

Risk Reporter

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Careful consideration required for pastoral counseling

Congregations should be a safe place for members to seek guidance and healing from various adversities they might experience in life. Within this environment, people may look to their spiritual leader for guidance and support, often in the form of counseling. Counseling services are regularly provided by many congregations and clergy members; however, these services do not come without risks. There are a number of legal concerns that should be considered and addressed by any congregation offering counseling services.

Counseling protocol

Even though there are certain risks involved with pastoral counseling, creating a safe place for parishioners to attain individualized spiritual assistance is necessary for a healthy and active congregation. Developing a clear set of guidelines for counseling can minimize the risk of potential legal issues.

Dr. James Cobble Jr., DMin, EdD, director of the Cambridge Program in Risk Management, recommends that a panel of congregation leaders determine a formal counseling protocol based on the following guidelines:

- **Qualifications.** Is the clergy member trained as a counselor, or do they hold any certifications?
- **Availability of licensed counselors.** Are any members of the church staff or congregation licensed practitioners and available to engage in counseling? What size is the congregation, and what outside counseling resources are available?
- **Types of counseling available.** What is the clergy member's main role in the congregation? What type of counseling is their strength? What types of counseling are they not comfortable with?
- **Frequency of counseling.** How often are counseling sessions offered (one per week is standard), how long are sessions and is there a limit on the number of sessions?
- **Referral system.** Are there reputable sources for referrals in the area? Are they free or paid sources? Are the sources aligned with the value system of the congregation? What situations constitute an immediate referral?

Counseling guidelines should be clearly communicated to clergy and other counselors, church officials and counselees. Any members that proceed with counseling services should sign a counseling disclosure form that summarizes the general counseling guidelines.

(See Careful consideration, Page 2)

Inside

Seasonal Spotlight

Keeping kids safe during after-school ministry programs

Managing Your Risks

Four-minute slips-and-falls video can help prevent accidents

QIA

Risk Reporter talks with Kristina Rozenbergs about Special Olympics volunteer training

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(Careful consideration)

Failure to refer

A problem might come up in spiritual counseling that requires more professional care than a clergy person is qualified to provide.

"Severe mental health issues, such as substance abuse, depression and eating disorders, are entrenched, consuming disorders that must be treated by professionals trained in their respective fields," said Dr. Gregg Jantz, founder of The Center for Counseling and Health Resources. "These are not issues that should be addressed by lay people or spiritual counselors without the proper training and education."

It is not always easy to identify a serious mental health issue in a parishioner, but Dr. Jantz points out some common warning signs that can alert a clergy member when outside care might be required:

- Social isolation and withdrawal
- Close friends and family begin to express concern over loved one
- Violent or defensive about behavior upon confrontation

"Other instances also might require a referral, including the length and number of counseling sessions and potentially inappropriate behavior by the counselee," Dr. Cobble said.

"When a referral is necessary, it is helpful to have a referral process in place to offer other prescreened resources," Dr. Jantz said. "Clearly outline what instances require a referral and how the referral will be made."

Although continuing a counseling relationship with a parishioner that exhibits mental health issues or has been referred for other reasons is not recommended, there is still an opportunity to help with the healing process.

"Ideally, your proper role is to love that person and to answer their spiritual questions," said Constance Rhodes, founder and CEO of FINDINGbalance®, the leading Christian resource for daily help with eating and body image issues. "Love includes noticing and affirming your parishioners, encouraging them and, when required, pushing them toward the care they need. Knowing and setting a healthy boundary here is good for both you and your parishioner and will protect you from liabilities that can occur when dealing with mental health issues."

Breach of confidentiality

Information exchanged in both formal and informal counseling settings should always be considered private between the clergy person and the counselee. Confidentiality is not only appreciated but a legal requirement of a counseling relationship. A breach in confidentiality can lead to serious legal consequences.

A counselee or the clergy member might feel, in some situations, that there is information that can benefit others or

encourage those who are experiencing the same hardship. In this situation, it is a good idea to receive written consent from the counselee prior to sharing the information to avoid a later claim of a breach of confidentiality.

In some states, it is legally required that a counselor report issues surrounding domestic and/or sexual abuse or potential harm being inflicted onto another person to the authorities. Review your local and state laws with a local attorney to determine the specific requirements in your area.

Jeff Benedict, Esq., Church Mutual litigation director, recommends discussing the guidelines of confidentiality and mandatory reporting requirements at the beginning of a counseling relationship.

Undue influence

A member of the congregation might decide that upon their death, they wish to leave all or part of their estate to the congregation. This could create issues if the family of the deceased challenges the donation and declares that the person had not been of sound mind when pledging the gift. To lessen the risk of these accusations, it's important to document that the donation decision was made independently and without undue influence by the congregation or clergy.

"A congregation might wish to involve legal advisers anytime that a large donation is made in order to ensure that proper documentation is in place to help protect a congregation against a later claim of undue influence," Benedict said.

Sexual misconduct

Sexual misconduct accusations against congregation leaders can destroy a congregation and haunt a clergy member for the rest of his or her career. Dr. Cobble suggests setting boundaries for counseling sessions to minimize the likelihood of a sexual misconduct accusation.

- Hold counseling sessions during the day in a formal location, such as the congregation office, with other staff present.
- Do not change locations or meet in a private location, such as a household.
- Minimize the amount of time spent on the telephone.
- Consider the impact of communication through social media and other electronic devices and be aware of possible assumptions that could be made regarding communication.

Above all, Dr. Cobble recommends listening to one's own internal sense. If a situation starts to feel uncomfortable, it should be stopped before it becomes a problem.

- **For more information** about pastoral counseling and to view a sample counseling disclosure form, visit www.churchmutual.com/safety, click on "General Risks" and find the brochure *Reducing The Risk Of Sexual Misconduct*.

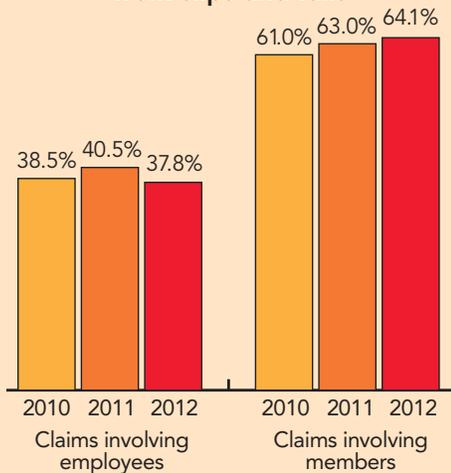


Managing Your Risks

Four-minute slips-and-falls video can help prevent accidents

Injuries related to slips and falls are a leading type of claim filed by Church Mutual customers. Injury statistics for the years 2010–2012 (below) show slips and falls account for an average of almost 39 percent of claims involving employees and about 63 percent of claims involving members and guests.

Percentage of injuries from slips and falls



To help our customers focus more attention on controlling potential slip-and-fall exposures at their worship centers, Church Mutual recently added a new video — *Slips and Falls* — to our Safety Series video collection.

This four-minute video reviews simple steps you can take to help reduce the chance of slips and falls involving employees and volunteers working at your facility and members and guests visiting your buildings. Stairway treads and handrails, lighting, floor surfaces and general best practices are discussed in the video.

You can find the new video on our YouTube channel at www.youtube.com/churchmutual. Or visit the Safety Resources section of www.churchmutual.com and click “Videos.”

And be sure to take some time to check out our five other videos in the Safety Series that address playground safety, pre-trip vehicle inspections, preventing copper theft, safety during services and swimmer safety.

Edward A. Steele
Risk Control Manager



Seasonal Spotlight Fall

Keeping kids safe during after-school ministry programs

After-school ministry programs provide fellowship and educational opportunities for children of all ages. However, as with other types of youth programs, keeping children safe is the ultimate goal.

“We need to make sure the environment we create is safe for all children, and this begins with hiring and training qualified employees,” said Kelly Zytynski, children’s ministry and weekday director at Ridgeland Baptist Church in Ridgeland, S.C.

Hiring procedures

“We trust our staff to be excellent role models, supervisors and teachers for our children,” Zytynski said. “However, it’s our responsibility to ensure we are hiring the best people for the environment and position.”

The hiring process for employees and volunteers should include several core elements:

- **Personal interview** – Meet with perspective employees and volunteers to discuss work history, relevant experience and their reasons for wanting to work with youth.
- **Background check** – Complete a background check to identify any potential issues, such as a criminal record. Consider requiring additional background checks, where available, including a sex offender registry check and child abuse registry check. Background checks should be repeated periodically for existing staff and volunteers. Visit www.churchmutual.com/screen to learn about discounted background screening services from First Advantage for Church Mutual customers.
- **Reference check** – Require applicants to provide at least three personal and/or business references and call to confirm the references.

Staff training

“We focus a majority of our staff training on the areas of safety and supervision,” Zytynski said.

Staff should be CPR certified and have first-aid training. Encourage employees to take classes on bloodborne pathogens, conflict resolution and working with children with special needs.

“Oftentimes, the diversity of children’s ages can lead to conflicts in after-school ministry programs,” Zytynski said. “Staff should actively supervise playtime activities to help prevent injuries.”

Always have a minimum of two adult supervisors. For groups larger than 20, add one supervisor for every 20 additional children. Group children of similar ages together during learning and free time to help avoid potential conflict.

Keep a detailed file for each child containing medical information, such as allergies, immunization records, medical conditions and emergency contact information. In addition, require a legal guardian sign a medical release form, a transportation form and an agreement stating they will abide by the organization’s policies. Sample legal forms are available at www.churchmutual.com in the Safety Resources section.

Q | A

A Perspective

Offering a safe, welcoming and inclusive environment is a founding principle for many congregations. When this work includes individuals with special needs, there are additional considerations to keep in mind to help ensure safety for everyone involved.

Risk Reporter spoke with Kristina Rozenbergs,

marketing and communications assistant from Special Olympics Wisconsin, about the organization's training programs and volunteer guidelines.



Risk Reporter: What steps does Special Olympics Wisconsin take to ensure the safety of participants when selecting volunteers and coaches?

Rozenbergs: All coaches and volunteers are required to complete our protective behaviors training course, which addresses preventing sexual, physical and emotional abuse of Special Olympics athletes. In addition, we conduct a comprehensive screening to identify any potential issues, such as a criminal history. Volunteers and coaches are rescreened every three years. Finally, all coaches and volunteers must obey our code of conduct, which addresses the welfare, health and safety of athletes and others. An important part of the code of conduct is a policy prohibiting volunteers or staff from dating athletes.

Risk Reporter: Are there any special considerations employees and volunteers should keep in mind when working with special needs adults and children?

Rozenbergs: We recognize that every special needs individual has different needs, health concerns, strengths, abilities and weaknesses. To keep participants safe, we train volunteers to assess and understand the capabilities of each athlete and consider how they will respond or perform in a particular situation. For example, if I ask two athletes to run an extra lap, it might be a positive challenge for one but too difficult for the other. It's important to be perceptive and understand when a task or activity might be too much. Also keep in mind that special needs individuals are often more sensitive to temperature, sound and touch — consider how these factors will affect each situation. Regardless of limitations, we encourage our volunteers to focus on what an individual can do instead of what they cannot do.

Risk Reporter: What types of precautions can you recommend to help avoid abuse of special needs individuals?

Rozenbergs: Some of the key prevention points included in our training protocol are:

- Always have more than one volunteer or employee present when working with individuals.
- Private conversations should be within sight of others.
- Hugs or celebratory gestures should respect a person's limits or boundaries. Touching should avoid areas a traditional swimsuit would cover.

The protocol also outlines suspicious behavior and signs of abuse that coaches and volunteers should be aware of. This includes any unusual gifts and attention or relationships that might occur between someone with special needs and a fellow employee, volunteer or member of the general public. Any behavior or activity that does not appear to be appropriate should be reported to an appropriate official.

- **More information** about the Special Olympics protective behaviors training protocol can be found on their website, www.resources.specialolympics.org/ResourcesDefault.aspx.