

Diocesan policy for dealing with allegations of unacceptable behaviour

The Bible says a lot about the responsibilities of Christian life and leadership, especially about grievances between Christians.

The Bible expects high standards of Christian leaders (Mark 10:42-45; 2 Timothy 2:14-26; Titus 1:5-9; James 3:1-2; 1 Peter 5:1-4). In particular, 1 Timothy 3:2-3 says –

Now the overseer is to be above reproach, faithful to his wife, temperate, self-controlled, respectable, hospitable, able to teach, not given to drunkenness, not violent but gentle, not quarrelsome, not a lover of money. (NIV)

Christians are to honour those God has placed in positions of authority (1 Timothy 5:17-20; Hebrews 13:7, 17). For example, 1 Thessalonians 5:12-13 says –

Now we ask you, brothers and sisters, to acknowledge those who work hard among you, who care for you in the Lord and who admonish you. Hold them in the highest regard in love because of their work. Live in peace with each other. (NIV)

Underlying all this – especially in the face of a grievance – are the priorities of love, repentance and forgiveness (Matthew 18:15-17; Galatians 5:22-6:4; Colossians 3:12-14; James 1:19-21). Ephesians 4:31-32 says –

Get rid of all bitterness, rage and anger, brawling and slander, along with every form of malice. Be kind and compassionate to one another, forgiving each other, just as in Christ God forgave you. (NIV)

PURPOSE OF THIS POLICY

The purpose of this policy is to encourage people in our parishes to deal with allegations of unacceptable behaviour in a wise and godly way. It encourages people to seek reconciliation, with repentance where needed.

APPLICATION OF THIS POLICY

The policy applies to allegations of unacceptable behaviour by clergy or church workers in parishes of our Diocese.

“Unacceptable behaviour” means any conduct which falls short of the standard of behaviour expected of clergy and church workers. This includes bullying.

However, allegations of sexual misconduct and misconduct involving children must be referred to the Director of Professional Standards (or a Contact Person appointed by the Director). The Director will determine whether action should be taken under the *Discipline Ordinance 2006* rather than this policy.

Allegations of conduct which breach a standard in *Faithfulness in Service* where the person by or on whose behalf the allegation is made has suffered harm or is at risk of harm must also be referred to the Director of Professional Standards.

The policy does not apply to allegations of criminal conduct or professional misconduct. Allegations which may involve such conduct must be referred directly to the Director of Professional Standards. The Director will report such allegations to the police or relevant professional association, as appropriate.

STANDARD OF BEHAVIOUR

The standard of behaviour expected of clergy and church workers in our Diocese should be understood by reference to –

- *Faithfulness in Service* as adopted by the Synod, which is the code of personal behaviour for clergy and church workers in our Diocese, and
- The *Discipline Ordinance 2006*, which makes certain types of behaviour by clergy and church workers an offence under the rules of our Diocese.

OUR COMMITMENT

Everyone in a position of leadership in our parishes is expected to exercise authority in a godly way. And we thank God for the godly leadership of both clergy and church workers in the Diocese.

But we also recognise that sometimes authority can be exercised in an unacceptable way.

This can cause significant damage to relationships, undermine ministry and ultimately bring the gospel of our Lord Jesus into disrepute.

We are committed to ensuring that allegations of unacceptable behaviour are dealt with properly. An important part of this commitment is to have a process to encourage people to raise allegations of unacceptable behaviour by clergy and church workers in parishes, knowing that the allegations will be –

- treated seriously and sensitively, and
- dealt with promptly, fairly and effectively.

We affirm that faithful Christian leadership sometimes means clergy and church workers make decisions with which some people disagree or are offended by. Christian leadership like this can be a necessary part of growing our churches. In itself, it should not give rise to an allegation of unacceptable behaviour under this policy.

POLICY PRINCIPLES

These principles apply to allegations of unacceptable behaviour under this policy –

1. A concern about unacceptable behaviour by clergy or a church worker in a parish should be raised as soon as possible. This can be a difficult step. The person who is concerned about the behaviour may want to seek advice from a wise Christian friend on a confidential basis first.
2. Allegations of sexual misconduct or misconduct involving children usually cannot be dealt with under this policy. Such allegations must be referred to the Director of Professional Standards who will decide whether action should be taken under the *Discipline Ordinance 2006* rather than this policy.
- 2A. Allegations of conduct which breach a standard in *Faithfulness in Service* where the person by or on whose behalf the allegation is made has suffered harm or is at risk of harm must also be referred to the Director of Professional Standards.
3. Allegations of criminal conduct, including sexual abuse or child abuse, and allegations of professional misconduct cannot be dealt with under this policy. Any allegation which may involve such conduct must be referred directly to the Director of Professional Standards who will report such allegations to the police or relevant professional association, as appropriate.
4. Otherwise, allegations of unacceptable behaviour should be dealt with as close as possible to their source (unless the nature of the allegation or the identity of the person about whom the allegation is made requires otherwise).
5. Anonymous allegations or allegations made by a person who does not want to be identified cannot be dealt with under this policy.

6. Allegations of unacceptable behaviour should be treated seriously and sensitively. They should be dealt with promptly, having due regard to procedural fairness and confidentiality. Procedural fairness includes –
- being informed of the allegations,
 - being provided with a reasonable opportunity to respond,
 - being treated without bias, and
 - being aware of progress in dealing with the allegation.

Confidentiality includes the way information or records relating to an allegation are stored and used.

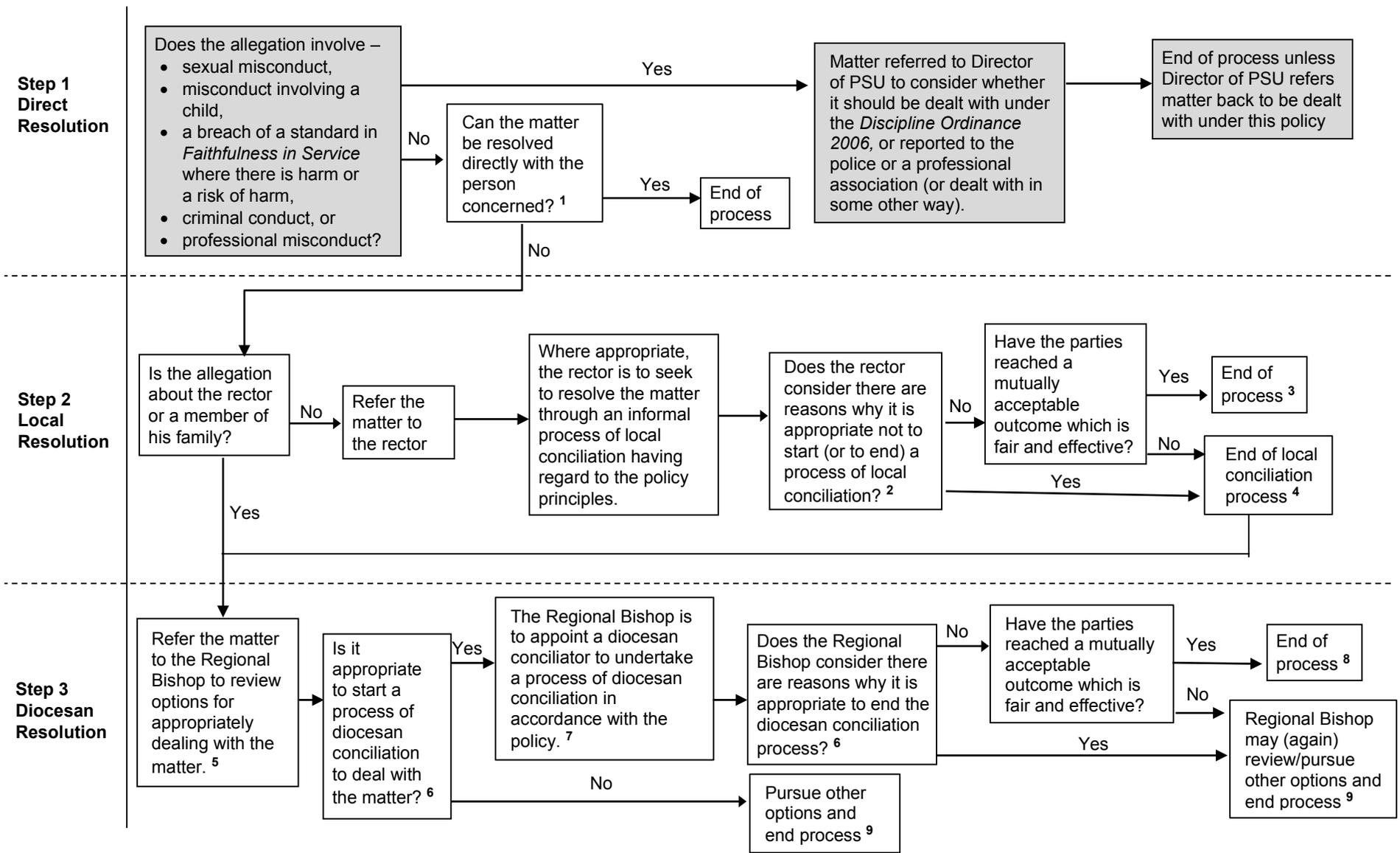
7. No one making an allegation, or associated with an allegation or a person making an allegation, should be victimised.
8. Trivial, malicious or false allegations should not to be made.
9. Both parties to an allegation should receive appropriate information, support and assistance in resolving the matter.
10. Where possible and appropriate, allegations should be dealt with by discussion, cooperation and conciliation consistent with biblical principles. Conciliation aims to reach a mutually acceptable outcome which is fair and effective. It also aims to minimise the potential for on-going damage to relationships, and to help the ministry of the parish to continue effectively.
11. Conciliation is intended to be a non-legal alternative for dealing with allegations of unacceptable behaviour. It should only be used when both parties freely agree to conciliate, on the basis that –
- legal representation is excluded, and
 - the matters discussed during the conciliation process are confidential.
12. At any meeting or interview during a conciliation process, both parties may be accompanied by a support person. A support person may speak at any meeting or interview, with the permission of the person they are supporting (unless the conciliator asks them not to, in order to facilitate the process).
13. To resolve a matter meaningfully, sometimes an act of reparation (such as an apology) is needed from the person about whom the allegation is made. Sometimes, in the course of resolving a matter, the person making an allegation may understand better why certain actions were taken and accept that the actions were not unacceptable behaviour even if they don't agree with them.
14. It is not always appropriate to deal with an allegation by conciliation (for example, if an allegation is serious or the nature of the relationship between the parties makes conciliation inappropriate). If so, other options for dealing with the allegation appropriately must be considered.

MODEL PROCEDURES

The model procedures (and accompanying notes) for dealing with allegations of unacceptable behaviour under this policy are set out in the Appendix.

Appendix – Model procedures for dealing with allegations of unacceptable behaviour

(The numbers in this flow diagram refer to the accompanying notes for these procedures)



Accompanying notes for model procedures

Step 1 – Direct resolution

1. A person making an allegation of unacceptable behaviour is encouraged to –
 - (a) put their concerns in writing (in detail, and with examples of the behaviour),
 - (b) try to resolve the matter directly with the person concerned, if appropriate, and
 - (c) take a support person with them, if one-to-one contact is not appropriate.

Step 2 – Local resolution

2. This policy applies to allegations of unacceptable behaviour made against members of the clergy and church workers in parishes. This means that an allegation made against someone else in the parish should not be dealt with under this policy (although the principles in the policy may still be helpful).

If, at any time, the rector considers that an allegation made against a member of clergy or church worker in the parish may involve –

- (a) sexual misconduct or misconduct involving children,
- (b) criminal conduct which should be reported to the police,
- (c) professional misconduct which should be reported to a professional association, or
- (d) a breach of a standard of *Faithfulness in Service* and the person by or on whose behalf the allegation is made has suffered harm or is at risk of harm,

he must promptly refer the matter to the Director of Professional Standards, and suspend any further action under this policy.

After receiving a referral from the rector, the Director should –

- (a) tell the rector promptly, and take the necessary action, if the Director considers that –
 - (i) the matter should be dealt with under the *Discipline Ordinance 2006*,
 - (ii) the matter should be reported to the police, or
 - (iii) the matter should be reported to a professional association, or
 - (iv) the matter should otherwise be dealt with,(in which case, the rector should end the process under this policy), or
- (b) if (a)(i) to (iv) do not apply, refer the matter back to the rector promptly, so the matter can continue to be dealt with under this policy.

There are other circumstances in which the rector should not start conciliation at a parish level under this policy. If already started, he should end conciliation. These circumstances are if the rector, having made due enquiry, considers –

- (a) it is not appropriate to deal with the allegation this way, for example because of its seriousness or because of the relationship between the parties,
- (b) there is no reasonable prospect of resolving the matter this way, for example because one party refuses to participate in a conciliation, or
- (c) the allegation is trivial, malicious or false.

The rector should also end conciliation at a parish level if –

- (a) the allegations have not been resolved between the parties within a reasonable time, or
- (b) either party tells the rector that they do not want to continue the process.

3. Where the parties have reached a mutually acceptable outcome which is fair and effective, the rector should –
 - (a) confirm with them that the conciliation process has finished, and
 - (b) store a record of the allegation and the outcome in a confidential file in the parish offices.
4. If the rector does not start a conciliation process at the parish level, he should –
 - (a) promptly tell the person making the allegation why, in writing,
 - (b) tell the person that they can refer the matter to the Regional Bishop if they want to (within a month, if possible), and
 - (c) store a record of the allegation and his correspondence with the person making the allegation in a confidential file in the parish offices.

If the rector starts a local conciliation process but ends the process without a mutually acceptable outcome being reached between the parties, he should –

- (a) promptly tell both parties why, in writing,
- (b) tell the person making the allegation that they can refer the matter to the Regional Bishop if they want to (within a month, if possible), and
- (c) store a record of the allegation and his correspondence with both parties in a confidential file in the parish offices.

However, the rector should delay or modify such notice to either or both parties if –

- (a) the matter is being dealt with under the *Discipline Ordinance 2006* or is being reported to the police or a professional association, and
- (b) the Director of Professional Standards requests that the rector delay or modify notice to the parties because of this.

Step 3 – Diocesan resolution

5. Where the person making an allegation refers the matter to a Regional Bishop, the Regional Bishop should –
- (a) satisfy himself that the matter has been adequately considered under steps 1 and 2 above, and
 - (b) if so –
 - (i) explain the options for dealing with the matter to the person, and
 - (ii) facilitate the best way forward.

The options for dealing with the matter include one or more of the following:

- (a) using a process of conciliation to achieve the purpose of this policy, that is –
 - (i) to encourage people in our parishes to deal with allegations of unacceptable behaviour in a wise and godly way, and
 - (ii) to encourage people to seek reconciliation, with repentance where needed,
 - (b) referring the allegation to the rector and parish wardens, to be dealt with as a work health and safety matter under Safe Work Australia bullying guidelines, if –
 - (i) the allegation concerns bullying towards a staff or volunteer worker in a parish, and
 - (ii) conciliation under this policy is not appropriate,
 - (c) referring the allegation to the Director of Professional Standards to be dealt with as a complaint under the *Discipline Ordinance 2006*, if the allegation is serious (noting that matters which may involve –
 - (i) sexual misconduct or misconduct involving a child,
 - (ii) a breach of a standard in *Faithfulness in Service* where the person by or on whose behalf the allegation is made has suffered harm or is at risk of harm,
 - (iii) criminal conduct which should be reported to the police, or
 - (iv) professional misconduct which should be reported to a professional association,must be referred to the Director of Professional Standards),
 - (d) dealing with the allegation under the *Parish Relationships Ordinance 2001*, if the allegation involves a serious breakdown in the pastoral relationship between the rector and a substantial number of parishioners,
 - (e) recommending that the person about whom the allegation is made have “guidance or specialised help” (as per *Faithfulness in Service*), and/or
 - (f) taking no further action under the policy if the matter is a dispute or disagreement, not an allegation of unacceptable behaviour (in which case, dispute resolution under the *Parish Disputes Ordinance 1999* or the *Parish Administration Ordinance 2008* may be appropriate).
6. This policy applies to allegations of unacceptable behaviour made against members of the clergy and church workers in parishes. This means that an allegation made against someone else in a parish should not be dealt with under this policy (although the principles in the policy may still be helpful).

If, at any time, the Regional Bishop considers that an allegation made against a member of clergy or church worker in a parish may involve –

- (a) sexual misconduct or misconduct involving children,
- (b) criminal conduct which should be reported to the police,
- (c) professional misconduct which should be reported to a professional association, or
- (d) a breach of a standard of *Faithfulness in Service* and the person by or on whose behalf the allegation is made has suffered harm or is at risk of harm,

he must promptly refer the matter to the Director of Professional Standards, and suspend any further action under this policy.

After receiving a referral from a Regional Bishop, the Director should –

- (a) tell the Regional Bishop promptly, and take the necessary action, if the Director considers that –
 - (i) the matter should be dealt with under the *Discipline Ordinance 2006*,
 - (ii) the matter should be reported to the police,
 - (iii) the matter should be reported to a professional association, or
 - (iv) the matter should otherwise be dealt with,
(in which case, the Regional Bishop should end the process under this policy), or
- (b) if (a)(i) to (iv) do not apply, refer the matter back to the Regional Bishop promptly, so the matter can continue to be dealt with under this policy.

There are other circumstances in which the Regional Bishop should not start conciliation at a diocesan level under this policy. If already started, he should end conciliation. These circumstances are if the Regional Bishop, having made due enquiry, considers –

- (a) it is not appropriate to deal with the allegation this way, for example because of its seriousness or because of the nature of the relationship between the parties,
- (b) there is no reasonable prospect of resolving the matter this way, for example because one party refuses to participate in a conciliation, or
- (c) the allegation is trivial, malicious or false.

The Regional Bishop should also end a diocesan conciliation process if –

- (a) the allegations have not been resolved between the parties within 3 months of a diocesan conciliator being appointed, and
- (b) either party tells the Regional Bishop that they do not want to continue the process.

7. The diocesan conciliator should be –

- (a) a person who –
 - (i) is not a current or former parishioner of the parish concerned (in most cases),
 - (ii) is competent in conflict resolution and conciliation, and
 - (iii) agrees to conciliate the matter in accordance with the policy (as a condition of their appointment),
or
- (b) the Regional Bishop, if both parties and the Regional Bishop agree.

The Regional Bishop and the diocesan conciliator should be provided with any notification that the local conciliation process has not been started or has been ended by the rector (including the reason why).

The Regional Bishop or the diocesan conciliator may also require the person making the allegation to put the allegation in writing (with specific details and examples of the behaviour) if this has not already been done.

The diocesan conciliator should try to conciliate the matter, in accordance with the principles contained in the policy, within 3 months of being appointed.

8. Any mutually acceptable outcome reached between the parties should be fair and effective. It should be put in writing, signed and dated by each party, the diocesan conciliator and the Regional Bishop. The outcome should usually include the diocesan conciliator reviewing the situation at an agreed time or times after the outcome has been reached. A copy of the signed and dated outcome should be provided to both parties, the diocesan conciliator and the Regional Bishop.

Where the parties have reached a mutually acceptable outcome, the Regional Bishop should confirm with both parties that the diocesan conciliation process has finished. He should store a record of the allegation and a copy of the outcome in a confidential file in his office.

9. If the Regional Bishop does not start a diocesan conciliation process, he should –

- (a) promptly notify the person making the allegation in writing why and that the process under the policy has ended,
- (b) store a record of the allegation and his correspondence with the person making the allegation in a confidential file in his office, and
- (c) pursue other options for dealing with the matter, if appropriate.

If the Regional Bishop starts a diocesan conciliation process but ends the process without a mutually acceptable outcome being reached between the parties, he should –

- (a) promptly notify both parties in writing why and that the process under the policy has ended,
- (b) store a record of the allegation and his correspondence with both parties in a confidential file in his office, and
- (c) pursue other options for dealing with the matter, if appropriate.

However, the Regional Bishop should delay or modify such notice to either or both parties if –

- (a) the matter is being dealt with under the *Discipline Ordinance 2006* or is being reported to the police or a professional association, and
- (b) the Director of Professional Standards requests that the Regional Bishop delay or modify notice to the parties because of this.

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Notes

By resolution 46/15, the Synod –

- (a) determined that the Diocesan Policy for dealing with allegations of unacceptable behaviour (the “policy”) commences on 1 January 2016 and that the existing Grievance Policy and Procedure for dealing with allegations of unacceptable behaviour by clergy and church workers in parishes ceases on that date, and
- (b) requested that a copy of the policy be circulated to all rectors and parish councils for their attention and that parishioners be made aware of the policy, and
- (c) requested that the Regional Bishops be offered training to undertake their responsibilities under the policy, and
- (d) requested that the Regional Bishops report annually to Standing Committee on such training received for their policy responsibilities and on their use (or otherwise) of the policy and model procedures, and
- (e) authorised the Standing Committee to make amendments to the policy provided any amendments are reported to the next ordinary session of the Synod, and
- (f) requested the Standing Committee to undertake a review of the policy after a period of 5 years from its commencement.

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