

Ethical Ministry Refresher: Confidentiality

Session Two - 2021

Synod of Victoria and Tasmania

Material for Participants

<p>Expectations for Participation Before the session</p>	<p>Ministers, Candidates, Pastors, Chaplains and Lay People engaged in ministry in the Vic/Tas Synod are required to attend two Code of Ethics workshops each year.</p> <ul style="list-style-type: none">• Read through this document. It begins with the preparation work you will need to complete to attend this Ethical Ministry Refresher (EMR) session and is followed by the session outline.• Ensure you have a current copy of the Code of Ethics and Ministry Practice and bring it to the refresher session. You can find a copy of the Code of Ethics here: https://ucaassembly.recollect.net.au/nodes/view/301?keywords=• Read the article Confidentiality <i>in the church: what the pastor knows and tells</i> by D.Elizabeth Audette which is provided separately.• Review the 'Ground rules for Workshop discussions' and 'Safe shared pairing' and be ready to participate.• Read all the case studies provided.• Complete the preparation outlined in the next section.
<p>Prepare</p>	<ul style="list-style-type: none">• Re-read the Code of Ethics and Ministry Practice, paying particular attention to Section 3.7.• Read the article on confidentiality. Come prepared to discuss the article in a small group.• Read the case studies and select one to discuss in a small group.• Reflect on an ethical situation related to confidentiality from your own ministry experience and prepare notes so as you are ready to discuss this with a colleague. <p>The notes are for your use to assist you to be ready to share so think about the best way to for you write them</p> <p>Options include:</p> <ul style="list-style-type: none">○ a brief case study○ notes or several dot points○ a mind map of your issue or○ an image or diagram. <p>What is important is that you reflect on an ethical situation in your own ministry context before you come to the EMR and that you come prepared to share at least some of your reflection in paired sharing. This is the part of the EMR where you are being invited to apply the Code of Ethics to your own ministry practice and this requires some time and reflection before you arrive at the workshop.</p> <p>(If you would be willing to share your case study or notes for wider use – after ensuring it is unidentifiable - please email Sue.Clarkson@victas.uca.org.au).</p>
<p>Background paper and</p>	<p>Before you attend the Ethical Ministry Refresher please read the article on confidentiality provided with this outline. Come prepared to discuss your reflections in a small group discussion.</p>

questions for reflection.

Questions for reflection

1. What struck you from the article on confidentiality? What is the key thought or idea for you from the article?
2. 'Unlike professional counsellors, clergy have a wide range of contacts with people through which they gain much information and knowledge about persons. Such pervasive contact, formal and informal, direct and indirect, can make the boundaries of confidentiality unclear for both clergy and laity'. Do you agree with this statement? Why, why not? How do you think the location of placement (e.g., rural/suburban/city) or the type of placement (e.g., congregation/chaplaincy/Presbytery/Synod) would affect your understanding of this?
3. How do you pay attention to boundaries to ensure you are as clear as possible about confidentiality?
4. The author's survey of clergy and congregations in America showed that most people's view of confidentiality has been primarily informed by a therapeutic understanding of confidentiality. What has shaped your understanding of confidentiality? What do you think has shaped the views of those you minister with?
5. The author argues that the relationship between an individual member of the church and the covenant relationship between the individual and the congregation should be considered when thinking about confidentiality. How well do you think this view fits with the Code of Ethics's statement that confidentiality shall not be breached except in particular circumstances (Code of Ethics 3.7 (d))? How do you navigate this?

Ground Rules for Ethical Ministry Refresher discussions

1. Listen. Hear what the other person is saying. Let them finish talking. Think before you respond. The same word or phrase may mean different things to different people, so it may be helpful to ask a question for clarification rather than making an assumption.
2. Talk about yourself and your own experience. You may ask questions of others, but do not challenge the validity of another's personal experience or point of view. Code of Ethics case studies are meant to be used as tools for learning more about how the Code applies to our own ministry practice. Sometimes discussions may need to hold a wide range of views, and guidance may be needed from the Facilitator to ensure that the spirit and intention of the Code of Ethics is being upheld in the discourse.
3. Keep your comments brief and to the point, so everyone has a chance to speak.
4. Do not generalise from your experience and feelings to the experience and feelings of others. Let people speak for themselves.
5. Do not attack, or try to hurt, or pass judgment on anyone, whether or not they are present.
6. Treat this group session as a confidential conversation; do not repeat elsewhere what is said here.
7. Stay on topic.
8. Be responsible in discerning what material is appropriate for you to share in the wider group, what would be better suited to the 'paired sharing' and what should be shared only with your supervisor.

Case studies and

Before you attend the Ethical Ministry Refresher please read the all the case studies below. Choose one and answer the questions for reflection for that case study. Come prepared to discuss the case study you choose in a small group.

Case study 1

You have recently become the Chair of your Presbytery Pastoral Relations Committee (PRC). You are reading through minutes and reports to familiarise yourself with previous issues and the PRC's ways of working. One of the reports you read is a report of an investigation into sexual misconduct by a lay leader in a neighbouring congregation to the one you are minister of. The report reveals that a current member of your congregation, Sarah, was one of the victims of the lay leader. In your mind this makes sense of several things Sarah has said to you recently though she has not told you about the sexual misconduct.

The next time you are having a pastoral conversation with Sarah she talks about how several men in her past have let her down. You think she must be talking about the misconduct and find yourself wanting to tell Sarah you understand what she is talking about and to offer her reassurance that your congregation strives to be a safe community for all.

Questions for reflection

Can you say anything to Sarah about what you know about the misconduct?

What are your ethical responsibilities as a minister in this situation? To Sarah? To the Presbytery? To the perpetrator?

What guidance does 3.7 of the Code of Ethics provide you in your thinking?

Who, if anyone, are you able to discuss this situation with?

Case study 2

You are a chaplain at an Uniting Church school. One day, after a stressful couple of weeks at the school you go for a coffee at a nearby café, with a group of colleagues. After the stressful period it's good to catch up and check in with each other. Your colleagues start to tell stories about some of the amusing things that happen in the classroom, describing different behaviour, work and actions by students - sometimes using their first names. It's good for stress release to share these stories. You notice some of the staff have their school name badges on and as you glance around the coffee shop you wonder if any parents are sitting at a nearby tables and what you will say about your students, given there is an unwritten expectation that everyone will have a story to share.

Questions for reflection

What do you share about the students in your classes?

What are your ethical responsibilities as a minister in this situation? Are they any different from your teacher colleagues?

What guidance does 3.7 of the Code of Ethics provide you in thinking?

How do you manage confidentiality in informal situations?

Case study 3

You are in the last couple of months of your current placement after 9 years in the congregation. At end of your last Church Council meeting, after everyone else has left the Chairperson asks you what notes you are leaving for the supply minister. In particular they want to know if you are leaving some notes about a couple of complex pastoral situations where you are the only person in the congregation who knows the full picture. One situation involves someone who is periodically homeless and can be disruptive in worship from time to time. You know who the community support workers are that the person is connected to and how to contact the workers when needed. The other is a recently bereaved person who is estranged from one of their adult children. Their child is friends with some of your congregation members.

You are the only person the recently bereaved person has spoken to about the situation though their child has spoken to other people in the congregation.

Questions for reflection.

How do you reply to the Church Council Chair?

What is your view on leaving pastoral information about people you have provided pastoral care to for a successor? What types of information are you willing to provide if any?

How do Clauses 3.7 and 3.1 guide your reflection on this case study? What obligation if any do you have to respecting your successor?

Case Study 4

Jane is a staff member at the Uniting Agewell facility where you are a chaplain. You have provided a listening ear to Jane when she has needed someone at work to talk to. Jane has recently moved to a new home at an address that is being kept secret after several years of Family Violence. She has done this with the support of a specialist Family Violence service while you have provided pastoral support. People and Culture have helped Jane find a job in another location. One day not long after Jane left you see Frieda, another colleague, in the tea room. Frieda and Jane had worked for over a decade at the same facility, and they appear to be close colleagues. Frieda saying "I know Jane has left her partner and moved home, about time. I've lost the note I made of her new address can you give it to me please? I want to catch up with her and see how she is doing."

Questions for reflection

What do you say to Frieda?

What will you say to other staff and residents who ask if you know why Jane left?

How do sections 3.7 and 3.5 (v) help you understand your ethical obligations in this case study?

Case study 5

You retired from ministry 12 years ago. Until recently you enjoyed doing a couple of supply roles a year as well as weddings and funerals for friends and family. You and your partner have decided that it is now time to slow down a little more so you are not doing any more supply. You are also downsizing from your family home to a smaller apartment. You have lived in the house for about 25 years and it is full of paperwork and files from your placements as well as various committees you have served on. As you pack up your home office and try to work out what to do with everything the pile of papers from your various placements and supply ministry builds up. In the pile are old sermons, copies of marriage certificates you scanned and sent to Births Deaths and Marriages, articles you planned to read, notes you made to help you prepare for funerals, old phone messages, minutes and notes taken at various committees and various pastoral notes.

As you look at the ever-growing pile of papers, with all sorts of things jumbled up, you contemplate just putting as much as you can in the council recycling bin. You might even see if there is space in your neighbour's bin tonight. After all you think most of the important things are also stored on your personal computer.

Questions for reflection

What should you do with all the papers? How does the Code of Ethics 3.7(e) guide your actions?

Do you have a responsibility to maintain confidentiality over more than 25 years?

How do you maintain your records both paper and electronic securely and confidentially?

How do you ensure you are only retaining records you are entitled to retain? What do with records you aren't entitled to retain?

Case Study 6

A Tongan minister has recently been accepted into the Uniting Church. In his first placement, he was called to a congregation where majority of the members are of Tongan background. The minister assured and encouraged the congregation that his office was always open to discuss any issues the members could be going through.

After a few months, Sione, a father of four decided to talk to the minister about his relationship with his children. Although they are all grown up, they are not coming to church as often as Sione would have liked them to. He was also concerned about his eldest son living together with his girlfriend (a single mother), on their own. After the meeting with the minister, Sione left with a sense of relief as he was able to talk openly about this issue and appreciated the prayer the minister offered for his family. The following Sunday, the minister mentioned in his sermon that someone came to him with family issues. He used some of what he and Sione had discussed about Sione's relationship with his children in the sermon. Although there were no names mentioned specifically, Sione was very disappointed and felt betrayed.

Questions for reflection.

What are your ethical responsibilities in this situation? What should you do next? How do the Code of Ethics 3.7 help you understand your ethical responsibility?

Case Study 7

You were a member of the Synod Committee for Counselling for six years, concluding your term three years ago. During that time you sat on several committee panels dealing with complaints of ministers breaching the Code of Ethics. You are now a member of the Synod Placements Committee (ACOMP). One of the vacancies being considered is a placement that neighbours your own. You are hoping the two placements can form a closer, more cooperative relationship and although there are no formal plans yet, there had been some informal conversation with the previous minister. You are hoping the new minister will be a good colleague to work with you on this. You've discussed your hopes with the Presbytery Minister, Pastoral Care but have not had formal discussions with the Presbytery. When Stephen's name is suggested for the vacant placement you feel your stomach drop. Stephen was one of the ministers who faced a complaint when you were on the Committee for Counselling. The matter was resolved and Stephen participated fully in the process and completed everything the Committee asked of him. However, you aren't sure you could ever fully trust him as a colleague and you wonder how he will feel about working alongside you. At first you sit very quietly when ACOMP discusses Stephen's name. Not long into the discussion you wonder if you have a conflict of interest but you aren't sure.

Questions for reflection.

What are your ethical responsibilities in this situation? What should you do next?

How do the Code of Ethics 3.7, 3.5(d), 3.1 and 3.2 help you understand your ethical responsibility?

How do you fulfil your obligation to keep information like this confidential for the rest of your life?

Case Study 7

You use a tablet and desk top computer for most things you need in ministry. You are glad the days of hand-written notes are mostly over for you. You have a password on both devices. While you are the main user of the computer your children occasionally use it when they need to. Mostly this happens when you are around but occasionally one of your children uses the computer while you are out. Your children don't have much trouble guessing the password as you use the same one or two for nearly everything. One day when one of your children uses your computer they find notes you have made in preparation for a funeral of family friend. When you come home your child want to know about why you had never told them the friend had a child no one knew about except her brother?

Questions for reflection

What do you say to your child? How much more of the situation can you share with your child, as they only know the one basic fact while you know more about the situation?

Does the fact that the funeral is for a family friend change your ethical responsibility?

What will you do if child tells others what they have learnt?

What could you do in the future to better secure your electronic records?

What guidance does 3.7 of the Code of Ethics provide you in thinking?

Paired Sharing

Safe Paired Sharing

Paired Sharing provides an opportunity to engage with the topic on a more personal level, and to integrate your learning with your ministry practice. Participants are requested to keep discussions confidential, but at the same time to remember that paired sharing is in no way intended to take the place of a conversation with your supervisor. We are all vulnerable people. Collegial respect and care for one another are essential elements of Ethical Ministry Refreshers, and of course they are also essential for ministry.

Sharing an example from your ministry could include:

- An actual (de-identified) situation that you feel comfortable to discuss in this setting.
- A 'hypothetical' situation that could possibly happen to you.

What steps would you take to resolve the situation? How might you prevent a breach of the Code of Ethics? What choices might you make in this situation? Where are the grey areas?

You may find it helpful to take some time at the beginning of this session to silently reflect and gather your thoughts. This could be a good way to work through which issues you feel safe about sharing in this context, and which ones you would rather save to discuss with your supervisor.

When you are sharing your scenario remember to try and describe the situation with some detail. In particular try to describe how you were feeling, what you did and why you think you did it, and what next steps you might take. What guidance does the

Code of Ethics give you in thinking about this scenario? What new insight have you gained from reflecting again on the scenario?

Shared Pairing outline

The suggested format for the paired sharing time is as follows:

- **Share** for 10 minutes each: In pairs share the case study or reflection you prepared for this session or think of an example from your ministry that relates to Confidentiality. How did you resolve it? What did you learn from it? How are you practicing ministry differently as a result? (10 minutes each, 20 minutes total)
- **Dialogue** with each other: What insights have you gained about prevention of ethical breaches in ministry practice? (10 minutes)
- **End** with what would you like to bring to the whole group about your own experience, or about this discussion? (Don't discuss the other person's experience with the wider group.) (10 minutes).
- **Thank** each other for the conversation and return to the larger group if your session is doing that.

Workshop
Outline

1. **Some Presbyteries begin with an optional time of collegial catch up**
2. **Acknowledgement of Country, Prayer and Welcome**
3. **Small Group discussions**
 - 3.1 **Discussion** around confidentiality – focussing on the article and questions provided and the reflections you have brought from your preparation.
 - 3.2 **Case Study Discussion** - Discuss each of the case studies chosen by group members from those provided. If group members have chosen the same case study – select another as a group so that at least three (3) case studies are discussed in total.
4. **Plenary**

Whole group feedback regarding any learnings/resources/supports/ particular issues that arose during the small group discussions.
5. **Paired Sharing**

See 'Paired Sharing' above.
6. **Regather and Blessing**

Post
workshop
reflection
and follow
up.

After the workshop...

For yourself:

- Please take time to reflect on what you would like to share with your supervisor arising from the preparation for today and the discussion today. Remember that supervision should include regular reflection on the Code of Ethics and Ministry Practice.
- You may also like to engage in a time of biblical and theological reflection. What themes from faith stories or bible passages help you work through this ethical issue? Are there any images that come to mind? What theological themes have you brought to mind as a result of the workshop today?

With your placement:

For those in congregational placements.

- Have a conversation with Church Council about what shapes their understanding of what is confidential. What are their expectations of what a minister would keep confidential? What do they think are the expectations of others in the congregation? How well do they align to your understanding? Talk about the areas where there is a difference in understanding.

For those in non-congregational placements

- Talk with the person who is your manager about any differences you see in the understand of confidentiality in your placement and in any Codes of Conduct that you are required to observe and the Code of Ethics and Ministry practice. How do you resolve these differences? How do you ensure you meet the standards of confidentiality required by your placement?

For anyone who works with lay leaders covered by the Lay Leader Code of Conduct

- Ensure they are aware of the Lay Leader Code of Conduct. You can find the Code of Conduct here:
https://resources.uca.org.au/images/resources/Regulations_Policies/POLICY_Code_of_Conduct_for_Lay_Leaders.pdf

Host a conversation where Lay Leaders are invited to reflect on what the Code of Conduct says about Confidentiality (the section from the Code of Conduct on Confidentiality is below). You could do this through a series of questions, through case studies for discussion or through role plays. You will know your placement and the context best. Develop a conversation process that will address the context of your placement in ways that don't shame people, allow for open ended conversation, don't breach confidentiality and help lay leaders build an understanding of their ethical obligations and how to exercise their ministry ethically.

Confidentiality (from the UCA Code of Conduct for Lay Leaders)

- treat as confidential any personal or sensitive information acquired through their work or other involvement in the Church, other than as required by law or where proper authorisation is given.
- adhere to legal requirements, policies and all other lawful directives regarding the use of personal or sensitive information.
- use personal information only for the purpose stated or understood when the information is gathered.

Acknowledgment

The case studies in this program are an amalgam of case studies provided by ministry agents from a variety of contexts across the Uniting Church. Thank you to all those who provided case studies.