

JOINT REPORT OF THE MISSION AND DISCIPLESHIP COUNCIL AND THE SAFEGUARDING COMMITTEE

FORGIVENESS AND PROPORTIONALITY WORKING GROUP

'FOR OF SUCH IS THE KINGDOM OF HEAVEN – CREATING A CHURCH WHERE ALL MAY SAFELY LIVE'

PROPOSED DELIVERANCE

General Assembly

1. The General Assembly receive the Report.
2. Adopt for immediate use the procedure and processes outlined in the report relating to how congregations should deal with the request of a sex offender to attend worship in a congregation, as detailed in the policy document attached to the report.
3. Instruct congregations when they identify the presence of a sex offender in their midst, to contact the Safeguarding Office and, with the assistance of the Safeguarding Office, commence the process of drawing up a 'Covenant of Responsibilities'. (Section 14.1)
4. Ensure that all perpetrators of sexual abuse who seek to worship in congregations of the Church of Scotland are advised that they must agree to be supported and monitored by the Safeguarding Panel within the Congregation. (Section 3.5)
5. Recognise that those who are members of the Safeguarding Panel of a congregation may require significant support from Safeguarding staff and/ or a Counselling Service. (Section 13.2.4)
6. Instruct congregations, especially in a vacancy, that they must seek the involvement of the appropriate Pastoral Adviser from the Ministries Council in the support of all who are involved in the local Safeguarding Panel charged with the support and monitoring of the sex offender.
7. Instruct the Church and Society Council to consult with the Scottish Government, Survivor Scotland and other appropriate agencies, to ensure that the voice of the Church is heard in the preparation of the responses made by the government to the issues of sexual assault on children and adults at risk.
8. Instruct the Working Group to prepare study materials, to assist congregations and presbyteries in the development of their understanding of the report and the complex issues involved, and commend the consideration of the materials for wide use throughout the Church.
9. Instruct the Safeguarding Committee to make appropriate arrangements for the development and support of the processes outlined in the report.
10. Instruct the Council of Assembly to ensure that appropriate financial resources are made available to the Safeguarding Office to ensure that the policies and processes of this report are operational as soon as possible.

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REPORT

Overview of the Report

The intention of this report is to discover and set out how the theological concept of forgiveness in Christianity may shape the policy and practice of the church in relation to the involvement of sex offenders in the life of congregations. The report develops its approach from the Interim Report approved by the General Assembly of 2008.

The report declares that forgiveness is a gift of God and is freely given, without reference to any prior conditions, or promises of alteration of behaviour. As a result of the acceptance of the gift of forgiveness, there are, however, serious implications for the life and behaviour of sex offenders. The forgiveness of God should lead to confession, repentance and a change of attitude. As a recipient of the grace of God, the sex offender should admit to responsibility for the serious consequences of his/her actions against children and/or adults at risk, and thereby release the power of forgiveness into his/her life.

This process of reformation and restoration will be supported and monitored through local safeguarding panels under the guidance of the Safeguarding Office of the Church. 'Covenants of Responsibilities' will be drawn up to ensure that the particular circumstances of each sex offender are recognised and that the appropriate oversight and support are offered in congregations.

These Covenants have two main and equally important aims. The first is to assure all victims of abuse and the families of children and adults at risk in a congregation that precautions and safeguards are in place to ensure 'safety from harm' in church premises. The second is to provide structure and support for the sex offender who seeks to make his/her life characterised by forgiveness and the opportunity to participate in the worshipping life of a congregation.

The report is based on a process of wide discussion with a number of experts who have brought varied perspectives

on many of the issues. Attention was paid to theological works which consider aspects of this issue, and specific articles from a variety of sources were also consulted. A series of meetings with the representatives of over eighty congregations, from a variety of geographical locations also took place to ensure that the concerns and issues of those who will put the policy into practice have been heard.

All the recommendations of the report have been formed with the focus on the concern for safety of children and adults at risk, and in obedience to the command of Jesus that we remember that 'of such is the Kingdom of Heaven' It has also been designed to assist the Church in its engagement with the challenge of appropriate welcome to those sex offenders who claim the forgiveness of God. A policy document has also been prepared for the consideration of the General Assembly.

The hymn '*Let us build a House where love can dwell and all can safely live*¹ has been used as a linking theme throughout the report.

'For of such is the Kingdom of Heaven – where all can safely live'

1. Introduction

1.1 Formation of Group

The Group was formed as a result of the deliverance agreed by the General Assembly in May 2007, attached to the report of the Safeguarding Committee. The text of the deliverance read as follows:

Instruct the Committee to seek discussion with members of the Worship and Doctrine Task Group to discover a theology of forgiveness and proportionality related to sex offenders seeking to return to worship in congregations.

The Group began its work after the General Assembly of 2007, and produced an Interim Report for the General Assembly of 2008.

2. Interim Reports to the General Assembly of 2008

2.1 The Group, soon after it began its work, had to acknowledge the huge remit given by the General Assembly and the complexities of tackling a subject which was bound up with so many sensitive issues.

2.2 The Group, therefore, resolved to present to the General Assembly of 2008, a report which not only indicated the breadth and diversity of issues involved, but also some initial indications of the direction of the final report and the guidelines which might be produced for consideration by the General Assembly in 2009.

3. Statement of Deliverance of the General Assembly of 2008

3.1 Through its commitment to listen to a wide range of perspectives on the issue, the Group brought to the General Assembly of 2008 an Interim Report which generated positive discussion and reflection on the floor of the General Assembly. The Deliverances attached to the Interim Report were agreed without any objection, or contrary voice. These Deliverances read as follows, firstly:

Affirm the Church's commitment in partnership with Social Service organisations to ongoing pastoral care of survivors of sexual abuse and their families and reassert the commitment of the Church to create a safe environment for children and adults at risk in congregations.

3.2 The second part undertook to:

Reaffirm that the primary responsibility of the Church to children and young adults and vulnerable groups is their safety, which will mean the imposition of appropriate restrictions in congregations for those who have committed sexual offences.

The Working Group acknowledges that what is said about forgiveness is limited by the particular focus of this report. The Group is aware that much more might be said about

forgiveness in general, and how it might operate in other more public circumstances. There is no suggestion that we wish to alter a tradition of over 2000 years of interpretation of the concept of forgiveness. Instead, what we have set out here is a reflection on the particular and the unique nature of sexual abuse and assault as it affects the Christian community. It is therefore limited in its scope and does not touch upon issues of public aggression and violence. We make no apology for this as we were aware that the instruction of the General Assembly was clear and specific and could not wait for a full and comprehensive theology of forgiveness applicable to all situations to be formulated.

3.3 The third section of the deliverance gave approval to the process of wide consultation and research which had under-girded all the work of the group and wide consultation and research.

Commend the process of listening attentively to various perspectives on the complex issues facing the Group.

3.4 The final part of the deliverance gave a clear mandate to the Group to prepare this Report based on the principles set out in the Interim Report and developed in the light of the research and investigation undertaken by the Group. The Group was instructed to offer suggested processes for congregations to assist them in dealing with the challenge of appropriate inclusion and essential protection:

Instruct the Group to bring a report, including guidelines and outlines of processes, to the General Assembly of 2009.

3.5 The Group had made clear its direction, and this was affirmed by the General Assembly of 2008. While not wishing in any way to deny sex offenders who wish the opportunity to be involved in worship and church activities, this has to be managed and monitored to ensure the maintenance of appropriate safeguards for children and adults at risk, and support for the sex offender. This will require the sex offender to adhere to set

guidelines and work within agreed structures, supported by an identified group within the congregation. This group will consist of the Safeguarding Panel as described in the legislation of the Church. The Group recognises the challenges and difficulties involved in this task. It is believed that it is essential for all such groups to collaborate closely with the Safeguarding Office of the Church to ensure that the work involved is managed effectively and appropriate expectations are set down for all parties. Sex Offenders must, as a matter of his/her discipleship journey, engage honestly and openly with the group in the congregation. This group will assist, guide, and help the individual explore his/her sense of membership in an environment which is still safe and secure for all who might be at risk.

3.6 The Group is aware that some sex offenders will not accept the need for such a structure in churches. Some will move on to other churches where there is no setting of appropriate boundaries. We can only work with those we know about. Of course some will not be known, but it is only right to expect that the Church will provide practical guidance and processes, structures and methodology, for dealing effectively with those who are known. There will be occasions where the perpetrator of sexual offences may exclude himself, or herself, from the life of the congregation. This will occur when he, or she, is not willing to work with the group appointed to oversee the Covenant, and continues to deny the lifelong consequences of their actions.

3.7 The Group also noted the comments made in the General Assembly of 2008 regarding the impact on the wider family of those accused of sex offences, and the families of those who have suffered abuse. These are recognised as part of the challenge in addressing the appropriate inclusion of all sex offenders within the life of congregations, and must be acknowledged. Some resources on this issue will be included in the study materials prepared by the Group for use in congregations

following the reception of this report. However, the Group's prime focus has been the theological heritage of the Church and how it may create and shape a policy which, as far as will ever be possible, is supportive both of survivors of abuse and perpetrators of sexual offences, who wish to identify themselves with the lives of congregations within the Church of Scotland. There is, in the view of the Group, a tension and a challenge which cannot be ignored, and a primary responsibility to create and maintain, in the congregation, the recognition of the vulnerability of children and adults and their need for protection.

3.8 The Group is aware that all of its report will be subject to media interest and comment. This is only healthy and must be encouraged. However, it is vital that any report of its contents and conclusions reflects the powerful and persuasive arguments which the report has included and its whole tenor as one of ongoing pastoral concern, no matter from what particular perspective an individual may come.

4. Process

'Let us build a house where love may dwell and all can safely live'

4.1 Membership of Group

The Membership of the Committee is listed as an Appendix. As can be seen it includes professionals from the Safeguarding Office, members of the Safeguarding Committee, professionals with a deep appreciation of the practical aspects of the issues, and members of the Worship and Doctrine Task Group.

4.2 Consultation

'Let us build a house where prophets speak and words are strong and true'

4.2.1 The Group invited many people to share their experiences, knowledge and skills. The group listened and explored issues with those involved in the treatment of sex offenders, the teaching of practical theology and

Christian ethics, those who work with prisoners and others involved with the support of survivors of sex abuse. A general invitation was given to any in the Church to contact the Group through the website and offer their insight and experience.

4.2.2 A survey of ministers and others was undertaken to hear of their personal experiences of managing the tensions of working with sex offenders and protecting children. The contacts of the Safeguarding Office throughout the Church as a whole, including congregational safeguarding representatives, were all asked to offer questions and experiences, for the consideration of the Group.

4.2.3 Ecumenical contacts were made and materials from a number of churches were examined, and a presentation by the Church of England Safeguarding Officer, who is a Methodist Minister, was also received by the group. A visit to the staff involved in the care and treatment of sex offenders at Peterhead Prison also took place.

4.2.4 A number of road-shows in a variety of settings throughout the country were arranged to ensure that the Group brought to the Assembly the views, questions, and issues of Kirk Sessions and congregations who will have to implement any policy regarding the appropriate inclusion of sex offenders as agreed by this General Assembly. A workshop on this issue was also included in the Safeguarding Trainers Conference programme.

4.2.5 The Road-shows were attended by more than 200 people and representatives of Congregations in Presbyteries in the West, South West and Central Scotland were involved. (A full list of presbyteries involved appears in the Appendix). On the whole, the participants in the Road-shows were strongly in support of the approach of the Working Group to the issue presented. While they wish to record their pastoral concern and support of sex offenders who wished to become involved in the life of congregations, they also recognised the importance of

appropriate boundaries and safeguards to ensure that adults at risk and children were protected. Some would have liked the Working Group to extend their comments into other areas, including that of physical violence and abuse, but the Group was conscious of the directive of the General Assembly and the need to focus on this particular area of sexual abuse and assault.

4.2.6 Some interesting comments were recorded and have been used throughout this report as a means of reflecting the tenor and concern of the participants in the Road-shows. Some raised questions regarding the fact that women sexually abuse children and adults at risk, and that this is often forgotten. The Working Group acknowledges this as an issue which should not be neglected in any consideration of the complexities of protecting children and adults at risk.

4.2.7 The Working Group was challenged in the Road-shows by a very small number of negative reactions. In response, the Working Group would suggest to the General Assembly that what is presented in this report and proposed does not offer a 'politically correct' response or an easy and facile method of dealing with a thorny issue. Instead, we believe that the compassion and concern of Jesus for all sinful humanity is an essential characteristic of any of the proposals we have made.

4.2.8 What we are discussing is a process of 'costly grace' involving time and effort from the Safeguarding office working with volunteers in congregations, to ensure not just the safety and security of children and adults at risk, but the support and care of those sex offenders who wish to associate themselves with the life of a congregation in a journey of repentance and restoration. The monitoring and care of sex offenders in the wider community was not part of our remit, but we are keen to ensure that this issue is pursued by Church and Society Council in their discussions with the relevant groups within the Scottish Government.

4.2.9 The Group wishes to express its gratitude to all who gave their time and experience to enhance and expand the information and insights available to the Group. While the Group may not have followed any one individual's approach, it is happy to recognise that all views submitted have been valuable and creative. Views expressed have often challenged and disturbed the members as they struggled to formulate a clear and coherent, theologically sound and practical policy on this issue.

5. Evidence and Factual Basis

5.1 Some find the concept and implications of sexual abuse so disturbing that they avoid reflecting on the issues. Others may react to the statistics in such a way that they believe that discussion is not appropriate. We need to be clear about the extent of the occurrence of sexual assault. It is clear that 95% of sex abuse goes either unreported², or does not result in a prosecution. While we may be able to explain the reasons for the reticence and difficulty which some may face in engaging with this issue, it is also true that silence and inaction are quite inexcusable and may well allow abuse to continue in the Church. The Group appreciates the contributions of all who responded to the invitation to participate in the discussion and research by providing experiences and information.

5.2 It is clear that real efforts to provide an open and transparent policy must be made for the benefit of all concerned, regardless of their experience of abuse.

6. Particular Issues Raised

6.1 Central to the discussion is the matter of forgiveness. This will be discussed at some length further on in the report

6.2 The Group is clear that what is involved in trying to incorporate a sex offender in a congregation is a task of discipleship. The intention, according to the

perspective of the Group, is for the sex offender to be given opportunities for growth and development without risking harm to children or adults at risk, in the congregation, or themselves. The inclusion of sex offenders must **never** be at the risk of harm to vulnerable groups within church settings.

6.3 The Group is all too aware that much of the discussion could enter the realms of esoteric debate and exploration of the ideal, rather than the practical application of guidance which creates a safe environment for all. While the theological issues are crucial, it must be recognised the issues of forgiveness and proportionality and the nature of grace must be discussed in relation to the facts of dealing with sex offenders, with their particular characteristics and problems. The reality is that many sex offenders are adept at disguising motives, confusing and covering up by the clever use of religious language and behaviour, and thereby, masking their actual intentions.

6.4 While it may be impossible to identify the genuine and the inauthentic, there is a strict requirement that whatever is allowed in the Church **must never** permit, collude, or approve the possibility of further sexual assault. The Group makes these statements in the light of the evidence presented by those involved in the care of victims and the prevention of abuse, alongside those who are working with sexual abusers. The contributions of the professionals in the field have been extremely valuable through the questions they have raised and the real life experiences they have brought to the attention of the Group throughout our deliberations.

6.5 Just as at the meetings of Alcoholics Anonymous, no alcohol is served, and at Narcotics Anonymous, no drugs are allowed, it is clear that with the patterns of compulsive, skilful and deceptive behaviour involved in sex offending, the sex offender should not be subject to situations of temptation, or everyday opportunistic situations. Therefore appropriate safeguards are

necessary both for the potential victims, children and adults at risk **and** the sex offenders themselves. To neglect this responsibility would be both morally and ethically abhorrent and contrary to the Gospel principles of pastoral care which ought to characterise all Christian congregations. Any truly repentant sex offender will, we believe, recognise this and agree readily to the processes of protection.³ The Church has a responsibility to create a safe environment for all.

6.6 It appears that, from all quarters in the Church, there is support for the principle that the Church must be made as safe a place as possible for everyone. There is agreement that the issue of 'trust' is separate from the concept of 'forgiveness', and therefore in relation to sexual abuse, the Church has a responsibility to expect the acceptance of limitations on the offender in order to protect children and adults at risk. The concept of some form of 'Covenant of Responsibilities' appears, in the opinion of the Group, to be an appropriate response to ensure that the Church environment may be secure and as free from danger as is humanly possible.

6.7 The Group is aware that there are those who would see the issues of dealing with sex offenders in congregations in a way similar to the action of the Truth and Reconciliation Commission in South Africa after the end of legalised discrimination on the grounds of colour and race. However, the Group is convinced that this is not applicable as, in the case of South Africa, the criminal acts were well known, publicly acknowledged and admitted, before they were then addressed. In the circumstances of sexual assault of vulnerable people there is secrecy and little public acknowledgement of its factual basis and its long term effects are often not recognised, or admitted. These crimes take place in private and are often denied, reduced in significance and 'explained away'. This Report in itself is one way of bringing the issue out into the open and letting the light of the Gospel enter the debate and discussion in the Church of Scotland.

7. The Incidence of Sexual Abuse *'Where all God's children dare to seek to dream God's dream'*

7.1 Due to the enormous difficulties regarding securing a conviction when there are children or adults at risk, involved, only 5% of allegations of sexual assault actually lead to conviction. It must be noted that only a very tiny part of the 95% will be due to the fact that the allegation was false.⁴ Against this background it should be noted that around 10% of prisoners in Scotland are sex offenders.⁵

7.2 The prevalence of child abuse appears to be, according to the World Health Organization, that about 20% of the population experience some form of sexual abuse in childhood.⁶ While traditionally it was believed that more women than men suffer abuse in childhood, the group was informed that there is increasing awareness that the incidence among men is far greater than was once thought. Current research indicates that there is a far larger proportion of males abused than has been reported. Until recently very few males reported incidents for investigation, and therefore reporting is unlikely to reflect the full extent of the problem. Many are silenced by shame and family pressures and powerful dynamics within the structures of family life.

7.3 The Church, as a microcosm of society as a whole, cannot be exempt from the incidence rate. Therefore it is perhaps easier for the General Assembly to conceive of the extent of sexual abuse as meaning that there may be a victim, or survivor, of sexual abuse in every pew of the churches in Scotland. While the impact of child protection measures throughout the Church has, it is hoped, increased the awareness of significant dangers and prevented incidents of abuse within the Church, there is no doubt that there is a significant number of people in the congregations of the Church who have, endured some form of sexual abuse. While it may be true that there is no more physical or sexual abuse of children and adults

at risk today than in days gone by, there is more openness about the problem. However, the Group is concerned regarding the alarming increase in computer and internet abuse. There are many new ways of reaching children and vulnerable people, and many of them are shrouded in secrecy and are perpetrated in an anonymous manner.

7.4 The Group believes that the issues in relation to the prevalence of sexual assault and the proliferation of internet sources of indecent images involving the abuse of children are of such importance that the Church and Society Council should be asked to consult with *Survivor Scotland*, the agency of the Scottish Government, concerned with the impact of abuse. This would ensure that the voice of the Church was heard in the processes whereby these major issues may be addressed by civil legislation and treatment programmes.

7.5 It is also clear that most abusers are known to the victims. In 4 cases out of 5 the sex offender is a familiar face to the child. Evidence suggests that 80% of sexual abuse takes place in the home, though not necessarily by family members.⁷ This is a very important point which must be recognised in relation to the range of offenders. Government figures record that 30% of offenders against children and young people are adolescents and children themselves, 50% of offenders are adult males, and 5% to 20% are adult females. We should remember that there are female abusers and that they are not always coerced by men.⁸ The Church by its nature offers a very open and accepting environment where links could be developed which could allow potential sexual predators to take advantage of, and groom, children and adults at risk.

7.6 The Group is also aware that the processes of protection suggested in this report are also to address the sex offenders who are guilty of the abuse of elderly women and other adults at risk. It was noted in our research that there is a proportion of younger prisoners who had been convicted of serious sexual assault of elderly women⁹. This may be of particular importance

when the 'Covenant of Responsibilities' is drawn up to ensure that appropriate boundaries and safeguards are in place to protect elderly women in congregations.

8. Silencing of Survivors *'where hands will reach to heal and strengthen'*

8.1 Survivors of abuse have often endured great suffering in trying to overcome the stigma and impact of the abuse on their lives. People may well have been harmed by abuse, but we do need to recognise that each individual experiences abuse differently and the impact on their lives is very varied. Some may be able to live positive and fulfilling lives. While that is true, some do not. There are statistics that indicate that people who have been abused have experienced a higher proportion of negative affects, including depression, relationship failures, alcoholism, mental health difficulties and attempted suicide.¹⁰

8.2 Any initiative taken by any group gives survivors hope. It provides them with the opportunity to be listened to with respect and dignity. When society openly recognises this abuse, there can be positive action. If, however, we stand back and are silent we collude with the abuse. The Church must ensure that it is positive and supportive of those who have endured sexual assault.

8.3 Abuse depends on silence, often forced by threat or presented as 'love'. This must be named and acknowledged as a complete distortion. Public acknowledgement of abuse gives hope. It implies that there are more of those who are not abusers than those who are.

8.4 If the Church does not take their pain, suffering and courage seriously, they suffer once again and are abused by the very institution, or group, which should, in its character and basis in the message of Jesus, support and protect them. We **all** know people who have been abused. It cuts across gender, class and all socio-economic grounds. More damage may be done by the Church covering up abuse than the actual abuse itself.

8.5 The Church, like all other groups, fears speaking out about this uncomfortable issue. The whole nature of sexual abuse is such that the powerlessness and disgust felt by most people hinders the discussion. By silence, the issue is denied and continues to damage and destroy lives. Abuse and sexual assault depend on silence to continue exercising power over individuals.

8.6 While the Group would not advocate the introduction of worship services that focus on the survivors of sexual abuse, it believes that the stories of the survivors of abuse may be acknowledged in worship, when appropriate. It has to be emphasised that abuse often silences victims. Therefore we must provide a safe environment and an appropriate place for survivors to be listened to, and know that they are heard. It is important for survivors to be able to tell their story, if they wish to, and for people from their congregation to listen with care. Many survivors feel that they do not want to prosecute, but may have a need for some accountability to be registered and an opportunity, or a forum, for them to 'bear witness' to the trauma of adults who have been abused as children.

8.7 Children are often frightened and because of the fear of not being believed, or of family breakdown, therefore do not speak about sexual assault.¹¹ Children often take responsibility for justice and often carry the burden of what they cannot talk about. A child wants love at all costs and often will be so desperate for love that they will endure any pain. Survivors need to be listened to respectfully and carefully. What all survivors need is pastoral care, which pays attention to their pain, while not attempting to solve it or take it away.

8.8 If we acknowledge that there is the possibility of a victim of some form of sexual abuse being in every pew of every church in the land, this must be recognised in the Church's life. Survivors will want to know: *'How safe is this place for me or my children?'*

8.9 It is also crucial to remember that due to the nature of sexual offenders and their defensive processes that they often 'minimise' the extent of their offences. The Church must not collude with this form of denial which endangers vulnerable groups. The Church must be alert to the complex nature of sex offending and prevent the Church being seen as a place where these offences are excused, or dismissed, as unimportant. While the risk can be minimised and reduced, it may not be eliminated entirely. The Group is advised that there is often a lack of insight in the perpetrator and they are unable to take personal responsibility. Perpetrators can suspend their behaviour, but do not make the necessary changes.

8.10 The church is a place where children attend in large numbers, and is also a place where survivors of abuse may also attend in significant numbers. Yet statistics also suggest that the church is a place where there is a higher percentage of sex offenders involved as compared with their presence in the general population. Research suggests that in Scotland alone 25% of the sex offender population attend worship.¹² In addition, we are aware from our discussions that there is also an issue of naivety in the Church, with church leaders being sometimes unaware of the compulsive nature of much sex offending, and the limitations of counselling.

8.11 Another important issue is the Church's use of the language of forgiveness. The confusion between forgiveness and trust is one reason why offenders have been allowed to continue in positions of pastoral responsibility even after it is known that they have abused children.

8.12 Our research has also suggested that there are other reasons for the Church's failure to protect children properly. These include denial, discomfort, Christian isolationism, misunderstanding the nature of confidentiality and a natural reticence to make judgments of another person's spiritual journey.¹³

8.13 Through our discussions with the Lucy Faithfull Foundation we were advised that the danger of further offending may be increased due to the paucity of treatment programmes for sex offenders. It is only in treatment that some real assessment of ongoing risk be undertaken.¹⁴

8.14 Of course the Church cannot know all who may pose a threat to children and adults at risk. Not all sex offenders will be known to the authorities and not all known offenders are reported to the congregations with which they are associated. Some will never have been convicted. Despite this, the Church has a real and important obligation to act responsibly when it **does** know of those who are sex offenders, so that appropriate safeguards may be instituted for all concerned.

9. The nature of sexual assault of children and adults at risk

9.1 It is clear from the literature and research that sexual assault is intimately related to the exercise of power. As one person we consulted has written:

(Sexual) abuse is an abuse of power. We may therefore understand significant vulnerability in those recovering from abuse, and that this is a recovery from that loss of childhood and of individual power. This is often very like a loss or bereavement. Healing, justice and restoration, therefore, need significant compassionate support and acceptance by those who listen and walk alongside them. Victims need choices and empowerment in a life long process of survival, and recovery for a sense of thriving.

Safeguarding challenges those in positions of authority (including those within families) who deny the issue, collude with it or cover it up. The Church needs to witness to this prophetic challenge, which affects all parts of society and all societies, to give priority to those who are vulnerable and hurting.

For the church to become a safer place, it needs to develop and nurture places of hospitable space or sanctuary. Church people need to develop a sense of hospitality which includes openness and careful listening. A sense of hospitable space and a careful welcome must also extend to the offender.¹⁵

In our research, we found our exploration and perspectives confirmed by one theological writer who summarised his research in the following way:

- The sexual abuse of children is fundamentally an abuse of trust and of power which exploits the age-related differentials between child and abuser, as well as enlisting, abusing, distorting and disorientating the child's needs for intimacy, affirmation, security, trust and guidance.
- Abuse is not adequately construed in terms of acts which might then have certain consequences; it is better thought of in terms of an expansive dynamic distorted relationality which may affect all of the child's relationships...and invade the relational ecology of other sets of relationships. (it is thus impossible clearly and cleanly to separate act from consequence.)
- Its core dynamic is that of entrapment and isolation, through which social and physiological transcendence may be blocked.
- That dynamic effects a form of traumatic confusion concerning the nature of reality in all its dimensions (social, moral, personal, material)
- A particular source of confusion is the incorporation of the child's active agency in psychologically 'accommodating' the abuse and keeping it secret.
- As a consequence, abuse easily leads to a radical distortion of the very core of self-identity.¹⁶

9.2 There is no doubt that sexual assault creates a legacy which may distort future relationships. We know that many abusers have been themselves abused. They have experienced many of the difficulties and obstacles

of spiritual growth and discipleship which are common to the victims of sexual abuse. This does **not** excuse their abuse in any way and it does **not** acknowledge the fact that the majority who have been abused do not become abusers. What is important for the Church to recognise is that all are sinners in need of grace. We who claim to be the Church are, however, even more sinful if we allow the poor, the vulnerable and the powerless to become victims and neglect to provide the appropriate support systems for those who are penitent.

9.3 It is also important to be aware that the nature of sexual abuse is often, if not always, related to the exercise of power over victims. The sexual assault appears to be an expression of violence and victimisation, and a conflict in the abuser regarding his or her identity, and needs:

.....relatively few abusers appear to be possessed of an innate sexual attraction to children. Abuse is sometimes, though rarely, driven by straight forward (though distorted) sexual desire. More commonly, however, than the elevation of sexual appetites, abuse seems to be a means for resolving issues of personal identity that reflect distorted identity structures.....For those abusers who are themselves survivors of sexual abuse, it is likely that they are modelling their own behaviour on that of their abusers.....The association is particularly strong where the abuser and the victim are of the same sex; hence, the modelling of abusive behaviour is to be found more often among male than female survivors.¹⁷

The Church is there to support those who have been abused.

9.4 The focus of the report must be upon the protection of the vulnerable and the abused. We must be unequivocal in our acceptance of the fact that children and adults at risk are **never** responsible or to blame for sexual assault:

The definition of sexual abuse implies that abuse is coincident with age-related disparities in power,

status and knowledge. Those disparities mean that the child...cannot be operative as a cause of abuse. It also means...that he or she is unable effectively to resist the abuse.¹⁸

9.5 While that is acknowledged, those who have committed sexual assault still remain as the children of God. The Church has a duty to support them in their transformation and process of redemption. It is our responsibility and privilege to offer them a covenant to support them in the change required by God's grace. However, we are also clear that the responsibility is limited to the church premises, and we cannot in any way expect the monitoring and support to continue in all aspects of life.

9.6 In using the title 'Covenant of Responsibilities' we are arguing that both parties, those responsible in the Church for its safety and security, and those penitent sexual offenders are engaging a process of articulation and expression of grace. Both parties are expected to accept their responsibilities and fulfill their obligations to God and the members of the Church.

9.7 The 'Covenant of Responsibilities' proposed in this report is designed to achieve two purposes.

- The first is to create an environment of protection and security 'where all can safely live'.
- The second is to support sex offenders by encouraging them to resist temptation, and therefore allow them to be safely and appropriately part of the worshipping Church community.

9.8 We need to declare clearly that the Bible has some very harsh things to say about those who would endanger the lives of children and the vulnerable. While society has created a system of secular protection, the Church needs to hear the warning that God expects much more of the Church. In vivid hyperbole, Jesus speaks of a millstone being attached to those who endanger the 'little ones',¹⁹ and also in Luke's Gospel²⁰,

and we must heed this warning to ensure that the Church is as free as possible from sexual assault.

10. Some Characteristics of a Sex Offender

10.1 While it is important that we do not caricature, or malign, all those who have been convicted of sexual assault on a child or adult at risk, there are several common features which may encourage the Church to take special precautions and care when dealing with them.

10.2 From the research undertaken by the Group, and from the contributions of those who are regularly involved in the care and have responsibility for sex offenders when they are released, it is clear that is naïve to ignore the nature of their offences as many have done unspeakably dreadful things. The professionals in the field are agreed that the sexual preference of a sex offender is extremely difficult to change. Often sex offenders are described as manipulative. They can be extremely clever in groups, and in individual contacts, seeking to gain control over those whom they perceive are weaker than they are. They often use the fact that they have 'changed' to hide their proclivity to continue to offend.

10.3 They are often solitary people without visitors when in prison, and often will seek the companionship of the Church, especially if they had church connections before conviction. Sex offenders may have other problems, including low self-esteem and problems with self harming. Many of those imprisoned for sexual assault have huge guilt issues and therefore seek forgiveness. Treatment programmes in prison can help them realise that forgiveness is a process which involves taking responsibility for their actions.

10.4 They also may use some very persuasive theological language to disguise their crimes, while at the same time claiming the forgiveness of God. It is real that they have no conception, or admission, of the impact of their criminal assault on their victims. This is often intimidating to people who have to deal with

them in church situations who feel unable to counter their use of theological language, which often has no reality in their lives. It is therefore essential, that all who are expected to support and monitor sex offenders attending worship must be adequately supported and resourced to deal with this challenge. Resources for this important task will be prepared as part of the materials for congregations.

10.5 From the perspective of those involved in their care both in prison and on release, sex offenders are the most difficult to manage as they attempt to condition, undermine, and manipulate. On a visit to Peterhead Prison the group were advised that prisoners make good use of The Freedom of Information Act. For as much as it is the prisoners' right to view information about themselves it makes working with them time consuming and deflects attention from the main issue which is to address their criminal behaviour.

10.6 It is very easy to be so confused by them and their ability to manipulate that it is necessary for staff to remind themselves that they need to take the perspective of the abused rather than that of the abuser.

10.7 We cannot let naivety take over and allow the responsibility for the protection of children and adults at risk to be sacrificed in order to make sex offenders 'feel good about themselves'. Instead, while expecting, with the innocence of doves, the miraculous power of God's healing grace to be active, we need to be aware and alert to any attempt to open the boundaries beyond those of good sense. It is the hope of the Group that the Church may be equipped through the Safeguarding Office to support and ensure that all are encouraged on a journey of discipleship which includes a healthy sense and understanding of human frailty and responsibility for sin. The Group is persuaded that the liberation theologian is correct when he asserts:

Where are then the limits of tolerance? They are in suffering, in human rights and in the rights of nature. Tolerance ends whenever a person is dehumanized. No one has the right to impose unjust suffering on other.²¹

11. The Uniqueness of the Church ***'Where all are named, their songs and visions heard'***

11.1 The 21st Century Church is unique as a place where access is open to all men and women, their families, survivors of abuse, sexual abusers and their families. No other group or club, society or organisation, is so inclusive. This is the power of the Gospel and its nature of inclusiveness. However, in that process of inclusion, the Church must recognise the importance of providing structures, processes and systems where all may 'dwell in safety'.

11.2 Churches need to be prepared for situations where child sexual abuse is disclosed in church families, or in the life of the congregation. We all would hope that this would never occur in our Church. However, from all the evidence it is clear that sexual abuse does occur, even in devout Christian families, and that it also happens in church youth groups and other church activities. Sex offenders are found in **all** denominations and in people of many different theological persuasions. There are sex offenders who claim to be born again and to have been baptized in the Holy Spirit. No denomination is exempt.
No congregation can say 'It cannot happen here'

12. Current Situation Surrounding Sexual Abuse and the Church ***'Let us bring an end to fear and danger'***

12.1 The incidence of sexual abuse has been discussed earlier. It is wrong to conclude that the 21st century is more dangerous than years ago. In fact, due to the heightened awareness of the issue, it is suggested by experts in the field, that there may be a significant reduction in the

possibility of abuse. Only now, many years later, often generations later, have the facts of many crimes of abuse come to light. What the Church cannot allow to happen is the provision of an inclusive environment which is perceived by sex offenders as an 'easy' or 'soft' target for abuse.

12.2 The Church is a family of God's people and must try to ensure that a congregation operates within the boundaries that are appropriate to healthy family life. The Church must also work within the limits of the civil law, and this may mean that it has to exclude some people from working in the Church, or having access to vulnerable people.

12.3 At all times the Church must be vigilant and prepared to challenge those who might wish to 'groom' children, or 'take them on a journey of preparation for abuse which makes them vulnerable', and this necessitates the imposition of strict guidelines for appropriate access and boundaries to protect children and adults at risk. At no time, for any reason, must the desire to be inclusive or accepting, allow children and adults at risk to be placed at risk of harm. Their rights must **not** be neglected through attention to those of an abuser. Following the example of Jesus, we need always err on the side of protecting children and adults at risk

13. Safeguards ***'Where all are named...loved and treasured'***

13.1 The Group, having listened attentively to all perspectives presented, is convinced that Kirk Sessions, congregations and ministers, need the support of recognised processes to assist them in dealing with the inclusion of sex offenders in the life of a congregation. Too often in the past, some isolated individuals have been burdened by the knowledge of the presence of a convicted sex offender in a congregation, and this individual has believed, mistakenly, that no one else could, or should, be made aware of the situation. This must be

rejected as both dangerous and destructive, and not at all helpful to all parties. Knowledge is power, and with the knowledge of the person's presence, shared appropriately, and a group designated, and supported, to work with the sex offender, the safety of all in the congregation may be more likely.

13.2 It is clear from the many reports and evidence presented to the group, that survivors of abuse in a congregation may be further abused, or children and adults at risk endangered, without appropriate agreements and boundaries being instituted and observed. Similarly, it is recognised that sex offenders may find their struggle to adjust and seek spiritual growth may be hindered by a lack of structure and significant individual support.

14. Biblical Background *'Live the Word they've known'*

14.1 Old Testament

14.1.1 The Bible is a tension-filled book reflecting the faith journey of those who sought God's will as the Divine plan of Salvation unfolded. The Bible underpins this report and the Group has sought to discover a Theology of Forgiveness and Proportionality relating to sex offenders seeking to return to worship in Congregations which meets the scriptural imperatives and answers the contradictions. This has been no easy task.

14.1.2 What must be acknowledged is that there is a huge amount in the Old Testament which reflects the cultural milieu of the Ancient Near East where the idea of the protection of children and adults at risk would be a completely incomprehensible issue. Of course, as some of the feminist theologians have pointed out, there is a great deal of patriarchal domination and discrimination against women in the pages of several books of the Old Testament. Some very unsavoury incidents are recounted and there are some accounts where there is a grave absence of concern about the impact of the exercise of violence and sexual power.

14.1.3 However, alongside this undeniable content of terror and grave injustice, throughout the Old Testament, there is also a deep and abiding concern for the family. While the stories of the family life of the patriarchs, the descendants of Abraham, are often filled with unedifying accounts of intrigue, deception and malpractice, there is also a deep conviction about the importance of family life and the protection of those who will continue to be God's people, the inheritors of the covenant.

14.1.4 There is also a strong emphasis on the inclusion of the stranger and the meaning of hospitality. This is stressed in the work of the prophets and their denunciation of greed, corruption and perversions of God's gifts, and their need to hear the cries for justice for the poor, the fatherless, the widow, and those who struggle for existence. Yet all of these, according to the scripture, are also still chosen and loved by God.

14.1.5 While it may be an ideal, the vision of Zechariah²² is one which is echoed throughout the annals of the Old Testament. The prophet challenges the people of God to bring to reality his vision of a safe and secure environment, a place where the old may live to enjoy the fruit of their labours, and children may play unmolested, free from fear, on the streets. It is a vision, sadly, which does not yet appear to be possible to achieve in this nation today, many centuries later.

14.1.6 The principles in the Old Testament narrative and accounts of the prophets' works, indicate that God is concerned with those who are defenceless and have no power, wealth or authority, and cannot claim this favour by right. The Old Testament, time and time again, emphasises the inclusive love of God which touches and raises up the forgotten, ignored and powerless. These features are vital in the view of the Group to any decisions regarding this issue:

The Jewish prophets – and indeed the whole of the scriptures – are biased toward the powerless. Such a preferential option for the powerless

*implies a privileged hearing for those whose voices are excluded.'*²³

14.1.7 Forgiveness is challenging in the context of sexual offences against children. There is no doubt that a sex offender can experience God's forgiveness because the only unforgivable sin is blasphemy against the Holy Spirit.²⁴ In Genesis the story of Esau and Jacob is helpful.²⁵ Jacob cheated Esau of his birthright and of his father's blessing. The unfolding story describes, nevertheless, Jacob's growing faith: he dreamt of ladders to heaven; knew the assurance of God's continuing Covenant through him; wrestled with God (and lived). All the time, however, he lived with the fact that he was a cheat and a deceiver. We learn little of Esau's encounters with God. Not for him the dreams of the divine presence. Having been cheated twice, he had murder in mind. Forgiveness was far from his thoughts.

14.1.8 The unfolding story, however, tells two key things. Firstly, someone may walk with God; experiencing God's forgiveness, but the consequences of the sin of the past remains. The sin can be forgiven, but the past remains, both for the sinner and the one sinned against. The consequence of Jacob's behavior remained part of his life and anxiety in spite of his growing faith so much so that it was still a major worry as he returned home. It took years for Esau to forgive Jacob, but when he did it was emotional and whole-hearted.²⁶

14.1.9 Secondly, living with consequences of the past is part and parcel of human life. Accepting the consequences of the past is altogether more difficult. David, the hero king of Israel, lived with his flawed behaviour. His adultery with Bathsheba led to the setting up of her husband, Uriah, so that he was certain to be killed. This is an appalling abuse of power.²⁷ In a very terse statement following Uriah's death the writer of 2 Samuel says 'But the thing David had done displeased the Lord.'²⁸ That displeasure was, subsequently, articulated so well in the meeting between Nathan the Prophet and

King David. Nathan makes two things very clear first that the Lord has forgiven him but the consequence of his adultery was that the child conceived with Bathsheba died. While we can acknowledge that David did indeed retain his position as King he did suffer the consequences of his actions. Our argument is that while we may include a sex offender in the life of the congregation, he, or she, is never free from the impact of the seriousness of their results of their actions just as David was. We do not intend excluding a sex offender who claims the forgiveness of God from the life of the Church. Instead, we intend that he, or she, should be supported in their ongoing journey of discipleship.

14.1.10 David's ambition was to build a temple for the Ark of the Covenant. This was an ambition unfulfilled because he had blood on his hands.²⁹ The consequences of his past cast a long shadow into the future.

14.1.11 This is also demonstrated in the story of the sexual assault on Tamar, sister of Absalom, son of King David.³⁰ It may be one example of the sexual assault of a child in the Bible, as Tamar is likely to have been very young when this attack took place. The impact of this attack on Tamar is not clearly recounted, though it is obvious that she suffered a great deal through the plotting and manipulation of Amnon, in the true style of a sexual predator. What is clear from the biblical account is the impact on a whole family and indeed a nation, of this act.

14.1.12 The action of Amnon remained unpunished by King David. According to some commentators, this inability and unwillingness to address a serious moral and ethical challenge proved to be a confirmation of David's unworthiness to exercise kingship. The inaction of David leads to Absalom's plotting to kill Amnon, which eventually brought about the full scale rebellion and conflict which rent David's family asunder. Absalom acts when David does not insist on responsibility and accountability. Absalom's action in killing Amnon is seen, in the text,

as one in which justice is clearly enacted, and Amnon's public assassination declares that Absalom, rather than David, has defended the moral code appropriately. While it would be wrong to base all our safeguarding policy on this story, it has obvious lessons for us.

14.1.13 The first would be the condemnation of incest and sexual assault as contrary to the will of God and the moral code of his people. It also highlights the necessity for action to protect the innocent, and to institute legal process when they have been harmed. The issue here is the necessity of appropriate boundaries being upheld and, when they are broken down, the requirement of those who walk in the ways of God to ensure that moral chaos does not result.

14.2 The New Testament witness to the Teaching of Jesus

'Bear the image of God's face'

14.2.1 Jesus taught in a specific time and circumstance: he taught contradictions too. How many times must we forgive? Seventy times seven!³¹ 'Let the little children come to me, and do not hinder them, for the kingdom of heaven belongs to such as these'³² 'And if anyone causes one of these little ones who believe in me to sin, it would be better for him to be thrown into the sea with a large millstone tied around his neck.'³³ To the woman who had been caught in adultery Jesus said, 'Go now and leave your life of sin'³⁴

14.2.2 The whole doctrine of the incarnation and the story of redemption from the account of the Garden of Eden through to the betrayal of Jesus by Judas, imply indeed that actions do have consequences. It is clear from the story of the woman taken in adultery, and the story of the Penitent Thief³⁵, that no conditions were attached to the forgiveness offered by Jesus. However, there was a clear expectation in his words that they would not continue in their life of sinfulness.

14.2.3 The question is, then, where do our priorities lie? Jesus was asked a question like that too. 'Is it right for us to pay taxes to Caesar or not?'³⁶ Jesus took a coin in answer to a question about where a citizen's priorities lay and asked 'Whose head is on the coin?' 'Caesar's', they replied. He said to them, 'Then give to Caesar what is Caesar's, and to God what is God's.'³⁷

14.2.4 It is also the message of gracious concern for all who have no obvious political or economic power. This is demonstrated by the life of Jesus as portrayed in the Gospel narratives. Repeatedly his teaching goes against the cultural traditions and standards of Roman, Greek and Jewish cultures, by affirming the centrality, in the love of God, for the child, the women, the poor, the sick and the discriminated against. While, once again, the issue of sexual abuse is not directly discussed in the Gospels, it is impossible to escape the message of Jesus that respect for each person, no matter how small, or unimportant, in the world's eyes, is of crucial importance, to the love of God. Jesus is consistently portrayed in the Gospel narrative as having a deep and abiding concern and compassion, amounting to a preference almost for those who, like children and adults at risk, are considered powerless and voiceless:

*'Prophetic language makes it possible to draw near to a God who has a predilection for the poor precisely because divine love refuses to be defined by the categories of human justice. God has a preferential love for the poor not because they are necessarily better than others, morally or religiously, but simply because they are poor and living in an inhuman situation which is contrary to God's will. The ultimate basis for the privilege of the poor is not in the poor themselves but in God, in the gratuitousness and universality of God's love... belief in God and God's gratuitous love leads to a preferential option for the poor and to solidarity to those who suffer wretched conditions, contempt and oppression, those whom the social order ignores and exploits.'*³⁸

14.2.5 In tackling the issue of how we might rightly extend God's grace to those who seek it in the Church, we must not forget how Jesus acted. Through the respect accorded to people as humans made in the image and likeness of God, he offered an opportunity for them to act according to the way of love, rather than the law. Each incident that we have conveys the principle that grace is radical, free and disturbing, shaking the foundations of our prejudices and safe structures. Equally, grace is such that it invites and enables, if he, or she, who receives it so desires, to adopt a new way of living and loving known as being in 'on the way with Jesus', or perhaps more accurately, 'accepting the discipline of discipleship':

*'The poor merit preferential attention, whatever may be the moral or spiritual situation in which they find themselves. Made in the image and likeness of God to be his children, this image is dimmed and even defiled. That is why God takes on their defence and loves them. The ultimate basis of God's preference of the poor is to be found in God's own goodness and not in any analysis of society or of human compassion however pertinent these reasons may be.'*³⁹

14.2.6 There are several instances recorded where Jesus gives, in love and grace, a gift of a fresh start and a challenge to an individual: the woman at the well,⁴⁰ Nicodemus,⁴¹ the rich young ruler⁴² the man born blind⁴³ the ten lepers,⁴⁴ and asks them to accept the implications of this gift for their lifestyle. This is crucial, in the view of the Group, in any approach to the matter of proportionality and forgiveness. While grace is, by its very nature, free and unmerited, it confers on the individual responsibilities to be exercised in community. No one is able to escape the privilege and responsibility of being an adult, made in the image and likeness of God, and developing, through willing co-operation, a life of discipline and devotion, reflective of the principles of Jesus.

14.2.7 The Group has found support and clarification of its conclusions from the work of the contemporary theologian, Miroslav Volf. He argues that the issue of repentance in the preaching of Jesus as portrayed in the Gospels may have been a result of the Church's reflection on the implicit response required to the message of God's unconditional love. This is helpful in the view of the Group when we examine the need to insist on the nature and activity of repentance in the life of a sex offender who seeks to be part of the worshipping life of a congregation:

*'To repent means to make a turnabout of a profound moral and religious import. Repentance implies not merely recognition that one has made a bad mistake, but that one has sinned. Jesus stated explicitly that he came "to call not the righteous but sinners" (Mark 2:17) and the evangelists report that he was engaged in the practice of "forgiving sins" (Mark 2:5)'*⁴⁵

14.2.8 It is also vital to note that Jesus' last hours were marked by betrayal and denial and violence beyond imagination. Forgiveness does not seem to be a feature of the events of Gethsemane and Good Friday. Judas showed remorse and took his own life. Peter denied Jesus with oaths and curses in Pilate's Courtyard. A cock crowed. Jesus said nothing. All that is recorded is that 'The Lord turned and looked straight at Peter'⁴⁶ Peter recognised what he had done and he was filled with remorse. Jesus did not respond with a word of forgiveness. Forgiveness was delayed until resurrection morning.⁴⁷

14.3 The New Testament Record of the Teaching of Paul

14.3.1 Similar tension exists through much of Paul's writings to the Church: in the Letter to Romans it is the tension between Law and Grace⁴⁸; in the letter to the Galatians it is Flesh and Spirit.⁴⁹ Writing in the latter he has list of markers for the Spirit-filled life⁵⁰ – the fruit of the Spirit – and a list of markers for the flesh-orientated life – the works of the flesh – which include sexual immorality.⁵¹

Given the culture of the times, it is highly likely that sexual immorality would include the sexual abuse of children for, like women and slaves; children had no human rights worth mentioning.

14.3.2 Reflecting on the tension between ‘flesh’ and spirit’ Professor John Barclay writes

‘Christians are no longer ‘under the law’, that is under its restraining, disciplining and directing influence because the Spirit provides all the necessary guidance in the fight against the flesh. They do not need the law to marshal their behaviour: in the Spirit led battle against the flesh they have all the direction they need.’⁵²

Also, he notes, quoting G S Duncan who ‘rightly glosses this verse’: ‘If you know the life of the Spirit with its safeguards you neither require nor recognise the safeguards of the Law⁵³ In reality, those who are ‘in Christ’ are bound by ethical and moral standards that surpass those of the law, and in this case would not allow any involvement in the abuse of children and adults at risk.

14.3.3 Herein lies the problem relating to Safeguarding and a proportional response to those who have abused children. How do Safeguarders know that someone who has been involved with sexual abuse on a child in the past has experienced the saving grace of Christ and that the Spirit now directs their lives? How do Safeguarders know that there is no longer any intent to abuse a child? The short answer is that it is **not** possible to **know**. It is possible only to attempt to create an atmosphere of safety to minimize the risk. In a fallen world the only person who knows is the sex offender on the one hand, and God on the other.

14.3.4 While the ideal of the Spirit offers a high ethic dependent on the power of the Holy Spirit, Paul knows that the Spirit can be abused to become an excuse for all kinds of license. One need look no further than 1 Corinthians where Paul blasts sexual immorality ‘so terrible that not even the heathen would be guilty of it’ and he goes on ‘the

man who has done such a thing should be expelled from your fellowship.⁵⁴ The question this raises is Paul offering a proportionate response? Where is his forgiveness?

14.3.5 Here is the Safeguarders’ dilemma which is the subject of this report.

14.3.6 While a huge amount has been written about Paul’s attitude to the law, there is no evidence to suggest that he saw that the life of the convert to the way of Jesus was, in any way, without characteristic respect and honour of all parties. His work does not display contempt for the rules which allow society to operate creatively and lovingly. He questions, in the name of Jesus, any legalism which will constrict and damage, restrict and restrain, the love of God in Christian community. While this has been interpreted as a simplistic abandonment of all traditional legal structures, it is clear that Paul would expect the convert to abide by any community regulation which nourished his or her spirituality and supported their membership of that community known as the Church.

14.4 Biblical witness to the Church’s Character ‘Where peace and justice meet’

14.4.1 The Church was born by the Holy Spirit on the Day of Pentecost⁵⁵ It is the body of Christ.⁵⁶ It is made up of people born into a fallen world redeemed by the Lamb of God. The Church is not the Church of perfection; rather it is the Church in which faults and failings are to be found side by side with love and virtue. Further, the Church operates in that tension which Jesus described as ‘Caesar’s’ and ‘God’s’: operating under authority of the civil legislature obedient to all kinds of laws, just as it operates under the authority of God and is obedient to the divine influence.

14.4.2 The Centurion who recognised authority in his conversation with Jesus first acknowledged that he was a man under authority; consequently he had authority placed on him.⁵⁷ The Church is under authority too – of

Christ the head of the Body⁵⁸ as are its individual members who, in the confession 'Jesus is Lord', acknowledge his authority.⁵⁹ While living in the life of the Spirit, members are under authority too: to obey the law of the land, of course, to accept the authority of the Church and example that goes back to the Apostle Paul himself who certainly exercised his authority when he wrote the Church at Corinth!

14.5 Impact of the Biblical Evidence for the Report

14.5.1 Given the context of the Report, then, and because we are under authority, we should recall that Jesus was the first person to express the paramount importance of children in relation to the Kingdom. It follows, then, that theologically, it is of paramount importance to protect children, young people and adults at risk.

14.5.2 Central to the Profession of Christian faith is that believers acknowledge that in Christ there is forgiveness of sin.⁶⁰ It is God's gift to humanity in Christ.⁶¹

14.5.3 Civil legislation has been created to minimise the risks to children, young people and adults at risk. Recognizing its responsibilities, the General Assembly has instructed that there must be a rigorous recruitment procedure for those who seek to work with such children, young people and adults at risk. For everyone that means interviews and references and Disclosure Checks. Further, on those known to have perpetrated sexual abuse, there are further demands because in the life of the Church (and State) the safety and protection of vulnerable people is the prime priority.

15. Church and Forgiveness *'Built of tears and cries and laughter'*

15.1 In the early church, from biblical times, there was a development of Atonement Theory, or how the life and death of Jesus affected, or allowed, sinful humanity to be forgiven by God. While the Group recognise that all theories have their strengths and limitations, and may

characterise, or dominate, some particular preaching traditions, all atonement theories make it plain that Christ's death was intended by God to enable men and women to become part of the redeemed community.

15.2 The biblical narrative asserts that Jesus came to bring individuals into community, where they are expected to exercise responsibility, while enjoying the privileges of membership. This important understanding of the process of atonement is persuasive, in the view of the Group. This supports its proposals which invite **all** parties in congregations where a sex offender seeks membership, to accept responsibilities for each other and the community as a whole.

15.3 The Group would affirm with Paul the perspective in that all of us are sinners and have fallen short of the intention of God for our lives⁶², and are in need of forgiveness for some actions or inactions which have offended against God's will for the human lives which God has brought into being. There is no gradation of sin. All are in need of the redemptive love and capacity of God for new ways of living. It is from this approach that we are able to suggest to the Church that in the particular issues relating to sex offenders we may adopt the following understanding of forgiveness.

15.4 It appears that forgiveness is only activated when the person who is in receipt of forgiveness is able to admit that she or he requires the gift of forgiveness. Those who deny that they are guilty of any sinful act are not able to accept the fact of their wrongdoing and therefore make forgiveness itself irrelevant.

15.5 The Group believes that the forgiveness of God is a gift that is completely unmerited and cannot be earned, or based, on the fulfillment of conditions. It comes to the sinner as an act of grace, free and undeserved. However, it recognises in its core the fact that there has been an act that requires forgiveness. It is given despite the status, or character, of the person to whom it is offered. Yet,

forgiveness cannot be active until the person engages with the reality of his or her need. Through this approach, the gift itself is not based upon any conditions – it is offered freely and fully, but it is only a potential for change that will come into existence in the lives of people once they are prepared to admit and perceive their actions as sinful and the destructive consequences of such actions. A person who rejects the idea that they have committed a sinful act is therefore rejecting the gift of God's forgiveness.

15.6 Perhaps there is merit in the metaphor, limited in scope as it is, of the gift of a cheque for a million pounds, given freely by a generous person to one of us. We are not however, millionaires until the gift is deposited in our account in the bank. While the gift itself is freely given and it does not depend on our action at all, the gift is still not transformative, or active, in changing our lives, until we act upon it. The generous activity of the giver is not in question, but the attitude and the response of the person to whom the gift is given. It is of crucial importance to recognise both the freedom of the giver, and admitting that the gift's impact is itself dependant on the recipient.

15.7 Another metaphor may be in the use of a parachute. While the parachute is packed after being carefully checked and examined to ensure that it will work effectively and save a life, it depends on the person using the cord appropriately to make a real and vital difference. The parachute may be intact and completely faultless, but if the person has not opened the parachute, he, or she, will be unable to reap the rewards, or the benefits. Similarly, God gives us the opportunity of forgiveness, but if there is no admission of guilt and sense of need, then the gift itself is not devalued, but is not able to accomplish God's best intentions for the individual who has been offered the gift.

15.8 Theological Issues relating to an understanding of forgiveness.

15.8.1 The Group wishes to reassert its view articulated in the Interim Report that the forgiveness of sex offenders is **not** in the gift of a congregation. The sex offender may be forgiven by God, and by those whom they have abused, but it is not the task of a congregation, or a minister, to perpetuate further – though different – abuse of a victim by demanding that the survivor forgives his or her abuser.

15.8.2 The Working Group believes that it can be helpful for some victims of abuse to forgive their abuser and by this process reduce its impact on their lives. While this may occur, the Group is convinced that it is **not** reasonable to expect this in all cases, and, in all circumstances of abuse, a scar of some description still exists. It is also clear that:

Abuse can traumatize a self so terribly that it finds the very thought of forgiveness impossible.⁶³

Recalling Thomas Aquinas the Group notes:

'accordingly, it is evident that the scars which Christ showed on His body after His Resurrection have never since been removed from His body.'⁶⁴

The Group is, therefore, convinced that the following issues are both theologically and practically important for the Church in its consideration of any policy of responsible inclusion.

15.9 Forgiveness is not Forgetting

15.9.1 It was noted in the discussion that even God cannot change the past if we believe in a God who creates history and has created a causal universe. However, if the facts of events cannot be denied, it is possible for God, through the miracle of healing grace, to assist people in how they interpret these events in the present. As we have seen, it is possible for people to be the victims of terrible, damaging and destructive abuse and assault and for this not to restrict their present lives, or dictate their future. Perhaps in their triumph over the impact of sexual abuse, we see the grace of God as particularly active.

15.9.2 With this acknowledgement, we need to be clear that forgiveness can only be based on an acknowledgement of wrong, and **to deny** that any wrong or evil, took place is to make true forgiveness impossible. A wrong denied or treated as unimportant, means that transformative forgiveness cannot happen. Forgiveness and responsibility must walk hand in hand. In keeping with the biblical evidence, the Church must accept the principle that each person is accountable for his or her actions. There are times when forgiveness can be hiding from what you have done, so there is a need for honesty and openness. A member of staff at Peterhead Prison, who leads intensive treatment programmes stated: 'Finding God can be a way of hiding from their responsibilities. Faith should help them to accept responsibility for the hurt they have caused'⁶⁵

15.9.3 It is rarely remarked upon, but Jesus does **not**, according to all the Gospel accounts, forgive those who tortured him and put him to death on the cross. Perhaps there is some real significance in the fact that what we do have is a record of Jesus imploring God to forgive, rather than Jesus offering a personal declaration of his forgiveness. This may suggest that the actual experience of forgiveness is dependent on prayer and it is something that the Church may encourage and support in those who have been perpetrators of sexual assault. In remembering the invitation central to the Lord's Prayer regarding forgiveness⁶⁶, perhaps all the victim can be expected to do is engage on a journey of spiritual development, knowing that God's forgiveness is crucial and that it is available to all who seek it truthfully.

15.9.4 While the Church may be a forgiving and forgiven community, it should not forget what **has happened. Acceptance is not forgiveness. Forgiveness is not excusing.** While we have a responsibility towards the offenders, that responsibility cannot be fulfilled at the expense of the survivors.

15.9.5 Forgiveness does not mean forgetting. There is an important issue here which is to remember that surviving abuse may be considered as living through

a grieving process. It requires time. There are many reminders about it. God does not forget, but forgives. For example, Professor Shuster, in her commentary on St Matthew's Gospel writes:

We dare not ignore the fact that Scripture repeatedly makes clear that there are consequences for our behaviour. God is hardly depicted as a benevolent grandfather who overlooks his little darlings' foibles and misadventures as things they will outgrow as they get older⁶⁷

15.9.6 It is clear that there is a need for clarity regarding what forgiveness means and it is necessary to stress that it is not excusing, and that there are always consequences of our actions. This understanding of what forgiveness means must be related to community, and therefore should have some bearing on how we, as the Church, might use the legislation creatively as a tool. The Church should not just act to protect ourselves, but to create an environment where survivors and their families may grow in safety. The concept of forgiveness must also be separated from a denial of the consequences of actions. Part of any recovery process must include the development of responsibility and acceptance of the consequences of what they have done. Forgiveness should make a sex offender responsible and aware of the impact of their crimes.

15.9.7 We do not have any real clear understanding about the forgiveness of God; save that it was out of love and grace. It was a gift Jesus, in his final agony, asked for those who had so cruelly abused him. Forgiveness is a mystery, and those who are forgiven by God through the exercise of grace are surely fortunate.

What does God do when forgiving? There is one thing that God does not do. God does not disregard the offence. God does not pretend it does not happen.⁶⁸

15.9.8 This gift, we believe, should lead to following the paths of righteousness. While we may hope and trust that

God has forgiven people, including ourselves, we cannot act as if that forgiveness makes the present and the future clear of all consequences. We live in a universe, created by God, and need to teach by our structures and example, that we are responsible for our actions before God, even when we have assurance of forgiveness. Jesus' message was that forgiveness is given to allow the development of new possibilities of living in the way of God rather than the way of evil:

*"To forgive is to blame, not to punish. But those who forgive need not abandon all disciplinary measures against offenders. ...A violent offender may need to be restrained if there is any danger he may harm others. Discipline for the sake of a wrong doers reform and the protection of the public is compatible for forgiveness. Discipline even for the sake of upholding the moral good assaulted by the offence is compatible for forgiveness. Those who forgive will have a system for discipline but retribution will not be part of it."*⁶⁹

When the abuser is not forgiven by those whom he, or she, has abused, the Church needs to accept this fact. However, the Church must not fall into the trap of allowing the abuser to scapegoat his, or her, victim and perpetrate further abuse by condemning them for a lack of forgiveness. The abuser must be willing to accept the truth about the actions he, or she, has perpetrated, and not evade the reality by inferring that the forgiveness of God means that this action has been forgotten. The biblical witness repeatedly reminds us that it is when God remembers that God acts in powerful love and grace. Forgetting is an approach which denies the reality of the activity which merits forgiveness. The greatest need is that of the survivors, and they this has to be the prime concern of the Church.

15.9.9 Forgiveness does not mean giving 'carte blanche' to everyone. The example of placing an alcoholic in charge of a bar may be relevant here. Forgiveness of

sin is not a cancellation of debt, though much of the theological discussion appears to cloud this issue:

*We need to receive it (God's forgiveness) we receive the gift by trusting that God has indeed forgiven us and by accepting both accusation contained in forgiveness and the release from guilt and punishment. We believe and confess the wrong we have done. Without faith and repentance we are not forgiven God having done the forgiving not withstanding. God has given, but we have not received. Forgiveness is then stuck in the middle between the God who forgives and humans who do not receive."*⁷⁰

15.9.10 The narrative of this Report has drawn already on the teaching of Paul. In the context of this section of the Report it is helpful if we turn to the life of Paul. Our first introduction to Saul is that he was a witness who gave approval to Stephen's death.⁷¹ Our second encounter with Saul is that he began to destroy the church.⁷² Not content with this he sought authority to go and destroy the church in Damascus⁷³ Saul is an unsavoury character. However, change was on the way. Converted in his encounter with the risen Christ while he travelled to Damascus, a conversion witnessed by his travelling companions, Saul was not immediately welcomed into the Christian community. Ananias was very suspicious about Saul. Indeed when Saul returned to Jerusalem and tried to join the disciples they were afraid of him. Until Barnabas took him in hand.⁷⁴

15.9.11 Reading Saul, now Paul's, testimony in Galatians⁷⁵ we discover that he underwent self imposed exile in Arabia, he went to Syria and Cilicia to prove his credentials. His conversion was not an instant step into congregational life. Clearly boundaries had been imposed on him. Trust had to be earned. Once that had been earned the welcome was assured.⁷⁶ The forgiveness begun on the Damascus Road continued throughout his life and ministry and was costly in terms of his emotional,

spiritual and physical life. It is arguable that Paul spent three years in Arabia as a period of preparation, but it is not our understanding that this suggests that this was a period of punishment.

15.10 How might we understand forgiveness in this context?

15.10.1 The Group is convinced that forgiveness is **not:**

- Forgetting the crime committed
- Removing all mention of the impact of the action or acknowledgement of its effects
- Destructive of those who have suffered wrong
- Silencing the Church in its condemnation of sexual assault
- A destination, a completed act that requires no further effort to make its results a reality in changed lives and behaviour
- A denial of the consequences of human sin on others
- An evasion of the consequences of our actions
- An excuse for continued destructive behaviour

15.10.2 The Group would assert that forgiveness in practice within the Church is:

- A journey, not a destination
- A process of discovery and recovery
- A continued recognition of our responsibility to create a just society
- An admission of our responsibility for the wrong we have done
- A clear understanding that some of our actions leave scars that may never heal fully
- A clear vision of forgiveness as a work of God's grace, seen supremely in the cross
- An awareness that the dynamics of forgiveness mean that we are never able to claim forgiveness as a permanent state
- A gift that is unconditional and cannot be earned, but which leads to admission of the sin and acceptance of the implications for a change of life
- An experience that many would like to have, but may

be stopped by our inaction and attitudes

- Something that cannot be commanded by those outside, and can only come from the heart of an individual, depending on God's grace
- Desirable and admirable, but we cannot judge those who are incapable of it due to the trauma they have suffered at the hands of others

15.10.3 We also need to remember that there is a clear difference between the forgiveness of God and the forgiveness between human beings.

"We are not God, so it follows that when we give, we must give differently than God does...we give only because we have first received. God gives from what is originally, exclusively and properly God's own; we give from what is our own because God continually gives to us"⁷⁷

15.10.4 We cannot know what it is for God to forgive a sinful humanity. We can only glimpse that reality through our experience of human forgiveness that is free and undeserved, but cannot be commanded, or manipulated, but is given freely and simply out of the heart of another. There are links in the experience of forgiveness, but we must recall the mystical nature of God's act in Jesus Christ for a sinful humanity.

15.10.5 Forgiveness is a process that begins with some acknowledgment of the reality of the sin. This is clear from much of the literature and we would suggest that we are all on a journey towards an understanding of what forgiveness might mean. Forgiveness is perhaps the conclusion of an extensive process of confession, repentance and transformation. It involves the restoration of individuals within the Christian community where there is recognition of their needs and appropriate support and guidance offered. We, in the Church, may offer a reflection of God's grace to those guilty of sexual abuse and to their families. There needs to be sensitivity to the stages of this journey, with no evaluative or condemnatory statements made

so that individuals cannot be alienated. However, the Church cannot do so without appropriate boundaries and structures to ensure that those who have suffered from sexual assault, or may suffer through carelessness or disregard of their rights, are protected:

*'What does forgiveness do with the wrong doing? ...first to forgive is to name the wrong doing and to condemn it...for Christians, forgiving always takes place in a triangle, involving the wrong doer, the wrong person and God. Take God away and the foundations of forgiveness become unsteady and may even crumble.'*⁷⁸

15.10.6 The Group is persuaded by the argument of Miroslav Volf when he reflects that:

*...what does it mean to receive forgiveness, then? It means to receive both the accusation and the release from the debt. How do we receive release from debt? We simply believe and rejoice in gratitude for the generous gift. But how do we receive the accusation? By confessing our offence and repenting of it. By confessing, I recognise myself as the one who needs forgiveness and who can appropriately receive it. By failing to confess, I declare that I am in no need of forgiveness...in that case, forgiveness is not a gift; it is an insult, a declaration that I have done the wrong that I have claimed not to have done.'*⁷⁹

15.10.7 The Group also would strongly assert that confession and admission of sin are essential in the development of an understanding of this issue. As Professor Volf expresses it:

*'Confession is hard. When I confess that I have committed an offence, I stand exposed, pointing an accusing finger at myself and the guilt of my offence...amazingly, God does not wait until we have confessed to offer or even enact forgiveness, God forgives before we even confess.'*⁸⁰

15.11 The Lord's Prayer

15.11.1 The petition in the Lord's Prayer relating to forgiveness was one which caused real concern and debate within the Group. The Church needs to recognise that the concepts in the Lord's Prayer about asking for forgiveness as we forgive others may be particularly difficult for a survivor of abuse. It is the conviction of the Group that survivors should not feel pressure by the Church to forgive abusers by the use of this prayer

15.11.2 The General Assembly is reminded of the fact that the General Assembly of 2008 affirmed the view of the Group that 'no one could force the victim of sexual abuse to forgive the person who had carried out the abuse.'

15.11.3 The Lord's Prayer does **not** have a conditional phrase. The Grace of God which is granted to us in prayer, and through the community of the Church is unconditional. God's forgiveness is not earned by our acts of recognisable forgiveness of others. Instead it is the hope that the Christian community will be secure in the knowledge of the Love and Compassion of God, and enabled to forgive others.

15.11.4 We are encouraged, rather than commanded to forgive. This is made clear in the in the response to question 'what do we pray for in the fifth petition?'⁸¹

In the fifth petition, ... we pray that God, for Christ's sake, would freely pardon all our sins; which we are the rather encouraged to ask, because by his Grace we are enabled from the heart to forgive others.

15.11.5 In any discussion of the Lord's Prayer we must be clear that the forgiveness of our own sin is not conditional on our willingness, or ability to forgive others. In the instruction of Jesus contained in this prayer, these are parallel processes each dependant upon God. When we pray in these words we acknowledge our need for God's power and grace to forgive others. It is also clear that being forgiven and extending forgiveness are processes

rather than events with potentially variable timescales. In his recent book on the Lord's Prayer, Peter Lewis argues:

*"Forgive our debts as we have forgiven our debtors"... Here we move in the Lord's Prayer from bread to forgiveness. Jesus takes us from what is essential for physical life to what is essential for eternal life. These words cannot be understood in a purely personal sense, much less in a merely therapeutic sense. They must first of all be understood against the biblical background of holiness and sin."*⁸²

Later on in his discussion he points out:

*'... people are often puzzled by the additional words "...as we also have forgiven our debtors" is this an attempt at a trade off, our forgiveness of others traded for God's forgiveness of us? Of course not... Jesus does not say, "forgive us on the grounds of the fact that we forgive our debts"'*⁸³

15.11.6 The Group is clear that the Church cannot use this prayer as a means whereby it takes upon itself the role of victim and forgiver by proxy. Instead the Church is designed to be a safe environment for victims, where they may be accepted and supported in their journey towards a sense of wholeness, and find the healing that they rightly desire. The Church may also, within the bounds of safety, recognising the issues of the victims of sexual assault, offer acceptance and encouragement and the opportunity to worship to those who have committed sexual assault, who come in penitence and faith. However, the Church can only do this when it is safe and possible to do this without destructive consequences for victims.

15.11.7 The Group agrees with Miroslav Volf when he states

*'(it is a misunderstanding to believe that) because you forgive your debtors God will forgive you..... if that were the case, God's forgiveness would not be a gift but a payment...we would not receive forgiveness by faith but we would earn it or draw it out by our own forgiveness.'*⁸⁴

15.11.8 The Group is of the view that the sense of the Lord's Prayer is given its direction from the wider Gospel narrative and would cite a miracle and a parable to illustrate. The healing of the paralytic man⁸⁵ is clearly unconditional. 'Take heart, son, your sins are forgiven'. There are no questions asked, or answered; no conditions or preconditions required. In this context the parable of the Prodigal Son⁸⁶ is as enlightening it seems that while the parable itself is multi-faceted, Leon Morris⁸⁷ says 'there can be no doubt that in the father's welcome of the younger son Jesus is teaching that the heavenly Father welcomes returning sinners'.

15.11.9 The Group affirms that forgiveness comes from God – recalling John Calvin who states

*'That the papacy had abrogated to itself certain powers – eg the authority to forgive sins, which by their nature belong to Christ himself.'*⁸⁸

The consequence of that forgiveness is that Christians ought to forgive others. However, forgiveness is not an abstract cerebral process. The abuser has distinct responsibilities. The abuser cannot be forgiven unless he or she asks for forgiveness from God and repents of their actions. To do otherwise is to deny the enormity of the abuse and the lifelong consequences of it.

15.11.10 The implication of the Lord's Prayer, then, is that the Christian prays it first to be forgiven and secondly to discover the grace of the Lord Jesus Christ to be able to forgive when in a spirit of penitence the abuser seeks it: and that may take many years. We are also convinced that the victim of abuse may pray this prayer with integrity seeking God's grace clearly not dismissing the impact, or consequences, of a serious wrong. We would agree that it is vital to see the victim who prays this prayer as participating in a process which may involve stages on a journey:

'...forgiveness must never be a tyranny, nor must its necessary stages be treated lightly...'

there is also a need to separate out different kinds and levels of forgiveness and the stages of forgiveness. For example, not giving way to revenge would be the first, not deliberately feeding hatred and bitterness, and finding at the foot of the cross the strength to pray for the enemy and finally releasing them to God might be the final victory over darkness and despair. Most of us will never have to face the agony of the most extreme cases of hurt and wickedness and we might well reflect on that fact when we are called to forgive the lesser wrongs of lesser sinners'⁸⁹

15.11.11 Many survivors within a Christian community are likely to struggle to forgive the person who has abused them. The Church must support the survivor through their struggle, rather than place unreasonable pressures on them to move to forgive.

15.11.12 While we might hope that the survivor can, depending on God's grace, reach a point where they may be able to forgive those who have committed sexual assault, we cannot expect this when there is no admission of the crime, and the person who has survived the assault is still in a place of powerlessness and fear. Only when the Church recognises the impact and scars of the crime on their lives can the individual reach an understanding of the fact that their experience of abuse does not diminish their worth in the eyes of God. Once the survivor has experienced a sense of restoration of power, it is possible, but not guaranteed, that he or she can embark on the challenging journey of recovery. The support of the community is vital here, and can only take place when the survivor is aware that proper safeguards and boundaries are being observed, which do not allow further opportunity for abuse and assault. Some survivors will find that it is only possible for them to grow and develop as God intended through the miracle of forgiveness, but this cannot be dictated, or expected, in all circumstances.

15.11.13 There will, however, be occasions when it is not possible for the survivor to forgive the abuser, and the community will have to accept this honestly, while continuing to support the prayer of all that they may receive forgiveness. The acknowledgment of the power of forgiveness and its necessity in our lives, cannot be used as a means of further abusing survivors.

15.11.14 While recognising the perspective of the survivor regarding forgiveness, we need also to attend to the issue of the perpetrator of sexual assault in relation to this concept. Forgiveness is not active unless the person who has committed a sin acknowledges its existence. It is like having a cheque, ready to deposit in the bank which will clear an overdraft, but refusing to place it in your account. The forgiveness of God is offered to the individual sex offender as a matter of grace, but it cannot be active, or transformative, unless he or she recognises their need of forgiveness. In the research of the group, it was clear that many sex offenders are not prepared to admit that they have done anything wrong, or committed any action which has caused harm to others. Therefore the whole concept of forgiveness in relation to them is null and void:

When God forgives, offenders need to respond in faith and repentance. But what if they do not repent? Like a package, forgiveness will then be stuck between the sender who dispatched it and the recipient who refuses to receive it. Offenders will remain unforgiven, the reality of God's forgiveness notwithstanding. The same is true when we forgive. We make God's sending of the 'forgiveness package' our own. That is all we can do. And that's what we have the power to do. Whether the package will be received depends on the recipients, on whether they admit to the wrongdoing and repent.⁹⁰

15.11.15 The Group is aware that some sex offenders who are involved in the life of the Church are extremely adept at using theological jargon and argument to

dispute any requirements of the Church and covenants of responsibility. They often do not have any willingness to admit guilt, sinfulness and responsibility of actions which have harmed and continue to affect the lives of others. The group believes that all sex offenders who seek to be involved in the life of the church should be brought to an understanding of the nature of their crimes, that they are sinful and unjustifiable, and that part of their faith journey demands that they seek forgiveness. This may lead them to depart from the church or inability to adhere to the terms of the covenant, but it is a choice they make knowing the Church's desire to support them on the road to a clearer understanding of their responsibility and discipleship. All have fallen short and have need of grace. Only when this is admitted honestly and the consequences of actions are faced, can the individual be said to be able to claim the forgiveness and grace of God that is offered in Jesus Christ.

16. Reflections relating to Forgiveness and Proportionality

16.1 Silence is Not Golden

16.1.1 The Group shares the natural difficulty most people have of discussing such difficult issues as the sexual assault. While the Group has had to face unpleasant details regarding the behaviour of abusers in their devious attempts to exercise power over others and, damage people in a multitude of ways, it has come to one certain conclusion. The Church requires, if it is to be true to its nature, to face these issues honestly and openly. The Group recommends that the General Assembly acknowledges, once again, the facts of sexual assault in all its reality and its long lasting destructive consequences. The Church must be unequivocal in denouncing the sexual assault of children and adults as unacceptable and completely antithetical to the will of God.

16.1.2 In so doing, the Church must also be prepared, when circumstances and individual survivors of abuse demand, to listen and hear the stories of abuse, without

excuse, condemnation and diminishing comment. Silence has too often been another form of abuse, ignoring and rejecting the valid claim for a hearing which these survivors have in the Church. Similarly, the Church must never demand that all speak about their experience of abuse in public, but must ensure that if they share their fears, concerns and questions, that they are faced honestly by Kirk Sessions, when the inclusion of sex offenders is being discussed.

16.2 Actions Speak Louder Than Words 'Let us bring an end to fear and danger'

16.2.1 The Church claims to be the body of Christ on earth. It has a heritage and responsibility of bringing the message of Jesus as reflected in the gospels, to the poor, the marginalised, the weak and the sick. It is **never** acceptable to pretend that there is no harm done. The Church must act, and speak so that the truth is heard and the sanctions necessary for the health of the Church and community are maintained. There is a duty incumbent in the Church to create an environment and culture in congregations where there is clarity of expectation and the courage and strength to administer the sanctions necessary for good discipline and discipleship.

16.2.2 The Second Book of Discipline drawn up by Andrew Melville distinguished between civil government and ecclesiastical government: the power of the sword and the power of the keys. The latter comes from God in Christ. Melville affirmed, as the *Scots' Confession* and the First Book of Discipline had that the true church on earth can be distinguished from the false by 'three indispensable notes'. The first is the true preaching of the word of God. Secondly, the right administration of the sacraments of Jesus Christ. Lastly, ecclesiastical discipline uprightly administered ... whereby vice is repressed and virtue nourished. The government of the Church is by Assemblies – Courts – to which are entrusted the task of keeping 'religion and doctrine pure, to make rules to that effect and to discipline transgressors'⁹¹ The latter is

a means of cultivating biblical love among the Church's members.

16.2.3 While no one can claim that every action and spoken word uttered by the Church is an exact reflection of the will of God, the Church needs to subject its life to critical analysis in the light of Jesus, who is the Living Word. As Jesus exercised grace and truth in his ministry, so must the Church follow his example, without fear or favour. The Church has been given a mandate to demonstrate that the love of God calls us to a new humanity.⁹² This inevitably means that the Church has to be vigilant in its protection of young people and adults at risk. The Church must never indulge in any permissive practice which allows giving free license to those who are known to be guilty of sexual assault.

16.2.4 In the experience of those working with sexual abusers, when some sex offenders claim that the Church has restricted 'their' rights, it is indicative that these individuals have failed to understand the basic truths of the gospel. While we may be forgiven by God, we are all sinners in need of grace and therefore need the support, care and structures of the Church to assist us in our journey. When sex offenders claim that the forgiveness of God has set them free from responsibility, they depart from the message of Jesus. This also addresses those in the church who wish to forgive and deny the danger of sex offenders because in their opinion the person has done no wrong.

16.3 Power and Privilege

16.3.1 We hear a huge amount today in popular debate about the rights, powers and privileges in society. The Group believes that all who are heirs of grace are given a new start by God. In that new beginning, we are **not** given power and privileges. Instead we are asked to accept responsibility for our actions and how they affect, shape and determine the lives of others with whom we live in community.

16.3.2 The Group wishes to note the Reformation principle that we are 'saved by grace not works', and that our merit, or activities of goodness, are quite irrelevant. John Calvin's teaching regarding election suggests that we are elected to participation in the Kingdom of God. The modern theological emphasis is on the fact of election for service rather than election for privilege. Therefore, we need to be reminded of the importance of the fulfilment of our duties, rather than claiming our powers and privileges, as the Children of God.

16.3.3 The pattern of sex offending is such that many are skilful in appearing penitent in order to have free access to those they plan to abuse. Many can be deceived by their pretences, and there is a clear need for 'informed vigilance' to prevent the offences being repeated. While the Church cannot know and understand the heart of an individual, it needs to operate within clear boundaries to ensure that the possibility of deception is reduced. Therefore strict operational boundaries and limits are necessary for sex offenders to participate in the life of a congregation.

16.4 Justice is Not Revenge

16.4.1 The Group believes that it is incompatible with its role to debate any question of what happens in the administration of justice and how it may develop into a process of legitimised vengeance. The Group proposes 'A Covenant of Responsibilities' in the belief that this is not a form of revenge. Rather, it is designed to offer structure, guidance and a means of adhering to a life of discipleship, while avoiding condemnation and exclusion.

16.4.2 What guides Christian forgiveness when an offender is not willing to repent, and where the victim has done nothing wrong? The Lord commands us to forgive, releasing the offence and the offender to Him. This is done in prayer to the Lord. God recognises these situations with this Scripture;

'Dear friends, never avenge yourselves. Leave that to God. For it is written, 'I will take vengeance; I will repay those who deserve it,' says the Lord'⁹³

16.4.3 When we have been wronged, and know we did nothing to deserve harsh treatment from the offender, we normally begin to think of retaliation. Retaliation, or revenge, is not the right course of action for the Christian. Instead we no longer dwell on the offence when we relinquish a desire for vengeance, allowing God to take care of the vengeance in a fair, just and appropriate manner.

16.5 Actions have Consequences

16.5.1 The concept of a *'Covenant of Responsibilities'* takes seriously that all actions have consequences, and all choices made may lead to some form of sacrifice, limitation or restriction. As an example, the desire to be part of a visiting team of scientists to the Antarctic, on a long term mission, means that each person has to have an appendectomy before he or she can embark on this trip. This is a condition which must be accepted so that the group will not be endangered in order to provide medical help for someone who takes appendicitis in an isolated area. It is not designed to exclude anyone; instead, it enables people to be included, knowing that their own health will not, in this period, adversely affect the group.

16.5.2 This rather stark, secular example is presented to assist in understanding the proposed *'Covenant of Responsibilities'* as a means whereby all might act appropriately. It acknowledges that consequences follow actions, but also that negative consequences do not automatically result, if the actions of the past are dealt with appropriately.

16.6 The Paramouncy Principle

16.6.1 In the context of the discussion, this paramouncy principle would extend to children, young people and adults at risk. This principle asserts that the rights of the vulnerable to be kept safe are of paramount importance and must come before all others. In practice this means that their protection, rather than the desires of others to abuse, exercise power over, or inflict damage on

them is of prime importance and their rights have to be emphatically asserted.

16.6.2 Reference has been made earlier to the manner in which Jesus gave priority and conferred acceptance of the importance of the child. By setting such great value on children, Jesus was acting in a strongly counter-cultural way. Children, like women and slaves, had very few rights in the world of Jesus, meriting little respect, intrinsic worth, and were perceived as possessions, rather than as full human beings.

16.6.3 Jesus was clear that God judges the world through the eyes of the child and what is not acceptable to the child, is **not** acceptable to God. The gifts of the child and the honesty, openness and integrity of the child are praised by Jesus. For the Church, in any policy of inclusion, to ignore the value and appropriate respect to children would be to deny the place Jesus gave them. In his extreme warning, Jesus talks about the 'millstones' which will be attached to those who do not remember the vital concern of God for children, young people and adults at risk.

16.7 Justice for All

16.7.1 The Group is persuaded that no proposals for the inclusion of the sex offenders in congregations will be achieved without effort and acceptance of appropriate boundaries. Justice is not achieved without the protection of inalienable rights which include the freedom from fear, want, hunger and abuse.

16.7.2 Any proposed structure must seek to uphold the human dignity of both parties, the abused and the abusers; the abused families and the families of abusers. This must be attempted without endangering, or sacrificing, that which ensures the maintenance of their true humanity. Therefore, in order for congregations to include sex offenders, those who may be threatened or endangered by their inclusion must be given protection, reassurance and support.

16.7.3 The ability of survivors to be fully part of the life of the congregation cannot be sacrificed because of a genuine, but theologically misguided, commitment to the inclusion of all. Public protection should be the main aim of the Church in any of its proposals. Inclusion of sex offenders does not mean giving them freedom to act as they may wish to the damage of others. God is the judge, and we are not. However, without passing judgement on others, we have a serious responsibility. In the way of Jesus, it is our duty as followers to ensure that those who are convicted of sexual abuse are not given free rein in the Church, on the basis that they claim religious conversion and the forgiveness of God. Instead, the abused and all possible victims must be assured that the love of God in Christ demands that the congregation's physical building is as safe from threat as any place might be on earth.

16.7.4 This may mean that some areas or opportunities may be restricted for the protection of a child, or vulnerable adult. While we may wish to encourage initiative and freedom in a child, as responsible adults, we do not allow them to burn or scald themselves by giving them free access to a hot stove. They are "restricted" to an area that provides safety and security for them to grow and develop.

16.7.5 Similarly, the sex offender, while he or she may have served their sentence and completed the legal requirements of punishment, requires structures of care and affirmation of self discipline in their adaptation to life outside prison. The Group is advised that without the right structures in place, the sex offender is more likely to re offend and may not address the compulsive thinking and emotive patterns which have drawn them to the path of abusive behaviour. Although prisoners can undertake a treatment programme in prison the prison staff are clear that risk management is about supervision, **not** just treatment. Management is about risk as there is always a strong possibility of re-offending. If we wanted no risk at all we would keep sex offenders locked up forever. While the programmes offered within prisons may be successful

in the sense of producing evidence of a change in an individual, there is no evidence that their improvement will be sustainable when they are released without an adequate support system.

16.7.6 It is only when the sex offender is able to accept and appreciate the structure of a responsible and responsive congregation that he, or she, may be able to maintain and develop in a truly Christian manner. Without structures of respect and the creation of appropriate boundaries, the ends of justice, which surely coincide with those of God, are not able to be achieved. Justice requires punishment for wrong doing **and** the growth in an individual of an awareness of responsibility for his, or her, actions and the impact of such negative actions on the community. Through the operation of the 'Covenant of Responsibilities' it is hoped that the sex offender will perceive this as an opportunity to move forward remembering that forgiveness itself is easy to talk about, while the more important thing is to be willing to engage and accept conditions which are there for their support and protection.

16.7.7 *Once this is acknowledged, the sex offender may accept the structures, limits and boundaries as a means of pastoral care and support. The fact that these exist, through the 'Covenant of Responsibilities' may be perceived as positive efforts of the Christian community to supply a means of grace for sex offenders who seek spiritual growth. As was commented at Peterhead Prison 'This is an opportunity to go forward in their life, and they will accept any condition if they are genuinely trying to get back to the straight and narrow.'*⁹⁴

17. Practical Implications

'Let us build a house where hands will reach beyond the wood and stone'

17.1 Honesty and Openness

17.1.1 We cannot from any perspective hope to disguise, deny or diminish the consequences of sexual abuse. The reality of the impact of sexual assault upon all concerned, including the abuser and his/her family

must be acknowledged. All must know that what is required are a journey of change and transformation and a process of recovery which may be supported by the activities of the church.

17.1.2 The Group believes that it should be mandatory for any congregation which is facing the challenge of managing the integration of a sex offender into the life of the congregation to contact the Safeguarding Office and co-operate fully with the advice and guidance given by the safeguarding staff. This will allow the development of 'Covenants of Responsibilities' where the framework for safe and secure worship and witnessing communities is acknowledged. Past experiences of congregations who have been involved with such work should also be reported to ensure that information and guidance are given based upon experience.

17.1.3 Any denial of the facts of abuse and the repudiation of any possibility of future repetition of abuse cannot be accepted. When those who have been abused and those parents and families or supporters of the abused know that there are structures in place, they can more readily participate in the life of the congregation. Similarly, the sex offender and his/her family may also find comfort and grace through the provision of support and boundaries set out by a 'Covenant of Responsibilities'.

17.1.4 Prison staff stressed the importance of the offender being fully aware of the 'Covenant of Responsibilities' process before they were released so that they would know exactly what was involved when they wished to be involved in a congregation. Refusing to sign a covenant could be interpreted as an indication of failure to accept responsibility for their actions. The Covenant proposed is a support and protective mechanism which the professionals involved would see as worthwhile and important in process of preparing an offender for release.

17.1.5 It is clear that the Church and society as a whole would benefit from the Safeguarding Office of the Church of Scotland being able to participate fully in the process of cooperation which is facilitated by the Multi Agency Public Protection Arrangements (MAPPA) structures. It is the hope that the contacts and helpful links that have been established through the work of this group will facilitate the involvement of the Safeguarding Office in the future so that any pre-release plans which involve the church may be made with full awareness of the particular issues involved.

17.2 The Integration and Support of the Sex offender

17.2.1 This Group recognises the need for Safeguarding Panels in churches with members who are aware of the issues involved, so that they might be able to help people deal with the challenge of integration and safeguarding when a sex offender wishes to be associated with a congregation. The Group also recognises that there are potential difficulties in relation to a situation where a worshipper is or was a sexual offender but the offences are known only to the offender and his or her victim. The formation of a Safeguarding Panel may enable a victim to tell the Panel about an offence which has been committed. Should this happen then it is essential the Safeguarding Office is informed so that an appropriate response can be developed. The Safeguarding Panels are designed to offer pastoral care for all, and this means they have to be concerned about the possible victims and the survivors in a congregation, as well as the sex offender. The members of Safeguarding Panels require to be well supported, and resourced to meet this challenge. It has to be stressed that Safeguarding Panels in Churches only have responsibility for monitoring sex offenders in the church premises, and **cannot** be expected to take on extensive duties of care in society as a whole.

17.2.2 The Group is aware that the Church has a duty to be inclusive of sex offenders who desire to worship.

They must be supported in their good intentions and given the encouragement to adopt positive attitudes to the structures which the 'Covenants of Responsibilities' create. This will be an important part of the care offered to sex offenders, in the hope that they might aspire to do good things with their lives. There is a need for those who are supervising released prisoners to recognise potential warning signs.

17.2.3 Churches are, by their nature, places of trust. The Church is concerned to support reformation and responsibility in sex offenders and encourage their spiritual discipline and development, while minimising the possibility of further offences.

17.2.4 The stress on individuals involved in Safeguarding Panels is great. The burden is such that they often will need respite and further people to be included, while those who are supporting and monitoring the sex offenders require opportunities for development.

17.2.5 We need to be clear here that there are limits to what can be reasonably expected of a Safeguarding Panel in a congregation. There is no expectation that they will operate in a similar way to care professionals. They are there primarily to be supportive of a structure that maintains safety for children and adults at risk in a congregation. They may offer to give pastoral care to the sex offender, but this cannot be at the expense of the care of the vulnerable. The Safeguarding Panel should be encouraged to express concerns when any member believes there may be some signs of deviation from the expected behaviour. It is the task of the other members of the Panel along with any advisors to try to identify what the basis for the concern is and why the person may be feeling a level of anxiety.

17.2.6 The agreement is two-way. Something must be offered by the church to the sex offender in order to help and assist them not re-offend, and develop his or her discipleship. Those involved with the ongoing monitoring

of the sex offender must be aware of the effects of sex abuse in order to cope adequately with this issue. Congregations do face difficulties due to the fact that the offences are often minimized by a sex offender and reduced in importance. This needs to be recognised.

17.2.7 The Group would emphasise the frequent manipulation and abuse of a different kind perpetrated by sex offenders in congregations in their dealings with church leaders. They often use language which implies the Church is guilty of discrimination. They masquerade their desire to be given free access to children and adults at risk with talk of their 'rights' and civil liberties. The issue here is to focus clearly on the need for Christian discipleship and the effective acceptance of the limits they have brought upon themselves as a result of their actions. The 'limitations' they experience are limitations which they have created themselves as a consequence of their actions.

17.2.8 We are convinced that there must be no distortion of theological principles by sex offenders to excuse, or, justify and support his/her pleas to be allowed to operate without boundaries. While they may claim that the Church can only be 'loving' if it allows such freedom of access, the Group would contend that the love of God and the love which must characterise the Church, implies that boundaries are necessary for the safety and security of all, including sex offenders. The Church exists in the real world, out of the Garden of Eden where evil is real. The Church must be guided in all its operations in the way of Jesus. It cannot afford to sacrifice the innocence of doves, while neglecting to be as wise as the serpents.

17.2.9 The issue of sex offenders occupying positions of trust is one which troubles the Group. Obviously the Church must recognise the effective changes in the sex offender. However, any idea that the conferring of rights, or freedoms, as a 'reward' for their good behaviour would be extremely dangerous in practice. It is the contention of the Group that for the good of the Church community, any reference to the election or appointment of sex

offenders to positions of responsibility and trust, or to paid positions, in the Church must feature in the 'Covenant of Responsibilities'. The Covenant would outline clearly that such issues cannot be presumed as a right and may be subject to serious restriction in practice for the exercise of appropriate boundaries. The reasons for this caution are based on the fact that such may give a degree of prominence, and perhaps actually places an *'imprimatur'* on an individual. This obviously has to be recognised, and must be avoided, due to the adverse effects it may have on survivors of abuse in the congregation. The issues here are:

- the apparent condoning of criminal behaviour incongruent with the Gospel
- endangering the reputation of the Church
- allowing the survivor of sexual assault to perceive the Church as collusive with assault and destruction

17.2.10 Allowing a sex offender to be placed in a position of responsibility and trust could give a message that their behaviour has been accepted and that they have been given approval. This could be very difficult for anyone in the congregation, who is a survivor of abuse,

17.2.11 The Group recognise that there will be some people who have been convicted of a sexual offence which may not make them unsuitable for office at some stage. This is where the proportionality of any response must be considered. If we consider a young adult in his twenties who was charged with consensual under age sex at age 16 with a 15 year old girlfriend, it is unlikely that he will pose any threat to children. All this will be carefully reviewed in any process of consideration in collaboration with the Safeguarding Office to ensure that all covenants are drawn up appropriately.

17.3 Covenant of Responsibilities. ***'Here the love of Christ shall end divisions'***

17.3.1 In some denominations 'contracts' exist to help, when a congregation is aware of offenders entering its community. It teaches that consequences result from

actions, and contracts are based on risk assessment. Contracts are voluntary, and this is part of the issue.

17.3.2 The concept of 'Contracts' was also discussed as a term, and rejected as it is so associated with civil law, rather than the language of the Church. The Group also reflected on the concept of a "covenant of care", which implies that a two party participation must be undertaken to be acceptable. If sex offenders refuse to cooperate or sign, then they automatically become a higher risk, because they think they are forgiven, and are not subject to any restrictions. It is also recognised that there is a need for a concept of national and regional support structures for those who are willing to support sex offenders in congregations.

17.3.3 The principle of a 'Covenant of Care' was accepted as suggestive of the dynamic responsibility involved in the life of the Church, but it was agreed that a title particular to the Church of Scotland was necessary, which highlights the importance of both parties with Safeguarding Office, Congregation and sex offender being fully involved and committed to protection and care. The proposal for consideration of the General Assembly is that it should be a *'Covenant of Responsibilities'*. This infers that there needs to be consideration of a variety of components in order to prevent further abuse. These covenants will only reduce, but not eliminate, the possibility of abuse entirely.

17.3.4 The important thing is to remember that the Covenant of Responsibilities offers the possibility of growth, 'enabling discipleship', rather than just restricting an individual. There is a need to offer hope, while acknowledging the fact that there can be dangers in offering hope, without it being grounded in knowledge. Ignorance may lead to false opportunities of endangerment:

'Covenant...speaks both of autonomy and belonging, of individual commitments and ongoing social situatedness; covenant contains

*vital elements of voluntarism and consent and creates obligations which derive from the nature and history of relationship...Unlike contract, which defines a limited and reciprocal commitment, covenant structures an open-ended and morally ordered relationship'*⁹⁵

17.3.5 There are always problems in giving a person who is a sex offender 'perceived power,' and this needs to be balanced with hearing the pain of the abused. It is also the Church's responsibility to put the vulnerable person **first** and give more priority to them than the offenders' wishes.

17.3.6 The sex offender who participates in a 'Covenant of Responsibilities' must be aware of the need to acknowledge that all actions have consequences. They need to recognise this in all humility, and it may be that they will have to serve Christ in a very limited way in public. There are huge dangers in any 'endorsement,' by the church of a person who is known to be an abuser. Sex offenders' may operate by verbally acknowledging all the right things, but still may seek avenues to perpetrate abuse. This leads to the appropriate and the healthy questioning of the offender's motives by those charged with the maintenance of the safety of the Church community.

17.3.7 It is the view of the Group that **all** covenants must be drawn up under the guidance and direction of the Safeguarding Office to ensure that the congregation is given the benefit of professional support and input in the process. Congregations may, but not all will, have those who are familiar with the wide variety of issues involved. It is essential that the congregation informs the Safeguarding Office of the presence of the sex offender, and the fact the congregation is embarking on a process of covenantal relationship. This enables the design and structure of the covenant to take into account the types of issues and range of possibilities that are appropriate.

17.3.8 The review of a Covenant **must** involve consultation with the Safeguarding Office, and it is the recommendation that regular reviews of such covenants take place with the Safeguarding Office's knowledge and involvement. There are implications here for the budget of the Church so that adequate resources are supplied to assist congregations in meeting this challenge effectively.

17.3.9 The issue for the Church is the creation of a culture that is forgiving, yet not endangering, one in which good practices are upheld; one of 'informed vigilance.' It should be a place of care, support and monitoring around those who need some form of covenantal agreement.

17.3.10 The support system that the Church offers is two fold: it must not ignore the needs of the survivors, while trying to encourage and support perpetrators of sexual offences in new patterns of behaviour. The Church is extremely vulnerable and will often find itself in the midst of controversy no matter what action is taken. The fact that ministers, in particular, are often in the firing line was recognised, and this makes the implementation of the 'Covenant of Responsibilities,' with its group dimensions, all the more important.

17.3.11 It was noted that some perpetrators of sexual offences are genuinely repentant and express remorse and guilt. Others, however, have very little acceptance of wrong doing and do not take any responsibility for their actions. They blame the child and are in deep denial. It appears that their internal inhibitions, or inhibitors, are overcome by a "mindset" which allows them to continue the abuse.

17.3.12 What happens if a person does not cooperate, or breaks such a Covenant? In the Methodist Church if it is not signed, or no cooperation is forthcoming, then the protection of the congregation is strengthened, and may lead, eventually, to exclusion of the individual,

if necessary. It is the conviction of this working party that when an individual decides not to co-operate with the Covenant of Responsibilities, they choose, by their action, to exclude themselves from the life of the congregation.

17.3.13 It is important to consider whether an offender who refuses to co-operate with the agreed terms of the *'Covenant of Responsibilities'* (noting that it is constructed in the light of their particular criminal record), is serious about their faith, rehabilitation, or their forgiveness. While they are not to be beyond the mercy and grace of God, or the ministry of the Church, they are, at least while refusing to co-operate, choosing to exclude themselves from the opportunity of participation in the life of the congregation in a particular location.

17.3.14 This would fulfill the third Article Declaratory of the Church of Scotland where the Church claims continuity with the Reformation in Scotland in 1560. The Church, through this Article, affirms its acceptance of "... its distinctive call to bring the ordinances of religion to the people in every parish of Scotland through a territorial ministry". Notwithstanding the current debate on this Article, it is possible for congregations, in co-operation with others in a presbytery, to design opportunities for worship whereby the sexual abuser who did not wish to sign a *'Covenant of Responsibilities'* would still not be denied the opportunity of Christian Worship.

17.3.15 The Church exists in the real world. While it may have a theological character and hope for the redemption of humanity, the Church cannot reject, or neglect, its protection of children and adults at risk through a misguided sense of having an over-riding duty to forgive and accept behaviour that is incongruent with the gospel. It also, following the instruction of Jesus, 'must render unto Caesar that which is Caesar's' and enjoin the obedience of the Church to the civil law which is devoted to the care and protection of children and adults at risk. It was asserted that a sex offender who was truly repentant and willing to

accept the implications of his criminal behaviour would readily accept the, sometimes life long, consequences of his actions.⁹⁶

17.3.16 Once again it must be emphasised that the Church cannot exercise forgiveness on behalf of the survivors. Forgiveness lies in the person who was sinned against. It was noted that the ministers who were involved in these difficult situations often need the support of the Safeguarding Office. It appears that safeguarders cannot fulfill a function as pastors and, similarly, those who are pastors cannot be expected to exercise the role of safeguarders. Therefore, in practice, when a minister or other person in a pastoral role is called upon to exercise their function in relation to safeguarding, they must not operate from a perspective of the pastoral care of the sex offender. Instead, they require to engage with the issues from the perspective of the Church's position on the paramouncy of the rights of the child and adults at risk

17.3.17 When a Safeguarding Panel is drawing up a *'Covenant of Responsibilities'* it must recognise that what is being undertaken is an attempt to address the Church's pastoral responsibility towards children, adults at risk, survivors and offenders. It is about the behaviour required of the perpetrators of sexual offences and the appropriate support mechanisms in the church, which by its very nature is a forgiving community. What is being proposed here is a formal statement to assist the individual and congregation in the support of appropriate behaviour. Responsibility is often difficult and costly:

*'The test of a person's reform and repentance is that any restrictions placed on him or her by the Covenant are accepted and recognised by the offender without argument'*⁹⁷

18. Proportionality.

'Let us build a house where all are named'

18.1 Not all congregations will be able to deal easily with the appropriate inclusion of sex offenders. Therefore

the Group recommends that the General Assembly requires all congregations, through their Minister, or Interim Moderator, and Safeguarding Panel to contact the Safeguarding office when the presence of a sex offender in their congregation is known. This will enable the Safeguarding office to support, guide and assist the local Safeguarding Panel in undertaking the preparation of an appropriate 'Covenant of Responsibilities'.

18.2 The Sex Offenders Register was established in September 1997. The Register, which is managed by the police and is a tool used to monitor and track sex offenders in the community, is not retrospective, so does not include anyone convicted before 1997.

18.3 Given this background, then, it will be important to include guidance on the issues from the Safeguarding Office and these will be made available.

18.4 While local efforts are vital, the guidance of others, with professional expertise, outside the situation is essential to ensure objectivity and correct actions in what could develop into a divisive and destructive situation.

18.5 The Group also recommends that the Council of Ministries' Panel of Pastoral Advisors is made aware of the complexities of this issue and the importance of

support for all those who are involved in providing the local arrangements. This would ensure that the Minister and his or her colleagues, in the local Safeguarding Panel have the important pastoral guidance that they may require in a role which may bring them into conflict with other members of the congregation.

19. Conclusion

While it is recognised that no possible guarantees can be offered regarding any system or process of safeguarding and inclusion, it is the hope of the Working Group that the methodology and theological reflections of this report may assist the Church of Scotland throughout its congregations *in 'building a house where love can dwell and all can safely live'*. The Group recall this contribution to the Report 'If a sex offender genuinely wants to worship he will accept any conditions that the Church lays down for his own protection as well as the protection of the public.'⁹⁸

In the name and by the authority of the Working Group

JOHN C CHRISTIE, *Convener*
NIGEL J ROBB, *Secretary*

**APPENDIX 1:
A DRAFT EXAMPLE OF A 'COVENANT OF
RESPONSIBILITIES'**

(The Terms included here may be developed to suit particular circumstances and individuals.)

1. *We will not allow (name) to be in a situation where they are alone with children or young people.
2. We will sit with (name) in a designated place in the church, stay with them and accompany them when they need to use other facilities; we will not allow them to place themselves in the vicinity of children and young people.
3. For the duration of this Covenant of Responsibilities it is agreed (name) will decline invitations of hospitality where there are children in the home.
4. *(Name) will accept that there are certain people who will need to be told of their circumstances due to the wider concerns of the Church, although these will be kept to a minimum and on a "need to know" basis.
5. *We accept that contact will be made between the

Church of Scotland's Safeguarding Office staff and other statutory agencies as and when necessary.

6. *We understand that for the duration of this Covenant of Responsibilities, pastoral care will be provided by (name).
7. *We understand that if (name) chooses not to keep these conditions then they are choosing not to attend worship.
8. *We understand that any other concerns will be taken seriously and reported.
9. *We undertake to review this Covenant of Responsibilities on a regular basis (dependent on the individual's circumstances) with a named Safeguarding Office representative. The next review meeting will be held on

Signed

Witnesses

Date

**'we' in this Covenant refers to all parties including the Safeguarding Panel and the sex offender.*

APPENDIX 2: 'INCLUDING THOSE WHO POSE A RISK'

A Church of Scotland policy for the safe inclusion of sex offenders in Congregations

Introduction

In the Church we are often so grateful to people who are prepared to volunteer for children's ministry that we find it difficult to refuse someone who would not, in reality, be a good children's worker. Equally, it is extremely difficult when someone expresses a desire to worship in your church, to contemplate that this may not be in the congregation's best interests.

We can forget that nobody has an automatic right to work with children and young people. Saying 'no' in a firm and kind way can be difficult but this should be the response when we believe that a person does not have the skills and personal qualities to work effectively with the young. It is even more difficult to suggest that someone's attendance at church should be limited to ensure the safety of all others in the congregation.

It is widely acknowledged by Safeguarding agencies that those who have committed acts of violence or sexual offences against children should not be allowed to work with children in either a paid or voluntary capacity. In many cases it would be illegal to allow them to do so. Some sex offenders may acknowledge their offences readily but have no depth of commitment to change. Commonly, imprisoned sex offenders have admitted several similar offences which they committed prior to the offence which led to their conviction, and with which they are never charged. Their behaviour is addictive and they require intensive therapy to assist them in their efforts to avoid harming children.

What is clearly now recognised is that although only a very small percentage of victims of childhood sexual abuse go on to harm others, a large percentage of abusers were actually abused themselves as children.

Where protection of the vulnerable in our congregations must remain our paramount objective it has to be recognised that the offender is very possibly a much damaged individual also in need of God's grace.

What we can do

Given all of the above, it is imperative that the Church does not allow people who have committed these types of offences free access to children. Not only is such a policy necessary for protecting children but it may also help to protect an offender from the temptation to abuse again, or risk malicious allegations.

Where a person is known to have harmed a child, the best guidance is that s/he can be welcomed into the church but within the framework of a 'covenant' which has been discussed and agreed by a small group of people *ie* offender, Minister, co-ordinator, offender's supervisor, and possibly the Session Clerk. This Panel will receive professional support and advice from the Safeguarding Office. We should remember that when such an individual is being integrated into a local community after a prison term s/he will usually be supervised and supported by a local criminal justice social worker. Even when an individual has been convicted of a serious offence, but does not serve a prison sentence, it is likely that they will also be supervised by a criminal justice social worker.

Depending on how the offender is perceived in terms of level of risk, there could be restrictions placed on her or him as to where they live, places they can visit, local groups they can join etc. These restrictions can be made as conditions of bail, prior to conviction or as part of a sentence after conviction or release from prison.

In many circumstances, the police or social work department will contact the Safeguarding Office or a local church directly, to inform them of their concerns about an individual in the congregation.

In either case the views of specialist professional workers should always be sought and it is strongly recommended

that they are involved in all discussion relating to the safe integration of the person into the church. It is important that the Church's response to sex offenders is proportionate. Clearly, certain key individuals will need to be aware of the person's offence in order to ensure that children in the Church remain safe. However, offenders also have a right to privacy and advice should be sought as to what must be divulged and to whom.

The professional staff at the Church of Scotland's Safeguarding Office will advise and support you, should you find yourself dealing with a situation such as this.

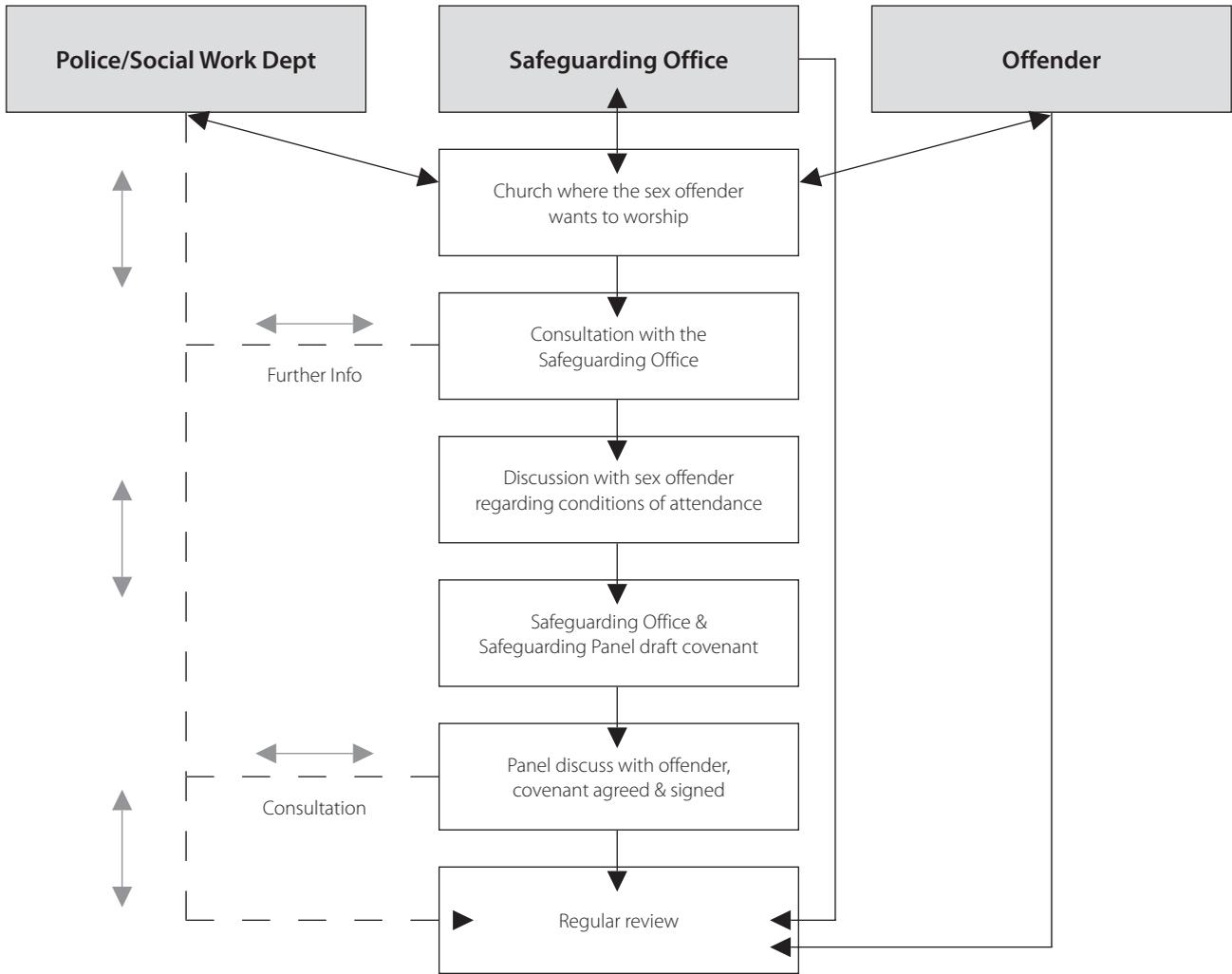
What every Church must do

- It is important that every church establishes a Safeguarding Panel as per the Safeguarding Committee's deliverance to the General Assembly 2009. This Panel, with the knowledge and permission of the Kirk Session, manages confidential safeguarding matters that cannot, for legal reasons, be discussed in a bigger group.
- Every Church must be aware that the Church of Scotland has a Policy for the inclusion of sex offenders into congregations. When approached, that congregation can then respond in a confident and supportive manner. Wider knowledge of the policy and procedures in this area will also offer churches consistency in their approach and will encourage confidence from the statutory agencies in the community.
- It is important that the Safeguarding Office is always notified of when there is a sex offender in a congregation even when that individual chooses not to cooperate with a Covenant and leaves.

What to do when you discover a sex offender wants to worship in your Church (See flow chart opposite)

The fact that an offender wants to worship in your church may be brought to your attention by the police or social work department, by the Safeguarding Office or by the individual themselves.

- Once this information has been received a meeting of the Congregational Safeguarding Panel will be called. The panel should then familiarise themselves with relevant policy and procedures and make a minute of the decisions they make.
- Contact should be established with the Safeguarding Office, Advisory team. The Safeguarding Office will keep securely a confidential record of all relevant information and may, if appropriate liaise with the statutory services (police and social work) for further relevant information.
- There should be a discussion with the sex offender where it is made clear that their attendance is dependent on their cooperation with the Covenant. There should be **no** negotiation at this stage. If the offender does not want to cooperate then they have the option of reviewing their attendance at this stage.
- The congregational Safeguarding panel and the Safeguarding Office will liaise, and where practical meet, to draft a suitable Covenant of Responsibilities. The police/social work department may be consulted during this process.
- The Safeguarding Panel will meet with the offender, discuss the covenant and if all is agreed the covenant should be signed with a date set for a review.
- In consultation with the Safeguarding Office, and the statutory services where appropriate, regular reviews will be held.



APPENDIX 3

CHAPLAINCY PROTOCOL: RISK MANAGEMENT AND THE COMMUNITY

Specified procedure in relation to prisoners whose offences have been of a violent or sexual nature.

Engaging with the wider community brings both opportunities and challenges for Chaplains in the Scottish Prison Service. Contact with a local faith community can be beneficial to a prisoner on release but there are obvious risks to the wellbeing of others who attend these places of worship. As part of the SPS, along with partner organisations, one of our primary objectives is to maintain the well-being of children and adults at risk in the community.

This protocol will clarify our policy regarding the following situations:

- Prisoners already in contact with a Church or faith community
- Prisoners seeking contact with a Church or faith community
- Contact with prisoners outside prison within a local church or faith community

Agreed Best Practice – 3 Key Components

- **Communication** – Communication within the Chaplaincy Team and with other colleagues is essential. Sharing relevant information is necessary for accurate risk assessment. With regard to risk management, the first point of contact is the Senior Social Worker in the Prison and the second responsibility is to alert fellow chaplains of any information given so as to avoid duplication or confusion.

- **Teamwork** – Chaplaincy is part of a wider group of statutory (Social Work & Police) and voluntary organisations within and outside of prison working together to facilitate rehabilitation of offenders while maintaining the safety of the community. We must work collaboratively and cooperate with fellow colleagues and professionals. In this important area, there is collective accountability; no one is solely responsible for managing an individual or assessing risk.
- **Participation** – Chaplains are to dovetail with existing procedures and protocols. As members of an interdisciplinary team of professionals in the prison, Chaplains have a role in risk-managing individuals in contact with Chaplaincy and participating in pre-release case conferences. Chaplains will find an open door to their involvement.

To be avoided – 3 Potential Pitfalls

1. Making direct contact with an outside church or faith community.
2. Disclosing details of offences to an outside organisation or individual.
3. Operating in isolation from the prison's social work department or the wider Chaplaincy Team.

Summary of Protocol:

In all cases of contact between a prisoner and a church or faith community or where contact with an outside faith community is desired:

- Inform the Senior Social Worker by e-mail in the first instance
- Copy this e-mail to all Chaplaincy Team members for their information.

APPENDIX 4: THE GLOSSARY OF TERMS USED THROUGHOUT THE REPORT

1. **Perpetrators of sexual abuse:** those who have been convicted and those who have been involved in sexual abuse of children and adults at risk, including involvement in internet crime.
2. **Grooming:** the calculated planned and plotted actions, often over a long period of time, whereby an abuser ensures that trust is built up to allow the perpetration of sexual assault on a victim.
3. **Survivors:** those children and adults who have experienced abuse.
4. **Recidivism:** the repeated criminal activity of a person whose actions are perceived as criminal
5. **Sexual assault:** the working group would suggest that this term covers the whole range of sexual abuse of children and adults at risk and conveys in a strong and vivid manner the actual harm and seriousness of the offences involved which are so often minimised by the offenders
6. **Scope of sexual abuse:** we believe that the victims of abuse are not just those who suffer horrific violent attacks, but all those whose well being is threatened and upset by inappropriate physical contact and also those who are forced to be involved in the production of material which is paraded on the internet.
7. **Sex abuse and sex:** we believe that the issue here is about sexualised behaviour. It is not about the gift of sex given by God. It is based on an abuse of power and trust which preys upon vulnerable individuals who are not powerful enough to resist or make their protests heard.
8. **Forgiveness:** Defining Christian forgiveness is done with words and actions. The word 'forgive' is a grace word in the English, as well as the Greek, meaning "to give or to grant." The meaning is 'to remit a debt, to give up resentment or claim for requital, or to pardon an offence'. Forgiveness is essentially a gift that is unconditional, but when it is conferred, there are changes in behaviour that are implied in the person forgiven. Christian forgiveness also encompasses action. Our confession with God involves us seeing our sins as He sees it, bringing God's forgiveness
9. **Sex Offender:** In the context of this report a sex offender is an individual who has committed a sexual crime whether convicted or not.

APPENDIX 5: SOME SOURCES AND RESOURCES

Books:

Rebecca Andrews: *Policing Innocence*, Authentic Media, Milton Keynes, 2008

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APPENDIX 6 GROUPS AND INDIVIDUALS CONSULTED

Very Rev Professor Iain R Torrance

Rev Donald McLeod

The Rt Hon The Lord Cullen of Whitekirk

Professor Duncan Forrester, Christian Ethics and Practical Theology, New College Edinburgh

Professor John Swinton, Practical Theology, Aberdeen University

Dr Brian Brock, Christian Ethics, Aberdeen University

Dr Andrew McLellan, H.M Inspector of Prisons (Scotland)

Rev Pearl Luxon, Safeguarding Adviser to the Methodist Church and the Church of England

Dr Donald Findlater, Lucy Faithful Foundation

Rev W. Taylor, Scottish Prison Chaplaincy Service

Dr Jayne Scott, Safespace

Ms Anne McDonald, Survivor Scotland

Rev Dr David Ross and Staff of Peterhead Prison Sex Offenders Unit

A Session Clerk of a congregation which has had to face the challenge of engaging with a sex offender who wished to return to worship

Representatives from Congregations from the following Presbyteries:

Ardrossan, Angus, Argyll, Ayr, Falkirk, Glasgow, Hamilton, Lochaber, Stirling, Edinburgh, Dunfermline, Perth, Dundee, Irvine and Kilmarnock, Inverness, Lanark, Dumbarton, Greenock and Paisley, Dunkeld and Meigle, Skye

All those who contributed by telephone or email

APPENDIX 7: MEMBERSHIP OF WORKING GROUP

Rev John Christie, Convener.

Ms Anne Black

Ms Dorothy Kinloch

Rev Karen Watson

Rev Alastair Cherry

Mrs Fionna Miskelly (Safeguarding)

Ms Jennifer McCreanor (Safeguarding)

Rev Nigel Robb (Secretary)

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