



Complaints and Grievances (Clergy, Church Workers or Parishioners)

Approved by: Diocesan Council
Review Due:

14 March 2013
14 March 2016

PREAMBLE¹

Jesus told us to love one another as he loves us. As Christians we know our life together is strengthened when our behaviour is consistent with our faith. However, our experience of being together can be difficult sometimes, particularly where there are differences. So it is important to be clear about what is loving behaviour towards each other.

Being a community:

- We will **seek the common good** of the church, not just our own interests.
- We will **encourage each other to participate** in the life of the church.
- We will be **aware of how our behaviour affects others**.

Relating to each other:

- We will **treat each other with respect and dignity**, irrespective of ability, gender, sexuality, race, age or contribution to the church.
- We will **act with integrity and honesty** in our interactions with each other.

Communicating with each other:

- We will **communicate respectfully** with others, and not in a way that threatens, belittles or humiliates.
- We will **respect confidences**, and refrain from speculation and gossip.

Acknowledging difference:

- We will **respect those who are different** from us and not isolate or ridicule them
- We will **listen to and seek to understand** the beliefs, opinions and practices of others, even when we do not share their views.

Responding to conflict:

- We will **accept responsibility** for our part in a conflict.
- We will be willing to **play our part** in resolving a conflict.

1. PURPOSE

The purpose of this Complaints and Grievance Policy is:

- To provide a process for the effective management and resolution of concerns, disagreements, complaints or grievances that arise when:
 - Clergy
 - Church workers
 - Volunteers
 - Parishioners
 - Parish Councils, or
 - members of the public
- Make a complaint about the conduct or the decision-making process of a:

¹ Taken from *Being Together*, a statement of expectations regarding the behaviour of lay members of the Church, which complements *Faithfulness in Service*. Draft adopted for circulation in November 2012.



- Parishioner
 - Parish Council member
 - Dean
 - Area Dean
 - Archdeacon
 - Priest, or
 - Assistant Bishop.
- To facilitate an environment where all people feel they can voice concerns that will be heard and considered fairly and expeditiously using a transparent and consistent process.

Any allegations of sexual abuse or sexually inappropriate behaviour that are in the scope of the *Professional Standards Statute* and the protocol for Dealing with Complaints of Sexual Misconduct by Clergy and Church Workers (Policy 41) should be directed to the Director of Professional Standards.

If it is determined that the matter involves any criminal activity, the Priest or Director of Professional Standards will refer the Complainant to the Police and no further investigation will take place until such time that the Police have completed their inquiries.

Where it is unclear whether an allegation of harassment or bullying includes a sexual component, a complaint may initially be made under this Policy. If it is then considered more properly dealt with under the Professional Standards Statute, appropriate arrangements will be made.

The Policy is designed to help the complainant to present their complaint in a form that will allow it to be addressed fairly and, on its merits, and consistent with other Diocesan statutes and protocols.

The Policy does not replace other processes for resolving conflict, complaints or disagreements contained in State or Federal Industrial Relations instruments, Diocesan statutes, particularly the Professional Standards Statute and the Ordering of Worshipping Communities Statute. If the Procedure is inconsistent with any of these laws or policies, then the law or policy is to take precedence.

The Policy is not designed to replace normal workplace discussion, feedback, counselling, performance reviews or mentoring that should take place to minimise complaints or resolve them informally when they occur.

The Policy constitutes the 'set of guidelines' described in s70.3 of the Ordering of Worshipping Communities Statute. [Page 222 of the Code of Statutes.]

The Policy may also be applied by the Director of Professional Standards in responding to a report received under paragraph 3.9 of Faithfulness in Service.

The complainant and any other parties involved should not feel compelled to use the Procedure outlined in this Policy in the first instance. They are encouraged to resolve their differences through Biblical principles outlined in Matthew 5-7, 18, Galatians 6, Colossians 3:12-17, common sense measures, negotiation and mutual restraint before resorting to the Procedure.

Similarly, decision-makers may change their decisions because of informal submissions and negotiation. They are not required to insist on the use of the Procedure by a potential complainant.

2. SCOPE AND APPLICATION OF POLICY

This Policy applies to Clergy, Church workers or Parishioners in the Diocese of Perth.

This Policy does not apply to:

- the Archbishop;
- Grievances between Licensed Clergy in the Diocese of Perth - refer to the process outlined in 'Policy 38: Grievance Policy - Clergy';



- Lay employees of The Perth Diocesan Trustees – refer to the procedure outlined in ‘Policy 35: Employee Grievance Policy to address any complaints or grievances.
- Lay employees of a Separately Incorporated Body.

3. MATTERS EXCLUDED FROM THIS POLICY

The following matters are excluded from this Policy:

- Decisions regarding the issuing of the Archbishop’s licence;
- Decisions or recommendations made under the Professional Standards Statute 2007;
- Decisions or recommendations made under the Clergy Discipline Statute;
- Decisions or recommendations made under the Offences Canon 1962-1998;
- Decisions leading to the employment or termination of an employee; or
- Decisions leading to the engagement or termination of a volunteer.

4. PRINCIPLES

The following principles apply to all matters (i.e., third party complaints and disciplinary or performance matters) addressed under the Procedure outlined below.

Natural Justice

The process is based on the principles of natural justice including the rights of the complainant to:

- Be heard,
- Have the complaint treated seriously and investigated and considered by unbiased parties,
- Be informed of the process for managing the complaint, and
- Be informed of the outcome and the reasons for that outcome.

The respondent has the right to:

- Be informed of the details of the complaint,
- Be informed of the process for managing the complaint,
- Have the complaint investigated and considered by unbiased parties,
- Be able to respond fully to the complaint,
- Have the response considered seriously, and
- Be informed of the outcome and the reasons for that outcome.

Privacy and Confidentiality

To respect and maintain privacy and confidentiality, all parties must ensure that information regarding complaints is restricted only to those who have a need to know. However, some information may need to be disclosed in accordance with legal and other regulatory requirements. Personal information collected in the course of managing a complaint will be dealt with in accordance with the Diocese’s *Privacy Policy* (Policy 42).

5. PROCEDURE – (REFER TO FLOWCHART – PAGE 6)

In the first instance, the Complainant should discuss the matter with the person or people concerned and attempt to resolve at a local level within the Worshipping Community.

Grievances are usually best resolved in an informal manner with active and timely discussion between all parties in a spirit of goodwill and with a positive intention to resolve the conflict to a point of mutual satisfaction.

If the matter is not able to be resolved between the two parties, it should be referred to the Parish Priest for resolution which may include mediation, and / or counselling.

If the Parish Priest is unable to resolve the matter, it should be referred to the Director of Professional Standards.



All complaints / concerns involving; a Priest / Rector / Area Dean / Archdeacon / Dean / Regional Bishops should be referred to the Director of Professional Standards.

The Director of Professional Standards will investigate and resolve the matter where possible (may seek advice from Assistant Bishops for matters involving Priests / Rectors / Area Deans / Archdeacons).

All complex issues and matters involving the Dean, Archdeacons or Assistant Bishops will be referred to the Complaints Committee by the Director of Professional Standards.

The Complaints Committee will investigate further, bring the matter to a resolution and makes any appropriate recommendations to the Archbishop / Assistant Bishops.

Any decision of the Archbishop based on the findings and recommendations of the Complaints Committee shall be final and will bring the process for the complaint to its conclusion.

6. MAKING THE COMPLAINT

A **complainant** is required to: (when No's: 1 and 2 of Procedure are unsuccessful)

- Submit their complaint in writing to the **Director of Professional Standards**;
- Where the complaint is not submitted in writing the Director of Professional Standards will record the specific details of the complaint and provide to the complainant for confirmation and signing;
- Provide complete and factual information and be aware that a refusal to provide certain information may inhibit the appropriate management of the complaint.

As a guide, a complaint should include:

- Specific details of the complaint, including what occurred and when it occurred;
- Who was involved in the incident(s) and any witnesses;
- What action/resolution is being sought to resolve the matter;
- Deliver the complaint in a non-threatening manner;
- Not include deliberately false or misleading information;
- Not make frivolous, vexatious or false complaints;
- Complainants should be aware that the respondent will be informed of the complaint and will be given an opportunity to respond to the complaint.

7. PROTECTION OF THE COMPLAINANT

A person may be advised or encouraged to seek resolution of their complaint informally, and should not feel compelled to use this procedure. They should also not be hindered or discriminated against as a result of making a complaint, unless the discrimination is lawful and made to protect them or any other party.

A **respondent** is required to:

- Provide factual and complete information and be aware that a refusal to provide certain information may inhibit the appropriate management of the complaint;
- Deliver the response in a non-threatening manner;
- Not include deliberately false or misleading information;
- Not make frivolous, vexatious or false comments.

All parties have the right to have a support person present throughout any interview process.

8. TIMELINESS

All complaints will be managed openly and in a timely manner.

For matters involving complaints against Clergy made by third parties, it is expected that all written complaints will be acknowledged in writing within seven working days. The process and timeframe



for investigation and resolution of a complaint may vary according to the nature and complexity of the complaint, however, every endeavour will be made by the Director of Professional Standards and/or the Complaints Committee to conclude the investigation process within 30 days of acknowledgement of the complaint. Relevant parties will be advised when this is not possible.

9. PASTORAL SUPPORT

If the Director of Professional Standards decides to conduct an investigation, they may appoint one or more persons to make contact with and provide pastoral care and support to the Complainant and Respondent.

10. THE COMPLAINTS COMMITTEE

A Complaints Committee will be appointed by Diocesan Council and will perform functions as described by the Policy. The purpose of this Committee will be to hear the complaint independently so that an unbiased and objective decision or recommendation is made.

The Chair of the Committee should be a Professional Mediator or Person with extensive people management skills.

Membership of the Committee should include a Member of Clergy, at least one man and at least one woman and, where possible, should include a psychologist.

The Director of Professional Standards shall be the Executive Officer.

The Complaints Committee must:

- Declare any Conflicts of Interest and, if appropriate, excuse themselves from the Committee until the matter is resolved;
- Investigate the facts relevant to the complaint or direct a person to investigate it on their behalf;
- Investigate any law, statute, policy or guideline that is relevant to the complaint and determine whether it has been applied correctly;
- Consider the matter objectively and without bias;
- Ensure that only facts and law that are relevant to the decision that is the subject of the complaint have been applied and that there are no irrelevant issues that have influenced the decision;
- Provide timely responses to both Complainant and Respondent regarding progress of complaint;
- Provide their findings and recommendations to Archbishop for the final decision-making process;
- Provide a written response to the complainant setting out the reasons for their decision or recommendations and why they may differ from the desired outcome.

The Complaints Committee are encouraged to seek advice and information from relevant experts or witnesses in the course of assessing the application. The Complaints Committee must be mindful of protecting the privacy of personal information when doing so.

The Procedure will be completed when one of the following occurs:

- The complainant acknowledges in writing that they have accepted the decision provided, or
- The complainant withdraws their complaint in writing, or
- All actions required to process a complaint as described in the Procedure have been completed.

11. DEFINITIONS

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'Clergy'/'Member of the Clergy':

- *Any person holding the Archbishop's Licence as a Bishop, Priest or Deacon, within the Diocese of Perth.*

'Church worker' – has the same definition as used in the Professional Standards Statute, which includes clergy.

'Malicious, Frivolous or Vexatious Complaint':

- *Complaints that are deliberately harmful, spiteful, trivial or unworthy of serious attention or resources.*

The definitions for Bullying, Harassment, Emotional, Physical, Sexual or Spiritual abuse are outlined on pages 6 - 11 of Faithfulness in Service.

