



**Baptist Churches**  
of NSW & ACT

# Procedures for Handling Complaints

(version for SRE)

<b>Version</b>	<b>Prepared by:</b>	<b>Approved by:</b>	<b>Next review date</b>
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Policies will be reviewed annually but remain valid until replaced

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## 1. Purpose

The *Procedure for Handling Complaints* (the Procedure) sets out a procedure by which a complaint or information relating to a breach of the *Code of Conduct* can be received, investigated and resolved.

## 2. Scope

This Procedure applies to matters which are a serious breach of the *Code of Conduct* or are unable to be resolved via the *Procedure for Resolving Grievances and Conflict*.

This Procedure applies to all staff, volunteers and other representatives of the Association and its Affiliated Ministries. Anyone authorised by the SRE Coordinator of the Association to teach SRE or to be an SRE helper is considered a representative of the Association and is therefore subject to this Procedure document. This Procedure does not apply to a dispute between a party and the Assembly, such disputes are to be resolved using clause 25 of the Constitution.

Accredited and Recognised Ministers are subject to the *Code of Ethics and Conduct* and the *Procedures for Handling Allegations* (managed by the Standards Committee). Complaints against staff, volunteers and other representatives who are also Accredited, or Recognised Ministers may be dealt with under this procedure. Where alleged conduct could breach both the *Code of Conduct* and the *Code of Ethics and Conduct* the Safe Ministry Team may choose to collaborate with the Ministry Standards Committee in conducting an appropriate investigation.

Although complaints may arise from either within or beyond the Association context, if a complaint is regarding conduct primarily in connection with another employer, organisation or context then it would usually be best dealt with by, and may be referred to, that employer, organisation or context. However, this Procedure should be followed in the event of the Association receiving a complaint or information that any staff member, volunteer or representative is alleged to have engaged in Reportable Conduct whether or not the allegation is connected to their engagement with the Association.

Some matters may be more appropriately dealt with under the *Procedure for Resolving Grievances and Conflict* (eg. a low-level breach of the *Code of Conduct*) or, in the case of staff, the *Procedure for Performance Management*. This Procedure should only be used in relation to matters which are considered to be a serious breach of the *Code of Conduct* or are unable to be resolved via the *Procedure for Resolving Grievances and Conflict*.

As the Baptist Association is an approved provider of SRE through the Department of Education, it is expected that our SRE teachers always maintain the highest level of professionalism in any conflict resolution or complaints management process. This includes both the way they speak to and about a local school and how they represent themselves and the Baptist Association. We expect our teachers to listen to the school's perspective and never assume ill intent. We expect our teachers to always try to resolve issues at a local level first, with courtesy and respectfulness. We are committed to open

communication and taking ownership.

The Procedure should be read in conjunction with the *Safe Ministry Policy* and:

- *Code of Conduct*
- *Procedure for Responding to Child Protection Concerns*
- *Procedure for Resolving Grievances and Conflict*
- *Privacy Policy (SRE teachers & helpers must abide by the DoE Privacy Policy)*
- *Procedure for Performance Management (not usually relevant for SRE teachers & helpers)*
- *Work, Health and Safety Policy (not usually relevant for SRE teachers & helpers who must abide by the WHS policy in their local school context.)*

### 3. Definition

**Association** means the Baptist Union of NSW, trading as the Baptist Association of NSW & ACT and including Affiliated Ministries.

**child-related work** has the meaning provided by WWCC Legislation in NSW

**complaint** includes any allegation, suspicion, concern or report of a breach of the Association's *Code of Conduct* or the Baptist Churches of NSW & ACT *Code of Ethics and Conduct* (where applicable). It also includes disclosures made to an institution about any child protection concern.

**Mandatory Reporting Legislation** means

In NSW, the *Children and Young Persons (Care and Protection) Act 1998*  
In the ACT the *Children and Young People Act 2008 (ACT)*].

**ministry/team leader** refers to

- a) In the case of staff, the staff members' line manager
- b) In the case of committee members, the chair of the committee or taskforce
- c) In the case of Authorised Special Religious Education (SRE) Teachers and SRE helpers, the Association's SRE Coordinator or their delegate
- d) For all other volunteers or representatives, the person they are accountable to in the relevant organisational structure

**other representatives** includes but is not limited to

- authorised Special Religious Education (SRE) Teachers;
- nominated volunteers in simple churches that are affiliated with the Simple Church Network; and
- nominated volunteers in any Newstart church plant for which the Association has agreed to provide governance oversight.

**regulated activities** has the meaning provided by the WWVP Legislation in ACT

**Reportable Conduct Legislation** means

In NSW the *Children's Guardian Act 2019 (NSW)*  
In the ACT the *Ombudsman Act 1989 (ACT)*].

**Safe Ministry Team** means the team appointed under section 5 of the Association's *Safe Ministry Policy*

**Volunteers** include but not limited to members and attendees of Councils, committees and taskforces

## 4. Key Principles

- Confidentiality - No person will have access to information on a complaint other than those directly involved or those handling the complaint.
- Impartiality - All parties will be given the opportunity to present information directly related to the complaint and this information will be carefully and impartially considered by those responsible for handling the complaint.
- Compassion and respect - All people handling the complaint will be sensitive to the needs of those directly involved, and also to others who may be indirectly affected by the complaint.
- Prompt action - All complaints will be dealt with as promptly as reasonable possible, with the aim of avoiding unnecessary delays.
- Freedom from persecution or unjust repercussions - No form of persecution, harassment or discrimination will be tolerated as a consequence of a person making a complaint, or as a consequence of the outcome of the complaint process.
- Procedural fairness The Association recognises the importance of procedural fairness and will ensure that no adverse finding is made until a matter has been adequately and fairly investigated and all affected parties have been given an opportunity to provide relevant information.
- Withdrawal of complaint If a complaint is withdrawn, the Association may choose to continue to consider the information provided in accordance with this Procedure.

## 5. Receiving a Complaint or Information

Anyone may make a complaint or pass on information.

- a) If the complaint or information relates to Reportable Conduct or child protection concerns it can be received by any staff member, volunteer or representative.
- b) If the complaint or information relates to any other matter under the scope of this procedure, it may be received by
  - the SRE Coordinator or SRE team; or
  - the Safe Ministry Team, if the relevant ministry/team leader may have a conflict of interest; or
  - the Director of Ministries if the respondent is a member of the Safe Ministry Team
  - the Chair of Assembly Council if the respondent is the Director of Ministries or a member of the Assembly Council.

Complaints relating to child protection concerns or Reportable Conduct will be dealt with according to the *Procedure for Responding to Child Protection Concerns*.

### Verbal complaints

Complaints or information may be received verbally, however, a written outline of the complaint should be encouraged. In all cases, the Safe Ministry Team should document all complaints and information received in a *Safe Ministry Concerns Form*.

### Anonymous complaints

The Association may be limited in its ability to respond to an anonymous concern or complaint. However, the Association recognises that, at times, people who have genuine concerns cannot speak out because of special circumstances and may therefore need to lodge a complaint without revealing their identity. In such circumstances, if it is evident that there are credible grounds for further action, the Association may consider that an investigation is appropriate in an effort to ensure a safe and abuse-free environment.

### Frivolous or vexatious complaints

The Association assumes that any staff member, volunteer or representative making a complaint will be acting honestly and in good faith. If the complaint is found to be frivolous or vexatious, this will be deemed to be a breach of the *Code of Conduct* and appropriate action will be taken.

## 6. Reporting Information

### 6.1 Determining appropriate reporting process

- a) Any person who has knowledge that a serious crime has been committed, whether or not it is related to children, should report that knowledge to the Police.
- b) Any complaint about a staff member, volunteer or representative which may be considered a serious breach of the *Code of Conduct* should be reported relevant ministry/team leader to the who will inform the Safe Ministry Team. If there is a conflict of interest, the complaint should instead be reported directly to the Safe Ministry Team.
- c) If a complaint is, or should be, reported to government authorities, the Association will only commence an investigation under this Procedure after consultation with the government authorities to which it has been reported.

#### Management of Complaints against SRE Teachers or SRE Helpers:

- d) As the Approved SRE Provider, the Association plays a significant role in raising and receiving complaints against SRE teachers or SRE Helpers. In addition to this complaints procedure any complaint against an SRE teacher or SRE Helper must also be managed by the Department of Education complaints processes. The SRE provider also liaises with other relevant bodies which may include:
  - Local SRE coordinator
  - Church representatives
  - Department of Education Regional director and other Departmental staff
  - SRE Consultative committee
  - Association's Ministry Standards Manager
  - School Principal
  - SRE Board (if the teacher is employed)
- e) If a school principal raises concerns about the conduct of an SRE teacher which could be considered reportable conduct or any allegation of abuse, then the Association will fully co-operate with any complaint response process initiated. It is expected that the Department of Education will follow its procedures in regard to any such matter, including reporting to relevant authorities. The Association may also need to report to relevant authorities including the Reportable Conduct Scheme or NSW Police. The SRE Coordinator is to acknowledge a complaint from a principal as soon as possible, ideally within 7 days. This can be done in person, by telephone, email or formally in writing. Where the acknowledgement was made verbally, it should be documented in writing.

The Association will provide regular updates to the school principal in relation to any complaint process the Association is undertaking in connection with their school. The Association will keep the matter as confidential as possible by only sharing information with those who need to know about the complaint issues.



- f) If an SRE teacher is employed by a board, that board may need to be notified depending on the complaint or concern. If the matter is not a police matter and more about a concern about a teacher's conduct or behaviour at a school level, the board can be involved in supporting the teacher at a local level. Boards have limited roles in complaints. They must notify the Association SRE Coordinator immediately if a report has been made against a teacher because the Association remains responsible as the SRE Provider who authorises the SRE Teacher or SRE Helper. The main role of a board is to support providers with resources and advice. When the SRE Board speaks to schools it MUST do so in full consultation with the SRE Coordinator and not act independently of the Association's SRE Coordinator.
- g) If a parent raises concerns with the Association about the SRE curriculum, the Association as the approved SRE Provider will carefully consider the concerns raised and respond to the parent to address their concerns
- h) If an SRE teacher has concerns in regard to the implementation of SRE at a local school, Approved providers must follow the Department of Education *School Community and Consumer Complaint Procedures* [https://education.nsw.gov.au/policy-library/associated-documents/School-complaint-procedure\\_AC.pdf](https://education.nsw.gov.au/policy-library/associated-documents/School-complaint-procedure_AC.pdf)
- i) In the situation where the Association (as SRE Provider) may have concerns about the conduct of a student or a parent or a professional classroom teacher, it is expected that a school will engage with the Association regarding these concerns. The school will follow its procedures in regard to any such matter, including reporting to relevant authorities if required.

## 6.2 Allegations regarding Reportable Conduct

- a) The Head of Relevant Entity for the Association is the Director of Ministries, who may delegate this responsibility to the Ministry Standards Manager or other appropriate staff member.
- b) The Head of Relevant Entity must notify the Reportable Conduct Scheme (in NSW, the Office of Children's Guardian, in ACT, the Ombudsman) of Reportable Conduct allegations within a defined timeframe, in accordance with Reportable Conduct Legislation.

c)

In NSW,

- the Reportable Conduct Scheme covers all staff, volunteer or representative required by the Association to hold a WWCC
- this notification must be made within 7 business days of receiving the complaint or information (s29(4) of the *Children's Guardian Act 2019*).
- A 'final entity report' must be submitted within 30 days. If it is not possible to submit the final report within 30 days then an interim report must be submitted within 30 days in accordance with s38 of the *Children's Guardian Act 2019*.

In the ACT,

- the Reportable Conduct Scheme covers all staff, volunteer or representative regardless of whether they are required to hold a WWVP clearance.
- notification must be made within 30 days of receiving the complaint or information (s17G of the *Ombudsman Act 1989*).
- A report regarding the findings of the entity's investigation must be submitted as soon as practicable after the conclusion of the investigation under s17J of the *Ombudsman Act 1989*.

- d) The notification of the allegation to the Reportable Conduct Scheme must be in writing and should include:
- the name, date of birth and WWCC (or WWVP) number of the person;
  - the name, contact details and head of the relevant entity;
  - details of the allegation;
  - the nature of the relevant entity's initial risk assessment and risk management action;
  - if a report to police has been made, the police report reference number;
  - if a report has been made under Mandatory Reporting Legislation, the report reference number; and
  - the names of other relevant entities that employ or engage the employee.

## 7. Risk Assessment

- a) In addition to considering and/or making a report under section 6 above, the Safe Ministry Team must consider risk management issues relating to the safety of the Complainant and/or any children or vulnerable people and take reasonable precautions to minimise those risks.
- b) The Safe Ministry Team should be careful not to prejudice any potential or ongoing criminal investigations and so there may be a need to initiate risk management without alerting the person subject of the complaint.
- c) Subject to the view of government authorities, if the Association has received a plausible complaint (ie/ not clearly false or vexatious) of serious misconduct, including but not limited to child sexual abuse or sexual misconduct involving a child, then the Safe Ministry Team will consult with the Director of Ministries who will decide whether it is necessary to suspend or provide alternative duties for the person against whom the allegation has been made until the complaint has determined in accordance with this Procedure.
- Where a staff member is temporarily suspended from duties this would ordinarily be on full pay.
  - Where there is an allegation of reportable conduct then the respondent will be suspended from any 'child-related work' (in NSW) or 'regulated activities' (in ACT).
- d) Risk management action is sometimes misinterpreted as disciplinary action by parties who are affected by the decision. A decision to take action based on a risk assessment:
- is not an indication that the alleged conduct occurred or is considered to have occurred;
  - does not mean a finding has been made; and
  - will not influence the investigation's findings.

## 8. Appointing a person to handle the complaint

- a) Where a matter is to be investigated under this Procedure, the Safe Ministry Team, after approval by the Director of Ministries, is to appoint a person to handle the complaint (the Investigator).
- b) In appointing the Investigator, the Safe Ministry Team will avoid conflicts of interest.
- c) For more serious matters, including any matters related to any form of harm or abuse of a child, it may be advisable to appoint an external Investigator.
- d) For any matters relating to an Accredited or Recognised Minister, the Safe Ministry Team may choose an Investigator in conjunction with the Ministry Standards Committee.
- e) For any matters relating to an SRE Teacher or SRE Helper, the Safe Ministry Team may choose an appropriate investigator in conjunction with the SRE Coordinator. In some cases the Association may choose to cooperate with or delegate the investigation to the Department of Education Employee Performance and Conduct Directorate (EPAC). This would be likely if an SRE teacher is also a Department of Education staff member.
- f) If a complaint is against a person who is also accountable to another organisation, then the Safe Ministry Team may choose to cooperate with and/or delegate to the other organisation in investigating the complaint.

## 9. Providing support

The Safe Ministry Team is to ensure that support is available to both the Complainant and the Respondent, including:

- providing them with a contact person to whom they can direct inquiries about the progress of the complaint;
- encourage them to arrange a support person of their choice; and
- considering providing them with access to counselling and other support services.

## 10. Investigating the complaint

- a) The Investigator is to investigate the complaint (or concern, or allegation if the investigation arises from information about Reportable Conduct that did not come in the form of a complaint).
- b) In investigating the complaint, the Investigator is to:
  - act in good faith, without bias and without unreasonable delay;
  - collect and document evidence, including by conducting interviews and taking statements from the Complainant and any other witnesses; and
  - maintain a record of all relevant evidence obtained and steps taken in the investigation.
- c) If the matter is related to an Allegation of Reportable Conduct in NSW, the Investigator is to consider matters in division six of the *Children's Guardian Act 2019* including:
  - the nature of the reportable allegation and any defence;

- the gravity of the matters alleged; and
- whether the reportable allegation relates to conduct that is in breach of the *Code of Ethics and Conduct*, the *Code of Conduct* and/or accepted community standards.

### 10.1 Putting the complaint to the Respondent

- a) The Investigator is to put the complaint in writing to the person whose conduct is subject of the complaint (the Respondent).
- b) In doing so, the Investigator is to:
  - set out the complaint with sufficient detail for the Respondent to understand the complaint;
  - state the part of the *Code of Conduct* that is alleged to have been breached;
  - set out the potential adverse outcomes for the Respondent in the event that there is a finding that the Respondent breached the *Code of Conduct*; and
  - provide the Respondent with an opportunity to respond to the complaint in writing and within a stated reasonable timeframe not exceeding 2 weeks.

### 10.2 Putting any further adverse information to the Respondent

If, in the course of the investigation, further adverse information is brought forward in relation to the Respondent, the Investigator will:

- advise the Respondent in writing of the further adverse information; and
- provide the Respondent the opportunity to respond to the information.

### 10.3 Investigator's findings

- a) The Investigator must provide a written report which sets out:
  - the complaint;
  - the part of the *Code of Conduct* that is alleged to have been breached;
  - the proposed finding;
  - the evidence relied upon to make the finding, including the response of the Respondent (if any) to the complaint;
  - a finding about whether the complaint is sustained or not sustained, using the "balance of probabilities" as the standard of proof (for matters relating to child protection concerns, reference should be made to Reportable Conduct Legislation); and
  - possible outcomes or consequences.
- b) If the matter relates to an allegation of Reportable Conduct, the Investigator should ensure that the report also sets out:
  - information about the facts and circumstances of the reportable allegation;
  - the findings after completing the investigation including an analysis of the evidence and the rationale for the findings;
  - a copy of any written submission made by the staff member, volunteer

or representative; and  
any copies of documents in the relevant entity's possession that are relevant to the report, including transcripts of interviews and copies of evidence.

- c) The Investigator's Report will be made available to:
  - the Safe Ministry Team;
  - the Director of Ministries; and
  - the SRE Coordinator where the complaint relates to an SRE Teacher or SRE Helper
- d) A summary of the Investigator's report (considering both confidentiality and procedural fairness) will be provided to the Respondent by the Safe Ministry Team along with:
  - an invitation to respond in writing to the Safe Ministry Team within a defined timeframe;
  - written notice of the possible consequences if the Investigator's Report is accepted by the Safe Ministry Team. This may include suspension, termination from duties for volunteers, termination of engagement for staff or representatives.

## 11. Determination of Complaint and Outcomes

- a) The Safe Ministry Team is to consider the report of the Investigator and to decide whether to accept the finding put forward by the Investigator.
- b) In doing so, the Safe Ministry Team is to consider all relevant material available.
- c) If the Safe Ministry Team makes a determination that a complaint is sustained and the *Code of Conduct* has been breached, they are to recommend an outcome for the Respondent, which may include, but is not limited to:
  - termination of employment/engagement;
  - suspension from employment/engagement for a period of time; and/or
  - imposing conditions on the employment/engagement.
- d) If the Safe Ministry Team does not accept the Investigator's finding, the Safe Ministry Team should decide whether there is another available finding on the basis of the evidence presented to it, and record written reasons for departing from the Investigator's finding (and if relevant, recommend an outcome for the Respondent as above).
- e) Any recommended outcome must be considered and approved
  - i) By the Chair of Assembly Council, on behalf of Assembly Council where the respondent is a member of any sub-committee or taskforce of the Assembly Council.
  - ii) By Assembly Council, where the respondent is a member of Assembly Council, the Director of Ministries or an Associate Director.
  - iii) By the Director of Ministries in all other cases

## 12. Communication of Outcome

- a) The Respondent will be informed in writing of the:
  - determination of the complaint;
  - any consequences arising from the determination; and
  - the reasons for the decision.
- b) The person who raised the complaint will be informed of the outcome of the complaint. If a complaint against an SRE Teacher or SRE Helper was raised by a school principal then the principal will be informed of the outcome of the complaint.
- c) The Ministry Standards Manager, People and Culture Coordinator and the relevant ministry/team leader will be informed of the outcome of the investigation.
- d) If the matter constitutes a child abuse offence or other serious criminal offence, a report must be made to the local police station (unless a report has already been made).
- e) If the matter is Reportable Conduct, the 'Head of Relevant Entity', must notify the Reportable Conduct Scheme (in NSW, the Office of Children's Guardian, in ACT, the Ombudsman) in accordance with Reportable Conduct Legislation, including the:
  - Investigator's report;
  - any deviation made by the Safe Ministry Team from the Investigator's findings, including reasons for the deviation; and
  - the proposed course of action in response.