Domestic Violence Protection Policy (Draft 9)05-000 PO

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| REF: 05-000 PO | Approved by: | Approval date: | Author/s: |

**Purpose.**

The purpose of this policy is to protect and promote the safety and wellbeing of all who participate in EV Church.

**Terminology.**

Long-standing debates exist over the most appropriate terminology to use when identifying violence and abuse between spouses, partners, and family members. Terminology has become increasingly fragmented across the policing, legal and service sectors in Australian and overseas jurisdictions, and is complicated by the range and diversity of cultural, socio-economic, sexual, geographical and familial structures that are intended to be captured by any one label. Moreover, key terms (and definitions) in Australian State, Territory and Commonwealth domestic-violence related legislation lack consistency.

Descriptors such as ‘domestic violence’, ‘domestic and family violence’, ‘family violence’, ‘domestic harm’, ‘domestic abuse’, ‘domestic control’, ‘violence against women’ and ‘intimate partner violence’ have frequently been (and are often interchangeably) adopted in reports and by academics and commentators writing in this area. To varying degrees each of these terms has limitations. Use of the term ‘violence’ tends to bring the focus onto physical acts causing bodily injury. Further, there may be reluctance by some victims to name their experience as one of ‘violence’ *unless* it involves severe and physically damaging behaviour.

Most State, Territory and Commonwealth legislation now define the term ‘violence’ ( at least in the domestic violence arena) to include physical, sexual, emotional and psychological abuse or injury, as well as behaviour designed to exert power over another person by restricting access to financial, familial and cultural resources and limiting social autonomy. [[1]](#footnote-0) Also neglect of, or violence or threats of violence towards, pets or property can also be instances of domestic violence.

The definition of family violence in the federal Family Law Act was changed in July 2012 to remove the requirement that a person ‘reasonably’ fear for their safety. It also added controlling or coercive behaviour to the definition of ‘violence’. The revised definition, at section 4AB, describes family violence as “violent, threatening or other behaviour by a person that coerces or controls a member of the person’s family (the family member), or causes the family member to be fearful”.[[2]](#footnote-1) In this EV Church policy document, the term *domestic violence* (DV) will be used. In line with State and Federal definitions, DV refers to all forms of physical and non-physical abuse, as well as all controlling behaviour. DV therefore refers to all forms of intimate partner domestic abuse including physical, sexual, verbal, psychological, financial, spiritual abuse or coercive and controlling behaviour.

**Background**

DV outcomes for victims and families.

Victims of DV and their family members may sustain long-term harm to their physical, mental or emotional wellbeing. Although they may obtain legal protection from future harm, it may take years of treatment and counselling to recover from the effects of the domestic violence. [Children in affected families may continue to experience violence into adulthood or may, as adults, exhibit attitudes and behaviours that reflect their childhood experiences](http://dfvbenchbook.aija.org.au/vulnerable-groups/children/).[[3]](#footnote-2)

EV Church Position and the Law

Acts of DV that breach the Crimes Act are, by definition, criminal (e.g. physical or sexual assault). However, all forms of domestic violence are against the law by breaching either civil protection laws or the Family Law Act. Breaches of the law include such acts as verbal or behavioural threats (such as waving a knife or throwing things), harassment, stalking, intimidation or controlling and coercive behaviour. Therefore, NSW Courts have the power to issue Protection Orders or Injunctions for all or any forms of DV. Unfortunately, DV may often escalate to increasingly serious breaches of the law before the victim seeks assistance or is even fully aware of the severity of the prior violence.

Further, every instance of Domestic Violence (DV) is sinful. Domestic violence is contrary to the biblical pattern of mutual love and care of each other in marriage, anchored in the example of the Lord Jesus Christ.

EV Church seeks to provide help, support and the possibility of a way out of the situation for victims while seeking to strengthen healthy marriages and family life. (This policy recognises the one who has acted abusively may also require help within legal guidelines).

EV Church is a community of faith seeking to develop mature disciples of Christ in increasing numbers to the glory of God. It is a diverse community which includes many families. In seeking to promote and strengthen marriages and family life, EV Church importantly seeks to develop homes that are places of safety, encouragement and generous treatment of each other. Therefore, DV is a both a violation of the love that God expects to characterize the relationship of husbands and wives and a failure of a parent’s responsibility not to harm children.

Domestic violence is commonly hidden, and victims may feel intense shame or an erroneous sense of responsibility. They may see no way of escape from the situation. In a close-knit community like a church, it may not be easy to identify those most appropriate to provide the support and assistance needed to approach relevant authorities or police. This policy aims to promote, for victims, an atmosphere of safety and to encourage their freedom to speak out. It aims to be a clear statement of the church’s refusal to tolerate violence in any form and in any context, particularly in the home and to provide a means of directing victims to avenues of help and support when faced with domestic violence.

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# **Scope**

This policy applies to all EV Church Staff, MTS workers, Volunteers, Youth, EV Kids Leaders or anyone who acts on behalf of EV Church and all those that participate in EV Church meetings.

# **Policy Statement**

1. EV Church seeks to promote healthy marriages and families within its communal life.
2. EV Church is committed to providing a healthy and safe environment for all those to who engage in church community life.
3. EV Church does not regard any form of domestic violence (DV) to ever be justified. Such behaviour is contrary to the standards of conduct required of disciples of Lord Jesus Christ, EV Church values and is against Australian and NSW law.
4. EV church does not tolerate, overlook, justify or conceal any instance of DV within the families who are part of EV Church community.
5. Where EV Church becomes aware of DV within the church community the following principles be followed:
   1. the victim’s experiences will be taken seriously, and they will be encouraged to seek help and support. This assistance will not be limited to the pastoral care channels that exist at church. The victim will be encouraged and supported to seek professional help. The principle of empowering the victim will be maintained. Where the domestic violence constitutes (or could constitute) criminal or serious illegal conduct, the victim will be encouraged and supported to report the matter to the police.
   2. the senior pastoral staff will be informed about the person acting violently. If they deem it safe for the victim and family **and** with the approval of the victim, the person who has acted violently will be encouraged to meet with senior pastoral staff. Appropriate pastoral interventions will be undertaken with a focus on victim and family wellbeing and sense of safety. Appropriate disciplinary actions will be undertaken if such person holds a ministry position. Any person acting violently will be encouraged to seek professional help.
   3. the response will be individualised according to the DV Intervention Procedure document.
6. EV Church will publish this policy on its website and intranet site along with details for obtaining professional assistance for domestic violence.
7. The pastoral staff will be trained in recognising and responding to domestic violence and in maintaining a safe church experience for victims. Training will be offered to interested others in the church community especially pastoral staff’s spouses. MTS apprentices will also receive training.
8. The Executive Pastor is responsible for ensuring that this policy is publicized throughout church and that details remain current.
9. The Executive Pastor is responsible for ensuring the pastoral staff are appropriately trained (7) in domestic violence responses. The Lead pastor is responsible for providing pastoral care for the church community and ensuring professional help is provided where necessary.

**Review**

This policy is to be reviewed every 3 years by Executive Pastor and approved by Church Council.

# **Associated Documents and References**

1.Family Violence - A National Legal Response (ALRC 114 Summary) Australian Government Australian Law Reform Commission 2010 <https://www.alrc.gov.au/publications/family-violence-national-legal-response-alrc-114-summary>

2.FAMILY LAW LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MEASURES) ACT 2011 (NO. 189, 2011) - SCHEDULE 1

<http://classic.austlii.edu.au/au/legis/cth/num_act/fllavaoma2011613/sch1.html>

3 Australian Law Reform Commission 2010: Family Violence: Improving Legal Frameworks <https://www.alrc.gov.au/sites/default/files/pdfs/publications/Collated%20summary%20paper.pdf>

1. Family Violence - A National Legal Response [↑](#footnote-ref-0)
2. Family Law Legislation Amendment Act 2011 [↑](#footnote-ref-1)
3. Family Violence - A National Legal Response [↑](#footnote-ref-2)