrity and compassion in outreach to the needy
- Need to know the procedures applying to management of money, and observe them scrupulously
- Should avoid willfully stirring up trouble or dispute in the church, or slander, defamation or lying about others
- Should take special care in counselling relationships and where confidential information is shared
- Should keep confidences
- Should exercise special care in dealing with young people, and in situations of possible sexual attraction.

All are accountable to the church as the body of Christ, for everything we do in the church's ministry and mission. All who minister must do so in line with the Constitution and Canons of ACSA, the rules of our dioceses, and the decisions of all competent bodies in the province, diocese and parish.

These principles apply to bishops, clergy, lay ministers, churchwardens, parish councilors, Sunday School teachers, and all other paid and voluntary workers in the church's life and ministry. These are set out in the Permanent Resolutions of Provincial Synod, "Pastoral Standards, Values and Practices of ACSA".

The Church must provide appropriate training, support and supervision for all its paid and volunteer workers.

The Church has clear procedures for presenting and dealing with allegations of pastoral misconduct when they occur. *These can be found in Act XV of Provincial Synod, "Procedures for Clergy and Laity in Ministry", available within the Canons and rules of the diocese in the vestry of every church.*

(As revised Lent 2003)

Note: This summary is provided to help people know the Church's commitments and the steps to follow in case of problems. It should be displayed on notice boards, in parish buildings.