



# Procedures for Handling Allegations

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

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This version supersedes previous versions.

For further information see our website at: [www.nswactbaptists.org.au](http://www.nswactbaptists.org.au)



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# 1. PURPOSE AND BACKGROUND

## 1.1 Purpose of the Procedures

These procedures provide guidance, primarily to the Pastoral Standards Committee (PSC), the Affirmation Oversight Team, and to Baptist 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 Accredited or Recognised Ministers, Candidates for Accreditation or Recognition and those who remain in the application process for Accreditation or Recognition.

## 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:

- reflects our core values,
- encourages empowerment and accountability of decision makers at appropriate levels,
- fosters a culture of transparency in its processes and reporting, and
- minimises bureaucracy and permits decisions to be made in a timely manner.

(b) Effective conflict resolution, noting that:

- 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,
- conflict impacts upon the Association and its witness for Christ,
- 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 community that nurtures disciples and participates in God's mission. It is a place that proclaims the good news in word and deed and provides witness to God's inclusive and nurturing love for all persons. This includes treating everyone with respect, avoiding harmful discrimination, respecting boundaries and caring for the vulnerable.

Leaders 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 with humility and faithfulness in the power of the Holy Spirit. Their personal behaviours and ministry practice should provide a safe place for everyone, where integrity is honoured, accountability is practiced and forgiveness encourages healing while not concealing misconduct. Scripture exhorts leaders and pastors to be people of good reputation, especially with those outside the church (1 Tim 3:7) and as far as possible, above reproach (1 Tim 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 in society (Ex 22:21-22, Deut 10:17-19, Jer 22:2-4, James 1:27). Jesus called to account those who misused or abused their power.

This theological perspective requires:

- Righteous anger at evil. Jesus named and criticised evil and called to account those who abused their power.
- Calling abusers to true repentance. In Ez 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 (Matt 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.

#### **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 harm. We affirm that all people have the right to be safe, respected and have their opinions respected. We live in a country that legislates for people's safety. These procedures have been developed to help us live out our biblical mandate and our responsibilities under legislation.

People who attend churches affiliated with the Association 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 well as be protected from harm.

These procedures should be read in conjunction with the Code of Ethics and Conduct.

Complaints which occur within churches, namely those that do not involve a serious breach of the Code of Ethics and Conduct standards, criminal offences, Reportable Conduct or serious risk of harm should be managed at the local level. The Association will encourage local resolution, where appropriate, before engaging these procedures.

#### **1.5 Complaints against pastors who are not accredited or recognised**

While Accredited or Recognised Ministers are subject to these procedures, the PSC cannot impose upon affiliated churches the implementation of sanctions which impinge upon the autonomy of the local church. Affiliated churches will, however, be encouraged to act in accordance with the procedures and to enact any conditions placed upon a pastor. Where churches decline to 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 they must cooperate with the PSC as it administers these procedures.

Due to the governance structure of the Association, it has no jurisdiction to consider an allegation against non-Accredited or non-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.

## 1.6 Key Terms and Definitions

**Accredited or Recognised Minister:** someone who has been Accredited or Recognised as a Minister of Religion by the Association.

**Affirmation Oversight Team (AOT):** The committee charged by the Association with the selection, training, accreditation and pastoral oversight of Accredited and Recognised Ministers.

**Assembly Council:** the governing 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.

**Complainant:** a 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 the Assembly Council.

**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 (or their delegate) but works closely with the PSC and its Chair.

**Natural Justice:** requires that the procedure for making a decision be objective and transparent, that the respondent be given the opportunity to respond and be heard, that the decision makers take into account all relevant considerations and no irrelevant considerations and that the decision be made without bias.

**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.

**Pastoral Standards Committee (PSC):** the committee tasked with responsibility in regard to complaints as provided in this document.

**Respondent:** the Accredited or Recognised Minister who is subject to the complaint or allegation.

**Support Person:** a person engaged by a complainant or the respondent with a view to:

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

## **2. THE PASTORAL STANDARDS COMMITTEE**

### **2.1 Purpose and Scope**

The role of the Pastoral Standards Committee (PSC) is to:

- receive, triage and process complaints in relation to Accredited or Recognised Ministers,
- receive reports and recommendations from the Ministry Standards Manager and Interview 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 Investigation Teams understand their role and receive appropriate induction and training as required,
- maintain a pool of suitable support people and additional Investigation Team members to call upon when required.

### **2.2 Composition and Qualifications of Members**

The Pastoral Standards Committee (PSC) is a subcommittee of the Affirmation Oversight Team which in turn reports to the Assembly Council. The Assembly Council, upon the recommendation of the Affirmation Oversight Team, will appoint members to the PSC for a three-year term. The PSC will appoint a chairperson from within its members.

The PSC should usually meet quarterly, or as often as required.

The PSC should consist of a minimum of five standing members and should include:

- the Ministry Standards Manager,
- an Accredited Minister with the Baptist Association of NSW & ACT,
- a member with legal qualifications and experience,
- a member with qualifications and experience in psychology, counselling or social work,
- at least one member with extensive pastoral experience in a local church,
- a minimum of two men and two women,
- a majority of members who hold membership in an affiliated Baptist Church.

In addition to the above requirements the PSC will ideally include:

- At least one non-Baptist Member who understands Baptist Church governance and has similar theological views,
- The Director of Ministries or designated Associate Director who may attend the PSC on occasion and as requested.

One member may fulfil more than one of the above requirements. For a meeting to be quorate, there must be a minimum of 4 members present, and at least one female and one male must be represented. Any member of the PSC or the AOT who has a conflict of interest in relation to any complaint should declare it and may need to 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 Pastoral Standards Committee**

Decisions of the PSC 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 AOT. Members may also abstain from voting.

As outlined in more detail in section 3.4.3 whilst the PSC has the responsibility to determine the outcome of a complaint, the AOT will confirm that an appropriate process has been followed before the decision of the PSC is enacted.

### **2.4 Training of the Pastoral Standards Committee and Affirmation Oversight Team**

The Ministry Standards Manager and Chair of the PSC are to encourage all members of the PSC and the AOT to receive regular training regarding the requirements of the procedures outlined in this document so that they can administer these requirements correctly and ensure that an appropriate process is followed, and natural justice is afforded.



## **3. COMPLAINTS AND ALLEGATIONS**

### **3.1 Key Principles**

In the handling of complaints and allegations, 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 a finding has been made either by admission or by an appropriate process of investigation. However, risk assessment may result in risk management measures being undertaken.
- 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 possible 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. However, the Association also has an interest in seeking the truth and it may therefore be necessary for an Investigation Team to ask potentially uncomfortable questions or request sensitive information.
- No complaint will be addressed in such a manner as to interfere in any way with an active process of criminal or civil law. 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 standards of the Code of Ethics and Conduct. Anyone wishing to make a complaint may do so orally or in writing and is encouraged to do so via the Ministry Standards Manager.

In some circumstances it may be appropriate to raise the complaint with any member of the PSC, the Director of Ministries or the Chair of Assembly Council. 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 Police or a relevant government authority. 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 requested to put the matter in writing as soon as is reasonably possible. The written complaint should be forwarded to the Ministry Standards Manager. Receipt of the complaint will be acknowledged by the Ministry Standards Manager in writing. Normally, the triage process outlined below will not commence until a written complaint has been received. However, if the Complainant is legitimately unable to put a complaint in writing, 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 authorities is required.
- consider undertaking a risk assessment process.
- advise the Complainant of the process and send a copy of these procedures.
- clarify allegations and compare with the Code of Ethics and Conduct to identify potential areas of breach.
- clarify Complainants' expected or wished for outcomes and advise them of the limits of the PSC's role.
- begin case file.
- seek legal advice if required.
- advise the PSC Chair, and the Director of Ministries (or their delegate) of the complaint and:
  - discuss whether any immediate advice to the 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 be referred to another process (e.g. local church, 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,
  - if the matter is to be reported to the PSC, determine whether an urgent extraordinary meeting of the PSC is required or whether the matter can wait until the next scheduled meeting.

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### **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 PSC, informally in the form of hearsay or rumour, the PSC 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 PSC believes there is sufficient concern then the PSC, in consultation with the Director of Ministries (or their delegate), can initiate an investigation without a complainant bringing forward a complaint.

### **3.2.3 Local Church or Mutual Resolution**

Where a complaint does not involve an allegation of a serious breach of the standards of the Code of Ethics and Conduct, local church or mutual resolution will be encouraged. 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 investigation. (The Association has provided a Model Procedure for Conflict Resolution for use by local churches for this purpose).

### **3.2.4 Complaints Regarding Theology or Ministry Competence**

Complaints regarding an Accredited or Recognised Minister's theology may be referred to the AOT for consideration and are not the remit of the PSC. Complaints regarding poor ministry competence should be referred to the local church leadership (or that Accredited or Recognised Minister's employer).

## **3.3 STAGE 2 – Investigation**

The Ministry Standards Manager will present information obtained in Stage 1 to the PSC who will determine whether more information is required. If appropriate, the PSC will refer the matter for investigation in one of the following three options:

The Ministry Standards Manager

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

An Investigation Team

- Where a matter is more serious in its implications or complexity, the PSC will appoint an Investigation Team to consider the complaint. This may or may not include the Ministry Standards Manager. The Investigation Team will be appointed from among

members of the PSC and from persons whose names are on a list of approved investigators maintained by the committee. At least one member of the Investigation Team will have training or expertise in conducting an investigation.

- The decision to appoint an Investigation 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 Investigation Team is determined by the PSC. Every person who is involved in handling an investigation will declare any conflict of interest in the matter or any personal connection or relationship with any party, past or present.

#### An Independent External Investigator

- In matters where there is deemed to be inherent conflicts of interest, or where the PSC does not have, and cannot second, appropriate expertise, or where the PSC deems it necessary, the involvement of an independent investigator may be considered. This needs to be approved, due to potential cost, by the Ministry Standards Manager.

The Ministry Standards Manager will consider whether local Church Leadership 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 Investigation Process

Each investigation may take a slightly different format depending upon the nature of the complaint, the particular issues involved, and at the discretion of the Ministry Standards Manager, the Investigation Team and / or the External Investigator.

However, the general progression in most cases will be:

- Review all known information and consider it in relation to potential breaches of the Code of Ethics and Conduct.
- Formulate an investigation plan.
- Formulate a plan to communicate with key parties (including the Complainant and the Respondent).
- Liaise with relevant authorities if required.
- Determine whether the Complainant and the Accredited or Recognised Minister have appropriate support and offer to assist in arranging support if necessary and possible.
- Interview Complainant and document any evidence shared verbally to be signed off by the Complainant. Alternatively, the investigator may choose in some circumstances to obtain an audio recording of the interview with the Complainant.
- If appropriate, interview witnesses or other parties with knowledge of the circumstances (with interview records to be signed off by each person interviewed). Alternatively, the investigator may obtain written signed statements from other parties or witnesses with knowledge of the circumstances.
- Consult suitable experts if specialist advice required. Engagement of any additional experts will be approved by the Ministry Standards Manager.
- The particulars of the complaint will be drafted by the Ministry Standards Manager, the Investigation Team or the External Investigator, and confirmed by either the chair of the PSC, or the legally qualified member of the PSC.

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- The particulars of the complaint will be presented in a letter of allegations to the Respondent.
  - The Respondent will be asked to provide a written response to the particulars of the complaint.
  - The Respondent will then be asked to attend an interview with the Investigator to discuss their written response.
  - Obtain an audio recording of interview with Respondent if appropriate and possible.
  - Develop final investigation report including any findings for the PSC.

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

### **3.3.2 Advising the Respondent of the Complaint**

Where outside authorities are involved (e.g. Police or government authorities), the Ministry Standards Manager and PSC 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 rights at all times in dealings with the Ministry Standards Manager, Investigation Team or Independent 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 NSW Department of Communities and Justice (Child Protection Help Line) 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 ACT Child and Youth Protection Services (CYPS) 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 investigation in relation to alleged or suspected abuse must in the first instance be done by the relevant government authority.

Any allegation of reportable conduct must also be reported to the Reportable Conduct Scheme overseen by the NSW Office of Children's Guardian or the ACT Ombudsman.

### **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 investigation, the investigation may still proceed, with the Investigator(s) still endeavouring to make a determination, albeit one that acknowledges the limitations of the lack of co-operation. This refusal could be a further matter of misconduct for consideration.

## **3.4 STAGE 3 – Reporting and Findings**

### **3.4.1 Report to Pastoral Standards Committee**

A report, outlining the process and findings of the Ministry Standards Manager, Investigation Team, or Independent Investigator (dependent on level of investigation determined as per 3.3), is to be presented to the PSC once the investigation 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 standards of the Code of Ethics and Conduct,
- copies of any written statements or other evidence,
- recommendations as to suitable outcomes, and
- any areas of contention or disagreement.

### **3.4.2 Regular Updates to the AOT**

The PSC will provide regular updates to the AOT on progress in each active case after the matters have been considered by the PSC.

### **3.4.3 Determination by PSC and Confirmation of Appropriate Process by the AOT**

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

The AOT needs to have confidence that appropriate processes and the guidelines of this procedures document have been followed. It is not the function of the AOT to review the decision itself unless in the context of an appeal per section 4 below.

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### **3.4.4 Notification of Outcome of Complaint Process**

After the AOT has confirmed that due process and the guidelines of this procedures document have been followed, the Ministry Standards Manager or Chair of the PSC 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 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 to the Respondent will include a statement regarding the right of appeal.

### **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, and/or after certain requirements have been attended to by the suspended Minister,
- no change to Accreditation or Recognition, or
- 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, or
- no further action deemed necessary.

### **3.5 Recording Requirements Throughout the Complaint Process**

All members of the PSC or Association staff involved with a complaint are required to record the date, time and nature of any significant 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.

All records of complaints shall be stored securely by the Association for 100 years.

### **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 PSC members, Investigation Team members and Independent Investigators.



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## 4 APPEALS PROCESS

Once the PSC has made its determinations and the process undertaken has been approved by the AOT, the complaint will be considered closed. This Procedure does not provide an appeals process to Complainants.

Respondents must rely on at least one of the following grounds to appeal a decision by the PSC:

1. **Procedural Error.** A procedural error occurs when the PSC, or its Investigator, does not follow this procedure or otherwise fails to afford the Respondent procedural fairness which has a material effect on the investigation and / or the outcome.
2. **New Evidence.** New evidence is evidence that was not available to the Respondent during the investigation but later becomes available and may have a material effect on the outcome of the complaint.
3. **Conflict of Interest.** A conflict of interest occurs when a member of the PSC or Investigator does not declare a conflict of interest or inappropriately participates in the complaint process despite having declared a conflict of interest.
4. **Disproportionate Punishment.** Disproportionate punishment is when the disciplinary sanctions imposed as a result of the investigation were excessive, disproportionate, or unfair based on the severity of the alleged misconduct. An appeal based on Disproportionate Punishment will only consider the sanctions imposed on the Respondent and is not to consider the findings of the investigation.

A request by a Respondent for an appeal must be received by the AOT in writing within 30 days of the formal decision being advised to the party in writing. The request must make clear the grounds of the appeal as per the above list.

The AOT will determine, having previously reviewed the PSC's procedures and determinations according to 3.4.3 above, whether the grounds alleged by the Respondent are applicable and adequate. Further information may need to be provided by the Ministry Standards Manager. The Respondent will usually be informed of the AOT's decision of whether the request will be granted within 60 days of receiving the request.

If a Respondent's request is granted, the AOT will appoint an Appeal Panel to consider the details of 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 male and one female, and
- members with expertise relevant to the details of this appeal.

One or more members of the AOT 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 the AOT.

The Appeal Panel will initially review all relevant documentation and any further information gathered during the investigation in detail. It may interview the Ministry Standards Manager, members of the investigation team and/or other members of the PSC as needed. The Appeal Panel will determine whether one or more of the grounds listed above justifies upholding the Respondent's appeal. It will then make a recommendation to the AOT accordingly.

The AOT will determine an appropriate response to the Appeal Panel's determination and inform the PSC of any further investigation or reconsideration of the PSC's report.

The Respondent will be notified in writing of the result of the appeal as soon as possible following the final determination. This may be delivered in person with the opportunity for discussion and with due sensitivity to the gravity of the information being shared.

# Appendix – Process Flow Chart

