

**Anglican Diocese of Adelaide
Professional Standards Ordinance 2015
Professional Standards Protocol 2020**

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PART 1 – PRELIMINARY

1. Introduction

- (1) This Protocol forms part of the Church's strategy for ensuring that proper processes are in place for dealing with information and complaints that allege misconduct by a Church worker.
- (2) This Protocol is adopted in accordance with the requirements of the *Professional Standards Ordinance 2015* of the Anglican Diocese of Adelaide and must be read in conjunction with that ordinance.
- (3) In the event of an inconsistency between this Protocol and the ordinance, the ordinance will prevail to the extent of the inconsistency.

2. Principles

The Diocese adopts the following principles in connection with the operation of this Protocol:

- (a) all complaints will be taken seriously;
- (b) we offer respect, pastoral care and ongoing long-term or episodic support, including professional counselling where appropriate, to anyone who provides information or makes a complaint about alleged misconduct and for those who have suffered the effects of misconduct;
- (c) we will do all we can to lessen harm by providing the best care possible;
- (d) we will also offer appropriate support to any Church worker who is accused of misconduct;
- (e) Presumption of innocence;
- (f) the rights of a person accused of wrongdoing will be respected, and the requirements of procedural fairness and natural justice be observed at all times;
- (g) we will be as open, transparent and accountable as possible while respecting the rights of complainants to privacy and to make their own informed choices about whether to participate in diocesan processes or to seek assistance elsewhere;
- (h) we will respect and not abuse confidentiality and will not use confidentiality in a way that seeks to protect the Church;
- (i) where a complaint involves child abuse, we will comply with mandatory reporting requirements under State law;
- (j) where a complaint involves other forms of illegal behaviour, we will support a Complainant in reporting the matter to the police or to any other appropriate authority;
- (j) in any event, we will report to the police any matter that appears to relate to an indictable offence;
- (k) we will continue to invite any person who has been adversely affected by misconduct, no matter when, to come forward and to make the matter known, so that his or her ongoing needs can be addressed;

- (l) a Church worker who is alleged to have committed criminal or non-criminal acts that breach the professional standards of the Church must face the appropriate diocesan processes;
- (m) no person may interfere with or attempt to influence the Archbishop, the Director, the Professional Standards Committee, the Professional Standards Board, the Professional Standards Review Board, the Respondent, support persons, carers or investigators in the exercise of a function;
- (n) nothing in this Protocol prevents a person pursuing any legal process or right of action at law.

3. Interpretation

- (1) An expression used in this Protocol and in the Ordinance has, unless the contrary intention appears, the same meaning in this Protocol as it has in the Ordinance.
- (2) In this Protocol, unless the contrary intention appears:
the Ordinance means the *Professional Standards Ordinance 2015*;
“formal complaint” means a complaint which is either signed by the Complainant or is supported by a Statutory Declaration of the Complainant.

PART 2 – INITIAL PROCESSES

4. Application of Part

This Part applies when the Director receives information or a complaint on behalf of the PSC.

5. Who is a Church worker?

Under the Ordinance, a complaint may be made to the PSC against a ‘Church worker’, as defined in the Ordinance.

6. Initial contact or Disclosure

- (1) The Director may contact or meet with the person who provided the information or made the complaint to obtain preliminary information about the matter.
- (2) The Director must provide advice to the person about the procedures that may be undertaken with respect to the information or complaint.
- (3) If the information received does not, in the opinion of the Director constitute misconduct then the Director may refer the person to the Diocesan Grievance dispute policy.
- (4) The Director must advise the person that the Director is required to keep a record of the name of the Respondent if it is provided or when it becomes known.
- (5) The Director must also make an initial assessment of what (if any) support must be provided to any person on account of the provision of information of the making of a complaint.

- (6) The Director will then keep a matter the subject of information provided to the Director confidential unless or until -
 - (a) the person who has provided the information has provided his or her consent to the further disclosure of the matter;
 - (b) the matter discloses criminal conduct that should be reported to the police or conduct constituting child abuse that should be reported to the appropriate State authority;
 - (c) a formal complaint has been lodged with the PSC;
 - (d) the subject-matter of the information is substantiated in some other way; or
 - (e) the disclosure is otherwise authorised under the Ordinance or this Protocol.
- (7) Nothing in subclause (1) prevents –
 - (a) the Director from providing information or a report to the PSC; or
 - (b) the Director from taking steps to gain information about the functions or duties being performed by a person at a particular time; or
 - (c) the Director from providing, for reporting purposes, information or other material in a form that does not identify a particular person while it remains confidential.

7. A complaint against a Church worker

- (1) Anyone including the Director of Professional Standards may make a complaint to the PSC of misconduct of a Church worker: s19 of the Ordinance.
- (2) A complaint may be in any form, in writing on paper or by email or facsimile or conveyed orally: s20(1) of the Ordinance.
- (3) The Complainant must provide details of the complaint: s20(3) of the Ordinance.
- (4) The Ordinance defines what is 'misconduct': s2(3). Not all behaviour that may be considered bad will necessarily be 'misconduct'. The behaviour in question must answer the description of one or other of the categories in the definition and be conduct which, if established, would on its face call into question:
 - (a) the fitness of the person, whether temporarily or permanently, to hold the role office licence or position; or
 - (b) whether, in the performance of any duty or function, the person should be subject to any condition or restriction.
- (5) If a complaint is made that clearly falls outside the scope of 'misconduct', the Director may inform the Complainant accordingly. The Director may nevertheless seek by mediation, conciliation or otherwise, foster a settlement of any dispute connected with the complaint and a reconciliation between the parties.

- (6) A breach of faith ritual or ceremonial falls outside the definition of misconduct and the scope of the Ordinance: s2(3).
- (7) When a complaint of abuse or other misconduct is made, the matter remains confidential, subject to the Ordinance (s23(3) of the Ordinance), unless and until the Director has obtained informed consent from the Complainant to provide information to other participants in the process.

8. How the Office of Professional Standards must proceed

- (1) In summary, the Director must –
 - (a) in writing acknowledge receipt of the complaint and make available to the Complainant relevant material as referred to below;
 - (b) determine whether the complaint is one of misconduct against a Church worker and therefore within the scope of the Ordinance and if not, consider how the complaint might be addressed informally through an alternative dispute resolution process; and
 - (c) if the complaint is within the scope of this Protocol, follow the process set out below in Clause 13 and following of this Protocol.
- (2) The Director and the PSC must deal with the complaint as expeditiously as possible.

9. The Complainant

- (1) When a complaint is made to the PSC, the Director will contact the Complainant to find out about the allegations made. Generally, that contact will be by meeting at the Complainant's choice of place.
- (2) The Director will advise the Complainant that the Director is required to keep a record of the name of the Respondent if that is provided.
- (3) If the Complainant has lodged a complaint and has consented to the complaint being dealt with under this Protocol or are contemplating doing so, the Director will make available:
 - (a) a copy of the Ordinance and this Protocol;
 - (b) a brochure outlining the nature of the Diocese's Professional Standards complaint process;
 - (c) a "complaint form" to assist in providing details of the complaint;
 - (d) a consent to process form; and
 - (e) where the complaint involves an allegation of physical abuse or sexual abuse, a summary of any Redress Scheme adopted by the Diocese and the available care and assistance.
- (4) **Consent:** The Director will explain to the Complainant the processes available under the Ordinance and this Protocol and seek their written consent. This consent to process is Form 1 of the Professional Standards Regulations.

- (5) If the Complainant (other than the Director) has not given the required written consent—
 - (a) the Director and the PSC must, subject to any obligation referred to in s23(3) of the Ordinance, respect the confidentiality of the identity of the Complainant;
 - (b) subject to s22(2)(a) of the Ordinance the PSC may, but is not obliged to, investigate the complaint and refer it to the Board;
 - (c) the PSC may but is not obliged to dismiss the complaint or take no further action in relation to the complaint; but
 - (d) the PSC may with the consent of the Complainant arrange with the Complainant, the Respondent and if appropriate, the Church authority mediation conciliation neutral evaluation or other alternative resolution of any dispute associated with the complaint, with a view to addressing any breakdown in relationships and achieving a reconciliation between the parties.
- (6) The obligations referred to in s23(3) of the Ordinance are those under State or Commonwealth law:
 - (a) to disclose information to a member of the police force; and
 - (b) otherwise to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person aged 18 years or over who is associated with the Church in the diocese.
- (7) The Director will also explain to the Complainant how it is their choice whether to make a complaint and proceed with this Protocol and will advise the Complainant of alternative avenues of formal and informal redress that are available e.g. dealing with the complaint informally, making a report to the police, or complaining to the Equal Opportunity Commission or instituting other legal action.
- (8) If the Complainant has given the written consent referred to above, the Director and PSC:
 - (a) will proceed to deal with the complaint in accordance with the Ordinance and this Protocol; and
 - (b) in the case of a complaint of physical abuse or sexual abuse, advise the Registrar and Archbishop of the complaint and the circumstances of the Complainant or other person the subject of the abuse.
- (9) **Victim impact statement:** Upon a finding of misconduct the PSC or PSB may wish to ask the victim to provide a victim impact statement to clarify how the person has been affected by the misconduct. The Director can provide further information to the Complainant about this statement and the Professional Support Person can assist the Complainant with its preparation.
- (10) The Director will inform the Complainant if the complaint does not concern a matter which is dealt with under the Ordinance.

- (11) If the Director considers (or subsequently forms the view) that the matter does not constitute information which, if established, would constitute misconduct, or that the matter can properly be dealt with by other means, the Director will advise the Complainant accordingly.
- (12) In a case where subclause (11) applies, the Director may assist the person to refer the matter to another body or authority, or may assist in resolving the matter through some other process.
- (13) The Director must inform the PSC if or when a matter is dealt with under subclause (12).
- (14) If the Director considers at any time that any person may be in immediate need of care or protection, or that there is a likelihood of a continuation of any serious behaviour or that any such behaviour may be repeated, or that some other reason exists to take action under this provision, the Director may immediately report the matter to another authority and may then co-operate with the authority in relation to the matter.
- (15) The Director will take reasonable steps to establish a formal Protocol for co-operation with relevant authorities for the purposes of subclause (14).
- (16) If the Director considers that there are sufficient grounds for so doing, the Director may request the PSC to initiate action with a view to the PSC recommending to the relevant Church authority that a suspension order or a prohibition order or both, as the case may require, be made against the Respondent under the Ordinance.
- (17) The Director may, as the Director thinks necessary, seek independent professional advice in order to assess or deal with any information or a complaint.

10. Provision of services

- (1) With permission of the Complainant, the Director may refer a person who has provided information or an alleged victim to counselling or other services, as appropriate, from a support person (and this may occur even if a formal complaint is not subsequently made).
- (2) The Director and any support persons are expected to listen fully, honestly and compassionately to the person (including concerning the alleged facts of the situation and its emotional psychological and spiritual effects).
- (3) Consideration is to be given to any other measures that may be able to be provided to meet the needs of a person in relation to whom proceedings under this Protocol may be relevant.

11. Contact with Complainant or alleged victim

- (1) A Church authority or the Respondent must not have any contact with a person who has provided information or an alleged victim in the course of a resolution of a matter under the Ordinance except through, or on the advice or permission of, the Director or the PSC.

- (2) Subject to the provisions of any relevant Ordinance, nothing should be done or said that a person could reasonably interpret as questioning the capacity of a person to provide information or to make a complaint, denying a person the right to determine whether or not to speak publicly about a matter or the Church's response to information or a complaint, questioning a right to pursue alternative therapy or redress or, subject to any policy of the Diocesan Council, questioning or qualifying a person's ability to continue to participate actively in the life of the Church.

12. Informal resolution

- (1) The Director may arrange for informal resolution or mediation between a Complainant and a Respondent at any time if that may assist the parties.
- (2) Nothing in this clause limits or prevents action being taken under Part 6.

PART 3 – PROCESSES FOR RESPONDENT

13. The Respondent- the Church worker about whom the complaint is made

- (1) If a complaint of misconduct has been made, unless it is impracticable in the particular circumstances, within a week from the Complainant giving written consent to the Director giving the Respondent notice of the complaint and to the PSC dealing with it under the Ordinance, the Director or a PSC delegate will contact the Respondent, as provided in the following paragraph.
- (2) The Director will make available to the Respondent:
 - (a) a copy of the complaint and any further details provided;
 - (b) a copy of the Ordinance and this Protocol; and
 - (c) a Respondent's brochure that outlines the nature of the Diocese's Professional Standards complaint process.
- (3) The Respondent has the right –
 - (a) to obtain independent legal or other professional advice, at the Respondent's cost, before responding to the complaint; and
 - (b) to make submissions (with or without evidence) as to why the PSC without embarking on any investigation should not entertain the complaint or should dismiss it or take no further action in relation to it.

The Director will inform the Respondent of these rights when contacting the Respondent about the complaint. In a serious matter, it is in the Respondent's best interests to have legal representation.

- (4) The Ordinance imposes on the Respondent certain obligations, subject to s27 of the Ordinance, to:
 - (a) comply with any requirement of an investigator under s27 of the Ordinance;
 - (b) truthfully answer any question put by an investigator in the exercise of powers conferred by this Ordinance;

- (c) not mislead the Director or the PSC or an investigator or other delegate of any of them;
- (d) not unreasonably delay or obstruct the Director or the PSC, or an investigator or other delegate of any of them in the exercise of powers conferred by this Ordinance; and
- (e) attend a mediation, conciliation, neutral evaluation or other dispute resolution meeting when directed by the PSC in relation to a complaint.

The privilege against self-incrimination is preserved.

- (5) If:
 - (a) a formal complaint has been made and accepted as a matter of information which, if established, would constitute misconduct; or
 - (b) the Director has otherwise determined that a matter should be further investigated and that it is appropriate to do so after considering the requirements of clause 6,
 the Director (or a person appointed by the Director) will contact the Respondent with a view to arranging a meeting (and this should normally occur within one week of receipt of a formal complaint or any relevant consent (whichever is the later)).
- (6) The Respondent will be offered the assistance of a carer to be present at the meeting, or the Respondent may select his or her own carer.
- (7) If a carer is a person selected from a group constituted by the PSC, the carer should normally contact the Respondent within 24 hours after being appointed.
- (8) A carer should follow up on any initial advice provided about the availability of professional counselling support and, if the Respondent seeks a support person through the carer, should ask the Director to make an appropriate appointment.
- (9) The Director (or a person appointed by the Director) will provide the Respondent with a copy of the complaint setting out the information on which the complaint is based and will advise the Respondent of his or her right to obtain independent legal or other professional advice, at their cost, before responding to the complaint.
- (10) Unless this has already occurred, the Respondent will be offered the services of a support person from a panel constituted under this Protocol.
- (11) The Director will also advise the Respondent that in order to determine whether the facts alleged in the complaint are significantly disputed, a written response to the complaint is required to be provided to the Director within 3 weeks of the Respondent being provided with a written copy of the complaint, or within such longer period as appears appropriate to the Director (and a carer or support person may assist the Respondent with this process and may liaise with the Director as appropriate).

- (12) In the event that the Respondent chooses not to participate actively in the process, the Director will prepare a report for the purposes of the PSC and make a record on an appropriate register maintained by the Director.
- (13) The details on the register may then be taken into account when the Director is next required to provide a clearance to any Church authority or Church body, whether for paid or voluntary work.
- (14) If both parties have given their consent and, in the opinion of the Director, this is an appropriate way to proceed, the Director may arrange a face-to-face meeting or a written apology.
- (15) Any carer will also keep in regular contact with the Respondent and, if appropriate, with the support person assisting the Respondent, and may assist the Respondent to liaise with the Director in accordance with the provisions of this Protocol.

PART 4 – THE ARCHBISHOP

14. The Archbishop

In a matter involving a formal complaint against a member of the clergy, the Archbishop must be advised as soon as practicable and should not seek to have any contact with the Respondent except after consultation with, or on the advice or recommendation of, the PSC or the Director.

PART 5 – SUPPORT PERSONS AND CARERS

15. Support persons and carers

- (1) The PSC must establish a scheme for the provision or funding of suitable persons for the care or support of any person who may be involved (directly or indirectly) in a process under the Ordinance.
- (2) The care or support provided under subclause (1) may include:
 - (a) counselling;
 - (b) spiritual support or direction;
 - (c) pastoral care;
 - (d) other services or support considered appropriate by the PSC.

16. Support persons

- (1) Where a complaint has been made to the Director, the Director may offer any person who may be involved in the processes under this Protocol the services of a support person.
- (2) However, the Director must obtain the concurrence of the PSC before appointing a support person for a person who is not a Complainant or Respondent.

- (3) The qualifications or other attributes of a person who may act as a support person under this section will be determined by the PSC but, for the purposes of this section, a support person does not include a legal practitioner engaged to assist a person in connection with any matter under this Protocol or the Ordinance.
- (4) The PSC may establish a panel of suitable persons who may be available to act as support persons under this Protocol.
- (5) If a support person is appointed from the panel established by the PSC in response to an offer by the Director, the reasonable costs associated with the support person will be borne by the diocese.
- (6) A support person may only act for one person in respect to a particular matter.
- (7) A support person must act in the best interests of the person in relation to whom an appointment has been made.
- (8) The role of a support person appointed to assist a Complainant or alleged victim may include providing counselling, explaining any process, clarifying the outcomes that may be possible and exploring with the person what he or she may seek from disclosure.
- (9) A support person may also assist the Complainant or alleged victim, on request, to prepare a written document that sets out the details of the complaint.
- (10) A support person may also provide informal professional advice to the Director from time to time as requested.
- (11) A support person may also provide to the Director any acknowledgement of a person's consent for the purposes of any process under this Protocol.

17. Carers

- (1) The PSC must ensure that there are available suitably qualified persons ("carers") who may provide pastoral care to a Complainant, informant, alleged victim, Respondent, or other Church worker who may be involved in processes associated with a matter that is the subject of a complaint under this Protocol.
- (2) A carer acts in a voluntary capacity.
- (3) Where a complaint has been made to the Director, the Director may offer any person who may be involved in the processes under this Protocol the assistance of a carer.
- (4) A person may choose his or her own carer (who does not need to be a person who is available under subclause (1)).
- (5) If a carer is chosen under subclause (4), the person must provide the carer's name and contact details to the Director for the purposes of this Protocol (and the Director will confirm that the person is prepared to act as a carer under this Protocol).

- (6) A carer may only act for one person in respect to a particular matter.
- (7) A carer must act in the best interests of the person in relation to whom an appointment has been made.
- (8) A carer may, with the consent or at the request of the person for whom they are caring-
 - (a) make or receive communications on behalf of the person; and
 - (b) liaise with the Director.
- (9) A carer must deal with all information associated with a matter on a confidential basis.

PART 6 – FORMAL INVESTIGATION

18. Formal investigation

- (1) If there is a significant difference between the facts alleged by the Complainant and the facts alleged by the Respondent, or where a complaint has been made by someone other than the person directly affected by the misconduct complained about and the matter appears to justify investigation, the Director may through consultation with the PSC take steps to investigate the matter or to appoint an investigator.
- (2) The appointment of an external investigator will be made by the PSC or by the Director after consultation with the PSC.
- (3) The Complainant, the Respondent and any other relevant person will be provided with ongoing care and support while an investigation is undertaken.
- (4) If the matter is under investigation by another competent body or is the subject of legal proceedings, the Director, in consultation with the PSC, should consider whether an investigation under this Protocol should be suspended pending the determination of the other processes or proceedings.
- (5) The role of an investigator is to gather information about any complaint or allegation and to prepare a report to the Director for consideration by the PSC.
- (6) The Complainant and the Respondent will be afforded a reasonable opportunity to be interviewed by an investigator.
- (7) A report prepared by an investigator will be the property of the PSC. The parties will be advised of this before being interviewed by an investigator.
- (8) As soon as practicable after investigation of a complaint in accordance with Part 8 of the Ordinance, where the PSC has formed the opinion that the alleged misconduct the subject of the complaint, if established, would call into question whether:
 - (a) the Respondent is **fit**:
 - i. to hold office or to be or remain in Holy Orders; or

- ii. whether temporarily or permanently to exercise ministry and perform any duty or function of the office; or
- (b) in the exercise of ministry or in the performance of any duty or function the Respondent should be subject to any condition or restriction;

The PSC must prepare a written report comprising a report of its investigation and opinion and a recommendation.

- (9) In preparing the report the PSC **must** consult with the Complainant and with the Respondent and must include in the report any expressed view of the Respondent on the taking of action under this Part.
- (10) If a Respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.
- (11) The Archbishop may then upon receipt of the report provided under subclause (8) either:
 - (a) request reconsideration by the PSC; or
 - (b) determine implementation by agreement.
- (12) If an agreement is reached, then the Archbishop must inform the PSC.
- (13) If there is no agreement, then the PSC must refer the complaint to the Professional Standards Board in accordance with the Ordinance.
- (14) The Director must notify the Complainant as soon as practicable of any action taken.

PART 7 – SUSPENSION FROM DUTIES

19. Suspension from duties

- (1) Where after receipt of a complaint about the conduct of a Church worker and at any time during the progress of a complaint under this Ordinance, the PSC is satisfied that there is an unacceptable risk of harm to any person if the Respondent remains in his or her present role office or position pending the outcome of the complaint, the PSC may refer the matter to the Board or, as the urgency of the matter requires, make a recommendation direct to the Diocesan Bishop or other Church authority that pending that outcome —
 - (a) the Respondent be suspended or stood down from the duties or functions of any role office or position held by the Respondent or certain of those duties;
 - (b) a prohibition order be made against the Respondent;
 - (c) the Respondent be required to enter into a Safety Agreement with the Church authority, failing which he or she be excluded from entry or access to premises or activities of the Church either generally or in a specified location or circumstances

- (d) such other action be taken as may be thought fit.
- (2) The provisions of Part 10 of the Ordinance set out a procedure which the PSC and the Board must follow to ensure that appropriate procedural fairness is accorded to the Respondent.

20. Matters to be considered by PSC before recommending.

Before making a recommendation under this Part, the PSC shall take into account:

- a) the seriousness of the alleged misconduct;
- b) the nature of the material to support or negate the allegations;
- c) the specific duties of the role office or position held by the Church worker and their Holy Orders if any;
- d) the extent to which any person is at risk of harm if a recommendation for action is not made;
- e) after consultation with the relevant Church body or its representative, the effect on the Respondent, a relevant Church body and on the Church in the diocese of acting and of not acting under this Part; and
- f) any other allegation of similar conduct previously made to the PSC or to an equivalent body and may take into account any other relevant matter.

PART 8 – RELATED MATTERS

21. Mediation

If the Director considers that mediation is likely to resolve the issues raised by a complaint, the Director may, after consultation with the PSC, seek the consent of the relevant parties to refer the matter to mediation.

22. Continuation of matter despite resolution between parties

- (1) The Director, the PSC, the Board and any Church authority or Church body may continue to take action under this Protocol, and to make or receive any recommendation, despite the fact that there has been a formal or informal resolution of a complaint between the parties to the complaint.
- (2) The Director, the PSC and any other person or entity appointed under this Protocol may continue to exercise their respective roles even if litigation has been commenced against a Church body or Church worker.

23. Disqualification where personal interest

- (1) Where a member of the PSC, Board or the Review Board has a personal interest in a matter before it the member shall be disqualified from participating in the matter.

- (2) If the Director has any actual or perceived conflict of interest in the exercise or performance of any power, authority, duty or function under this Ordinance in relation to a matter, the Director must declare to the Archbishop that he is unable or unwilling to exercise or perform that power, authority, duty or function in relation to the matter.

24. Pastoral response

The PSC may recommend that a pastoral response should be developed for the care of any parish, congregation or other Church community affected by a matter arising under this Protocol.

25. Completion of process

As appropriate, the PSC or the Director may, at the completion of a matter, liaise with those involved in a process under this Protocol to explain the outcome and to discuss any further action that should be taken.

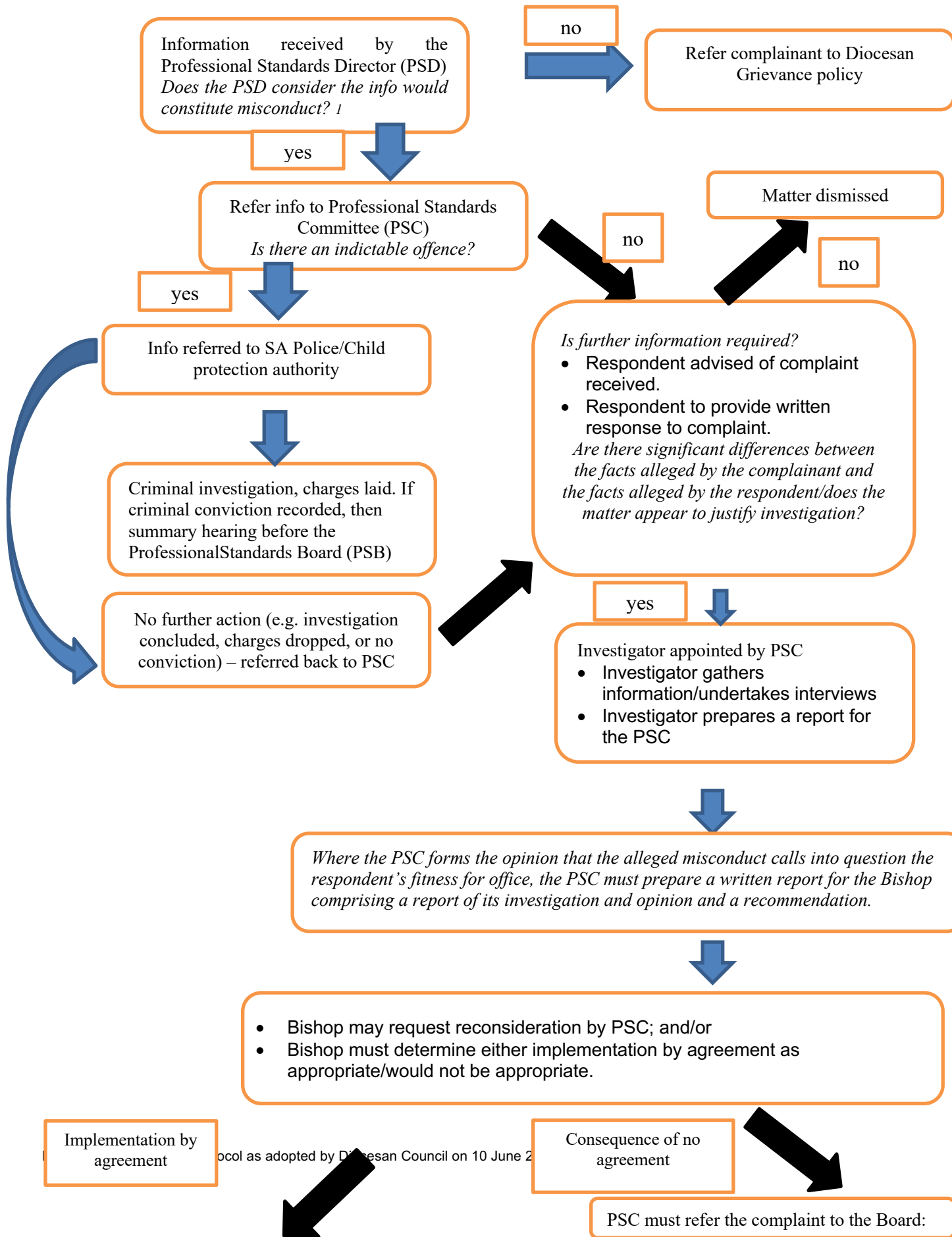
26. Confidentiality

Part 19 of the Ordinance imposes strict confidentiality obligations in connection with a complaint or matter but requires or authorizes disclosure in the circumstances there referred to. See also Clause 27 below of this Protocol.

27. Co-operation with other Dioceses, other Denominations and other Child Related Employers.

Each of the Director and the PSC has a duty under the Act to disclose certain information in their possession relating to alleged misconduct of a Church worker to other office holders or bodies in the circumstances there prescribed: sections 108-109 of the Ordinance.

FLOWCHART
PROFESSIONAL STANDARDS PROCESS
Professional Standards Ordinance 2015 & Professional Standards Protocol
2020





Professional Standards Board Proceedings 2,3

Is the Board satisfied that the Church worker did commit any misconduct and that:

- (a) The Church worker is unfit –
 - (i) To hold a particular or any office, license or position of responsibility in the Church or to be or remain in the employment of a Church body or in Holy Orders; or
 - (ii) Whether temporarily or permanently to exercise ministry or employment or perform any duty or function of the office, licence or position;
- Or
- (b) In the exercise of the Church worker's ministry or employment or in the performance of any duty or function, the Church worker should be subject to any condition?

no

yes

- Respondent agrees to implementation of the recommendation
- The Bishop must cause the determination to be reduced to writing and signed
- Determination to take effect

- Where the Board is not satisfied misconduct was committed/that the complaint is false/vexatious/misconceived, the Board must dismiss the complaint
- Where the Board is satisfied the Church worker did commit misconduct but is not satisfied this calls into question their current fitness for ministry, the Board must take no further action



The Board may determine accordingly and recommend to the Church authority a range of penalties. The Board also has power to defer its final recommendation for a period not exceeding 12 months.



The Board must cause a copy of the determination and recommendations, together with reasons, to be provided to –

- (a) The relevant Church authority;
- (b) The complainant;
- (c) The respondent; and
- (d) The Director and the PSC 4



the respondent or the PSC may within 14 days from the date of the decision or such further period as the Review Board may allow, apply to the Review Board for review of the decision

yes

no

- Review Board proceedings 5
- Review Board may:
- (a) Affirm the decision under review;
 - (b) Vary the decision under review;
 - (c) Set aside the decision under review and make another decision in substitution for it; or
 - (d) Set aside the decision under review and remit the matter for reconsideration by the Board in accordance with any directions or recommendations of the Review Board



Church authority must do any acts to give effect to recommendation.

Church authority may give effect to any variation/modification of the recommendation, provided the body making the recommendation agrees that the substance of the recommendation is preserved 6

NOTES

1. The PSD may offer any person who may be involved in PS processes the services of a support person. A carer may provide pastoral care to a complainant, informant, alleged victim, respondent or other Church worker who may be involved in a PS process. See Part 2, PS Protocol At any time after the PSC has commenced or caused to be commence an investigation, it may recommend a suspension order. See Part 10, PS Ordinance & 10(7) PS Protocol
At any time after the PSC receives a complaint, the PSC may:
 - a. Recommend mediation, conciliation, neutral evaluation or other alternative resolution of the complaint; and
 - b. Exercise its powers under section 22 (PS Ordinance) to dismiss a complaint or to take no further action in relation to a complaint
2. The PSC may and the respondent at the respondent's own expense may appoint a legal representative to assist in the process
3. A church worker who is a respondent to a complaint to the Board or a party to proceedings before the Review Board may apply to the Diocesan Council for the provision of legal assistance
4. The PSD must cause to be entered in the national register all details of information required by the provisions of the National register Canon 2007
5. The Review Board is not obliged –
 - a. to hold a hearing at which evidence is adduced or submission are heard orally
 - b. to admit evidence that was not adduced before the Board unless-
 - i. the evidence could not be obtained with reasonable diligence for use at the Board hearing
 - ii. there is a high probability that the result would have been different had it been received at the Board hearing
6. Failure of a Church worker who is a member of the clergy not to comply with an undertaking, direction or agreement referred to under the Ordinance, is an offence: Section 104(2), PS Ordinance