

Features of the Complaints Process

Complainants will often have a choice between making a complaint under the *Ministry Standards Ordinance 2017* (“MSO”) and attempting to resolve their complaint through the *Diocesan policy for dealing with allegations of unacceptable behaviour* (“Policy”). The table below provides a summary of the key features of each process. The table is not exhaustive and is merely explanatory in nature. The detail in the MSO and the Policy should always be relied on in preference to the table.

| Key Feature | Ministry Standards Ordinance 2017 | Diocesan policy for dealing with allegations of unacceptable behaviour |
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| What is the aim of the process? | To: <ul style="list-style-type: none"> • uphold the standards of conduct expected of church workers in the Diocese, • protect the community, • provide a mechanism for resolving complaints that church workers are not fit to hold office and undertake ministry, and • to facilitate the just, expedient and efficient resolution of complaints. | To resolve allegations of unacceptable behaviour in a way that encourages reconciliation and leads to agreed outcomes that are fair and effective. |
| Who can complaints be made about? | Church workers (as defined in clause 5). | Church workers (as defined in clause 5). |
| Who can make a complaint or allegation? | Any person. | Any person. |
| How does a person make a complaint/initiate the process? | By contacting the Office of the Director of Safe Ministry. (https://safeministry.org.au/contact/) | If the church worker is the Rector, by contacting the Regional Bishop. (https://sydneyanglicans.net/seniorclergy) In all other cases, by contacting the Rector of the church worker. |
| Are church workers who are the subject of an allegation required to participate in the process? | Yes. A church worker must cooperate with an investigation unless they have a reasonable excuse. If a church worker refuses to participate, the process will continue without them. | No. The process cannot be initiated unless the church worker agrees to participate. |
| Role of complainant | The complainant is not a party. Complainants cannot determine how the complaint progresses. They have limited access to information about the conduct of the process. | The complainant is a party and is actively involved in determining how the matter progresses, subject to the terms of the Policy. |

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| <i>What types of complaints can be made?</i> | Complaints about conduct which, if established, would call into question the church worker's fitness for ministry. See the definition of 'Misconduct' in clause 6 for more detail. | Any conduct which falls short of the standard of behaviour expected of clergy and church workers. This standard is understood by reference to the definition of 'misconduct' in the MSO and the Faithfulness in Service code of conduct. |
| <i>Is there any subject matter that cannot be dealt with under the process?</i> | <p>Subject matter that does not call a church worker's fitness into question.</p> <p>Allegations of a breach of faith, ritual or ceremonial.</p> <p>Certain exclusions from the definition of 'misconduct'. (See clause 6(1)).</p> <p>Exempt conduct. (See Part 2B).</p> <p>Conduct that has previously been dealt with under a diocesan complaints process.</p> <p>Conduct that is under investigation by the police, a regulatory body or is the subject to legal proceedings will usually not be considered until those other processes or proceedings have been completed.</p> | <p>The Policy cannot be used for allegations concerning sexual misconduct, misconduct involving children, criminal conduct or professional misconduct.</p> <p>The Regional Bishop may also decide that allegations raise questions of fitness that are more appropriately dealt with under the MSO.</p> |
| <i>What form of investigation will be undertaken?</i> | If the complaint progress it will usually, but not always, be the subject of a formal investigation by an external investigator. | The Regional Bishop appoints a person to undertake an 'information gathering exercise'. This will usually be the Parish HR Partner or a Regional Archdeacon. |
| <i>How long does the process take from start to finish?</i> | The process aims to be expedient and efficient, but can be lengthy in practice. This is largely due to the need for a formal investigation and procedural fairness in the process. Some complaints can take in excess of 12 months to reach a final outcome | The process has few formal steps and is intended to be quick. Ultimately the parties will determine the timeliness of the process. The process will usually be terminated if there is no resolution within 3 months. |
| <i>What are the outcomes from the process?</i> | <p>An assessment is made as to whether the church worker should remain in their office or position or whether they should be subject to conditions or restrictions.</p> <p>In most cases this is determined by either the:</p> <p>(a) Ministry Standards Committee if its recommendations are accepted and complied with by the church worker, or</p> | <p>Mutually agreed by the parties with the assistance of the Regional Bishop.</p> <p>If agreed outcomes cannot be reached, the complainant will still have the option of making a complaint under the MSO if the subject-matter can be dealt with under the MSO.</p> |

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| | <p>(b) if not, by the Ministry Standards Board or Diocesan Tribunal.</p> <p>If the church worker is an unpaid lay person, an Adjudicator will be appointed to make a determination instead. The Adjudicator is usually a barrister or senior lawyer.</p> <p>The outcomes are implemented by the Archbishop or other Church Authority.</p> | |
| <i>Are the outcomes confidential?</i> | <p>Generally, yes. However the Archbishop and the MSC have power to release information.</p> <p>Parishioners are generally informed about the outcome of a complaint concerning a person on the staff of the parish.</p> <p>In some situations the outcomes will be published more broadly across the Diocese, such as where the person is subject to a prohibition order or another form of restriction on engaging in ministry.</p> <p>Certain allegations and findings may need to be referred to the police or to a government authority.</p> | <p>Generally, yes.</p> <p>Parishioners would only be told if this was agreed as an outcomes of the process.</p> <p>The PSU will be told when an allegation is made about a church worker but no other detail.</p> <p>Certain allegations may need to be referred to the police or to a government authority.</p> |