



# ANGLICAN CHURCH OF SOUTHERN AFRICA

## SAFE AND INCLUSIVE CHURCH

### SAFEGUARDING AND DECLARATIONS

#### 1. BACKGROUND

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

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

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

These requirements were agreed upon and it was also agreed that all ministers (Act XV definition) would comply with these requirements. Ministers need to comply with these requirements at ordination and at each point of licensing, unless the clearances have recently been done. (Please see validity periods below.)

Failure to ensure that these clearances are done exposes the parties concerned to sanction and also increases liability around safeguarding for the wider church.

#### 2. PROCESS

There are still delays in getting the clearances from Government Departments and they are slowly improving, depending on the station at which the application is made.

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

- a) In order for a document to be apostilled in terms of the Hague Convention, documents are given a specified period of validity. SAIC has however agreed to consider **all clearances valid for a period of two years.**

In the case of a Police Clearance, the validity period is six (6) months. Application for a clearance can be made at most police stations. In RSA, there is a possibility for criminal records to be expunged.

#### **You will not qualify for clearance in the following instances:**

- It has not been 10 years since the conviction.

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- Your name is either listed in or has not been removed from the National Register for Sex Offenders or the National Child Protection Register.
  - You were sentenced to prison without the option of a fine.
  - You were convicted for a serious crime.
- b) The process for getting a record expunged is set out at <https://www.justice.gov.za/expungements.html>
- c) In terms of clearances for sexual offenders registers, the process is set out below. Information found on Department of Justice website and extracted on 22 November 2023.
- d) Own particulars

- **Form 07.pdf [J738]: Application for certificate by person in respect of own particulars** [Regulation 17(1)]  
This form is submitted by people who are checking their own particulars in the National Register for sex offenders.  
Form amended on 23 Nov 2022.

#### **CHECKLIST**

Please submit the following:

- A fully completed and signed J738 form
  - Reasons for applying for a certificate must be fully articulated
  - Ensure that a form j738 is signed by the applicant
  - Attach a certified copy of an identity document / passport
  - Attach a fingerprint report (obtainable from SAPS police station)
  - Provide a full forwarding or postal address / physical address / contact numbers / email address / any contact details
- e) As licencing officer- Bishop's Office to apply please:

- **Form 08.pdf [J739]: Application for certificate by person/licensing authority/relevant authority in respect of particulars of another** [Regulation 17(2)]  
This form must be submitted by persons who are submitting an application on behalf of another and persons who seek to apply for adoption, foster-care, kinship caregiving etc.

Form amended on 23 Nov 2022.

#### **CHECKLIST**

Please submit the following:

- A fully completed J739 form by person/ licencing authority/ relevant authority in respect of particulars of another
- Please ensure that page 2 is fully completed and signed by the applicant (an applicant is a person / an organisation that is submitting an application on behalf of another)
- Attach a certified copy of an identity document / passport of a person on whose behalf an application is submitted

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- Attach a fingerprint report (obtainable from SAPS police station) for the person missioned in line 3 above
- Provide a full forwarding or postal address / physical address / contact numbers / email address / any contact details of a person who is applying on behalf of another.
- **Form 08A.pdf [J958]: Application to determine whether particulars of a person have been included in the National Register For Sex Offenders** [Regulation 18A(1)]

This form must be submitted by any person who is applying on behalf of another to determine whether the particulars of that person have been included in the National Register for sex offenders.

Form published on 05 Sep 2022.

**CHECKLIST**

Please submit the following:

- A fully completed and signed form 8A by the person who is applying on behalf of another
  - This application is in the form of a sworn affidavit which must be completed by the applicant( a person who is submitting an application on behalf of another)
  - Attach a certified copy of an identity document / passport of a person on whose behalf an application is submitted
  - Attach a certified copy of an identity document / passport of a person who is applying on behalf of another
  - Attach a fingerprint report (obtainable from SAPS police station) of a person on whose behalf an application is submitted
  - A person on whose behalf an application is submitted must give consent in writing approving the disclosure of his/her personal information to the third party
  - Provide a full forwarding or postal address / physical address / contact numbers / email address / any contact details of a person who is applying on behalf of another.
- f) In the event that you have been erroneously included or qualify to have your name removed from the register:

- **Form 10.pdf [J741] - Application for removal of particulars from Register** [Regulation 19]

This form must be submitted by any person who seek to have their details or who are applying to have their details removed from the national register for sex offenders.

Form amended on 23 Nov 2022.

**CHECKLIST:**

Please submit the following:

- A fully completed and signed J741 form.

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- Reasons for applying for the removal of particulars from the register must be fully articulated (expungement or purely removal purposes).
- Ensure that a form is signed by the applicant.
- Attach a certified copy of an identity document / passport.
- Attach a fingerprint clearance report (using SAPS 91(A) at your nearest police station.
- The reasons for applying for a fingerprint clearance should be reflected as **"to obtain fingerprint clearance"**.
- Attach a sexual offence affidavit obtainable from the departmental website or obtainable from our offices country wide.

Once your form is completed:

**Applications can be hand delivered to:**

- Department of Justice & Constitutional Development (Pretoria) 329 Momentum Centre, Cnr Pretorius & Sisulu Streets, Pretoria, 0002

**Or hand delivered at any other Provincial Office:**

- Follow this link to find the [contact details for the Director: Legal Services at your nearest Provincial Office](#).

**Alternatively, it can be send via couriered to:**

- 329 Momentum Centre, Cnr Pretorius & Sisulu Streets, Pretoria, 0002

All documents must be submitted in an **original format** and marked for attention: **REGISTRAR: NRSO or the Director: Legal Services.**

**Contact details for the National Register for Sex Offenders are as follows:**

- The Registrar: Ms Ntombizodwa Matjila, Tel: 012 315 1656, Email: [nrso@justice.gov.za](mailto:nrso@justice.gov.za) or [NMatjila@justice.gov.za](mailto:NMatjila@justice.gov.za)

OR

- [Directors: Legal Services at your nearest Provincial Office](#).

**Legislation**

- View the: **Act** ([English](#) / [Afrikaans](#) ) and the **Regulations** ( [English](#) ([Annexure A](#) & [Annexure B](#)) / [Afrikaans](#) ([Annex A](#) & [Anex B](#)))

## **NOTE ON THE NATIONAL CHILD PROTECTION REGISTER:**

- All enquiries in regard to clearance certificates (Form 29 & Form 30) on names which may be registered on the National Child Protection Register, administered by the Department of Social Development, must please be directed to the Department of Social Development, for attention Mr Selema Mashiane (SelemaM@dSD.gov.za). These forms must be obtained from the offices of the Department of Social Development.

*Page updated: 27 Sep 2022*

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

### 3. ACTION BEING TAKEN

#### **So how is ACSA responding?**

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

- i) **ALL ministers** must complete the SAIC Declaration Annually. An updated copy is available on the website OR can be accessed via this link:  
[https://forms.office.com/Pages/ResponsePage.aspx?id=DQSIkWdsW0yxEjajBLZtrQAAAAAAAAAAAAAAAAAS\\_5uaJUQ0Y2Ujk2RDhGVU04VjYzWjBUUUhURVdTTC4u](https://forms.office.com/Pages/ResponsePage.aspx?id=DQSIkWdsW0yxEjajBLZtrQAAAAAAAAAAAAAAAAAS_5uaJUQ0Y2Ujk2RDhGVU04VjYzWjBUUUhURVdTTC4u)
- ii) Each Diocese to make their own arrangements in terms of costs associated with the applications.
- iii) Police and Sexual Offenders Clearances will be treated as valid for two years, provided the Declaration is completed annually. Again, if annual declaration not made, licence to be withdrawn until compliance achieved.

### 4. RECORD KEEPING

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

- a. SAIC has made an electronic google form available and this then is sent to a central database. On a monthly basis, or more frequently if needed, an email is sent to the Bishop and Diocesan Administrator advising them of completion.
- b. At any point, a request can also be made to SAIC for the information.
- c. On an annual basis, the PEO will send out the link to Bishops to be completed.
- d. In the event that a hard copy (paper copy) is being completed:
  - a. A sworn statement consists of signing the declaration in the presence of an authorised official. For SAIC Declarations, we work on a level up and so the person to whom the declaration needs to be given to is set out below.
  - b. The person receiving the statement needs to complete the details as set out in form .

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

## 5. PURPOSE OF SAFEGUARDING AND COMPLIANCE

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

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

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

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

- We can boldly and with confidence approach the throne to account for those whom God has placed in our care.

Any questions or applications for valid exemptions as well as any queries or questions of clarity can be obtained from [safechurches@anglicanchurchsa.org.za](mailto:safechurches@anglicanchurchsa.org.za)

Lay Canon Rosalie Manning- SAIC  
22 November 2023