

Proposed Changes to Ministry Standards Committee documents

Annual Assembly 2020

Changes to the Policy for Handling Allegations Against Accredited and Recognised Ministers document were affirmed by Assembly Council in August 2018

On 31 March 2012 Assembly approved the following three documents:

- Policy for Allegations brought against an Accredited (or Recognised) Minister Policy
- Policy for Allegations brought against lay Leadership
- Policy for Allegations brought against non-Accredited staff

During 2017 the Ministry Standards Committee identified that these 3 separate policy documents included significant duplication and needed updating. It was considered preferable for these 3 separate policy documents to be replaced with one new policy document. This revised Policy for Handling Allegations against Accredited and Recognised Ministers was subsequently supported by the Committee for the Ministry and by Assembly Council in August 2018.

Changes to the Code of Ethics and Conduct were proposed by Ministry Standards Committee on 23 January 2020 and were subsequently affirmed by the Committee for the Ministry in February 2020 and by Assembly Council in March 2020

These proposed changes have been made in light of some recent matters considered by the Ministry Standards Committee to give greater clarity where helpful, and offer improvements in our complaint management processes. Please note all proposed changes are shown in **red** below.

1. The introductory section of the Code (page 2):

*Several of the Code's principles are **aspirational**: pastoral leaders will endeavour to **fulfill** them to the best of their ability. Several are **advisable**: guidelines that are strongly recommended; and other principles are **mandatory**: failure to observe them may result in disciplinary action being taken by the Baptist Association NSW & ACT, and/or removal from the official list of pastors.*

MANDATORY sections are highlighted in a dark grey box.

However, a pastor may still be subject to disciplinary action for clauses which have not been labelled as mandatory if the Ministry Standards Committee determines this is advisable.

2. Clause 4.2:

4.2 Pastoral leaders must not engage in a sexual relationship with anyone other than their spouse **in marriage**. **As specified in the Accreditation Guidelines "Marriage is defined as outlined in the Marriage Rites of the Baptist Union of Australia, (ie the union between a man and a woman to the exclusion of all others, voluntarily entered into for life) and must be a legally recognised marriage."**

4.2.1 The expected standard is celibacy for **single any unmarried** pastors.

4.2.2 Pastoral leaders must not sexualise a pastoral or professional relationship. Sexualisation includes sexual interaction, consensual or otherwise with a person within their ministerial care; apart from behaviour mentioned under 4.1.3, such interaction may also include unwarranted or inappropriate questioning of another's sexual history.

4.2.3 In the event of **a single an unmarried** pastor engaging in a courting relationship with a member of their congregation suitable accountability must be maintained.

3. Clause 7.4.2:

7.4.2 Pastoral leaders should exercise fidelity and integrity in their relationships to their spouses **-(partners)**.

Changes to the Procedures for Handling Allegations Brought Against Accredited and Recognised Ministers document were proposed by Ministry Standards Committee on 23 January 2020 and were subsequently affirmed by the Committee for the Ministry in February 2020 and by Assembly Council in March 2020

These proposed changes have been made in light of some recent matters considered by the Ministry Standards Committee, and in response to recent legislative changes and recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. A number of grammatical and spelling improvements have also been made. Please note all proposed changes are shown in **red** below.

1. S1.3:

The church is called to be a Christian community that nurtures and sustains those who are called to be disciples and to participate in God's mission. It is a place that proclaims the good news of God's salvation in word and deed and **to provides** witness to God's inclusive and nurturing love for all persons. This includes treating everyone with respect, avoiding harmful discrimination, respecting physical and emotional boundaries and **careing** for the most vulnerable.

2. S1.3

In other words, the dynamics of such a relationship can result in a person **being unable to withhold consent feeling unable to clearly communicate their lack of consent.**

3. S1.3

The following paragraphs are duplicated on pages 2 and 3.

~~Christian faith also involves calling those who misuse or abuse power to true repentance. In Ezekiel 18:30-31 God requires an abuser to responsibly own the hurt caused to the victim and to make a complete change of attitude and behaviour. Readiness to accept discipline and make restitution are indicators of true repentance (Matthew 3:7-12).~~

~~The Association aims to create an atmosphere of support and compassion for all people and which allows victims/survivors of leadership misconduct to move towards healing. Jesus continually broke the rules governing religious niceties, exclusivity and silence. Support and compassion should never be given in an atmosphere of silence, cover-up or denial~~

- In Ezekiel 18:30-31 God requires an abuser to responsibly own the hurt caused to the victim and to make a complete change of attitude and behaviour. Readiness to accept discipline and make restitution are indicators of true repentance (Matthew 3:7-12).
- • An atmosphere of support and compassion. This allows victims/survivors to move towards healing. Jesus continually broke the rules governing

religious niceties, exclusivity and silence. Support and compassion can never be given in an atmosphere of silence, cover-up and denial.

(MSC proposes to remove the first duplication as shown on pages 2 to 3 of the procedures document)

4. S1.4

It ~~follows on from~~ replaces previous procedures and documents, including:

5. S1.4

It should be noted that many issues and complaints which occur within churches, namely those that do not involve a serious breach of the Code of Ethics and Conduct or serious risk of harm ~~and have not become 'public knowledge' within the church (and even some that have)~~, can be resolved at the local level.

6. S1.5

The Association is not a hierarchical structure and member churches are affiliates, who maintain individual autonomy

7. S1.6

Natural Justice

~~Natural justice means to act fairly, without bias throughout each of the stages of this procedure.~~

Natural Justice requires that the procedure for making a decision be objective and transparent, that the respondent be given the opportunity to respond and be heard, that the decision maker take into account all relevant considerations and no irrelevant considerations and that the decision be made without bias.

8. S2.1

- Facilitate resolution of complaints.

9. S2.2

The MSC shall meet at least quarterly, or as often as required to progress individual matters. The MSC shall consist of a minimum of five standing members and shall include:

- An Accredited Minister
- A member with legal qualifications and experience
- A member ~~Someone~~ with qualifications and experience in working with power dynamics and differentials
- A member ~~Someone~~ with qualifications and experience in working with sexual abuse / misconduct
- At least one member with extensive pastoral experience in a local church
- A member of the Committee for the Ministry
- There is to be a minimum of 2 members of each gender
- One non Baptist Member who has an understanding of Baptist Church governance and similar theological views.

10. S2.3

As outlined in more detail in section 3.4.3 whilst the MSC has the responsibility to determine the outcome of a complaint, the Committee for the Ministry will confirm that ~~an appropriate due~~ process has been followed before the decision of the MSC is enacted

11.S2.5

The Ministry Standards Manager and Chair of the MSC will be responsible to ensure that all members of the MSC and the Committee for the Ministry receive regular training regarding the requirements of the procedures outlined in this document so that they can administer these requirements correctly and ensure that ~~an appropriate due~~ process is followed and natural justice is afforded.

12.S3.1

Presumption of innocence will be assumed until ~~a finding has been made either guilt is determined~~ by admission ~~or due by an appropriate process of investigation.~~ *However, a risk assessment may result in risk management measures being undertaken.*

13.S3.1

“Where a matter is between two parties and there are no other witnesses or external evidence then it is ~~likely possible~~ that there will be insufficient evidence to substantiate the allegations”

14.S3.2

If the complaint was made orally, the Complainant will be ~~requested required~~ to put the matter in writing as soon as is reasonably possible using any form developed by the Association for this purpose.

15.S3.2

Consider whether the complaint should ~~exit be referred~~ to another process. (For example: Local Resolution, or Persons of Concern process)

16.S3.2.3

Many issues and complaints that occur within churches, that do not involve ~~a serious breach of the Code of Ethics and Conduct or serious risk or of harm, and have not become ‘public knowledge’ within the church (and even some that have),~~ can be resolved at the local level. The Association will encourage this option, where appropriate, before engaging these procedures. ~~(The Association has provided a Model Procedure for Resolving Conflict for use by local churches for this purpose It can also supply templates to churches wishing to develop Grievance Procedures).~~

17.S3.3.4

In NSW a report to the Department of Family and Community Services is mandatory where there is risk of significant harm to a child or young

person. In the ACT there is a similar mandatory requirement to report to the Department of Community Services where children are experiencing harm or abuse. Because there is the risk of contaminating a child's or young person's evidence for court proceedings, any review in relation to alleged or suspected abuse must in the first instance be done by the Department of Family and Community Services (in NSW) or the Department of Community Services (in the ACT), **(or their equivalents).**

Any allegation of reportable conduct must also be reported to the Reportable Conduct Scheme overseen by the NSW Office of Children's Guardian or the ACT Ombudsman.

18.S3.4.3

3.4.3 Determination by Ministry Standards Committee and Confirmation of **Appropriate Due** Process by the Committee for the Ministry

The determination of outcome of any investigation and/or review of a complaint is the responsibility of the MSC. A short summary report, including the outcome and outlining the process followed by the MSC, will be conveyed to the Committee for the Ministry.

The Committee for the Ministry needs to have confidence that **appropriate due** process and the guidelines of this procedures document have been followed. It is not the function of the Committee for the Ministry to review the decision itself.

19.S3.5

Records must be kept for a minimum of 7 years, or in matters involving a child or confirmed sexual abuse, they must be kept for a minimum of **30 45** years, or as long as required by law.

20.S3.6

Association staff may also be subpoenaed, as may **staff**, MSC members, Review Team members and Independent Reviewers.

21.S4

Assembly Council is to ensure that **an appropriate due** process and the guidelines of this procedure have been followed by the Appeal Panel.

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Update Baptist Association address from Epping to Macquarie Park