



Procedures for Handling Allegations

To be read in conjunction with the
*“Policy for Allegations Brought Against
Accredited and Recognised Ministers”*

Approved for use by Assembly Council on 8th August 2017

For further information see our website at: www.nswactbaptists.org.au

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1. PURPOSE AND BACKGROUND

1.1 Purpose of the Procedures

These procedures provide guidance and instruction, primarily to the Ministry Standards Committee (MSC) and the Committee for the Ministry, and to Association staff, as to the implementation of the Policy for Allegations Brought Against Accredited and Recognised Ministers for the Association of Baptist Churches of NSW & ACT (the Association). They should be read in conjunction with that policy. The policy and procedures apply to those who have been approved, and those who have applied to be Accredited or Recognised Ministers.

This procedure aims to take into consideration all vulnerable people under the authority of church leaders, whether they are children, young people, elderly, those with disabilities or the emotionally and/or spiritually vulnerable.

1.2 Underlying Values

The constitution of the Association (paragraph 6.2) outlines its 'core values'. It also stipulates that the Association will adhere to a number of 'operational values' including:

- '(a) Good governance which –
 - (i) reflects our core values
 - (ii) encourages empowerment and accountability of decision makers at appropriate levels
 - (iii) fosters a culture of transparency in its processes and reporting, and
 - (iv) minimizes bureaucracy and permits decisions to be made in a timely manner.

- (c) Effective conflict resolution, noting that:
 - (i) ministering together in community may occasionally give rise to conflict; the Bible commands Christians to make every effort to live at peace and to resolve disputes in private or within the Christian community
 - (ii) conflict impacts upon the Association and its witness for Christ
 - (iii) biblically based dispute resolution procedures aim to bring glory to God, allow us to grow to be more like Christ, and assist us to resolve the dispute and achieve reconciliation.'

1.3 Underlying Theological Position

The church is called to be a Christian community that nurtures and sustains those who are called to be disciples and to participate in God's mission. It is a place that proclaims the good news of God's salvation in word and deed and to witness to God's inclusive and nurturing love for all persons. This includes treating everyone with respect, avoiding harmful discrimination, respecting physical and emotional boundaries and care for the most vulnerable.

Leaders, especially pastors, have a particular responsibility in this regard. Just as Jesus did not come to be served but to serve, he calls his disciples to be the servants of others. Pastoral leaders are called to live lives in humility and faithfulness in the power of the Holy Spirit in which their personal behaviours and ministry practice provide a safe place for everyone, where integrity is honoured, accountability is practiced and forgiveness encourages healing while not concealing misconduct. Scripture exhorts that leaders and pastors are to be people of good reputation, especially with those outside the church (1 Timothy 3:7) and, as far as possible, above reproach (1 Timothy 3:2). They are to be held to a higher standard than those they lead. God identifies groups of vulnerable people who were to be particularly protected and given special care and treatment in society because of their powerlessness (Exodus 22:21-22, Deuteronomy 10:17-19, Jeremiah 22:2-4, James 1:27). Jesus named and criticised evil and called to account those who misused or abused their power.

Christian faith also involves calling those who misuse or abuse power to true repentance. In Ezekiel 18:30-31 God requires an abuser to responsibly own the hurt caused to the victim and to make a complete change of attitude and behaviour. Readiness to accept discipline and make restitution are indicators of true repentance (Matthew 3:7-12).

The Association aims to create an atmosphere of support and compassion for all people and which allows victims/survivors of leadership misconduct to move towards healing. Jesus continually broke the rules governing religious niceties, exclusivity and silence. Support and compassion should never be given in an atmosphere of silence, cover-up or denial.

Christian faith strongly upholds the virtues of love, justice and mercy. Jesus Christ came to give freedom to the captives, sight to the blind and liberty to those who are oppressed (Luke 4:18). Ministers and church workers must be aware that their leadership position places them in a position of power in a relationship. Any sexual contact by a minister or church worker with a person with whom they are in a pastoral relationship is unethical and subject to discipline. In pastoral relationships the factors of power, trust and dependency limit the possibility of a church member or other person in such a relationship to freely give consent to sexual contact. In other words, the dynamics of such a relationship can result in a person being unable to withhold consent. Because the minister or church worker has the greater power and pastoral responsibility, the responsibility lies with them to guard the interpersonal boundary against sexual contact.

Physical, spiritual and emotional cruelty also constitute a form of abuse of power. Where a Christian leader is in a position of power and acts in such a way as to cause serious physical or mental pain or anguish, as judged by the standards applied at the time it occurs, then this constitutes abuse of position. This would include bullying behaviour.

This underlying theology of transformation requires:

- Righteous anger at evil. Jesus uncompromisingly told the truth. He named and criticised evil and called to account those who abused their power.
- Calling abusers to true repentance. This differs greatly from guilt-ridden remorse. In Ezekiel 18:30-31 God requires an abuser to responsibly own the hurt caused to the victim and to make a complete change of attitude and behaviour. Readiness to accept discipline and make restitution are indicators of true repentance (Matthew 3:7-12).
- An atmosphere of support and compassion. This allows victims/survivors to move towards healing. Jesus continually broke the rules governing religious niceties, exclusivity and silence. Support and compassion can never be given in an atmosphere of silence, cover-up and denial.
- Protection of the vulnerable. James 1:27 reminds us that the religion that God honours is first about caring for the widows and orphans. God's heart is for those who cannot protect themselves.

Scriptures which offer themselves for consideration and reflection by all involved in making, responding and addressing a complaint include 1 Corinthians 10: 31, 32; 1 Corinthians 13; Matthew 5:23, 24; Matthew 18; Luke 6:41-42; Gal.6:1; Eph. 4:1-3; Phil. 2:3, 4; Col. 3:12-14; James 3:13-4:3.

1.4 Background to the Procedures

Most Christian leaders serve honourably based upon the Holy Spirit's gifting and the local church's affirmation. However, some have abused their positions of authority and trust, resulting in great harm. We affirm that all people have the right to be emotionally and physically safe, respected, and have their views and opinions respected. We also live in a country that legislates for people's safety, particularly in the area of child protection. These procedures and the associated policy have been developed to help us live out our biblical mandate and our responsibilities under legislation.

People who attend any churches affiliated with the Association and indeed the public at large, need to be confident that the Association, and our affiliated churches, will do all they can to provide safe places for them to be nurtured and encouraged as they grow, as well as be protected from harm.

This procedure is not the first to address these issues. It follows on from previous procedures and documents, including:

- *Crossing the Boundary* 1999
- *Healing the Wounds* 2006
- *Towards Safe Ministry* 2007
- *Safe Ministry Strategy* 2008
- *Policy and Procedures*, 2012

These procedures should also be read in conjunction with the Code of Ethics and Conduct, which is the key reference document for breaches in expected behaviour.

It should be noted that many issues and complaints which occur within churches, namely those that do not involve serious risk or harm and have not become 'public knowledge' within the church (and even some that have), can be resolved at the local level. The Association will encourage this option of local resolution, where appropriate, before engaging these procedures. These procedures exist for the small number of more serious matters that cannot be appropriately resolved in this way.

1.5 Structure and Governance

The Association is not a hierarchical structure and member churches are affiliates, who maintain individual autonomy. While Accredited or Recognised Ministers are subject to these procedures, the Ministry Standards Committee (MSC) cannot impose upon affiliated churches the implementation of any sanctions which impose upon the autonomy of the local church (such as the standing down or dismissal of a pastor). Affiliated churches will, however, be encouraged to act in accordance with the procedures and to enact any sanctions or conditions placed upon a pastor. Where churches decline to be involved or implement the decisions of the Committee, this may have insurance implications. In order for a minister to maintain their Accredited or Recognised status with the Association it would be expected that they would adhere to these procedures during the processing of an allegation or complaint.

These procedures apply to those who are Accredited or Recognised Ministers with the Association, that is, those who have applied and been approved. It also applies to an individual who has applied to be an Accredited or Recognised Minister, and is in the process of approval.

Due to the governance and affiliation structure of the Association, it has no jurisdiction to consider an allegation against non-Accredited or Recognised Ministers or other church staff. However, in such cases the Association may offer support and advice to churches where there are allegations and an affiliated church requests assistance. The Association, though, may still legally have reporting responsibilities.

Where an affiliated Baptist church receives an allegation against a non-Accredited or Recognised Minister or other staff member, they may choose to use, as guidance, this procedure manual, and can choose to request the involvement of the Association, however there is no requirement for them to do so.

Options for how a church may handle an accusation against a non-Accredited (or Recognised) minister or volunteer staff member

OPTION 1:
Church handles themselves internally using own procedures and experts

OPTION 2:
Church asks Association to take over review

OPTION 3:
Church handles internally but Association is invited to take consultative role

1.6 Key Terms and Definitions

Accredited or Recognised Minister

An accredited or Recognised Minister is someone who has been Accredited or Recognised as a Minister of Religion by the Association.

Assembly Council

Assembly Council is the governance body of the Association. The members of the Assembly Council are elected at the annual Assembly of the Baptist Churches of NSW & ACT

The Association of Baptist Churches of NSW & ACT (the Association)

The Association is the trading name of the Baptist Union of NSW & ACT

Committee for the Ministry

The committee charged by the Association with the selection, training, accreditation and pastoral oversight of Accredited and Recognised Ministers.

Complainant

The person who is making a complaint or allegation, or their legal guardian if appropriate.

Complaint

A complaint of concern made against an Accredited or Recognised Minister.

Church Leadership

Those whom a church meeting has elected or a church has formally endorsed to undertake a specific leadership role.

Director of Ministries (DoM)

The principal staff member employed by the Association and who is accountable to Assembly Council.

Ministry Standards Committee (MSC)

The committee tasked with responsibility in regard to complaints as provided in this document.

Ministry Standards Manager (MSM)

The staff member employed by the Association and tasked with processing complaints made under this procedure. The Manager is accountable to the Director of Ministries but works closely with the MSC and its Chair.

Natural Justice

Natural justice means to act fairly, without bias throughout each of the stages of this procedure.

Pastoral Relationship

The relationship between a congregational member or other person with the Accredited or Recognised Minister where the latter is deemed to exercise a ministry of spiritual and personal welfare.

Respondent

The Accredited or Recognised Minister who is subject to the complaint or allegation.

Support Person

A person engaged by a party, or recommended to the party by the Association to be engaged by them with a view to:

1. offering pastoral support to the party throughout the process, or
2. assisting the party to understand the stages in the procedure, or both.

2 THE MINISTRY STANDARDS COMMITTEE

2.1 Purpose and Scope

The role of the Ministry Standards Committee (MSC) is to:

- Receive, triage and process complaints in relation to Accredited or Recognised Ministers.
- Receive reports and recommendations from the Ministry Standards Manager and Review Teams,
- Prepare final reports, make decisions and, subject to this procedure, enact those decisions.
- Facilitate resolution of complaints.
- Educate, support and advise the Churches of the Association on matters in which the Committee has expertise.
- Ensure that Review Teams understand their role and receive appropriate induction and training as required.
- Maintain a pool of suitable support people and additional Review Team members to call upon when required.

2.2 Composition and Qualifications of Members

The Ministry Standards Committee (MSC) is a subcommittee of the Committee for the Ministry which in turn reports to Assembly Council. Assembly Council, upon the recommendation of the Committee for the Ministry will appoint members to the MSC for a three-year term. At its first meeting for each year, the MSC will appoint a chair.

The MSC shall meet at least quarterly, or as often as required to progress individual matters. The MSC shall consist of a minimum of five standing members and shall include:

- An Accredited Minister
- A member with legal qualifications and experience
- Someone with qualifications and experience in working with power dynamics and differentials
- Someone with qualifications and experience in working with sexual abuse / misconduct
- At least one member with extensive pastoral experience in a local church
- A member of the Committee for the Ministry
- There is to be a minimum of 2 members of each gender
- One non Baptist Member who has an understanding of Baptist Church governance and similar theological views.

One member may fulfil more than one of the above requirements. In order for a meeting to be quorate, there must be a minimum of 4 members present, and both genders must be represented. The Ministry Standards Manager should usually be present at MSC meetings however is not eligible to vote on any resolutions.

Any member of the MSC or the Committee for the Ministry who has a conflict of interest in relation to any complaint should declare it and remove themselves from any discussions or deliberations about that complaint. The committee can second experts as required to assist them to undertake their role.

2.3 Decision Making in the Ministry Standards Committee

Decisions of the MSC should, ideally, be made by consensus. However, where consensus is unable to be reached, a vote with 75% majority of those present and voting will carry a resolution, with any dissenting vote recorded in the minutes and the report that goes to the Committee for the Ministry. Members may also abstain from voting.

As outlined in more detail in section 3.4.3 whilst the MSC has the responsibility to determine the outcome of a complaint, the Committee for the Ministry will confirm that due process has been followed before the decision of the MSC is enacted.

2.4 Review Teams

2.4.1 Role of Review Team

Where it has been determined that a Review Team is required, rather than a review by the Ministry Standards Manager, it is the role of the Review Team to appoint a lead, review the complaint, and use these procedures as guidance to determine recommendations.

Further it is the role of the Review Team to ensure they follow the guidance of this document and in particular the requirements outlined in Section 3.

2.4.2 Review Team Composition, Recruitment and Independence

All members of the MSC may serve on Review Teams. A list of suitable additional Review Team members with relevant experience, background and expertise shall also be maintained. The MSC shall be responsible for determining the appropriate selection process.

Those recruited for these roles should:

Essential Criteria:

- Be able to build rapport and confidence with the Complainant and the Respondent;
- Have counselling and / or support skills;
- Have knowledge of key issues around a particular area of expertise. e.g. financial fraud matters, or sexual misconduct issues, psychological, social, spiritual or legal dimensions; and
- Have the confidence of the denomination.

Desirable criteria (or willingness to obtain):

- Be trained in Biblical conflict resolution principles;
- Have knowledge of denominational structures and processes as they apply to issues of misconduct;
- Have experience and/or undertaken training in investigative processes.

The MSC shall undertake a recruitment process as often as is required to maintain a sufficient number of suitably qualified and experienced people to undertake these roles.

2.4.3 Additional Review Team Reporting Requirements

Review Teams are required to produce the following:

- An initial review plan.
- Brief update reports for each meeting of the MSC as to progress.
- Final report and recommendations to the MSC for their consideration.

The Review Team may, at any time, be requested to attend part of a MSC meeting to discuss the progress, reports or recommendations, or request to do so. Attendance is highly likely to be required to present final reports and recommendations.

2.5 Ongoing training of the Ministry Standards Committee and Committee for the Ministry

The Ministry Standards Manager and Chair of the MSC will be responsible to ensure that all members of the MSC and the Committee for the Ministry receive regular training regarding the requirements of the procedures outlined in this document so that they can administer these requirements correctly and ensure that due process is followed and natural justice is afforded.

3 COMPLAINTS AND ALLEGATIONS

3.1 Key Principles

In the handling of complaints and allegation, the following principles will apply:

- Complaints will be addressed having regard to both the underlying theology (see section 1.3) and the Association's core and operational values (see section 1.2).
- As far as possible, the well-being of the Complainant and the Respondent, and their families will be ensured.
- As far as possible, confidentiality will be maintained.
- Communication with Church Leadership will be considered as appropriate on a case by case basis, taking into account confidentiality and risk.
- Complaints will be actioned as quickly as possible with genuine regard to the seriousness of the allegations.
- Principles of natural justice, transparency and fairness will be applied throughout.
- Every person who is involved in handling a complaint will declare any conflict of interest in the matter or any personal connection or relationship with any party, past or present.
- Presumption of innocence will be assumed until guilt is determined by admission or due process.
- Decisions will be made on the "balance of probabilities" (which is the standard generally accepted in civil proceedings rather than "beyond reasonable doubt" which is the standard required in criminal proceedings).
- Where a matter is between two parties and there are no other witnesses or external evidence then it is likely that there will be insufficient evidence to substantiate the allegations
- The Association recognises the vulnerability of anyone who has experienced any form of trauma, abuse and harm and will therefore act with sensitivity and compassion, whilst ensuring that natural justice and procedural fairness are afforded in any complaint process.
- No complaint will be addressed in such a manner as to interfere in any way with the proper processes of criminal or civil law, whether they are in progress or specifically contemplated in the foreseeable future. Where a complainant chooses not to report a matter to the Police or other relevant civil authority, or these authorities have decided to take no further action, the Association may then act on the complaint.

3.2 STAGE 1 - Receiving and Triaging of Complaints and Allegations

A complaint against an Accredited or Recognised Minister may be made for serious breaches of the Code of Ethics and Conduct, including, but not limited to, misuse of power, financial fraud, bullying, and sexual misconduct. Anyone wishing to make a complaint may do so orally or in writing to the any one of the following:

- Ministry Standards Manager
- the Association's Director of Ministries
- Chair of Assembly Council
- Chair of the Ministry Standards Committee, or
- any member of the MSC.

Any person receiving a complaint has a responsibility, in consultation with the Ministry Standards Manager, to consider if the issue being complained about requires immediate notification to either the NSW or ACT Police or Community Services or other relevant civil authorities. The Ministry Standards Manager will make all such notifications.

Any party receiving a complaint will immediately notify the Ministry Standards Manager. If the complaint was made orally, the Complainant will be required to put the matter in writing as soon as is reasonably possible using any form developed by the Association for this purpose. The written complaint may be forwarded to the Ministry Standards Manager either by post or by email. Receipt of the complaint will be acknowledged by the Ministry Standards Manager in writing or by email. Normally, the triage process outlined below will not commence until the written

form has been received. However, if the Complainant is legitimately unable to put a complaint in writing, then the Ministry Standards Manager may assist the Complainant in this process. The Ministry Standards Manager has the discretion to commence the triage process without a written complaint if appropriate.

In the first instance, the Ministry Standards Manager will:

- Consider and / or take advice about whether Mandatory reporting to Police or other civic authorities (Community Services etc.) is required.
- Advise the Complainant of the process and send a copy of these procedures
- Clarify allegations and compare with the Code of Conduct and Ethics to identify potential areas of breach
- Clarify Complainants' expected or wished for outcomes and advise of limits of MSC role
- Begin case file
- Seek legal advice if required
- Advise the MSC Chair, the MSC and the Director of Ministries of the complaint and discuss whether any immediate advice to local church is required (this may include a recommendation to stand the Respondent down if the allegations are serious enough)
- Establish whether appropriate support people are in place or needed and clarify the support person's role
- Consider whether the complaint should exit to another process. (For example: Local Resolution, or Persons of Concern process)
- When the complaint concerns an alleged crime, assist the Complainant to report this to the appropriate authorities, or if the Complainant is not willing to do so, advise the Complainant that the Association is obligated to do so.

Once the Ministry Standards Manager has determined that a matter should proceed to the Ministry Standards Committee (MSC), depending upon the seriousness and issues, and in consultation with the Chair of the MSC, a decision is to be made whether the matter goes to the next scheduled meeting or requires an extraordinary meeting.

3.2.1 Anonymous Complaints

Although anonymous complaints present difficulties for investigation they are still to be treated seriously, and some level of preliminary investigation is to occur to determine if a formal process is required.

3.2.2 Informal Complaints and Rumours

Where a complaint against an Accredited or Recognised Minister has not been made formally, but has come to the notice of the Ministry Standards Manager, the Director of Ministries, another member of the Association staff, or a Member of the MSC, informally in the form of hearsay or rumour, the MSC may make preliminary enquires with a view to establishing whether there is a foundation to pursue a complaint. In most cases, a Complainant is required to initiate a complaint, however in some circumstances, where the MSC believes there is sufficient concern then the MSC, in consultation with the Director of Ministries, can initiate a review without a complainant bringing forward a complaint.

3.2.3 Mutual Resolution

Where possible and appropriate, local church or mutual resolution should be considered before these procedures are engaged. The objective here is to achieve a resolution that is acceptable to all key parties, and is in their best interests, rather than to avoid a more thorough review. Many issues and complaints that occur within churches, that do not involve serious risk or harm, and have not become 'public knowledge' within the church (and even some that have), can be resolved at the local level. The Association will encourage this option, where appropriate, before engaging these procedures. (It can also supply templates to churches wishing to develop Grievance Procedures). This document exists for the more serious matters that cannot be appropriately resolved in this way.

However, where the Association begins to recognise trends or a pattern of issues, be it in one church or across some churches of similar issues (requiring local resolution), the Association has a responsibility to examine this further and follow up as deemed appropriate.

3.2.4 Complaints Regarding Theology or Ministry Practice

Complaints regarding an Accredited or Recognised Ministers conduct that fall under areas of theology or Ministry Practice should be referred to the Committee for the Ministry for consideration and are not the remit of the Ministry Standards Committee.

3.3 STAGE 2 – Review

The Ministry Standards Manager will present information obtained in Stage 1 to the MSC who will determine whether more information is required, or the matter is suitable to allocate for review by either:

- **The Ministry Standards Manager**

More straight forward matters may appropriately be reviewed further and recommendations brought by the Ministry Standards Manager, who can consult other MSC Members if needed.

- **A Review Team**

Where a matter is more serious in its implications or complexity, the MSC will appoint a Review Team to consider the complaint. This may or may not include the Ministry Standards Manager. The Review Team will be appointed from among members of the MSC and from persons whose names are on a recruited list maintained by the committee.

The decision to appoint a Review Team will depend on the seriousness and nature of the allegations, the expertise required (for example, financial expertise, professional experience responding to sexual misconduct, etc.) and the amount of work it is anticipated that a review will involve. The size and composition of the Review Team is determined by the MSC. Every person who is involved in handling a review will declare any conflict of interest in the matter or any personal connection or relationship with any party, past or present. The Review Team will adhere to the 'Review Process' outlined in paragraph 3.3.1 below.

- **An Independent Review Process**

In matters where there is deemed to be inherent conflicts of interest, or where the MSC does not have, and cannot second appropriate expertise, or where the MSC deems it necessary, the involvement of an Independent Reviewer or investigator may be considered. This needs to be approved, due to potential cost, by the Ministry Standards Manager and / or the Director of Ministries. There should also be a written brief approved by the MSC outlining the requirements for the review.

After determining the level of review, the MSC will also consider:

- whether support people should be appointed for the Complainant, the Accredited or Recognised Minister (if they are aware at this stage) and / or their families.
- whether local Church Leadership or the Respondent should be advised that a complaint has been received. This may particularly apply where the complaint is public knowledge within the church (legal advice may need to be taken in a small number of circumstances).

3.3.1 Review Process

Each review may take a slightly different format depending upon the nature of the complaint, the particular issues involved, as well as the decisions taken by the Ministry Standards Manager, MSC and / or Review Team.

However, normally, the general progression in most cases will be:

- Review all known information and consider it in relation to potential breaches of the Code of Conduct and Ethics
- Formulate a review plan and communication plan with key parties (including the Complainant and the Respondent)

- Liaise with relevant authorities if required
- Ensure support people (for pastoral care) are in place
- Interview complainant and develop a written statement
- Put written statement to Complainant for confirmation / sign off
- Ministry Standards Manager / Review Team obtain written signed statements or statutory declarations from other parties with knowledge of the circumstances
- Interview other parties with knowledge of the circumstances (with interview records to be signed off by each person interviewed)
- Consult suitable experts if specialist advice required.
- Interview Respondent and put details of complaint / allegation (through written statement) to them for response*
- Develop written statement of interview and response with Respondent and get sign off from Respondent
- Develop final draft report with findings for the Ministry Standards Committee

* *The particulars of the complaint that are to be given to the Respondent will be drafted by the Review Team Lead or Ministry Standards Manager, but confirmed by both the chair of the MSC, and the legally qualified member of the MSC, before being given to the Respondent.*

All parties involved will be made aware of the need for confidentiality in regards to their involvement in the review.

3.3.2 Advising the Respondent of the Complaint

Where outside authorities are involved (eg. Police, civil authorities such as Community Services or FaCS), the Ministry Standards Manager and MSC will be guided by these authorities concerning communication or contact with the Respondent. This means the complaint will be kept in complete confidence and the Respondent will not be contacted or advised without permission from these authorities.

Once it is appropriate, the Respondent will be advised in person. This will include the provision of written information that outlines the complaint and the process to be undertaken, as far as known at the time to investigate the complaint. Advice of the complaint to the Respondent by phone and/or in writing will only occur as a last resort.

3.3.3 Additional Information about Interviews

A Complainant or Respondent will be advised of their right at all times in dealings with the Ministry Standards Manager, Review Team or Independent Reviewer or Investigator, to have the opportunity to be accompanied, by their chosen support person.

3.3.4 Complaint By or in Relation to Children and Young People

Children under the age of sixteen at the time of the complaint are to be represented by a person of their choice, preferably their parent or legal guardian, who will make a formal complaint in writing on their behalf and generally act on their behalf as required for the processing of the complaint. If an older child requests to be present for part or all of the proceedings, this should be carefully assessed and agreed to where possible. Young People, legally defined as those 16 or 17 years, are able to make the determination of whether they are represented or represent themselves.

In NSW a report to the Department of Family and Community Services is mandatory where there is risk of significant harm to a child or young person. In the ACT there is a similar mandatory requirement to report to the Department of Community Services where children are experiencing harm or abuse. Because there is the risk of contaminating a child's or young person's evidence for court proceedings, any review in relation to alleged or suspected abuse must in the first instance be done by the Department of Family and Community Services (in NSW) or the Department of Community Services (in the ACT).

3.3.5 Persons with an Intellectual or Psychiatric Disability

Special care should be taken when interviewing anyone with an intellectual or psychiatric disability and any interviews should only be conducted by someone with experience and expertise in working with people with these disabilities.

Consideration should also be given to the amount of preparation required by talking with any case workers or support services involved, with appropriate consent.

3.3.6 Where the Respondent Refuses to Take Part

Where a Respondent refuses to take part in the process of review, the review may still proceed, with the Reviewing Officer/s still endeavouring to make a determination, albeit one that acknowledges the limitations of the lack of co-operation. This refusal would be a further matter of misconduct for consideration.

3.4 STAGE 3 – Reporting and Findings

3.4.1 Report to Ministry Standards Committee

A report, outlining the process and findings of the Ministry Standards Manager, Review Team, or Independent Reviewer (dependent on level of review determined as per 3.3), is to be presented to the MSC once the review is completed. This report will include:

- the process of investigation that has been undertaken;
- the key evidence and findings against each allegation and how it relates to breaches of the Code of Conduct and Ethics;
- recommendations as to suitable outcomes;
- any areas of contention or disagreement.

3.4.2 Regular Updates to the Committee for the Ministry

The Ministry Standards Manager will provide regular updates to the Committee for the Ministry on progress in each active case after the matters have been considered by the MSC.

3.4.3 Determination by Ministry Standards Committee and Confirmation of Due Process by the Committee for the Ministry

The determination of outcome of any investigation and/or review of a complaint is the responsibility of the MSC. A short summary report, including the outcome and outlining the process followed by the MSC, will be conveyed to the Committee for the Ministry.

The Committee for the Ministry needs to have confidence that due process and the guidelines of this procedures document have been followed. It is not the function of the Committee for the Ministry to review the decision itself.

3.4.4 Notification of Outcome of Complaint Process

After the Committee for the Ministry has confirmed that due process and the guidelines of this procedures document have been followed, the Ministry Standards Manager or Chair of the MSC will ensure that all relevant parties are notified in writing of the outcome, as appropriate. This written notice will normally be delivered in person and will include the opportunity for discussion regarding the reasons for the decision. This communication will occur in a timely manner, and with due sensitivity to the gravity of information being shared. All reasonable efforts will be made to communicate the outcome in person, however in some situations, particularly where great distance is involved, communication through online applications (for example Skype or Facetime) may be more appropriate. Advice of the outcome to the parties by phone, email or post will only occur as a last resort. The written advice will include a statement regarding the right of appeal to Assembly Council.

3.4.5 Possible Recommendations and Outcomes of Complaint Process

Some of the potential outcomes for an Accredited or Recognised Minister may include:

- Removal from either the Association's Accredited or Recognised Ministers list
- Continuance on the relevant list, with conditions or restrictions on practice of ministry
- Suspension from the relevant list, with provision for review after a nominated time frame
- No change to Accreditation or Recognition
- Such other action as is deemed appropriate in the situation.

In each case there may be a requirement for counselling, supervision and monitoring, or other appropriate action. There may also be a disciplinary or probationary process.

It is recognised that removal of Accreditation or Recognition may or may not mean removal from employment by the local church, as this is a decision beyond the control of the Association.

Some other potential outcomes following conclusion of the process may include:

- Referral for local resolution, with recommendations to the local church
- Apology
- Development of a restoration / reconciliation plan
- Recommendation of additional training to be undertaken
- Referral to appropriate authorities
- Recommendation of counselling for other parties involved
- Recommendation of legal action
- No further action deemed necessary

3.5 Recording Requirements Throughout the Complaint Process

All members of the MSC or Association staff involved with a complaint are required to record the date, time and nature of any contact or enquiry, and the outcomes or follow up actions. The Ministry Standards Manager will collate all these records and all documents relevant to the complaint will be kept in a single file.

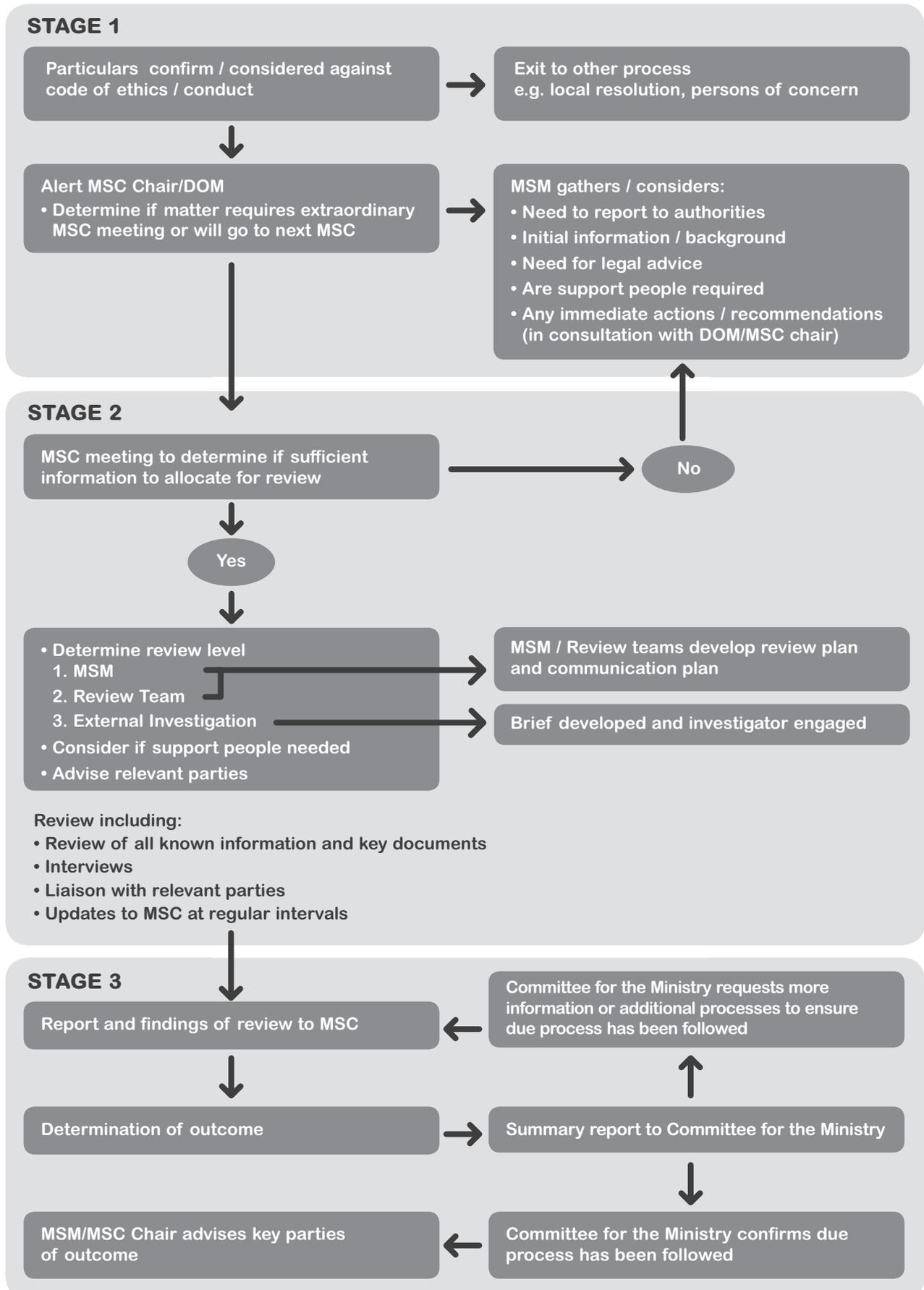
Relevant parties are to be advised of the existence of the file and storage procedures. To preserve confidentiality, all records of complaints shall be stored in a locked filing cabinet in the office of the Association. Records must be kept for a minimum of 7 years, or in matters involving a child or confirmed sexual abuse, they must be kept for a minimum of 30 years, or as long as required by law.

3.6 Confidentiality and its Limits

The Association will seek to maintain confidentiality in terms of ensuring only those with a need to know about a matter do know. In the local church context, the only persons with whom complaints and allegations should be discussed are those either directly involved (for example by way of interviewing), those in positions of leadership who need to know in order to make appropriate decisions, and others who may have direct responsibility. In all instances, the Association, to the best of its ability, shall act in a way so as to limit the general knowledge amongst church members of the specifics of allegations, except in the rare instances where it may be necessary for safety.

The Association will at times be required, by law, to share information it holds with third parties. This includes, but is not limited to situations of risk of harm, criminal investigations and requests governed by privacy legislation. Records held may also be subpoenaed by a Court of law. Association staff may also be subpoenaed, as may staff, MSC members, Review Team members and Independent Reviewers.

3.7 Complaint Management Flowchart



4. APPEALS PROCESS

Any appeal of a determination of outcome by the MSC is to be submitted to Assembly Council. An appeal application must be received in writing within 30 days of the formal decision being advised to the party in writing. The appeal must make clear the grounds of the appeal, and whether it relates to the process or findings or both.

Assembly Council will then appoint an Appeal Panel to consider the appeal. The Appeal Panel, shall consist of at least three members, and should ideally include:

- one member from a non-Baptist denomination
- at least one member from each gender
- members with expertise relevant to the details of this appeal

One or more members of Assembly Council may be appointed to serve on the Appeal Panel. Consideration should be given to any potential or perceived conflicts of interest. The Appeal Panel will appoint one of its members as an Appeal Panel Convenor who will assist to coordinate the appeal process and provide regular progress reports to Assembly Council.

The Appeal Panel will initially review all relevant documentation and determine the appeal process required. The Appeal Panel will conduct its review in line with the processes described for review teams in section 3.3, as relevant. This Appeal Panel process will typically include a review of all the relevant information on file to ensure that the MSC has adhered to the procedures in this document and that the decision of the MSC is fair and reasonable, based on the available evidence. In some cases, the Appeal Panel might choose to re-interview people or conduct their own enquiries before making their determination.

After conducting the appeal process, the Appeals Panel will make a determination in an expedient manner. The decision of the Appeal Panel is final.

The Appeal Panel is to provide a short summary report, including the outcome and the process to Assembly Council before any parties are advised of the outcome. Assembly Council is to ensure that due process and the guidelines of this procedure have been followed by the Appeal Panel. It is not the function of the Assembly Council to review the decision of the Appeal Panel.

After Assembly Council has confirmed that due process and the guidelines of this procedure document have been followed, the Appeal Panel Convenor will ensure that all relevant parties are notified in writing of the outcome, as appropriate. This written notice will normally be delivered in person and will include the opportunity for discussion regarding the reasons for the decision. This communication will occur in a timely manner, and with due sensitivity to the gravity of information being shared. All reasonable effort will be made to communicate the outcome in person, however in some situations, particularly where great distance is involved, communication through online applications (for example Skype or Facetime) may be more appropriate. Advice of the outcome to the parties by phone, email or post will only occur as a last resort. The Ministry Standards Manager may provide assistance to the Appeal Panel Convenor in notifying the relevant parties, and will receive a copy of the appeal panel report and notification letters to file.



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