

# **POLICY ON THE APPOINTMENT OF EX OFFENDERS TO VOLUNTARY OR STAFF POSITIONS**

Adopted by the Board of Prison Fellowship Australia on 14 February 2019

## **1. Background**

Prison Fellowship Australia (“PFA”) has a duty of care to its staff, volunteers and supporters, and to the people it is assisting (e.g. prisoners, their families and ex offenders). Its primary duty in this respect is to ensure that the conduct of PFA staff and of PFA volunteers is exemplary and is above reproach.

This policy has been established to ensure that proper checks have been conducted and proper training has been provided for all PFA staff and all PFA volunteers, and particularly for ex offenders joining PFA.

PFA offers unconditional love to prisoners that we visit. We do not pry into the reasons for their incarceration. However, when a former offender seeks to work with us, we must apply a different standard. This is because we minister to others who are weak and vulnerable and we must protect them. In any case, the disclosure of custodial sentences and other criminal convictions is required under State and Territory laws, for persons intending to visit correctional centres.

If a person being considered as PFA staff or as a PFA volunteer has a criminal record, then the specific nature of each offence must be reviewed during the screening process for that person

## **2. General**

Each person seeking a role as PFA staff or as a PFA volunteer must complete an application form. The form requires the applicant to nominate three referees, one of whom is to be the applicant’s pastor or church minister.

In addition, the application form requires the applicant to record whether s/he has served a prison sentence or has been convicted of a non custodial crime.

A police check must be conducted, and the resultant criminal record scrutinised, to verify the information on the application form.

Any matter, arising under this policy, that involves the abuse or alleged abuse of a child must be dealt with in accordance with PFA’s Child Safety Policy.

An ex offender is not eligible to serve as PFA staff member or as a PFA volunteer until a minimum period of six months has passed since the later of:

- (i) the release date of their most recent full sentence; and
- (ii) the end of the parole period for their most recent sentence.

An ex offender:

- (a) is not eligible to serve as the General Manager until s/he has been interviewed by the Chairman of the PFA Board and two Directors;
- (b) is not eligible to serve as a State Manager or as PFA staff in the PFA national office until s/he has been interviewed by the General Manager and two Directors; and
- (c) is not eligible to serve as PFA staff in a State or Territory Ministry until s/he has been interviewed by the Chairman of the relevant State Council and the State Manager and at least one (and preferably two) Council members,

and in each such case the applicant must be asked about the nature of his / her offence(s), at any such interview.

The interviewers must satisfy themselves that the applicant has repented of his / her conduct and, where appropriate, has sought to make restitution to his / her victim(s). If there is any doubt amongst the interviewers, then the applicant must not be accepted as PFA staff.

Where there are formal procedures, such as in a State where a prohibited person declaration, Working with Children Check, or blue card must be satisfactorily obtained, these procedures must be observed. The effect of this may be to preclude a person from involvement as PFA staff or as a PFA volunteer.

### **3. Specific**

#### **3.1 High profile ex offenders**

A high profile ex offender is defined as an ex offender with a high likelihood of being identified by a member of the public, because of the publicity attending their offence or their release.

In addition to the preceding general requirements (Section 2), each high profile ex offender that is applying to become a PFA volunteer must be interviewed by the Chairman of the relevant State Council and the State Manager and at least one other State Council member.

#### **3.2 Ex offenders convicted of sex offences**

The following elements of the policy apply to those who have a conviction for a sex offence and who wish to serve within PFA as a staff member or as a volunteer.

For the avoidance of doubt, any matter, arising under this policy, that involves the abuse or alleged abuse of a child, whether past or present, must be dealt with in accordance with PFA's Child Safety Policy.

- (1) A person convicted of a sex offence (or sex offences) and whose offence(s) involved children must not be placed in a position where s/he has access to children, served by a ministry of PFA (e.g. Angel Tree or Camp for Kids), and / or to information about such children. If such a person is to work in an office of PFA in which such information is stored, then the information must be kept secure and access to it must be restricted.
- (2) A person convicted of a sex offence (or sex offences) and whose offence(s) involved children must not be placed in a position where s/he is ministering alongside persons with similar convictions, or is ministering to persons with similar convictions, until a period of two years' satisfactory behaviour whilst under supervision in a ministry of PFA has elapsed.
- (3) Such a person must enter into an accountability covenant with PFA. Such a covenant may (for example and without limitation):
  - (a) require the person to not frequent areas where children play; and / or
  - (b) require the person to participate in regular contact with a suitable mentor.

Any breach of the covenant that can not be explained to the satisfaction of the responsible State Manager (or equivalent) would result in the termination of that person's employment with PFA or of that person's status as a PFA volunteer.

- (4) Before such a person is offered employment by PFA, or is permitted to volunteer with PFA, the State Manager (or equivalent) must check with the General Manager to ensure that the relevant insurances cover any claim for damages that might be brought if that person does commit a sex offence against another person in circumstances that are related to PFA (e.g. if the victim is another PFA staff or a PFA volunteer or is a child whose contact details were obtained as a result of the person's access to records of PFA).
- (5) PFA, its directors, State Managers and Company members could be liable, under relevant legislation, if such a person were to abuse another PFA staff or PFA volunteer. Particular care must be taken to ensure that the person's responsibilities, duties and working arrangements will not increase the risk of a further sex offence. In such a case, the person responsible for supervising the person must consider the nature of the previous offence(s), the time elapsed since the offence(s), the offender programs undertaken by that person since the offence(s) and whether the person is in a stable relationship with a person of the opposite sex.
- (6) As much as possible, such a person's duties must minimise the risk of contact with the families of inmates.

- (7) Such a person may express an interest in helping others who are also sex offenders. Great care must be taken in permitting such a person to undertake this role. Relevant factors include:
- (a) whether a significant period has elapsed since the last sex offence; and
  - (b) whether there is evidence of enduring normal healthy relationships; and
  - (c) whether there is a willingness to submit to supervision.

An appropriately qualified mentor for such a person is also recommended in this situation.

### **3.3 Periodic review**

For ex offenders to whom Sections 3.1 and 3.2 refer, ongoing service with PFA is dependent on continued satisfactory outcomes from reviews conducted by the relevant State Manager, Chairman of State Council, General Manager or Chairman of the PFA Board, as the case may be, in accordance with the following schedule:

- (a) over the first six months of service, monthly; and, subsequently,
- (b) every six months.

In the case of an unsatisfactory review:

- (a) appropriate remedial action will apply; and
- (b) monthly reviews will recommence, for a six month period; and
- (c) the Chairman of State Council, General Manager or Chairman of the PFA Board, as the case may be, will be informed promptly.

In the case of repeated unsatisfactory reviews, or a failure to cooperate with the applicable remedial action, the ex offender's service with PFA will be discontinued in accordance with the dismissal provisions of the relevant employment agreement (if PFA staff) or other procedures (if a PFA volunteer).