

## Introduction

Each church and Christian organisation is unique, having its own values and culture and facing into different situations and challenges. The following questions are offered as possible prompts for discussion with leaders and policy makers.

#NDAfree recognises that churches and Christian organisations deal with extremely complex and sensitive issues. The questions should be adapted to enable constructive dialogue. They are not intended to be deliberately provocative. They do however require honest reflection and engagement on what can often be a painful situation. If possible, it is best to have this conversation before a scenario arises in which an NDA may be considered. Extra care is needed if it is a 'live' subject.

## Questions about values

How does using a non-disclosure agreement align with our values?

How does using an NDA align with Christian concepts such as:

- Truth
- Confession
- Forgiveness
- Reconciliation
- Support

## Questions about motivation

- What would our motivation be to use a non-disclosure agreement?
- What role would fear have in our decision to use an NDA?
- Is our motivation a good enough reason to restrict a person's conscience and freedom of speech?
- Is there an imbalance of power at play which may mean the other party feels 'forced' to agree to an NDA?
- Are we prepared to defend our policy of using NDAs to our congregation/staff/other stakeholders?
- Are we prepared to defend our policy of using NDAs to our financial supporters (whose money may be used if there is an accompanying settlement payment)?
- Are we using an NDA to avoid investigating credible allegations?

- Are we inextricably linking an NDA to financial payments and thus effectively paying hush money?

## Questions about impact

- Signing an NDA may not be benign – and can be deeply damaging when the underlying circumstances are unaddressed. What assessment have we done to be sure we're not doing harm to the other party?
- Are we using an NDA to avoid addressing whatever underlying causes brought the situation about?
- Are we considering using an NDA because of a failure in another policy area – such as recruitment procedures, performance management, misconduct process, grievance or whistleblowing procedures?
- Can any potential savings on time and money be justified when a more balanced scorecard is considered?
- What purpose would an NDA serve which is not already available under data protection regulation and/or defamation legislation?

## Questions about unintended consequences

- Many Christians have beliefs about going to court with other believers. What role might this have in the other party feeling they have no choice but to agree to an NDA?
- Would we be prepared to take legal action against somebody who breaks an NDA? What would be the implications for them? What would be the implications for our reputation?
- Could it be construed that we are using an NDA to intimidate the other party?
- What would be the consequences if it was discovered that we had used an NDA to conceal misconduct?
- Does the NDA provide the other party with the ability to imply something terrible has happened whilst at the same time saying 'I'm not legally allowed to discuss this with you'?
- Does the NDA provide the other party with adequate support from friends, family and professionals?