



SAFEGUARDING AND DECLARATIONS

1. BACKGROUND

The Anglican Church of Southern Africa (ACSA) has for some time been seeking mechanisms to improve its screening and safeguarding measures for its members.

At the Provincial Standing Committee of 2016 and the Synod of 2017, it was agreed that the screening requirements set out in Act XV would find expression in the following:

- A Police Clearance Certificate
- A Sexual Offences / Offenders Clearance Certificate
- A Safe and Inclusive Church (SIC) Declaration

These requirements were agreed upon and it was also agreed that all ministers (act XV definition) would have complied with these requirements by September 2020, or have their licence for ministry withdrawn. Given the advent of the COVID-19 pandemic, it was agreed to extend this compliance period to December 2021 and this also includes requirement that all ordained ministers are vaccinated.

2. PROGRESS

Many government services were also disrupted by the Pandemic and ministers found it difficult to comply with obtaining Police and Sexual Offenders Clearances, as such requests were not able to be met by the departments in the legislated timelines.

How long are documents generally valid for and what is the process?

- a) In order for a document to be apostilled in terms of the Hague Convention, documents are given a specified period of validity. SIC has however agreed to consider **all clearances valid for a period of two years.**
- b) In the case of a Police Clearance, the validity period is six (6) months. Application for a clearance can be made at most police stations. In RSA, other than for sexual offenders, criminal records may be expunged after 10 years. There is a process to be followed in this case and guidance needs to be sought for it. SIC has agreed,

given the delay in getting these, to consider clearance valid for two years, if annual SIC declaration

- c) In the case of a Sexual Offenders Clearance (there are two in RSA - one from Social Development and the other from the Department of Justice). These clearances are also only valid for six months. A person who is on the Register, is there for life, unless a specific order of court has been made for their removal from the Register. Application forms to the Department of Social Development is Form B and from the National Register of Sexual Offenders is a J738. A copy of the form is also on the website and the process to be followed for them is set out in the forms.

In applying for these clearances, our experience is that they are often lengthy delays in obtaining same. This does however not mean that we don't continue to apply for them, and proof of having applied is mandatory for ordination and licensing of ordained ministers.

Practical things to remember when applying

Police clearance:

- *apply at SAPS police station- check if local station provides this service.*
- *Take along the prescribed fee of R120.*
- *Bring along two copies of your ID or Passport document- police station can certified if so required. Ask to photograph application before leaving, as church may ask for proof of submission*
- *Obtain a set of original finger prints when applying- this together with the certified ID will be needed for your application to the Department of Justice for the National Register of Sexual Offenders clearance application.*

Sexual offences register - needs TWO applications:

Social Development: Use form 30. Requires certified copy of ID or Passport to be attached. Photocopy before mailing, as proof. Has address on the form to send it to.

Dept of Justice:

- *This requires a fully completed Form 7/JT38:*
- *Reasons for applying must be fully articulated- example reason would be -"about to be ordained or licensed as a minister in the church and will be working with inter alia children and vulnerable adults and clearance a requirement from the church in order to determine that I am a fit and proper person."*
- *Form must be signed by the applicant.*
- *Attach a set of original fingerprints (obtainable from any SAPS police station).*
- *Attach a certified copy of ID or Passport*
- *Provide a full forwarding or postal address / contact numbers*
- *Photocopy application*
- *Please hand deliver or courier it to the Department of Justice and Constitutional Development, 329 Monument Centre, Cnr Pretorius and Sisulu Streets, Pretoria*

- *Or if unable to hand deliver or courier, send by **registered post to Private Bag X81, Pretoria, 0001***

Please note all documents must be submitted in original format and marked for attention of the Registrar: NRSO¹

3. ACTION BEING TAKEN

So how is ACSA responding?

In light of the experienced delays, the following has been agreed with Synod of Bishops in September 2021.

- iii) **ALL ministers** must complete the SIC Declaration Annually. An updated copy is available on the website.
- iv) ALL ministers in holy orders must have applied for the clearances by no later than **31 December 2021**, and proof of such application to be provided. In the event that such proof has not been provided, then the licence of the minister **MUST** be withdrawn, until such time as requirements complied with.
- v) Each Diocese to make their own arrangements in terms of costs associated with the applications.
- vi) Police and Sexual Offenders Clearances will be treated as valid for two years, provided the Declaration is completed annually. Again, if annual declaration not made, licence to be withdrawn until compliance achieved.

4. RECORD KEEPING

So who keeps what and where? Who authorised to take sworn statement?

- a. A sworn statement consists of signing the declaration in the presence of an authorised official. For SIC Declarations, we work on a level up and so the person to whom the declaration needs to be given to is set out below.
- b. The person receiving the statement needs to complete the details as set out in form .
- c. In the case of all **Bishops**, the annual SIC declaration as well as the application for police and sexual offenders clearance certificates to be lodged with SIC by **1 January 2022**. SIC will complete the certification.
- d. In the case of Diocesan Officials, the Bishop together with the Registrar or Chancellor to complete certification, and all the documents lodged in the Bishop's Office in the Officials file and papers. For the Registrar and Chancellor (including any deputies), the certification will be done before the Bishop.
- e. In the case of Archdeacons, the Bishop together with the Registrar or Chancellor to complete certification, and all the

¹ Department of Justice- justice.gov.za extracted 22 February 2022

- documents lodged in the Bishop's Office in the Archdeacon's file and papers
- f. In the case of all clerics, the Archdeacon in whose region the cleric resides, to complete the certification and the documents to be lodged in the clerics file at the Diocesan Office. Registrars and/or Chancellors to do a six-monthly check that these are completed and take whatever action necessary to ensure compliance.
 - g. In the case of parish ministers, councillors, and volunteer ministers, the Priest in Charge or Rector or Archdeacon as the case may be, must ensure that the declarations are certified and completed. This would include sides people.
 - h. In the case of any persons who will have access to or work with vulnerable people, the sick, the elderly or children, extra care must be taken in ensuring that Police and Sexual Offenders Clearances are in place.
 - i. All these documents to be filed in the Parish Office and would need to be inspected by the Archdeacon as part of their annual inspection or visits and status or findings, provided in report to the Bishop. If non-compliant, SIC would need to be informed and SIC would advise on the steps to be taken.

5. PURPOSE OF SAFEGUARDING AND COMPLIANCE

Traditionally, the church worked very much on the Biblical precept that your word is your bond and we believed the information we were provided with. Experience has however taught us that in addition to this trust and faith in each other, there is also a need for us performing certain basic checks to protect each other.

The world has become increasingly litigious and the incidence of trust being betrayed in what ought to be safe spaces, have also come to the fore. We therefore need to consider how we respond to these developments without departing from our principles. We still are accountable for the injunctions offered to us in Luke 17:2 or Matthew 18:6.

So putting in place some checks and balances has the effect of the following:

- We can be confident that those we have placed as shepherds, we can believe and trust to not cause harm.
- We can be confident that our members and our ministers, are protected against such harm.
- We can answer any allegation brought against us that we have done what we could to safeguard ourselves and each other.
- We can have a process in place which can separate the wolves from the sheep.
- We have a defence against any litigation that may come our way.
- We can boldly and with confidence approach the throne to account for those whom God has placed in our care.

6. SAFEGUARDING AND VACCINATIONS

At Synod 2017, the need for us to tighten up on our safety and screening requirements was agreed to. Act XV already sets out the requirements for screening. At that Synod it was agreed that a police clearance would be needed for ministers (expanded definition in Act XV).

At Synod of Bishops of the following year the need for a declaration was identified as not all offences result in convictions. This gave rise to the SIC Declaration, which now needs to be completed annually.

The National Child Protection Register- in terms of Section 126 of the Children's Act 2005 (act 38 of 2005), employers offering services which allows access to children must, before employing a person, must establish from the Register that it is safe to do so. Our youth and children's church ministry is largely run by volunteers but we considered it prudent to comply with this safety requirement too.

Safety and safeguarding also includes health and to this end, ACSA at its Synod of September 2021, passed a resolution making it mandatory for all ordained ministers to be vaccinated. The effective date for this would be two months following Synod and so with effect from 1 December 2021, all ordained ministers MUST be vaccinated, or risk having their licence withdrawn.

Any questions or applications for valid exemptions as well as any queries or questions of clarity can be obtained from safechurches@anglicanchurchsa.org.za

**Canon Rosalie Manning- SIC
22 February 2022**