



OFFICIAL DOCUMENT

Title:	Grievance Procedure for Certificate Holders
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A procedure to be used by all State Executives of the
Australian Christian Churches
when dealing with a complaint against a Certificate Holder

Background

This procedure, put in place by the National Executive, applies where a person issued with a certificate by the Australian Christian Churches is alleged to have engaged in improper conduct or heresy, contrary to the United Constitution.

Where there is any conflict between any element of this procedure and any constitutional or policy document ("conference document"), the conference document will prevail.

This procedure has been put in place:

- To provide a uniform procedure to be followed in all States and Territories across Australia
- To provide support and ministry for the complainants
- To ensure that serious allegations are treated seriously and investigated fully
- To appropriately support certificate holders in the midst of significant allegations
- To provide natural justice for the certificate holder
- To maintain and ensure high moral and ethical standards for certificate holders

There are four types of certificates issued by the Australian Christian Churches:

- Ordained Minister's Credential
- Probationary Minister's Credential
- Specialised Ministry Certificate
- Overseas Associate Minister's Certificate

All credentials and certificates are issued by the National Executive and the power to suspend or withdraw those certificates rests with the National Officers. In this procedure the words 'certificate' and 'credential' are used interchangeably.

This procedure is for guidance with the intention that it should be adhered to. The State or National Executive may decide to not follow the Procedure, or apply a truncated version of the procedure, where they reasonably consider it necessary in specific circumstances.

Where the nature of the allegation against a certificate holder raises the possibility of criminal conduct specific legal advice should be sought.

Confidentiality

Throughout the Grievance Procedure, the relevant Executive or committee will seek to maintain where possible the confidentiality of all the parties involved, and the content and nature of the complaint that has been made. However, this will not always be possible, especially where the information is already outside of the Executive's control, completing duties require the release of the information, or specific legal advice suggests otherwise. In such circumstances, the Executive may decide to release the information as it deems appropriate.

Step One – Receipt of Complaint

Where a person alleges that a Certificate Holder has committed improper conduct or heresy, that person (the "Complainant") must fully document the allegation in writing and forward it to the State Executive. Whilst another person may forward it to the State Executive on the Complainant's behalf, the Complainant must still be clearly identified.

Where an allegation of improper conduct by a person under some form of disability (i.e. such as because of age or intellectual incapacity) and who is consequently unable to fully document the allegation in writing, comes to the attention of the State Executive, it shall use all reasonable endeavours to assist such a person to fully document the allegation in writing.

For the purposes of this Procedure, this document is referred to as the "Complaint". The Complaint must include the Complainant's contact details.

It should be made clear to the Complainant that the written complaint will be made available to the Certificate Holder against whom the complaint is being made. This is a requirement of natural justice.

In the event that a Regional Leader receives the Complaint, it must be forwarded it to the State Executive within 72 hours.

The State Executive's insurer should be notified as soon as possible where improper conduct is alleged unless the State Executive considers the complaint to be frivolous.

The State Executive will consider the Complaint. If the State Executive considers (in its absolute discretion) that the complaint is frivolous, or that further action against the Certificate Holder is not necessary, the State Executive may decide to dismiss the complaint.

Where more than one complaint against the same Certificate Holder is received in a short space of time, or if similar complaints are received after an initial complaint, the State Executive may amalgamate the complaints into one investigation.

[Note: If the Certificate Holder who is the subject of a Complaint is considered to have a prominent national ministry and the National or State Executive consider it to be appropriate, the National Executive may assume responsibility for the Grievance Procedure from this point. In such a case, all references to the State Executive in the steps below should be read as applying to the National Executive.]

Step Two – Mandatory Reporting

Where a complaint involves an allegation of child abuse, the current policy dealing with such must be implemented in all respects, including mandatory reporting.

As there are circumstances under the law (which varies from State to State) which may require information to be passed on to authorities and failure to do so being an offence, the State Executive may need to seek legal advice on its' legal duties in this regard.

Step Three – Suspension

The State President will consider whether there is sufficient evidence of a serious breach of ministerial conduct to justify suspension of the Certificate Holder's certificate pending the investigation and final decision. In this regard, the National President (in consultation with the State President) has the power under the United Constitution to suspend all certificates pending investigation by the State Executive.

When the State President advises the suspension of the Certificate Holder's certificate, he/she will:

- Provide the Certificate Holder with a copy of the Complaint;
- Provide the Certificate Holder with a copy of the Grievance Procedure for Certificate Holders (this document).
- Invite the Certificate Holder to respond in writing within 24 hours regarding why the certificate should not be suspended; and
- Consult with the National President regarding the decision, taking into account the Certificate Holder's written response (if any).

The State President will advise the Certificate Holder in writing of the decision, including the period of the suspension (not exceeding sixty days).

If the investigation is not complete within the suspension period, the National Executive may extend the period of suspension for further periods, not exceeding sixty days each. The State President will provide the Certificate Holder with a further opportunity to respond before renewing a suspension period.

[Note: The initial suspension and any subsequent suspensions must follow the same natural justice procedure. It is a breach of natural justice to suspend without a defined end date as this is, in effect, a cancellation. The United Constitution stipulates the suspension provisions.]

Step Four – Consider whether a full investigation should be delayed pending criminal proceedings

If there is an ongoing criminal investigation into the circumstances of the Complaint, the State Executive will contact the relevant authorities before further investigating the Complaint. It must be understood that the relevant authorities may not respond but care must be taken not to prejudice any pending criminal proceedings. In this regard, further investigation by the State Executive will generally not proceed unless the criminal proceedings have concluded or the Certificate Holder otherwise consents to the investigation proceeding.

However, where the State Executive investigation is delayed pending any criminal proceedings, the National President may still decide to suspend the Certificate Holder's

credentials, and the National Executive may decide to continue to renew the suspension.

Step Five – Investigation by the State Executive

The State Executive may, depending upon the nature of the Complaint, appoint a person or persons (the Investigator(s)) to investigate the Complaint. The Investigator may be a member of the State Executive.

The Investigator will consider the Complaint and may contact the Complainant or any other person deemed necessary, for further information.

The Investigator will provide the Certificate Holder with a copy of the Complaint and details of any other statements obtained during the investigation, as well as a copy of the Grievance Procedure for Certificate Holders (this document).

The Investigator will then invite the Certificate Holder to provide a response to the Complaint and to any statements made during the investigation. The Certificate Holder is not obliged to provide a response at this time, unless requested to do so by the State Executive.

The Investigator will prepare a report for the State Executive, documenting the evidence it has obtained during the investigation (including statements by the Complainant and the Certificate Holder). The Investigator may comment on the credibility of the Complainant, Certificate Holder or other witnesses in this report, but **will not** conclude whether the Complaint has been proved.

Step Six – Consideration of the Investigator's Report by the State Executive

The State Executive will nominate a number of its members (the Committee) to consider the Investigator's Report and make a preliminary determination as to whether the Certificate Holder may have engaged in improper conduct or heresy.

If the Committee's preliminary determination is that the Certificate Holder may have engaged in improper conduct or heresy, it will request the Certificate Holder provide a written response for further consideration before recommending a final decision to the State Executive.

The request to the Certificate Holder will:

- Set out each Complaint in which it is alleged that the Certificate Holder has engaged in improper conduct or heresy. Where a Complaint contains separate allegations of improper conduct or heresy, the Complaints will be separately identified;
- For each Complaint, particulars will be provided indicating the evidence on which the Complaint is based;
- Enclose a copy of the Investigator's Report;
- Enclose any other material that the Committee intends to consider when making its recommendation;
- Invite the Certificate Holder to meet with a member of the Committee to discuss the allegations; and
- Invite the Certificate Holder's written response within 21 days.

Step Seven – The Committee’s Final Recommendation

The Committee will consider the Investigator’s Report and the Certificate Holder’s response (if provided) with a view to determining whether it considers the Certificate Holder has, on the balance of probabilities, engaged in improper conduct or heresy and make a recommendation to the State Executive accordingly.

If the State Executive considers the Certificate Holder has engaged in improper conduct or heresy, it will proceed to Step Eight. In its consideration, the State Executive will take into account the recommendation of the Committee which it may accept, vary or reject in making its determination.

If the State Executive considers that the Certificate Holder has not engaged in improper conduct or heresy, it will advise the Certificate Holder, Complainant and the National Executive in writing. If a certificate has been suspended, it will be reinstated.

The written report from the Investigator shall be kept on file by the State Executive but it must be kept in strict confidence.

Step Eight – Determination regarding appropriate disciplinary action

Where the State Executive decides that the Certificate Holder has engaged in improper conduct or heresy, it will consider possible action that might be taken in response to the breach.

Action that might be taken includes discipline and restoration (in accordance with ‘A Program for the Restoration and Reinstatement of Disciplined Ministers’), suspension of the certificate or cancellation of the certificate.

The Committee will provide the Certificate Holder with a written summary of the action the State Executive is considering recommending to the National Officers and provide the Certificate Holder with an opportunity to respond.

The Committee will take that response into consideration before a final recommendation by the State Executive to the National Officers.

Step Nine – Recommendation through the State Executive to the National Officers

The State Executive, taking into account the recommendation of the Committee, will make a recommendation on the appropriate action to be taken to the National Officers.

The National Officers will make the final decision on appropriate action to be taken, and a letter outlining this decision will be prepared. The Credential Holder will be invited to meet with members of the State Executive, where this final decision will be communicated, and letter of final decision presented. If the invitation to meet with members of the State Executive is not accepted, the letter of final decision will be forwarded directly to the Credential Holder by the State Executive.

It is recommended that where the final decision is that the Credential is to be withdrawn, a member of the National Executive or their appointee communicate this decision to the Credential Holder.

Step Ten – Right of Appeal

Pursuant to Article 11.8 of the United Constitution, the National Executive will consider any appeal by a Certificate Holder, provided written notice of the appeal is lodged by the Certificate Holder with the National Secretary within 30 days of notification of the withdrawal of the certificate.

The Certificate Holder must, at the time of lodging the Appeal, provide its reasons in writing for why the certificate should not be withdrawn.

The National Executive will consider the submission by the Certificate Holder and any other material available to it before making its decision. The decision of the National Executive will be final.

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