



Guidelines for Submitting Requests for Exemption from Clearance or Certification Requirements

Introduction

Under the Victorian Reportable Conduct Scheme and Victorian Organisational Duty of Care legislation, and indirectly through the Victorian, NSW and National child safe/safe church standards, all organisations and organisational leadership MUST take all steps possible to remove or reduce the risk of abuse in the organisation or by leaders/workers of the organisation.

To comply with these requirements the Diocese of Wangaratta has reviewed its lay authorisation model within a broader risk management framework. This approach allows some flexibility in the application of the clearance processes, specifically in relation to lay authorisations, without weakening the levels of protection in place across the Diocese.

Anecdotally, it would appear there are some circumstances where satisfying all clearance and other certification requirements might not be possible or might result in significant hardship for some individuals engaged in lay roles in parishes. For this reason the Diocese has established processes that would enable parishes to apply for an exemption to a specified requirement for a particular individual based on exceptional circumstances, whilst still maintaining appropriate Safe Church and risk management standards.

Example:

A member of a parish with significant mobility or other health issues is unable to participate in the intensive full day safe church training, or even get to the training if it is some distance away, without experiencing considerable hardship. The Lay Authorisation Guidelines identify that person's role to require participation in a Safe Church Awareness Workshop. The parish requests an exemption from the training on the basis of undue hardship. If sufficient information is provided to justify the hardship claim, and a risk assessment is completed showing that the failure to attend the training will not affect their capacity to undertake their role safely, the Exemption Review Panel might approve the exemption.

Notes on Eligibility for Exemption

It should be noted that individuals in the following role types are NOT eligible for exemptions from any of the clearance or other certification requirements:

- Licensed clergy
- Clergy with Permission to Officiate
- Anyone classified as working in Children's and Youth Ministries
- Any of the following Licensed roles:
 - Lay reader, lay preacher, lay minister, worship leader
 - Lay chaplain
 - Pastoral worker / visitor, nursing home or hospital visitor
 - Home communion
 - Spiritual directors / advisers
 - Safe Church Officers

The Exemption Review Panel

The Exemption Review Panel is appointed by the Bishop and is comprised of the Diocesan Safe Church Officer (DSCO), the Registrar and the Diocesan Archdeacon. The Bishop might appoint others to the Panel from time to time. The Diocesan Director of Professional Standards (DPS) might also be consulted as needed.

The Review Panel will consider any applications for exemption submitted to the Diocese by parish senior clergy (Rector or Priest in Charge) or parish council and make a determination on the request. The Panel will NOT assess any submission made by an individual on their own behalf.

Process for Submitting and Reviewing Exemption Requests

- It is recommended that a parish representative (senior clergy or member of parish council) consult the Diocesan Safe Church Officer or other member of the Exemption Review Panel prior to submitting a request for exemption to undertake an initial assessment of the circumstances. At this point it might be possible to identify ways to assist the individual to meet all requirements.
- The parish (senior clergy or parish council) will prepare a submission including:
 - The name of the individual and the role/s they are nominated for or appointed to;
 - Which of the relevant requirements the exemption request relates to;
 - The reason for the exemption request;
 - A risk assessment of the role, identifying the likely engagement with children or vulnerable adults whilst undertaking that role or otherwise participating in Church activities, and other factors that would reduce or remove risk.
- The request for exemption will be submitted to the Registrar for consideration by the Exemption Review Panel.
- Review Outcomes:
 - Where an exemption is granted, formal notification will be provided to the parish council along with confirmation of any risk management actions agreed to. The Diocese will retain a copy of all associated documentation in the same manner and place as the other lay ministry clearance documentation. The Exemption Review Panel will also advise the DPS of the outcome of each submission.
 - Where a request for exemption fails to show sufficient need the request will be denied and the Panel will work with the parish to identify options to ensure all criteria are met.
 - Where an exemption is found to be warranted but could potentially pose an increased risk, a nominated member of the Review Panel will work with the parish and the individual to review the risk management plan or to identify options to support the individual to meet the clearance requirements.
 - Where an exemption is granted for a particular requirement, all other requirements applicable to the relevant role must still be met.