

# Code of Ethics and Conduct and Procedure for Handling Allegations – 2023

## Background and Rationale:

The Ministry Standards Committee has undertaken a review involving both the “Procedures for Handling Allegations” and “The Code of Ethics and Conduct” for Accredited and Recognised Ministers.

Factors contributing to the need for a review include:

- Constant need for ongoing review.
- Demand for increased professionalism, expertise and experience from MSC members and investigators.
- Expectations on, and capacity of, volunteers in committees.
- Societal expectations.
- Risk management.
- Changing compliance and legislation.
- Learnings from circumstances which have challenged the current processes.
- Feedback from various categories of people who use the Code and Allegations procedure.
- A need for the MSC to have a clearer framework around the nature and scope of complaints to be considered and for that framework to be communicated clearly.

## Code of Ethics and Conduct:

In the early stages of the review it became apparent that a full rewrite of the Code was necessary. The document presented to the Assembly is therefore not an update, but a completely new document. It has some material retained from the current version, but is significantly different in both format and content. Codes of Conduct from other similar denominations were considered and significantly influenced the writing of this version. Included in the changes of both the Code and the Allegations Procedure is the name of the Ministry Standards Committee changing to “Pastoral Standards Committee”. This is to more accurately reflect the scope of the Committee’s work to respond specifically to complaints against pastoral leaders rather than regarding ministry more broadly. One of the main changes to the code is the introduction of two categories: standards and guidelines. The standards outline requirements for the personal behaviour and the practice of pastoral ministry to which a pastoral leader is held accountable. The Pastoral Standards Committee will use the standards in the Code to inform its response to allegations brought against a pastoral leader. The guidelines are explanations and illustrations of best practice for implementing the standards. The Pastoral Standards Committee will commence investigations in relation to allegations brought against a pastoral leader for a breach of a standard, not a guideline. However, the guidelines will assist in the interpretation of the standards and be considered as relevant when forming recommendations to existing pastoral leaders following a complaint, or recommendations from the AOT to applicants for Recognition or Accreditation. Other minor differences from the current version have been made, including the addition of a key terms glossary. As a new document, there is no available ‘marked up’ version of the proposed Code showing how the existing version has been changed. However, an existing version of the Code is included in the Assembly papers for comparison.

The following documentation is available for delegates:

1. The proposed Code of Ethics and Conduct
2. The current Code of Ethics and Conduct (for comparison).

## Procedure for Handling Allegations:

With the rewriting of the Code of Ethics and Conduct, the Procedure for Handling Allegations needed updating as a companion document which must be aligned in all points to the Code. It was also determined that, due to the factors noted above, the Procedure Document needed its own amendments.

Unlike the Code of Ethics and Conduct, the Procedure has been updated rather than completely rewritten. The understanding was that the main thrust of the procedure was sound, and only amendments were necessary. Changes include updates to align the document with current practice, changes to compliance and legislative requirements. Some minor changes have been made to the way the Pastoral Standards Committee is comprised. The appeals process has also been amended with appeals available only to Respondents and to be managed by the Affirmation Oversight Team rather than the Assembly Council. It is noted that, in accordance with Section 9 i) of the Affirmation of Ministry Guidelines, (2022), any complaints received against a pastoral leader which pertains to

theology and doctrine is not in the purview of the Pastoral Standards Committee to investigate, but will be managed by the Affirmation Oversight Team and/or the Assembly Council.

The following documentation is available for delegates:

1. A “marked up” copy of the proposed Procedure showing where and how changes were made.
2. A “clean” copy of the proposed Procedure without changes recorded.

## Development pathway:

### **Working Group:**

Grae McWhirter – Associate Director, Strategic Support and Regional Development

Jonathan Bradford – Ministry Standards Manager

### **Consultants included:**

Craig Corkill – Associate Director, Discipleship and Leadership Development

Jenny Casey – Team Leader, Ministry Affirmation

Carolyn Cousins – previous chairperson of the Ministry Standards Committee

Nathan Croot – Ministry Standards Committee legal representative, and recently appointed MSC chairperson

The Director of Ministries

The Ministry Standards Committee

The Affirmation Oversight Team

The Executive Leadership Team

Pastoral Leaders Focus Group (for the Code)

## Approval pathway:

### **This document has been approved by the following groups for submission to the Assembly:**

The Ministry Standards Committee

The Affirmation Oversight Team

The Executive Leadership Team

The Assembly Council



# Code of Ethics and Conduct

**For Pastoral Leaders - Baptist Association of NSW & ACT**

Approved for use by Assembly Council on 12<sup>th</sup> September 2023 and by Assembly on 11<sup>th</sup> November 2023.

Replaces previous versions.

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## INTRODUCTION AND OBJECTIVES

This Code of Ethics and Conduct aims to provide pastoral leaders (and their churches) with clear standards and common benchmarks for ethical conduct and legal responsibility. It is not designed to be a replacement for the Bible as a fundamental guide for faith and practice. It reflects an ongoing commitment by the Baptist Association of NSW & ACT to:

- the maturity, health and professional conduct of its pastoral leaders and the churches to which they minister.
- make clear the duty of care that pastoral leaders have towards those they lead and work with.

This Code is not intended to replace other relevant documents prepared by the Baptist Association of NSW & ACT but should be read in conjunction with them. These include but are not limited to:

- The Constitution of the Baptist Association of NSW & ACT.
- Affirmation of Ministry Guidelines.
- Safe Ministry Policy.
- Procedures for Handling Allegations.

This Code is not intended to be an exhaustive 'How to Manual' for ministry. It does seek to reflect the biblical call to godliness and faithfulness in ministry.

Pastoral leaders include the following people associated with the Baptist Association:

- Accredited Ministers.
- Recognised Ministers.
- Applicants and Candidates for Accreditation or Recognition.

## PRE-AMBLE

Pastoral leaders are called by God, affirmed by the Church, and usually trained in a professional, practical and pastoral manner.

People enter vocational ministry in response to a call from God and the Church. It is this call that requires pastoral leaders to carry out their responsibilities with godly character (1 Tim 3) and in a biblically faithful manner (Col 4:17). Pastoral leaders have been given a significant role within the life of the Church. They are often called upon to exercise leadership in its worship, preaching, mission, pastoral care, and discipleship. They also serve as Christ's representatives in the world (Matt 28:18-20). As pastoral leaders live out their call to ministry in positions of power and influence, they will seek to express the love and character of Christ in all their relationships.

Pastoral leaders within the churches of the Baptist Association of NSW & ACT also exercise ministry under the auspices of the Association. Accredited and Recognised Ministers are thus accountable to work within the values and standards espoused by the Association i.e., contained within the Constitution and the Affirmation of Ministry Guidelines.

Finally, bearing as they do a call to reach the wider community and operate within the appropriate laws of the State (Rom 13:1-7), pastoral leaders will operate with the highest professional commitment to these laws.

This Code is thus informed by biblical, Associational, and professional standards.

In addition to complying with this Code of Ethics and Conduct, accredited and recognised ministers have ongoing requirements subject to the Affirmation Oversight Team including Continuing Ministerial Development, Working With Children Check Clearance (or WWVP in the ACT) and Creating Safe Spaces Training (as outlined in Stage 6 of the Affirmation of Ministry Guidelines).

In accordance with Section 9 i) of the Affirmation of Ministry Guidelines, (April 2022 edition), any complaints received against a pastoral leader which pertains to theology and doctrine will be managed by the Affirmation Oversight Team and/or the Assembly Council.

## Standards and Guidelines:

Each section of this Code includes a set of standards and a list of guidelines.

**Standards** outline the Association's **requirements** for the personal behaviour and the practice of pastoral ministry amongst pastoral leaders. These are the principles and practices to which a pastoral leader in our movement will be held accountable. The Pastoral Standards Committee will use the standards in this Code to inform its response to allegations brought against a pastoral leader (according to the procedures outlined in the "Procedure for Handling Allegations" document). Pastoral leaders are required to abide by the standards in this code.

**Guidelines** outline explanations and illustrations of **best practice** for implementing the standards and highlight practical ways to achieve them. The Pastoral Standards Committee will not commence investigations in relation to allegations brought against a pastoral leader for a breach of a guideline. However, the guidelines may assist in the interpretation of the standards and be considered as relevant by the Pastoral Standards Committee, the Affirmation Oversight Team or the local church when forming recommendations to existing pastoral leaders or applicants for Recognition or Accreditation. Pastoral leaders are asked to familiarise themselves with the guidelines in this code and consider how they might be applied to ministry practices.

## KEY TERMS

**abuse** means the following conduct:

- bullying,
- emotional abuse,
- harassment,
- physical abuse or physical assault,
- financial abuse,
- sexual abuse or sexual assault,
- spiritual abuse,
- verbal abuse or verbal assault,
- and neglect in the case of children under a pastoral leader's direct domestic care.

**bullying** means behaviour directed to a person or persons which:

- is repeated,
- is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening), and
- creates a risk to their health and safety.

Bullying does not include lawful conduct of ministers carried out in a reasonable manner, such as:

- disagreeing with or criticising someone's beliefs, opinions or actions in an honest and respectful way,
- giving information about inappropriate behaviour or unsatisfactory performance in an objective way to the person or persons concerned and to any other person with a proper reason for having that information,
- setting reasonable performance goals, standards, or deadlines, or
- taking legitimate disciplinary action.

**emotional abuse** means intentional acts or omissions that a reasonable person knows, or ought to have known, might cause significant emotional harm, without a valid or appropriate reason.

**harassment** means unwelcome conduct, whether intended or not, in relation to another person where a reasonable person knows, or ought to have known, that conduct might cause offence, belittlement or someone feeling threatened. It includes:

- making unwelcome physical contact with a person,
- making gestures or communicating in such a way that could reasonably give offence,
- making unjustified or unnecessary comments about a person's capacities or attributes,
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence,
- making persistent unwelcome communication with a person in any form (for example, phone calls, email, text messages), and
- stalking a person.

**physical abuse** means any intentional act or use of force which does, or could reasonably be expected to, cause injury to another person. This may take the form of slapping, punching, shaking, kicking, burning, or shoving. It does not include lawful discipline by a parent or guardian or lawful acts of self-defence.

**sexual abuse of a child** means any form of sexual conduct with, towards or in the presence of a child that would be considered a criminal offence. This could include sexual contact, grooming behaviour, indecent exposure or possessing, creating, or exposing children to child exploitation material.

**sexual abuse of an adult** means sexual assault, or any other sexual conduct prohibited by criminal law.

**sexual assault** means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent.

**sexual harassment** means an unwelcome sexual advance or other unwelcome conduct of a sexual nature. It involves circumstances in which a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated. Such conduct may include seductive speech or gestures, the display or sending of offensive pictures, unwelcome sexual advances, continuing unwanted romantic communication, making jokes containing sexual references or innuendo using any form of communication, stalking or expressions of inappropriate 'affection' such as unwelcome kissing, touching, patting, or pinching.

**spiritual abuse** means the mistreatment of a person by actions or threats when justified by appeal to God, faith, or religion. It includes:

- using a position of spiritual authority to dominate, control or manipulate another person or group,
- using a position of spiritual authority to seek inappropriate deference from others,
- isolating a person from friends and family members, and
- using biblical or religious terminology to justify other forms of abuse.

**verbal abuse** is where words are used to assault, ridicule, manipulate, belittle, and/or degrade another person.

## SECTION A. PASTORAL RELATIONSHIPS

### PASTORAL RELATIONSHIPS STANDARDS

1. Pastoral leaders must exercise ministry within the limits of their expertise and must not offer unqualified advice in areas for which they do not hold credentials.
2. Pastoral leaders must treat those to whom they minister, and all with whom they come into contact, with respect and compassion.
  - 2.1 Pastoral leaders must not harass or inappropriately discriminate against anyone on the basis of their race, religion, gender, political beliefs, ability or sexual orientation.
3. Pastoral leaders must be aware that there is a power dynamic within their role and must not abuse their power.
4. Pastoral leaders must not bully, harass, or spiritually, emotionally, verbally, physically or sexually abuse anyone.
5. Pastoral leaders must refrain from any form of conduct that exploits another for their own advantage, or the advantage of any third person.
6. Pastoral leaders must not breach trust, privacy and confidentiality unless to prevent risk of serious harm, or it is authorised or required by law, or the information could reasonably be considered non-sensitive or public.
7. Pastoral leaders are to recognise and to appropriately declare any conflicts of interest to their church leadership, manager or employer, when they become aware of them and take appropriate steps to manage such conflicts.
8. Pastoral leaders must respect the doctrinal basis, values and policies as expressed in the Constitution of the Baptist Association of NSW & ACT and must work within its officially recognised guidelines.

### PASTORAL RELATIONSHIPS GUIDELINES

- a. Pastoral leaders should uphold professional standards outlined in this Code. They should act responsibly and with integrity toward others, ministering with an attitude worthy of their call.

#### Accountability, support and relationships with colleagues and the Association

- b. Pastoral leaders should recognise they are not called to carry out their responsibilities alone or unsupported. They should be accountable to and seek support from others including their church, its leadership, colleagues, peer support group, mentor, coach, professional pastoral supervisor and/or spiritual director and appropriate staff from the Association. They should commit to ongoing personal, spiritual and professional development. They are encouraged to also consider seeking advice from



appropriately qualified members of other organisations affiliated with the Association such as Morling College, Baptist Mission Australia or Baptist Care as appropriate or necessary.

- c. Pastoral leaders are encouraged to be engaged in the wider Baptist movement and to support their local region, Baptist Association Assemblies, events and committees. They should also encourage the congregation in which they are serving to participate in the activities and events of the Baptist Association of NSW & ACT.
- d. Pastoral leaders should be cautious and considered in relation to any public communication that has the potential to damage the reputation and unity of the Baptist Association of NSW & ACT, its leadership and member churches. Caution should also be exercised regarding public communication to or about colleagues of other church groups or organisations.
- e. Pastoral leaders should respect the due processes of the Association in matters of decision-making and change. When they disagree with a decision or policy of the Assembly or its councils, they should work through established procedures to express their point of view.
- f. Pastoral leaders should not engage in a pattern of intentionally attracting people from other congregations to their church community without appropriate consultation. They should exercise discretion in rendering pastoral service to a member of another congregation. They should not establish a new work within close geographic proximity of another Baptist church, or with a similar specialised competing focus (e.g., campus or prison ministry etc), without appropriate consultation with any relevant Baptist churches or organisations and the Association.

### Professionalism and scope

- g. Any professional advice or service that is offered by a pastor beyond the scope of Christian ministry should be accompanied by appropriate and recognised qualifications. Pastoral leaders are not normally trained to provide services such as specialised Counselling, Psychological Assessment or other areas requiring specific training and qualifications.
- h. When pastoral leaders are offering a service from a particular profession for which they are qualified (for example, Counselling or Psychology), they should consider the code of ethics attached to that profession.
- i. Where pastoral leaders are in any doubt about their ability or qualifications to offer a service to a person in their care, the pastoral leader should not continue to offer the service but instead consider referring that person to an appropriately qualified professional.

### Influence, power and authority

Abuse of power is when someone with authority uses that authority to unjustifiably exploit or harm others or through unjustified lack of action allows exploitation or harm to others. Abuse of power can be blatant or subtle in its expression.

- j. Pastoral leaders exercise considerable influence and power. Therefore, they should always act with integrity and maintain appropriate boundaries to avoid inappropriate dependent relationships.
- k. Pastoral leaders should acknowledge that when called to pastor a church they are being placed in a position of authority. With that authority comes the responsibility to exercise it in a way consistent with a follower of Jesus – in humility, servanthood, honesty and love.
- l. Pastoral leaders should be aware that their age, intelligence, Bible knowledge, positional authority, physical presence, technology, confidential information, trust or other means could be negatively used to abuse the power they have been given. Their influence should be exercised wisely to sustain and build up the church, never to bully, manipulate, denigrate or used to further their own interests.

## Confidentiality and Privacy

- m. Pastoral leaders should not divulge written or spoken sensitive information about an individual with other people unless: permission has been granted by the individual; retaining such information would result in physical, emotional or sexual harm to another person(s); and disclosure is required by law or is necessary to prevent financial loss to some other person due to fraud or other dishonesty where undue hardship might result.
- n. Pastoral leaders should inform any staff or volunteers they oversee, of their responsibilities to maintain appropriate confidentiality.
- o. Where a pastoral leader has permission to use private information or confidential stories in all public communication, it may still be inappropriate to reveal such information: in deference to relatives of the person who may recognise the person(s) involved; because some people relish personal information about themselves being broadcast or; because it may discourage people from seeking help if they fear that inappropriate disclosure may be made about them.
- p. Pastoral leaders should usually discuss the nature and limits of their confidentiality with those receiving pastoral counselling.

## General Conflicts of Interest

A Conflict of interest may be actual, potential, or perceived and may be financial or non-financial. An actual conflict arises where there is a direct conflict between two competing duties or interests. Potential conflicts relate to the possibility of an actual conflict arising in the future. Perceived conflicts arise where someone could reasonably hold the view that the person would be likely to be influenced by a personal interest, even though it is not an actual or potential conflict. Conflicts of interest may arise in relation to the financial and business dealings of the Church, in leadership and staffing appointments, and in complaint handling. Conflicts of interest occur when a pastor's personal interests conflict with their responsibility to act in the best interests of the Church. Personal interests include direct interests, as well as those of family, friends, or other organisations a pastor may have an interest in. It also includes a conflict between a pastor's duty to the Church and another duty that they have with another organisation.

- q. Conflicts of interest are common and not in themselves an issue when managed appropriately. Pastoral leaders should therefore make every effort to manage such conflicts appropriately. When not managed appropriately, conflicts of interest present a risk that a person will make a decision based on, or affected by, their personal interests, rather than in the best interests of the Church.

## Conflicts of Interest in pastoral relationships

- r. Pastoral leaders have a responsibility to discern situations in which their ability to provide proper pastoral care may be compromised, and to act appropriately, seeking advice if needed.
- s. Because pastoral leadership occurs within a community, close friendships may develop, potentially causing a dual relationship. At times the nature of these relationships may challenge the capacity of pastoral leaders to provide appropriate care. Such relationships may include special friendships that could reasonably be construed as evidence of partiality or a conflict of interest, and relationships becoming romanticised. Pastoral leaders have a responsibility to discern such developments and take appropriate action such as: disengaging from the pastoral relationship and arranging alternative pastoral care for the person(s) in question, and seeking advice from a supervisor, mentor, or senior colleague.

## Conflicts of Interest in pastoral appointment processes

- t. Pastoral leaders should not unduly influence the selection of a successor and should allow the church leadership to discern and recommend appropriate succession processes. Pastoral leaders who are concluding a ministry should not usually serve on the Search Committee for their successor. Nor

should they seek to influence the composition or work of that committee without the invitation of the church leadership. Pastoral leaders should not negatively interfere in the ministry of their successor/s.

- u. Pastoral leaders should not serve on an interview panel or selection committee when considering appointing a family member or other relative to a staff position at the church in which they serve.
- v. Interim pastoral leaders should recognise the temporary nature of their tenure and not encourage the development of personal loyalties that may hinder the process of calling a new pastoral leader.

## SECTION B. CHILDREN AND VULNERABLE PERSONS

### CHILDREN AND VULNERABLE PERSONS STANDARDS

1. Pastoral leaders must not engage in any behaviour of a sexual nature with a child under 18.
2. When undertaking pastoral ministry duties, pastoral leaders must not administer corporal punishment to children in their care.
3. Pastoral leaders must not knowingly make available to children under 18 any substance or product whose supply to or use by children is prohibited by law.
4. Pastoral leaders must take all required and reasonable steps to ensure that their churches are places of safety where the personal boundaries of those within their care will not be violated.
5. Pastoral leaders must comply with all child protection legislation, including:
  - reporting allegations of child sexual abuse and other criminal offences to the police,
  - fulfilling obligations as mandatory reporters including when a child is at risk of significant harm, and
  - fulfilling obligations under the Reportable Conduct Scheme.
6. Pastoral leaders must encourage and support their churches to implement any relevant Child Safe Standards (as required for churches by relevant legislation). This includes:
  - the church adopting a Safe Church Policy,
  - implementation of screening processes such as Working with Children Check (NSW) or Working with Vulnerable Persons Clearance (ACT),
  - the church complying with WHS obligations,
  - relevant staff and volunteers completing regular safe church training,
  - the church ensuring relevant staff and volunteers commit to a code of conduct,
  - the church adopting a complaints procedure, and
  - appropriate record keeping.
7. Pastoral leaders must ensure that appropriate risk management is undertaken to protect children and vulnerable persons from harm. This includes advocating for and supporting the church in implementing the Australian Baptist Ministries endorsed Persons of Concern risk management process for any known sex offenders as per the relevant procedures.

## CHILDREN AND VULNERABLE PERSONS GUIDELINES

- a. Pastoral leaders should encourage their church to adopt written guidelines outlining appropriate interaction with children and young people including:

- supervision,
- leader participant ratios,
- attendance and parental permission,
- being alone with children or young people, and
- online or other forms of communication with children or young people.

These are addressed in the Baptist Association's resource "Guidelines for Activities with Children and Young People."

- b. Generally, a pastoral leader should not be alone in private (outside of line of sight of another person) with any child or young person unless they are family members. If a pastoral leader meets with someone under 18, they should:

- seek parental or guardian consent where practicable,
- notify another adult of the meeting ahead of time,
- meet in a public place, or in a home, where other adults are present and visible, and
- to the extent practicable, avoid being alone with a child under 18 in a motor vehicle. If such a situation is unavoidable, inform another adult of the trip and the reason for it.

- c. Pastoral leaders should notify the Ministry Standards Manager of any child protection related matters within their church or approved ministry.

## SECTION C. PERSONAL BEHAVIOUR

### PERSONAL BEHAVIOUR STANDARDS

1. Pastoral leaders must be truthful and honest.
2. Pastoral leaders must not knowingly represent other's work as their own and must acknowledge sources appropriately.
3. Pastoral leaders must not condone or participate in domestic or family violence. This includes physical, emotional, psychological, sexual, financial, spiritual or other types of abuse or intimidating behaviour, carried out by a partner, carer, or family member to control, dominate or instil fear.
4. Pastoral leaders who experience addictive forms of behaviour must seek professional help at the earliest opportunity and seek appropriate support (e.g., pastoral supervisor, mentor or specialist counsellor).
5. Pastoral leaders must refrain from any communication that may needlessly damage the reputation of pastoral colleagues. They must refrain from gossip, slander, and other communication (both written and spoken) that is false, degrading or defamatory to another person, church or organisation's character or reputation.
6. Pastoral leaders must always act lawfully, unless to do so would clearly contravene Christian principles or good conscience.
  - 6.1 Pastoral leaders must inform the Baptist Association's Associate Director - Operations, or Director of Ministries of any matter which may lead to criminal charges or legal claim against the Minister, Association or Church.
  - 6.2 Pastoral leaders must not encourage others to break the law except in instances where that may be required by Christian principles or good conscience.
  - 6.3 Pastoral leaders who engage in acts of civil disobedience must not behave in a violent or harmful manner.
7. Pastoral leaders must not be abusive or significantly disrespectful in their interaction with others while using social media or other online communication. Interacting with people online requires the same respectful approach as interacting in person, and therefore this Code of Ethics and Conduct applies to all online environments.

## PERSONAL BEHAVIOUR GUIDELINES

- a. Pastoral leaders should act with integrity and in ways that maintain the trust of the community. The nature of ministry requires pastoral leaders to be godly, healthy, and humble examples to others. Pastoral leaders should be an example of Christ-like behaviour to the members of both the church and the community.

### Family relationships

- b. Pastoral leaders should fulfill their responsibilities of love and care for their spouses and families. They should allow adequate time to fulfill their family responsibilities.
- c. Pastoral leaders should encourage their loved ones to grow in faith and where possible provide their family members with access to appropriate pastoral care.
- d. Pastoral leaders should respect the rights of their family members to privacy and ideally refrain from making public references to them without first seeking their permission.
- e. The role of a pastoral leader's spouse should not be assumed to be that of a church employee or unpaid leader unless such an arrangement has been made with the free consent of the spouse. A spouse should be able to choose the nature of their involvement in the life of the congregation (like any other church member).

### Personal care

- f. Pastoral leaders should seek to maintain their own physical and mental health. This includes avoiding the misuse of alcohol and other drugs.

### Obeying the law

- g. Pastoral leaders are members of society and therefore subject to the laws of the State. They should seek to be good citizens as a commendation of the Gospel. They should promote adherence to the law within the sphere of their ministerial responsibilities.
- h. Pastoral leaders who intend to break the law or engage in civil disobedience should be prepared to face the consequences of their actions. Pastoral leaders should not coerce others to join them in acts of civil disobedience or law breaking but should recognise and respect the right of individuals to make free choices. In calling for or encouraging such actions, they should make clear the possible consequences.

### Spiritual Formation

- i. Pastoral leaders should prioritise their ongoing spiritual development and care, including:
  - engaging in connection to God in appropriate and fruitful ways for them, including reading the Bible, spending time in prayer and other spiritual disciplines,
  - worshiping and gathering in Christian community, and
  - being prepared to discuss struggles in their faith with an appropriate person with a level of suitable accountability.

## SECTION D. SEXUAL CONDUCT

### SEXUAL CONDUCT STANDARDS

1. Pastoral leaders must not engage in a sexual relationship with anyone other than their spouse in a legally recognised marriage, and as defined in the Position Statement on Marriage in the Constitution of the Baptist Association of NSW & ACT. Any pastoral leader who is unmarried must remain celibate.
2. Pastoral leaders must refrain from sexual abuse or sexual harassment.
3. Pastoral leaders must not sexualise a pastoral or professional relationship. Sexualisation includes sexual interaction, consensual or otherwise, with a person within their ministerial care. Such interaction may include unwarranted or inappropriate questioning of another's sexual history.
4. Pastoral leaders who experience addictive forms of behaviour in accessing pornographic material must seek professional help at the earliest opportunity (e.g., pastoral supervisor, mentor or specialist counsellor), and make every effort to address this behaviour.
5. Pastoral leaders must refrain from personally engaging in the production and distribution of pornographic material.
6. Pastoral leaders must not produce, distribute, or possess child abuse material.

### SEXUAL CONDUCT GUIDELINES

- a. In the event of a single pastor engaging in a romantic relationship with a member of their congregation, suitable accountability should be maintained.
- b. Pastoral leaders should seek to be above reproach, avoiding situations where they are vulnerable to temptation or where their conduct may be construed as a breach of the standards of sexual conduct in this Code.
- c. Pastoral leaders should promote and model healthy sexual relationships and conduct by always speaking of any partner with respect and not objectifying them to others.
- d. Pastoral leaders in their public teaching should identify that control and coercion in relationships is ungodly and not consistent with the fruit of the Spirit.
- e. Pastoral leaders should recognise the harms of pornography to sexual health and relationships. Pastoral leaders should communicate these risks to their congregations where appropriate.



## SECTION E. FINANCIAL INTEGRITY

### FINANCIAL INTEGRITY STANDARDS

1. Pastoral leaders must maintain integrity and exercise faithful stewardship in managing finances.
2. Pastoral leaders must not seek material gain for themselves or their families from a pastoral relationship, beyond recognised fees, stipends, and entitlements.
3. Pastoral leaders must not use church funds, accounts, or resources for private advantage.
4. Pastoral leaders must refrain from direct involvement in the collection, counting and handling of money received by the church, without appropriate accountability under the oversight of the church leadership.

### FINANCIAL INTEGRITY GUIDELINES

- a. Pastoral leaders should manage their personal finances ethically and wisely. Pastoral leaders should be scrupulously honest in their private management of money. This includes seeking to pay bills in a timely manner and acting with integrity in matters of taxation.
- b. Pastoral leaders should consider the intent and value of any gift, and the possibility of being compromised or influenced by such a gift. Where pastoral leaders accept a gift to satisfy cultural traditions, they should consider using the gift for the benefit of the wider community of faith.
- c. Pastoral leaders should exercise caution concerning the acceptance of gifts as a result of their ministry ensuring they are accountable, and gifts are appropriately disclosed. It is recommended that pastoral leaders disclose any gifts they receive with a value above \$500, or recurring gifts with a total value exceeding \$500, to their church leadership to ensure appropriate accountability.
- d. Pastoral leaders should be an example by seeking to live within their means and practising generosity.
- e. Pastoral leaders should avoid participating in artificial tax minimisation schemes and claiming unwarranted expense deductions.
- f. Pastoral leaders may supplement their stipend through other employments. They should discuss with the church how such employment might impact the pastoral leader's ministry and seek to reach agreement on how to minimise and manage any potential impact. Pastoral leaders should not take employment that threatens their integrity or damages the reputation of the Church.
- g. Pastoral leaders should ensure that reimbursements for ministry related expenses are supported by appropriate documentation.
- h. Pastoral leaders should encourage churches to implement generally accepted accounting practices and internal controls, including pastoral salary package arrangements.
- i. Pastoral leaders should not authorise payments from the church to themselves or family members.
- j. At the conclusion of a ministry, pastoral leaders should return any properties or material belonging to the church, unless by arrangement with the church leadership.
- k. Pastors and their families should show due respect in the use and maintenance of any church provided accommodation, especially long-term use of a manse.
- l. Pastoral leaders should not usually charge church members for pastoral services.
- m. Where pastoral leaders receive payments for ministry conducted within the usual bounds of their work, these should be passed on to the Church, unless by arrangement with the church leadership.

## Affirmation and Consent by Pastors:

I agree to:

- abide by the standards outlined in this *Code of Ethics and Conduct*.
- familiarise myself with the guidelines in this *Code of Ethics and Conduct* and consider how the guidelines might be applied to my ministry practice.
- participate in and cooperate with any investigation process in accordance with the Baptist Churches of NSW & ACT *Procedures for Handling Allegations*, understanding that choosing not to do so could result in the removal of my name from the list of Accredited or Recognised Ministers.
- comply with any disciplinary or restorative processes required by the Pastoral Standards Committee following any substantiated complaint, understanding that choosing not to do so could result in the removal of my name from the list of Accredited or Recognised Ministers.

**Name:**

**Signature:**

**Date:**



Baptist Churches  
of NSW & ACT

# Code of Ethics & Conduct

Updated 2019

## **REVISED CODE OF ETHICS & CONDUCT 2019**

(As Approved by the Assembly Council on the 8th of August 2017  
and Endorsed at the Annual Assembly on the 17th of May 2018  
with final structural amendments approved by Assembly Council 12th March 2019)

This document is a revision of and replacement for  
the previous Code of Ethics & Conduct as approved by  
the Assembly of the Baptist Union of NSW and ACT, April 2015.



## CODE OF ETHICS AND CONDUCT

### Code of Ethics and Conduct – NSW/ACT Baptist Ministers

The need for a Code of Ethics for NSW/ACT Baptist pastors has been apparent for some years. In June 2003 a Code was drafted and adopted by the then NSW Baptist Ministers' Association, but did not proceed to Assembly, due to a desire by the Ministers' Association that it be proceeded with only if a Church's Code of Conduct was developed<sup>1</sup>. From 2006, the Pastoral Development Taskforce (PDT) [now known as the Pastoral Advisory Group 2014] of the Ministry Support and Development (MSD) team was charged with the responsibility of advising on and overseeing the development of policies and procedures to support pastoral health and well-being for NSW/ACT pastoral leaders. With the appointment of a Professional Standards Unit and Professional Standards Unit Manager (2013), and a review of the Accreditation Process for Ministers (2014), this significant lack of an approved Code of Conduct for Ministers' for the Baptist Association of NSW/ACT was once again highlighted, and addressed in conjunction with the Pastoral Advisory Taskforce (PAT) and MSD.

The Code of Ethics and Conduct will from this point be referred to as *The Code*.

The establishment of a Code is a recognised practice that has been undertaken by other Baptist Unions in Australia and various other denominations in recent years. The Code's drafting group drew on material from these codes.

A Draft was circulated to pastors and church leaders in January 2015. Feedback was received and considered.

The Code reflects an ongoing commitment by the Baptist Association of NSW/ACT to:

- the maturity, health and professional conduct of its pastoral leaders and the churches to which they minister;
- its responsibility to make clear the duty of care that pastoral leaders have towards those they lead and work with.

The Code is **not** intended to replace other official documents prepared by the Baptist Association of NSW & ACT but should be read in conjunction with them. These include but are not limited to:

- Statement of Beliefs as found in the Constitution
- Safe Church Policy
- Complaint Procedure for Allegations of Misconduct by Pastoral leaders
- Continuing Ministerial Development and Recognition Guidelines
- Privacy Policy of the Baptist Association of NSW & ACT

The Code is **not** intended to replace a *Covenant of Care* document established between a Pastoral Leader and their congregation at the commencement of a period of ministry but should be read in conjunction with the Covenant.

The Code aims to provide Pastoral leaders (and their churches) with clear guidelines and common benchmarks for ethical conduct and legal responsibility. *It is not designed to be a replacement for the Bible as a fundamental guide for faith and practice.* It recognises however, that a diversity of scriptural interpretation exists among Baptists.

Nor is the Code intended to be an exhaustive 'How to' manual for ministry. It does seek to reflect the biblical call to godliness and faithfulness in ministry.

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1. "There was concern that if such a code was developed, there also ought to be a similar document for churches. The Ministers Association has therefore agreed that this Code of Conduct of Ministers, although adopted by the Association for its members, be not presented to Assembly until a code of conduct for churches be simultaneously presented." June 2003 *Baptist Ministers' Association Code of Conduct*, page 1.

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 BA NSW & ACT, and/or removal from the official list of pastors. (Make clear which sections are which).

Those sections which the Association considers mandatory and subject to potential disciplinary action are clearly labeled **MANDATORY**.

**MANDATORY** sections are highlighted in a black box.

The document titled Procedures for Handling Allegations Brought Against Accredited (or Recognised) Ministers outlines the process undertaken when misconduct occurs.

The Code is an open document that will be reviewed from time to time by the BANSW & ACT Pastoral Advisory Group in consultation with the Professional Standards Unit.

**Pastoral leaders include the following people associated with the Baptist Association:**

- Ordained and Accredited Pastoral leaders;
- Recognised Pastoral leaders (non-ordained but accredited);
- Accreditation Candidates in Training;
- All persons employed by the Baptist Association of NSW/ACT in leadership roles to do with church or pastoral ministry
- Anyone who is registered as a marriage celebrant with the Baptist Association of NSW/ACT.

**Preamble**

Pastoral leaders are called by God, affirmed by the Church and usually trained in a professional manner.

People enter into ministry in response to a gracious call from God and the

Church. It is this call that requires Pastoral leaders to carry out their responsibilities in a biblically faithful manner. As Scripture says: "See to it that you fulfill the ministry that you have received from the Lord" (Col 4:17). Pastoral leaders have been given a significant role within the life of the Church. They are called upon to exercise leadership in its worship, preaching, mission, pastoral care and discipleship; they also serve as Christ's representatives in the world (Matt 28:18-20). As Pastoral leaders live out their call to ministry in positions of power and influence, they will seek to express the love and character of Christ in all their relationships.

Pastoral leaders within the churches of the Baptist Association of NSW/ACT also exercise ministry under the auspices and affirmation of that Association. Accredited and Recognised Ministers are thus accountable to work within the values and standards espoused by the Association i.e. contained within the Constitution, the Accreditation Guidelines and the Statement of Beliefs.

Finally, bearing as they do a call to reach the wider community and operate within the appropriate laws of the State (Romans 13:1-7), pastoral leaders will operate with the highest professional commitment to these laws. While pastors are not mere "professionals", they will behave "professionally".

This Code is thus informed by biblical, Associational and professional standards.

**1. Pastoral leaders must exercise ministry within the limits of their expertise, and within the parameters of the Code of Ethics & Conduct for Pastoral Leaders.**

**1.1** Pastoral leaders must uphold professional standards of ministry, outlined in this Code

**1.1.1** Pastoral leaders exercise a role in society that carries respect. Thus they should act in a way that maintains the trust of the community. The nature of ministry requires pastoral leaders to be godly, healthy and humble examples to others.

**1.2** Pastoral leaders should seek to minister with an attitude worthy of their call.

**1.2.1** Pastoral leaders touch people's lives in times of joy, pain, celebration, grief and vulnerability. They train the church to serve the Lord in caring for one another, praying, studying the Scriptures, and proclaiming the Gospel. They seek to enable others to grow in Christian maturity (Colossians 1:28) and to focus on God as the source of forgiveness, restoration and wholeness.

**1.3** Pastoral leaders must ensure that they act responsibly and with integrity towards others.

**1.3.1** Pastoral leaders exercise considerable influence and power. Therefore they must act at all times with integrity and maintain appropriate boundaries in their relationships.

**1.3.2** Pastoral leaders should recognise that they are not called to carry out their responsibilities alone. Therefore, they will be readily accountable to and seek support from others including their local church, its leadership group; colleagues, peer support group, mentor, professional supervisor and/or spiritual director as well as the BA NSW & ACT.

**1.3.3** Pastoral leaders should seek to encourage the members of their congregations to exercise their own gifts and capacity for ministry and service in the church and society.

**1.4** Pastoral leaders should not offer unqualified advice in areas for which they do not hold credentials.

**1.4.1** Professionals are expected to act within the scope of their profession. A 'profession' is a group of people engaged in an occupation or calling whose competency depends upon specialised knowledge, training and experience. Any service that is offered beyond the scope of the profession of Christian ministry must be accompanied by appropriate and recognised qualifications.

**1.4.2** Pastoral leaders are not normally trained to provide services such as specialised Counselling or Psychological Analysis or other areas requiring specific training and qualifications.

**1.4.3** Most professions have their own codes of ethical standards. When pastoral leaders are offering a service from a particular profession (for example, Counselling or Psychology), they must also observe the code of ethics attached to that profession.

**1.4.4** Where pastoral leaders are in any doubt about their ability or qualifications to offer a service to a person in their care, they should refer the person to a qualified professional.

**2. Pastoral leaders must treat those to whom they minister, and all with whom they come into contact, with respect, honesty and compassion.**

- 2.1** Pastoral leaders should be an example of Christ-like behaviour to the members of both the church and the community.
- 2.2** Pastoral leaders should respect the dignity of others regardless of race, religion, gender, political beliefs, ability or sexual orientation.
- 2.3** Pastoral leaders should work to further justice in society.
  - 2.3.1** Pastoral leaders should recognise the church's concern for all aspects of life and society.

**2.4 MANDATORY**

Pastoral leaders are to have a moral and biblical commitment to truthfulness, and must not knowingly represent other's work as their own.

**3. MANDATORY**

**Pastoral leaders must be aware that there is a power dynamic within their role, power that must not be abused but understood and exercised appropriately.**

- 3.1** Abuse of power is when someone with authority uses that authority to unjustifiably exploit or harm others or through lack of action allows exploitation or harm to others.

It is possible for a Pastor to wrongly use their age, intelligence, Bible knowledge, position in church governance, physical presence, technology, confidential information, trust or other means to abuse the power they have been given. Abuse of power can be blatant or subtle in its expression.

Examples of abuse can include, but are not limited to:

  - a. using confidential knowledge of a person's life situation in open prayers or sermon illustrations,
  - b. using superior Bible knowledge to subtly manipulate others to do what you want them to do or to shame them in front of others,
  - c. using your position of authority to coerce people to gift money or items to you as the Pastor
  - d. favouring some people's requests over others for their own gain
- 3.2** Pastoral leaders must acknowledge that in being called to pastor a church they are being placed in a position of authority within that church. With that authority comes the responsibility to exercise it in a way consistent with a follower of Jesus – in humility, servanthood, honesty and love.



#### **4 MANDATORY**

**Pastoral leaders must refrain from any form of conduct that exploits another for their own advantage, or the advantage of any third person.**

**4.1** Pastoral leaders must not spiritually, emotionally, verbally, physically or sexually abuse anyone.

**4.1.1** Pastoral leaders should recognise the influence that they exercise in their ministerial roles. They must refrain from the abuse of the power that is possible in their role. The pastor's influence needs to be exercised wisely to sustain and build up the church, never to bully, manipulate or denigrate.

**4.1.2** Pastoral leaders have the responsibility to ensure that their churches are places of safety where the personal boundaries of those within their care will not be violated.

**4.1.3** Pastoral leaders must refrain from sexual exploitation or sexual harassment of any kind. Sexual misconduct includes:

- a. Sexual harassment: a wide range of unwelcome and unreciprocated behaviours, verbal and physical such as overt or covert seductive speech or gestures, the display of offensive pictures, unwelcome sexual advances or unwelcome requests or demands for sexual favours or engagement in other unwelcome contact of a sexual nature. Such contact may include expressions of inappropriate 'affection' such as unwelcome kissing, touching, patting, pinching or bumping;
- b. Sexual assault: any unwelcome sexual behaviour that may occur along a continuum from verbal insult to sexual intercourse that makes a person feel threatened or afraid;
- c. Sexual conduct prohibited by criminal law.

**4.2** Pastoral leaders must not engage in a sexual relationship with anyone other than their spouse.

**4.2.1** The expected standard is celibacy for single 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 pastor engaging in a courting relationship with a member of their congregation suitable accountability must be maintained.

**4.3** Pastoral leaders must not seek material gain for themselves or their families from a pastoral relationship, beyond recognised fees, stipends and entitlements.

**5. Pastoral leaders must respect the right of all to whom they minister, to a relationship of mutual trust, privacy and confidentiality.**

**5.1 MANDATORY**

Pastoral leaders must maintain confidentiality unless this would result in harm to another person(s) or disclosure is required by law.

**5.1.1** In the context of a pastoral relationship, confidentiality is an assurance that pastoral leaders will not divulge written or spoken information about an individual with other people unless:

- a.** Permission has been granted by the individual;
- b.** Retaining such information would result in physical, emotional or sexual harm to another person(s);
- c.** Disclosure is required by law or is necessary to prevent financial loss to some other person due to fraud or other dishonesty where undue hardship might result.

**5.1.2** Pastoral leaders should not seek to gain sensitive or confidential material to which they are not entitled or which would require another person to breach a confidence.

**5.1.3** Pastoral leaders must take care to discuss the nature and limits of their confidentiality with those receiving counselling.

**5.1.4** Pastoral leaders must ensure that confidential records are securely stored; that rooms in which pastoral conversations take place are appropriately private.

**5.1.5** Staff members are to be informed of their duty in matters of confidentiality.

**5.2 MANDATORY**

Pastoral leaders must not disclose private or confidential material in public unless prior consent has been given.

**5.2.1** Pastoral leaders should not use information or stories from pastoral conversations in their preaching and public prayers that would reveal a person's identity except with their permission. Even then, it may be inappropriate to reveal such information:

- a.** In deference to relatives of the person who may recognise the person(s) involved;
- b.** Because some people relish personal information about themselves being broadcast;
- c.** Because it may discourage sensitive people from seeking help if they fear that inappropriate disclosure may be made about them.

**5.3 MANDATORY**

Pastoral leaders must comply with the provisions of the Privacy Act.

**5.4** Pastoral leaders are to be discerning in their use of social media. Online communications can create an intense, relational situation because of the ease of access, the comfort of distance and its unobserved nature. The church considers talking with people online to be exactly the same as talking to them face to face and the same Code of Ethics and Conduct applies.

## **6. Pastoral leaders must commit themselves to ongoing personal and professional development.**

**6.1** Pastoral leaders should maintain professional standards of knowledge and skill in areas of ministry relevant to their context.

**6.1.1** A Pastoral Leader's professional conduct is enhanced by disciplined and prayerful reflection on the various ways in which the Christian faith affects the lives of the people within their care.

**6.2** Pastoral leaders should seek to contribute to the development of the wider ministry.

**6.2.1** Pastoral leaders are encouraged to share their professional knowledge and experience with ministerial colleagues and to contribute their expertise and experience to the development of the BA NSW & ACT's ministry, policies and practice.

### **6.3. MANDATORY**

Pastoral leaders must actively participate in the Baptist Association of NSW & ACT's Continuing Ministerial Development process (previously known as Continuing Accreditation Process).

**6.3.1** The Baptist Association of NSW & ACT's Continuing Ministerial Development process provides an opportunity for pastoral leaders to review their sense of call on a regular basis and renew their response to it. The CMD ensures that provision is made for the establishment and continuation of mentoring and supervisory relationships that will support pastoral leaders in their ministries. The CMD includes accountability for matters of personal, spiritual, and professional growth and study. Pastoral leaders who wish to remain on the BA NSW & ACT's recognised ministerial lists are required to participate in the Ongoing Ministerial Development process.

## **7. Pastoral leaders must accept responsibility for their own spiritual, emotional, physical and mental health, and act with due care towards their families and friends.**

**7.1** Pastoral leaders should nurture their spiritual lives through regular attention to prayer, the reading of scripture and other spiritual disciplines.

**7.1.1** Pastoral leaders should recognise that fruitful ministry is an expression and extension of a dependent relationship upon God.

**7.2** Pastoral leaders should seek to maintain a proper balance between personal, family, church and other responsibilities.

**7.2.1** Some pastoral leaders will face the temptation of being consumed by the ministerial role; others will struggle to give adequate attention to ministerial priorities.

**7.2.2** Personal wellbeing is enhanced by good friendships. It is desirable for Pastoral leaders to develop and maintain personal friendships with people outside the sphere of their ministerial responsibilities.

**7.3** Pastoral leaders should seek to manage their time wisely and should set aside regular opportunities for rest, recreation and spiritual renewal.

**7.3.1** It is desirable for Pastoral leaders to establish viable work patterns that include weekly time (Sabbath) away from pastoral responsibilities and regular scheduled holiday breaks and/or annual leave.

**7.4** Pastoral leaders should fulfill their responsibilities of love and care for their spouses and families, and avoid imposing unreasonable expectations and demands upon them.

**7.4.1** Pastoral leaders should allow adequate time to fulfill their family responsibilities.

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

**7.4.3** You will not condone or participate in domestic or family violence which involves violent, abusive or intimidating behaviour carried out by a partner carer or family member to control, dominate or instil fear. This includes physical, emotional, psychological, sexual, financial or other types of abuse

**7.4.4** Pastoral leaders should encourage their loved ones to grow in faith. This may mean that Pastoral leaders will ensure that someone else has the responsibility for the pastoral care of family members.

**7.4.5** Pastoral leaders should respect the rights of their family members to privacy and refrain from making public references to them without first seeking their permission.

**7.4.6** The responsibility of a Pastoral Leader's spouse is as a marital partner and, where, applicable, as a co-parent to the children, not as a church employee or unpaid leader (unless this arrangement has been made with the free consent of the spouse). A spouse should be able to choose the nature of their involvement in the life of the congregation (like any other church member).

**7.4.7 MANDATORY**

Pastoral leaders who are experiencing difficulties in their marriage relationship should seek professional help at the earliest opportunity and consult with a senior colleague, mentor or peer group for advice and support.

**7.4.8 MANDATORY**

Pastoral leaders who permanently separate or divorce their spouse are required to promptly notify the Committee for the Ministry.

**7.4.9** It would normally be advisable for a pastoral leader experiencing a marriage separation to take some time off from normal pastoral duties to manage their spiritual, emotional, physical and mental health.

**7.4.10** In the event of a marriage separation pastoral leaders should endeavour to treat their former spouse, and children of that partnership, with dignity and respect, and to comply with any associated court orders or agreements.

**7.5.** Pastoral leaders should seek to maintain their own physical and mental health.

**7.5.1** Physical health requires proper nutrition, adequate sleep, regular exercise and avoidance of the misuse of alcohol and other drugs. A regular (annual) health check with a medical practitioner is advisable.

**7.5.2 MANDATORY**

Pastoral leaders will refrain from engaging in or condoning the production, distribution and possessing of in print, electronic or other forms sexually explicit or pornographic material.

It is inappropriate for Pastoral leaders to access any type of pornographic material. Pastoral leaders who struggle with this addiction should seek professional help.

**7.5.3 MANDATORY**

Pastoral leaders who experience personal difficulties with addictive forms of behaviour should seek professional help at the earliest opportunity and consult with a senior colleague, mentor or peer group for advice and support.

8. Pastoral leaders must avoid entering into relationships or situations that may diminish their ability to maintain professional integrity and independence.
  - 8.1 Pastoral leaders have a responsibility to discern situations in which their ability to provide proper pastoral care may be compromised, and to act appropriately.
    - 8.1.1 Because pastoral leadership occurs within a caring community, close friendships may develop with some members of the church community. At times the nature of these relationships may challenge the capacity of pastoral leaders to provide appropriate care. Such relationships may include: special friendships that may reasonably be construed by others as evidence of partiality or conflict of interest; and relationships that are becoming romanticised. Pastoral leaders have a responsibility to discern such developments and take appropriate action such as:
      - a. Disengaging from the pastoral relationship and arranging alternative pastoral care for the person(s) in question;
      - b. Seeking advice from a supervisor, mentor or senior colleague.
  - 8.2 Pastoral leaders should exercise caution and discretion when entering into contracts or commercial arrangements with people to whom they minister.
  - 8.3 Pastoral leaders should exercise caution and discretion concerning the acceptance of gifts as a result of their ministry.
    - 8.3.1 Pastoral leaders should take into account the intent and value of the gift, and the possibility of being unduly compromised or influenced by such a gift. Where pastoral leaders accept a gift to satisfy certain cultural traditions, they should consider using the gift for the benefit of the wider community of faith.
  - 8.4 Pastoral leaders will acquaint themselves with the concept of “conflict of interest” and will declare such conflicts when they become aware of them.
9. **Pastoral leaders must maintain integrity and exercise faithful stewardship in managing finances.**
  - 9.1 Pastoral leaders must manage their personal finances ethically and should seek to do so wisely.
    - 9.1.1 Pastoral leaders should set an example of stewardship by seeking to live within their means and practising generosity, as they are able.
    - 9.1.2 Pastoral leaders should be scrupulously honest in their private management of money. This includes seeking to pay bills in a timely manner and acting with integrity in matters of taxation.

**9.1.3** Pastoral leaders should avoid participating in artificial tax minimization schemes and claiming unwarranted expense deductions. Integrity means managing personal financial affairs in such a way that Pastoral leaders would not be embarrassed by such affairs being made public.

**9.1.4** Pastoral leaders may supplement their stipend through other employment. It is good practice to discuss with the church how other employment will impact on the Pastoral Leader's availability and ministry. Pastoral leaders should not take up employment that threatens their integrity or the good name of the Church.

## **9.2 MANDATORY**

Pastoral leaders must not use Church funds, accounts or resources for private advantage, unless there is an appropriate arrangement made in agreement with the church leadership, and the arrangement is disclosed to and approved by the congregation.

**9.2.1** Churches have a responsibility to ensure that Pastoral leaders, as employees, receive a fair wage for their labour and that agreed ministry related expenses are reimbursed. Pastoral leaders must ensure that reimbursements for ministry related expenses are supported by appropriate documentation. Pastoral leaders should ensure that church funds and their personal money are kept separate.

**9.2.2** At the conclusion of a ministry within a church Pastoral leaders should return to the church any properties or material belonging to the church

**9.2.3** Pastors and their families should show due respect in the use and maintenance of any church provided accommodation, especially long term use of a manse.

**9.3** Pastoral leaders should not charge church members for pastoral services.

**9.3.1** Pastoral leaders must obtain the support of the church body employing them before accepting remuneration beyond that agreed in their Statement of Understanding.

**9.3.2** Where Pastoral leaders receive fees or honoraria for ministry activities conducted within the usual bounds of their work, these should be passed on to the Church.

**9.3.3** Pastoral leaders should not normally accept fees or honoraria for weddings and funerals from church members.

**9.4** Pastoral leaders should refrain from direct involvement in the collection, counting and handling of money received by the church.

**9.4.1** Pastoral leaders are often the recipients of a significant proportion of a church's funds as stipends. It is therefore good practice for them to remain "at arms length" from the handling of monies received by the church, so as to avoid any perceived conflict of interest. Pastoral leaders should encourage churches to implement generally accepted accounting practices and internal controls.

**10. Pastoral leaders must treat all colleagues in ministry with respect, consideration and fairness.**

- 10.1** Pastoral leaders must refrain from any communication that may needlessly damage the reputation of colleagues.

**10.1.1 MANDATORY**

Pastoral leaders must refrain from gossip, slander and other communication (both written and spoken) that is false, degrading, defamatory or harmful to another's character or reputation.

- 10.1.2** When a person transfers from another congregation it is good practice for the Pastoral Leader of the receiving congregation to contact the leadership of the previous church to ensure that they are aware of the move and to ascertain if there are any issues to be aware of. Where a person is under discipline from a congregation, another church should receive them into fellowship only if they have ensured that the relevant matters have been dealt with as far as possible. An effort should be made to assist people to resolve conflicts with other believers.
- 10.2** Pastoral leaders should not proselytise members of other congregations and should exercise discretion in rendering pastoral service to a member of another congregation.
- 10.3** Pastoral leaders should not determine the selection of a successor and must not interfere in the ministry of their successor/s, however, where appropriate they might be involved in succession planning and transition.
- 10.3.1** Upon conclusion of a ministry, pastoral leaders should normally seek membership in a different congregation from the one in which they have been serving. Participation in activities such as weddings and funerals would normally take place with the agreement of the current Pastoral leadership.
- 10.3.2** Pastoral leaders are strongly advised not to interfere in the ministry of their successors and should use discretion and wisdom in particular in the level and nature of their involvement in the successor selection process. Please refer to the Association Guidelines for pastors who remain in the congregation.
- 10.3.3** Interim pastoral leaders must recognise the temporary nature of their tenure and not encourage the development of personal loyalties that may hinder the congregation in the process of calling and installing a new Pastoral Leader.
- 10.4** Pastoral leaders must not consider a call to a church to replace a current pastor who has not resigned or been removed.
- 10.4.1** Pastoral leaders should not establish a new work within close geographical proximity of another Baptist church without appropriate consultation with any local Baptist churches and the Baptist Association of NSW & ACT.



**11. Pastoral leaders should respect the doctrinal basis, values and policies as expressed in the Constitution of the Baptist Association of NSW & ACT and must work within its officially recognised guidelines.**

**11.1** Pastoral leaders should contribute to the wider life of the denomination, participating as they are able in its assemblies, ministries and organisations.

**11.2** Pastoral leaders should encourage the congregation in which they are serving to participate in the fellowship of the Baptist Association of NSW & ACT.

**11.2.1** Pastoral leaders should report accurately and fairly the processes and decisions of Assemblies and other Church councils to the congregation and its leadership.

**11.3** Pastoral leaders should refrain from any public communication that aims to damage the reputation and unity of the Baptist Association of NSW & ACT.

**11.3.1** Pastoral leaders should respect the due processes of the Association in matters of decision-making and change. When they disagree with a decision or policy of the Assembly or its councils, they should work through established procedures to express their point of view.

**12. Pastoral Leaders must act lawfully at all times, unless to do so would clearly contravene Christian principles or good conscience.**

**12.1** Pastoral leaders should promote adherence to the law within the sphere of their ministerial responsibilities.

**12.1.1** Pastoral leaders are members of society and therefore subject to the laws of the State. They should seek to be good citizens as a commendation of the Gospel.

**12.1.2** Pastoral leaders who intend to break the law or engage in civil disobedience must be prepared to face the consequences of their actions.

**12.1.3** Pastoral leaders who engage in acts of civil disobedience should not behave in a violent or harmful manner.

**12.2** Pastoral leaders must inform the Baptist Association's Team Leader - Operations, or Director of Ministries of any matter which may lead to legal action against the Minister, Association or Church.

**12.3** Pastoral leaders must not encourage others to break the law except in instances where that may be required by Christian principles or good conscience.

**12.3.1** Pastoral leaders should not coerce others to join them in acts of civil disobedience or law breaking, but should recognise and respect the right of individuals to make free choices. In calling for or encouraging such actions, they should make clear the possible consequences.



**Affirmation and Consent by Pastors:**

While being employed as a pastor within the terms of this document, I do hereby

- **accept** the Code of Ethics and Conduct and the related Standards Units Policies and Procedures documents;
- **give consent** to this procedure being followed in the event that a formal complaint is laid against me;
- **agree** to co-operate with any investigation that is set up in accordance with this document and or/Baptist Policy;
- **agree** to attend and take part in any rehabilitation process recommended from these guidelines.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

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# Procedures for Handling Allegations

**To be read in conjunction with the “Policy for Allegations  
Brought Against Accredited and Recognised Ministers”.**

Approved for use by Assembly Council 10<sup>th</sup> October 2023 and by the  
Assembly on 11<sup>th</sup> November 2023.

This version supersedes previous versions.

For further information see our website at: [www.nswactbaptists.org.au](http://www.nswactbaptists.org.au)



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# 1. PURPOSE AND BACKGROUND

## 1.1 Purpose of the Procedures

These procedures provide guidance, primarily to the Pastoral Standards Committee (PSC), the Affirmation Oversight Team, and to Baptist Association staff, as to the implementation of the Policy for Allegations Brought Against Accredited and Recognised Ministers for the Association of Baptist Churches of NSW & ACT (the Association). They should be read in conjunction with that policy. The policy and procedures apply to Accredited or Recognised Ministers, Candidates for Accreditation or Recognition and those who remain in the application process for Accreditation or Recognition.

## 1.2 Underlying Values

The Constitution of the Association (paragraph 6.2) outlines its 'core values'. It also stipulates that the Association will adhere to a number of 'operational values' including:

(a) Good governance, which:

- reflects our core values,
- encourages empowerment and accountability of decision makers at appropriate levels,
- fosters a culture of transparency in its processes and reporting, and
- minimises bureaucracy and permits decisions to be made in a timely manner.

(b) Effective conflict resolution, noting that:

- ministering together in community may occasionally give rise to conflict; the Bible commands Christians to make every effort to live at peace and to resolve disputes in private or within the Christian community,
- conflict impacts upon the Association and its witness for Christ,
- biblically based dispute resolution procedures aim to bring glory to God, allow us to grow to be more like Christ, and assist us to resolve the dispute and achieve reconciliation.

## 1.3 Underlying Theological Position

The church is called to be a community that nurtures disciples and participates in God's mission. It is a place that proclaims the good news in word and deed and provides witness to God's inclusive and nurturing love for all persons. This includes treating everyone with respect, avoiding harmful discrimination, respecting boundaries and caring for the vulnerable.

Leaders have a particular responsibility in this regard. Just as Jesus did not come to be served but to serve, he calls his disciples to be the servants of others. Pastoral leaders are called to live with humility and faithfulness in the power of the Holy Spirit. Their personal behaviours and ministry practice should provide a safe place for everyone, where integrity is honoured, accountability is practiced and forgiveness encourages healing while not concealing misconduct. Scripture exhorts leaders and pastors to be people of good reputation, especially with those outside the church (1 Tim 3:7) and as far as possible, above reproach (1 Tim 3:2). They are to be held to a higher standard than those they lead.

God identifies groups of vulnerable people who were to be particularly protected and given special care in society (Ex 22:21-22, Deut 10:17-19, Jer 22:2-4, James 1:27). Jesus called to account those who misused or abused their power.

This theological perspective requires:

- Righteous anger at evil. Jesus named and criticised evil and called to account those who abused their power.
- Calling abusers to true repentance. In Ez 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 (Matt 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.
- Protection of the vulnerable. James 1:27 reminds us that the religion that God honours is first about caring for the widows and orphans. God's heart is for those who cannot protect themselves.

#### **1.4 Background to the Procedures**

Most Christian leaders serve honourably based upon the Holy Spirit's gifting and the local church's affirmation. However, some have abused their positions of authority and trust, resulting in harm. We affirm that all people have the right to be safe, respected and have their opinions respected. We live in a country that legislates for people's safety. These procedures have been developed to help us live out our biblical mandate and our responsibilities under legislation.

People who attend churches affiliated with the Association need to be confident that the Association, and our affiliated churches, will do all they can to provide safe places for them to be nurtured and encouraged, as well as be protected from harm.

These procedures should be read in conjunction with the Code of Ethics and Conduct.

Complaints which occur within churches, namely those that do not involve a serious breach of the Code of Ethics and Conduct standards, criminal offences, Reportable Conduct or serious risk of harm should be managed at the local level. The Association will encourage local resolution, where appropriate, before engaging these procedures.

#### **1.5 Complaints against pastors who are not accredited or recognised**

While Accredited or Recognised Ministers are subject to these procedures, the PSC cannot impose upon affiliated churches the implementation of sanctions which impinge upon the autonomy of the local church. Affiliated churches will, however, be encouraged to act in accordance with the procedures and to enact any conditions placed upon a pastor. Where churches decline to implement the decisions of the Committee, this may have insurance implications. In order for a minister to maintain their Accredited or Recognised status with the Association they must cooperate with the PSC as it administers these procedures.

Due to the governance structure of the Association, it has no jurisdiction to consider an allegation against non-Accredited or non-Recognised Ministers or other church staff. However, in such cases the Association may offer support and advice to churches where there are allegations and an affiliated church requests assistance.

## 1.6 Key Terms and Definitions

**Accredited or Recognised Minister:** someone who has been Accredited or Recognised as a Minister of Religion by the Association.

**Affirmation Oversight Team (AOT):** The committee charged by the Association with the selection, training, accreditation and pastoral oversight of Accredited and Recognised Ministers.

**Assembly Council:** the governing body of the Association. The members of the Assembly Council are elected at the annual Assembly of the Baptist Churches of NSW & ACT.

**The Association of Baptist Churches of NSW & ACT (the Association):** The Association is the trading name of the Baptist Union of NSW & ACT.

**Complainant:** a person who is making a complaint or allegation, or their legal guardian if appropriate.

**Complaint:** a complaint of concern made against an Accredited or Recognised Minister.

**Church Leadership:** those whom a church meeting has elected, or a church has formally endorsed to undertake a specific leadership role.

**Director of Ministries (DoM):** The principal staff member employed by the Association and who is accountable to the Assembly Council.

**Ministry Standards Manager (MSM):** the staff member employed by the Association and tasked with processing complaints made under this procedure. The Manager is accountable to the Director of Ministries (or their delegate) but works closely with the PSC and its Chair.

**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 makers take into account all relevant considerations and no irrelevant considerations and that the decision be made without bias.

**Pastoral Relationship:** the relationship between a congregational member or other person with the Accredited or Recognised Minister where the latter is deemed to exercise a ministry of spiritual and personal welfare.

**Pastoral Standards Committee (PSC):** the committee tasked with responsibility in regard to complaints as provided in this document.

**Respondent:** the Accredited or Recognised Minister who is subject to the complaint or allegation.

**Support Person:** a person engaged by a complainant or the respondent with a view to:

1. offering pastoral support to them throughout the process, or
2. assisting them to understand the stages in the procedure, or both.

## **2. THE PASTORAL STANDARDS COMMITTEE**

### **2.1 Purpose and Scope**

The role of the Pastoral Standards Committee (PSC) is to:

- receive, triage and process complaints in relation to Accredited or Recognised Ministers,
- receive reports and recommendations from the Ministry Standards Manager and Interview Teams,
- prepare final reports, make decisions and, subject to this procedure, enact those decisions,
- facilitate resolution of complaints,
- educate, support and advise the Churches of the Association on matters in which the Committee has expertise,
- ensure that Investigation Teams understand their role and receive appropriate induction and training as required,
- maintain a pool of suitable support people and additional Investigation Team members to call upon when required.

### **2.2 Composition and Qualifications of Members**

The Pastoral Standards Committee (PSC) is a subcommittee of the Affirmation Oversight Team which in turn reports to the Assembly Council. The Assembly Council, upon the recommendation of the Affirmation Oversight Team, will appoint members to the PSC for a three-year term. The PSC will appoint a chairperson from within its members.

The PSC should usually meet quarterly, or as often as required.

The PSC should consist of a minimum of five standing members and should include:

- the Ministry Standards Manager,
- an Accredited Minister with the Baptist Association of NSW & ACT,
- a member with legal qualifications and experience,
- a member with qualifications and experience in psychology, counselling or social work,
- at least one member with extensive pastoral experience in a local church,
- a minimum of two men and two women,
- a majority of members who hold membership in an affiliated Baptist Church.

In addition to the above requirements the PSC will ideally include:

- At least one non-Baptist Member who understands Baptist Church governance and has similar theological views,
- The Director of Ministries or designated Associate Director who may attend the PSC on occasion and as requested.



One member may fulfil more than one of the above requirements. For a meeting to be quorate, there must be a minimum of 4 members present, and at least one female and one male must be represented. Any member of the PSC or the AOT who has a conflict of interest in relation to any complaint should declare it and may need to remove themselves from any discussions or deliberations about that complaint. The committee can second experts as required to assist them to undertake their role.

### **2.3 Decision Making in the Pastoral Standards Committee**

Decisions of the PSC should, ideally, be made by consensus. However, where consensus is unable to be reached, a vote with 75% majority of those present and voting will carry a resolution, with any dissenting vote recorded in the minutes and the report that goes to the AOT. Members may also abstain from voting.

As outlined in more detail in section 3.4.3 whilst the PSC has the responsibility to determine the outcome of a complaint, the AOT will confirm that an appropriate process has been followed before the decision of the PSC is enacted.

### **2.4 Training of the Pastoral Standards Committee and Affirmation Oversight Team**

The Ministry Standards Manager and Chair of the PSC are to encourage all members of the PSC and the AOT to 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 process is followed, and natural justice is afforded.

## **3. COMPLAINTS AND ALLEGATIONS**

### **3.1 Key Principles**

In the handling of complaints and allegations, the following principles will apply:

- Complaints will be addressed having regard to both the underlying theology (see section 1.3) and the Association's core and operational values (see section 1.2).
- As far as possible, the well-being of the Complainant and the Respondent, and their families will be ensured.
- As far as possible, confidentiality will be maintained.
- Communication with Church Leadership will be considered as appropriate on a case-by-case basis, taking into account confidentiality and risk.
- Complaints will be actioned as quickly as possible with genuine regard to the seriousness of the allegations.
- Principles of natural justice, transparency and fairness will be applied throughout.
- Every person who is involved in handling a complaint will declare any conflict of interest in the matter or any personal connection or relationship with any party, past or present.
- Presumption of innocence will be assumed until a finding has been made either by admission or by an appropriate process of investigation. However, risk assessment may result in risk management measures being undertaken.
- Decisions will be made on the "balance of probabilities" (which is the standard generally accepted in civil proceedings rather than "beyond reasonable doubt" which is the standard required in criminal proceedings).
- Where a matter is between two parties and there are no other witnesses or external evidence then it is possible that there will be insufficient evidence to substantiate the allegations.
- The Association recognises the vulnerability of anyone who has experienced any form of trauma, abuse and harm and will therefore act with sensitivity and compassion, whilst ensuring that natural justice and procedural fairness are afforded in any complaint process. However, the Association also has an interest in seeking the truth and it may therefore be necessary for an Investigation Team to ask potentially uncomfortable questions or request sensitive information.
- No complaint will be addressed in such a manner as to interfere in any way with an active process of criminal or civil law. Where a complainant chooses not to report a matter to the Police or other relevant civil authority, or these authorities have decided to take no further action, the Association may then act on the complaint.

### **3.2 STAGE 1 - Receiving and Triaging of Complaints and Allegations**

A complaint against an Accredited or Recognised Minister may be made for serious breaches of the standards of the Code of Ethics and Conduct. Anyone wishing to make a complaint may do so orally or in writing and is encouraged to do so via the Ministry Standards Manager.

In some circumstances it may be appropriate to raise the complaint with any member of the PSC, the Director of Ministries or the Chair of Assembly Council. Any person receiving a complaint has a responsibility, in consultation with the Ministry Standards Manager, to consider if the issue being complained about requires immediate notification to either Police or a relevant government authority. The Ministry Standards Manager will make all such notifications.

Any party receiving a complaint will immediately notify the Ministry Standards Manager. If the complaint was made orally, the Complainant will be requested to put the matter in writing as soon as is reasonably possible. The written complaint should be forwarded to the Ministry Standards Manager. Receipt of the complaint will be acknowledged by the Ministry Standards Manager in writing. Normally, the triage process outlined below will not commence until a written complaint has been received. However, if the Complainant is legitimately unable to put a complaint in writing, the Ministry Standards Manager may assist the Complainant in this process. The Ministry Standards Manager has the discretion to commence the triage process without a written complaint if appropriate.

In the first instance, the Ministry Standards Manager will:

- consider and / or take advice about whether mandatory reporting to Police or other authorities is required.
- consider undertaking a risk assessment process.
- advise the Complainant of the process and send a copy of these procedures.
- clarify allegations and compare with the Code of Ethics and Conduct to identify potential areas of breach.
- clarify Complainants' expected or wished for outcomes and advise them of the limits of the PSC's role.
- begin case file.
- seek legal advice if required.
- advise the PSC Chair, and the Director of Ministries (or their delegate) of the complaint and:
  - discuss whether any immediate advice to the local church is required (this may include a recommendation to stand the Respondent down if the allegations are serious enough),
  - establish whether appropriate support people are in place or needed and clarify the support person's role,
  - consider whether the complaint should be referred to another process (e.g. local church, or Persons of Concern process),
  - when the complaint concerns an alleged crime, assist the Complainant to report this to the appropriate authorities, or if the Complainant is not willing to do so, advise the Complainant that the Association is obligated to do so,
  - if the matter is to be reported to the PSC, determine whether an urgent extraordinary meeting of the PSC is required or whether the matter can wait until the next scheduled meeting.

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### **3.2.1 Anonymous Complaints**

Although anonymous complaints present difficulties for investigation they are still to be treated seriously, and some level of preliminary investigation is to occur to determine if a formal process is required.

### **3.2.2 Informal Complaints and Rumours**

Where a complaint against an Accredited or Recognised Minister has not been made formally but has come to the notice of the Ministry Standards Manager, the Director of Ministries, another member of the Association staff, or a Member of the PSC, informally in the form of hearsay or rumour, the PSC may make preliminary enquires with a view to establishing whether there is a foundation to pursue a complaint. In most cases, a Complainant is required to initiate a complaint, however in some circumstances, where the PSC believes there is sufficient concern then the PSC, in consultation with the Director of Ministries (or their delegate), can initiate an investigation without a complainant bringing forward a complaint.

### **3.2.3 Local Church or Mutual Resolution**

Where a complaint does not involve an allegation of a serious breach of the standards of the Code of Ethics and Conduct, local church or mutual resolution will be encouraged. The objective here is to achieve a resolution that is acceptable to all key parties, and is in their best interests, rather than to avoid a more thorough investigation. (The Association has provided a Model Procedure for Conflict Resolution for use by local churches for this purpose).

### **3.2.4 Complaints Regarding Theology or Ministry Competence**

Complaints regarding an Accredited or Recognised Minister's theology may be referred to the AOT for consideration and are not the remit of the PSC. Complaints regarding poor ministry competence should be referred to the local church leadership (or that Accredited or Recognised Minister's employer).

## **3.3 STAGE 2 – Investigation**

The Ministry Standards Manager will present information obtained in Stage 1 to the PSC who will determine whether more information is required. If appropriate, the PSC will refer the matter for investigation in one of the following three options:

The Ministry Standards Manager

- More straight forward matters may appropriately be investigated further and recommendations brought by the Ministry Standards Manager, who can consult other PSC Members if needed.

An Investigation Team

- Where a matter is more serious in its implications or complexity, the PSC will appoint an Investigation Team to consider the complaint. This may or may not include the Ministry Standards Manager. The Investigation Team will be appointed from among

members of the PSC and from persons whose names are on a list of approved investigators maintained by the committee. At least one member of the Investigation Team will have training or expertise in conducting an investigation.

- The decision to appoint an Investigation Team will depend on the seriousness and nature of the allegations, the expertise required (for example, financial expertise, professional experience responding to sexual misconduct, etc.) and the amount of work it is anticipated that a review will involve. The size and composition of the Investigation Team is determined by the PSC. Every person who is involved in handling an investigation will declare any conflict of interest in the matter or any personal connection or relationship with any party, past or present.

#### An Independent External Investigator

- In matters where there is deemed to be inherent conflicts of interest, or where the PSC does not have, and cannot second, appropriate expertise, or where the PSC deems it necessary, the involvement of an independent investigator may be considered. This needs to be approved, due to potential cost, by the Ministry Standards Manager.

The Ministry Standards Manager will consider whether local Church Leadership should be advised that a complaint has been received. This may particularly apply where the complaint is public knowledge within the church (legal advice may need to be taken in a small number of circumstances).

### 3.3.1 Investigation Process

Each investigation may take a slightly different format depending upon the nature of the complaint, the particular issues involved, and at the discretion of the Ministry Standards Manager, the Investigation Team and / or the External Investigator.

However, the general progression in most cases will be:

- Review all known information and consider it in relation to potential breaches of the Code of Ethics and Conduct.
- Formulate an investigation plan.
- Formulate a plan to communicate with key parties (including the Complainant and the Respondent).
- Liaise with relevant authorities if required.
- Determine whether the Complainant and the Accredited or Recognised Minister have appropriate support and offer to assist in arranging support if necessary and possible.
- Interview Complainant and document any evidence shared verbally to be signed off by the Complainant. Alternatively, the investigator may choose in some circumstances to obtain an audio recording of the interview with the Complainant.
- If appropriate, interview witnesses or other parties with knowledge of the circumstances (with interview records to be signed off by each person interviewed). Alternatively, the investigator may obtain written signed statements from other parties or witnesses with knowledge of the circumstances.
- Consult suitable experts if specialist advice required. Engagement of any additional experts will be approved by the Ministry Standards Manager.
- The particulars of the complaint will be drafted by the Ministry Standards Manager, the Investigation Team or the External Investigator, and confirmed by either the chair of the PSC, or the legally qualified member of the PSC.

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- The particulars of the complaint will be presented in a letter of allegations to the Respondent.
  - The Respondent will be asked to provide a written response to the particulars of the complaint.
  - The Respondent will then be asked to attend an interview with the Investigator to discuss their written response.
  - Obtain an audio recording of interview with Respondent if appropriate and possible.
  - Develop final investigation report including any findings for the PSC.

All parties involved will be made aware of the need for confidentiality in regards to their involvement in the investigation.

### **3.3.2 Advising the Respondent of the Complaint**

Where outside authorities are involved (e.g. Police or government authorities), the Ministry Standards Manager and PSC will be guided by these authorities concerning communication or contact with the Respondent. This means the complaint will be kept in complete confidence and the Respondent will not be contacted or advised without permission from these authorities.

Once it is appropriate, the Respondent will be advised in person. This will include the provision of written information that outlines the complaint and the process to be undertaken, as far as known at the time to investigate the complaint. Advice of the complaint to the Respondent by phone and/or in writing will only occur as a last resort.

### **3.3.3 Additional Information about Interviews**

A Complainant or Respondent will be advised of their rights at all times in dealings with the Ministry Standards Manager, Investigation Team or Independent Investigator, to have the opportunity to be accompanied by their chosen support person.

### **3.3.4 Complaint by or in Relation to Children and Young People**

Children under the age of sixteen at the time of the complaint are to be represented by a person of their choice, preferably their parent or legal guardian, who will make a formal complaint in writing on their behalf and generally act on their behalf as required for the processing of the complaint. If an older child requests to be present for part or all of the proceedings, this should be carefully assessed and agreed to where possible. Young People, legally defined as those 16 or 17 years, are able to make the determination of whether they are represented or represent themselves.

In NSW a report to the NSW Department of Communities and Justice (Child Protection Help Line) 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 ACT Child and Youth Protection Services (CYPS) 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 investigation in relation to alleged or suspected abuse must in the first instance be done by the relevant government authority.

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.

### **3.3.5 Persons with an Intellectual or Psychiatric Disability**

Special care should be taken when interviewing anyone with an intellectual or psychiatric disability and any interviews should only be conducted by someone with experience and expertise in working with people with these disabilities.

Consideration should also be given to the amount of preparation required by talking with any case workers or support services involved, with appropriate consent.

### **3.3.6 Where the Respondent Refuses to Take Part**

Where a Respondent refuses to take part in the process of investigation, the investigation may still proceed, with the Investigator(s) still endeavouring to make a determination, albeit one that acknowledges the limitations of the lack of co-operation. This refusal could be a further matter of misconduct for consideration.

## **3.4 STAGE 3 – Reporting and Findings**

### **3.4.1 Report to Pastoral Standards Committee**

A report, outlining the process and findings of the Ministry Standards Manager, Investigation Team, or Independent Investigator (dependent on level of investigation determined as per 3.3), is to be presented to the PSC once the investigation is completed. This report will include:

- the process of investigation that has been undertaken,
- the key evidence and findings against each allegation and how it relates to breaches of the standards of the Code of Ethics and Conduct,
- copies of any written statements or other evidence,
- recommendations as to suitable outcomes, and
- any areas of contention or disagreement.

### **3.4.2 Regular Updates to the AOT**

The PSC will provide regular updates to the AOT on progress in each active case after the matters have been considered by the PSC.

### **3.4.3 Determination by PSC and Confirmation of Appropriate Process by the AOT**

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

The AOT needs to have confidence that appropriate processes and the guidelines of this procedures document have been followed. It is not the function of the AOT to review the decision itself unless in the context of an appeal per section 4 below.



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### **3.4.4 Notification of Outcome of Complaint Process**

After the AOT has confirmed that due process and the guidelines of this procedures document have been followed, the Ministry Standards Manager or Chair of the PSC will ensure that all relevant parties are notified in writing of the outcome, as appropriate. This written notice will normally be delivered in person and will include the opportunity for discussion regarding the reasons for the decision. This communication will occur in a timely manner, and with due sensitivity to the gravity of information being shared. All reasonable efforts will be made to communicate the outcome in person, however in some situations, particularly where great distance is involved, communication through online applications may be more appropriate. Advice of the outcome to the parties by phone, email or post will only occur as a last resort. The written advice to the Respondent will include a statement regarding the right of appeal.

### **3.4.5 Possible Recommendations and Outcomes of Complaint Process**

Some of the potential outcomes for an Accredited or Recognised Minister may include:

- removal from either the Association's Accredited or Recognised Ministers list,
- continuance on the relevant list, with conditions or restrictions on practice of ministry,
- suspension from the relevant list, with provision for review after a nominated time frame, and/or after certain requirements have been attended to by the suspended Minister,
- no change to Accreditation or Recognition, or
- such other action as is deemed appropriate in the situation.

In each case there may be a requirement for counselling, supervision and monitoring, or other appropriate action. There may also be a disciplinary or probationary process.

It is recognised that removal of Accreditation or Recognition may or may not mean removal from employment by the local church, as this is a decision beyond the control of the Association.

Some other potential outcomes following conclusion of the process may include:

- referral for local resolution, with recommendations to the local church,
- apology,
- development of a restoration / reconciliation plan,
- recommendation of additional training to be undertaken,
- referral to appropriate authorities,
- recommendation of counselling for other parties involved,
- recommendation of legal action, or
- no further action deemed necessary.

### **3.5 Recording Requirements Throughout the Complaint Process**

All members of the PSC or Association staff involved with a complaint are required to record the date, time and nature of any significant contact or enquiry, and the outcomes or follow-up actions. The Ministry Standards Manager will collate all these records and all documents relevant to the complaint will be kept in a single file.

All records of complaints shall be stored securely by the Association for 100 years.



### **3.6 Confidentiality and its Limits**

The Association will seek to maintain confidentiality in terms of ensuring only those with a need to know about a matter do know. In the local church context, the only persons with whom complaints and allegations should be discussed are those either directly involved (for example by way of interviewing), those in positions of leadership who need to know in order to make appropriate decisions, and others who may have direct responsibility. In all instances, the Association, to the best of its ability, shall act in a way so as to limit the general knowledge amongst church members of the specifics of allegations, except in the rare instances where it may be necessary for safety.

The Association will at times be required, by law, to share information it holds with third parties. This includes but is not limited to situations of risk of harm, criminal investigations and requests governed by privacy legislation. Records held may also be subpoenaed by a Court of Law. Association staff may also be subpoenaed, as may PSC members, Investigation Team members and Independent Investigators.

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## 4 APPEALS PROCESS

Once the PSC has made its determinations and the process undertaken has been approved by the AOT, the complaint will be considered closed. This Procedure does not provide an appeals process to Complainants.

Respondents must rely on at least one of the following grounds to appeal a decision by the PSC:

1. **Procedural Error.** A procedural error occurs when the PSC, or its Investigator, does not follow this procedure or otherwise fails to afford the Respondent procedural fairness which has a material effect on the investigation and / or the outcome.
2. **New Evidence.** New evidence is evidence that was not available to the Respondent during the investigation but later becomes available and may have a material effect on the outcome of the complaint.
3. **Conflict of Interest.** A conflict of interest occurs when a member of the PSC or Investigator does not declare a conflict of interest or inappropriately participates in the complaint process despite having declared a conflict of interest.
4. **Disproportionate Punishment.** Disproportionate punishment is when the disciplinary sanctions imposed as a result of the investigation were excessive, disproportionate, or unfair based on the severity of the alleged misconduct. An appeal based on Disproportionate Punishment will only consider the sanctions imposed on the Respondent and is not to consider the findings of the investigation.

A request by a Respondent for an appeal must be received by the AOT in writing within 30 days of the formal decision being advised to the party in writing. The request must make clear the grounds of the appeal as per the above list.

The AOT will determine, having previously reviewed the PSC's procedures and determinations according to 3.4.3 above, whether the grounds alleged by the Respondent are applicable and adequate. Further information may need to be provided by the Ministry Standards Manager. The Respondent will usually be informed of the AOT's decision of whether the request will be granted within 60 days of receiving the request.

If a Respondent's request is granted, the AOT will appoint an Appeal Panel to consider the details of the appeal. The Appeal Panel, shall consist of at least three members, and should ideally include:

- one member from a non-Baptist denomination,
- at least one male and one female, and
- members with expertise relevant to the details of this appeal.

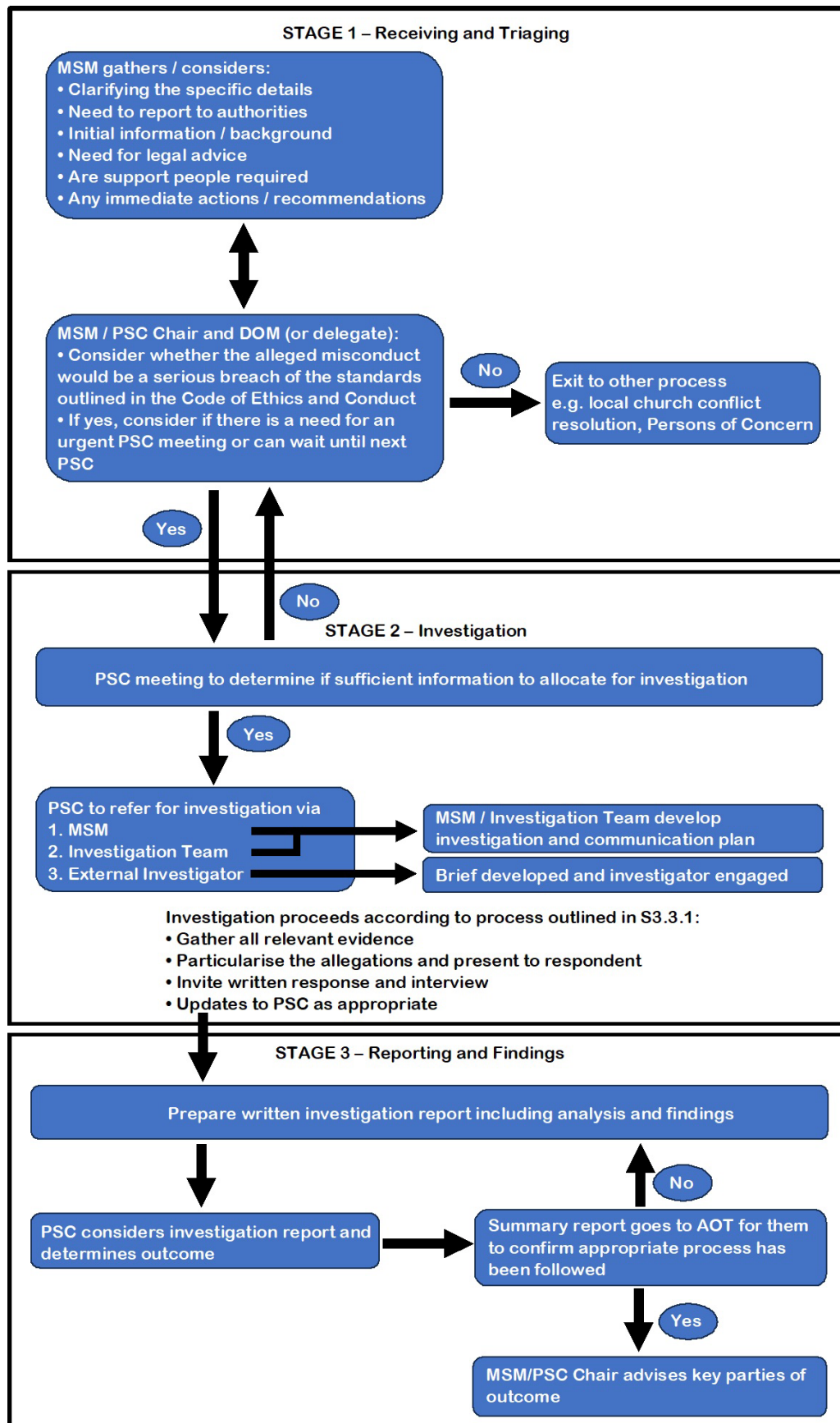
One or more members of the AOT may be appointed to serve on the Appeal Panel. Consideration should be given to any potential or perceived conflicts of interest. The Appeal Panel will appoint one of its members as an Appeal Panel Convenor who will assist to coordinate the appeal process and provide regular progress reports to the AOT.

The Appeal Panel will initially review all relevant documentation and any further information gathered during the investigation in detail. It may interview the Ministry Standards Manager, members of the investigation team and/or other members of the PSC as needed. The Appeal Panel will determine whether one or more of the grounds listed above justifies upholding the Respondent's appeal. It will then make a recommendation to the AOT accordingly.

The AOT will determine an appropriate response to the Appeal Panel's determination and inform the PSC of any further investigation or reconsideration of the PSC's report.

The Respondent will be notified in writing of the result of the appeal as soon as possible following the final determination. This may be delivered in person with the opportunity for discussion and with due sensitivity to the gravity of the information being shared.

## Appendix – Process Flow Chart





# Procedures for Handling Allegations

To be read in conjunction with the “Policy for Allegations Brought Against Accredited and Recognised Ministers”

Approved for use by Assembly Council on 10<sup>th</sup> October 2023 and by the Assembly on 11<sup>th</sup> November 2023.  
This version supersedes previous versions.

For further information see our website at: [www.nswactbaptists.org.au](http://www.nswactbaptists.org.au)

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# 1. PURPOSE AND BACKGROUND

## 1.1 Purpose of the Procedures

These procedures provide guidance, primarily to the Pastoral Standards Committee (PSC), the Affirmation Oversight Team, and to Baptist Association staff, as to the implementation of the Policy for Allegations Brought Against Accredited and Recognised Ministers for the Association of Baptist Churches of NSW & ACT (the Association). They should be read in conjunction with that policy. The policy and procedures apply to Accredited or Recognised Ministers, Candidates for Accreditation or Recognition and those who remain in the application process for Accreditation or Recognition.

Deleted: and instruction

Deleted: those who have been approved, and those who have applied to be Accredited or Recognised Ministers

## 1.2 Underlying Values

The constitution of the Association (paragraph 6.2) outlines its 'core values'. It also stipulates that the Association will adhere to a number of 'operational values' including:

(a) Good governance, which:

- reflects our core values,
- encourages empowerment and accountability of decision makers at appropriate levels,
- fosters a culture of transparency in its processes and reporting, and
- minimises bureaucracy and permits decisions to be made in a timely manner.

(b) Effective conflict resolution, noting that:

- ministering together in community may occasionally give rise to conflict; the Bible commands Christians to make every effort to live at peace and to resolve disputes in private or within the Christian community,
- conflict impacts upon the Association and its witness for Christ,
- biblically based dispute resolution procedures aim to bring glory to God, allow us to grow to be more like Christ, and assist us to resolve the dispute and achieve reconciliation.

Deleted: This procedure aims to take into consideration all vulnerable people under the authority of church leaders, whether they are children, young people, elderly, those with disabilities or the emotionally and/or spiritually vulnerable. ¶

## 1.3 Underlying Theological Position

The church is called to be a community that nurtures disciples and participates in God's mission. It is a place that proclaims the good news in word and deed and provides witness to God's inclusive and nurturing love for all persons. This includes treating everyone with respect, avoiding harmful discrimination, respecting boundaries and caring for the vulnerable.

Leaders have a particular responsibility in this regard. Just as Jesus did not come to be served but to serve, he calls his disciples to be the servants of others. Pastoral leaders are called to live with humility and faithfulness in the power of the Holy Spirit. Their personal behaviours and ministry practice should provide a safe place for everyone, where integrity is honoured, accountability is practiced and forgiveness encourages healing while not concealing misconduct. Scripture exhorts leaders and pastors to be people of good reputation, especially with those outside the church (1 Tim 3:7) and, as far as possible, above reproach (1 Tim 3:2). They are to be held to a higher standard than those they lead.

God identifies groups of vulnerable people who were to be particularly protected and given special care in society. (Ex 22:21-22, Deut 10:17-19, Jer 22:2-4, James 1:27). Jesus called to account those who misused or abused their power.

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#### This theological perspective requires:

- Righteous anger at evil. Jesus named and criticised evil and called to account those who abused their power.
- Calling abusers to true repentance. In Ez 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 (Matt 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.
- Protection of the vulnerable. James 1:27 reminds us that the religion that God honours is first about caring for the widows and orphans. God's heart is for those who cannot protect themselves.

#### 1.4 Background to the Procedures

Most Christian leaders serve honourably based upon the Holy Spirit's gifting and the local church's affirmation. However, some have abused their positions of authority and trust, resulting in harm. We affirm that all people have the right to be safe, respected and have their opinions respected. We live in a country that legislates for people's safety. These procedures have been developed to help us live out our biblical mandate and our responsibilities under legislation.

People who attend churches affiliated with the Association, need to be confident that the Association, and our affiliated churches, will do all they can to provide safe places for them to be nurtured and encouraged, as well as be protected from harm.

These procedures should be read in conjunction with the Code of Ethics and Conduct.

Complaints which occur within churches, namely those that do not involve a serious breach of the Code of Ethics and Conduct standards, criminal offences, Reportable Conduct or serious risk of harm should be managed at the local level. The Association will encourage local resolution, where appropriate, before engaging these procedures.

#### 1.5 Complaints against pastors who are not accredited or recognised

While Accredited or Recognised Ministers are subject to these procedures, the PSC cannot impose upon affiliated churches the implementation of sanctions which impinge upon the autonomy of the local church. Affiliated churches will, however, be encouraged to act in accordance with the procedures and to enact any conditions placed upon a pastor. Where churches decline to implement the decisions of the Committee, this may have insurance implications. In order for a minister to maintain their Accredited or Recognised status with the Association they must cooperate with the PSC as it administers these procedures.

Due to the governance structure of the Association, it has no jurisdiction to consider an allegation against non-Accredited or non-Recognised Ministers or other church staff. However, in such cases the Association may offer support and advice to churches where there are allegations and an affiliated church requests assistance.

Deleted: Christian faith strongly upholds the virtues of love, justice and mercy. Jesus Christ came to give freedom to the captives, sight to the blind and liberty to those who are oppressed (Luke 4:18). Ministers and church workers must be aware that their leadership position places them in a position of power in a relationship. Any sexual contact by a minister or church worker with a person with whom they are in a pastoral relationship is unethical and subject to discipline. In pastoral relationships the factors of power, trust and dependency limit the possibility of a church member or other person in such a relationship to freely give consent to sexual contact. In other words, the dynamics of such a relationship can result in a person feeling unable to clearly communicate their lack of consent. Because the minister or church worker has the greater power and pastoral responsibility, the responsibility lies with them to guard the interpersonal boundary against sexual contact. ¶ Physical, spiritual and emotional cruelty also constitute a form of abuse of power. Where a Christian leader is in a position of power and acts in such a way as to cause serious physical or mental pain or anguish, as judged by the standards applied at the time it occurs, then this constitutes abuse of position. This would include bullying behaviour. This underlying theology of transformation requires: ¶

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## 1.6 Key Terms and Definitions

**Accredited or Recognised Minister:** someone who has been Accredited or Recognised as a Minister of Religion by the Association.

**Affirmation Oversight Team (AOT):** The committee charged by the Association with the selection, training, accreditation and pastoral oversight of Accredited and Recognised Ministers.

**Assembly Council:** the governing body of the Association. The members of the Assembly Council are elected at the annual Assembly of the Baptist Churches of NSW & ACT

**The Association of Baptist Churches of NSW & ACT (the Association):** The Association is the trading name of the Baptist Union of NSW & ACT

**Complainant:** a person who is making a complaint or allegation, or their legal guardian if appropriate.

**Complaint:** a complaint of concern made against an Accredited or Recognised Minister.

**Church Leadership:** those whom a church meeting has elected or a church has formally endorsed to undertake a specific leadership role.

**Director of Ministries (DoM):** The principal staff member employed by the Association and who is accountable to the Assembly Council.

**Ministry Standards Manager (MSM):** the staff member employed by the Association and tasked with processing complaints made under this procedure. The Manager is accountable to the Director of Ministries (or their delegate) but works closely with the PSC and its Chair.

**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 makers take into account all relevant considerations and no irrelevant considerations and that the decision be made without bias. **Pastoral Relationship:** the relationship between a congregational member or other person with the Accredited or Recognised Minister where the latter is deemed to exercise a ministry of spiritual and personal welfare.

**Pastoral Standards Committee (PSC):** the committee tasked with responsibility in regard to complaints as provided in this document.

**Respondent:** the Accredited or Recognised Minister who is subject to the complaint or allegation.

**Support Person:** a person engaged by a complainant or the respondent with a view to:

1. offering pastoral support to them throughout the process, or
2. assisting them to understand the stages in the procedure, or both.

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## 2. THE PASTORAL STANDARDS COMMITTEE

### 2.1 Purpose and Scope

The role of the Pastoral Standards Committee (PSC) is to:

- Receive, triage and process complaints in relation to Accredited or Recognised Ministers.
- Receive reports and recommendations from the Ministry Standards Manager and Review Teams,
- Prepare final reports, make decisions and, subject to this procedure, enact those decisions.
- Facilitate resolution of complaints.
- Educate, support and advise the Churches of the Association on matters in which the Committee has expertise.
- Ensure that Investigation Teams understand their role and receive appropriate induction and training as required.
- Maintain a pool of suitable support people and additional Investigation Team members to call upon when required.

### 2.2 Composition and Qualifications of Members

The Pastoral Standards Committee (PSC) is a subcommittee of the Affirmation Oversight Team which in turn reports to the Assembly Council. The Assembly Council, upon the recommendation of the Affirmation Oversight Team, will appoint members to the PSC for a three-year term. The PSC will appoint a chair person from within its members.

The PSC should usually meet quarterly, or as often as required.

The PSC should consist of a minimum of five standing members and should include:

- the Ministry Standards Manager
- an Accredited Minister with the Baptist Association of NSW & ACT
- a member with legal qualifications and experience
- a member with qualifications and experience in psychology, counselling or social work
- at least one member with extensive pastoral experience in a local church
- a minimum of two men and two women.
- a majority of members who hold membership in an affiliated Baptist Church

In addition to the above requirements the PSC will ideally include:

- At least one non-Baptist Member who understands Baptist Church governance and has similar theological views.
- The Director of Ministries or designated Associate Director who may attend the PSC on occasion and as requested.

Deleted: At its first meeting for each year,

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One member may fulfil more than one of the above requirements. For a meeting to be quorate, there must be a minimum of 4 members present, and at least one female and one male must be represented. Any member of the PSC or the AOT who has a conflict of interest in relation to any complaint should declare it and may need to remove themselves from any discussions or deliberations about that complaint. The committee can second experts as required to assist them to undertake their role.

Deleted: both genders

### 2.3 Decision Making in the Pastoral Standards Committee

Decisions of the PSC should, ideally, be made by consensus. However, where consensus is unable to be reached, a vote with 75% majority of those present and voting will carry a resolution, with any dissenting vote recorded in the minutes and the report that goes to the AOT. Members may also abstain from voting.

As outlined in more detail in section 3.4.3 whilst the PSC has the responsibility to determine the outcome of a complaint, the AOT will confirm that an appropriate process has been followed before the decision of the PSC is enacted.

### 2.4 Training of the Pastoral Standards Committee and Affirmation Oversight Team

The Ministry Standards Manager and Chair of the PSC are to encourage all members of the PSC and the AOT to 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 process is followed, and natural justice is afforded.

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## 3. COMPLAINTS AND ALLEGATIONS

### 3.1 Key Principles

In the handling of complaints and allegations, the following principles will apply:

- Complaints will be addressed having regard to both the underlying theology (see section 1.3) and the Association's core and operational values (see section 1.2).
- As far as possible, the well-being of the Complainant and the Respondent, and their families will be ensured.
- As far as possible, confidentiality will be maintained.
- Communication with Church Leadership will be considered as appropriate on a case-by-case basis, taking into account confidentiality and risk.
- Complaints will be actioned as quickly as possible with genuine regard to the seriousness of the allegations.
- Principles of natural justice, transparency and fairness will be applied throughout.
- Every person who is involved in handling a complaint will declare any conflict of interest in the matter or any personal connection or relationship with any party, past or present.
- Presumption of innocence will be assumed until a finding has been made either by admission or by an appropriate process of investigation. However, risk assessment may result in risk management measures being undertaken.
- Decisions will be made on the "balance of probabilities" (which is the standard generally accepted in civil proceedings rather than "beyond reasonable doubt" which is the standard required in criminal proceedings).
- Where a matter is between two parties and there are no other witnesses or external evidence then it is possible that there will be insufficient evidence to substantiate the allegations.
- The Association recognises the vulnerability of anyone who has experienced any form of trauma, abuse and harm and will therefore act with sensitivity and compassion, whilst ensuring that natural justice and procedural fairness are afforded in any complaint process. However, the Association also has an interest in seeking the truth and it may therefore be necessary for an Investigation Team to ask potentially uncomfortable questions or request sensitive information.
- No complaint will be addressed in such a manner as to interfere in any way with an active process of criminal or civil law. Where a complainant chooses not to report a matter to the Police or other relevant civil authority, or these authorities have decided to take no further action, the Association may then act on the complaint.

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### 3.2 STAGE 1 - Receiving and Triaging of Complaints and Allegations

A complaint against an Accredited or Recognised Minister may be made for serious breaches of the standards of the Code of Ethics and Conduct. Anyone wishing to make a complaint may do so orally or in writing and is encouraged to do so via the Ministry Standards Manager.

Deleted: including, but not limited to, misuse of power, financial fraud, bullying, and sexual misconduct.

In some circumstances it may be appropriate to raise the complaint with any member of the PSC, the Director of Ministries or the Chair of Assembly Council. Any person receiving a complaint has a responsibility, in consultation with the Ministry Standards Manager, to consider if the issue being complained about requires immediate notification to either Police or a relevant government authority. The Ministry Standards Manager will make all such notifications.

Any party receiving a complaint will immediately notify the Ministry Standards Manager. If the complaint was made orally, the Complainant will be requested to put the matter in writing as soon as is reasonably possible. The written complaint should be forwarded to the Ministry Standards Manager. Receipt of the complaint will be acknowledged by the Ministry Standards Manager in writing. Normally, the triage process outlined below will not commence until a written complaint has been received. However, if the Complainant is legitimately unable to put a complaint in writing, the Ministry Standards Manager may assist the Complainant in this process. The Ministry Standards Manager has the discretion to commence the triage process without a written complaint if appropriate.

In the first instance, the Ministry Standards Manager will:

- consider and / or take advice about whether Mandatory reporting to Police or other authorities is required.
- consider undertaking a risk assessment process.
- advise the Complainant of the process and send a copy of these procedures.
- clarify allegations and compare with the Code of Ethics and Conduct to identify potential areas of breach.
- clarify Complainants' expected or wished for outcomes and advise them of the limits of the PSC's role.
- begin case file.
- seek legal advice if required.
- advise the PSC Chair, and the Director of Ministries (or their delegate) of the complaint and:
  - discuss whether any immediate advice to the local church is required (this may include a recommendation to stand the Respondent down if the allegations are serious enough)
  - establish whether appropriate support people are in place or needed and clarify the support person's role
  - consider whether the complaint should be referred to another process. (For example: local church, or Persons of Concern process)
  - when the complaint concerns an alleged crime, assist the Complainant to report this to the appropriate authorities, or if the Complainant is not willing to do so, advise the Complainant that the Association is obligated to do so.
  - if the matter is to be reported to the PSC, determine whether an urgent extraordinary meeting of the PSC is required or whether the matter can wait until the next scheduled meeting

Deleted: to the any one of the following: • Ministry Standards Manager  
the Association's Director of Ministries  
Chair of Assembly Council  
Chair of the PSC, or  
any member of the PSC.

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Deleted: Community Services or other relevant civil authority

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### 3.2.1 Anonymous Complaints

Although anonymous complaints present difficulties for investigation they are still to be treated seriously, and some level of preliminary investigation is to occur to determine if a formal process is required.

Deleted: Once the Ministry Standards Manager has determined that a matter should proceed to the PSC, depending upon the seriousness and issues, and in consultation with the Chair of the PSC, a decision is to be made whether the matter goes to the next scheduled meeting or requires an extraordinary meeting. ¶

### 3.2.2 Informal Complaints and Rumours

Where a complaint against an Accredited or Recognised Minister has not been made formally but has come to the notice of the Ministry Standards Manager, the Director of Ministries, another member of the Association staff, or a Member of the PSC, informally in the form of hearsay or rumour, the PSC may make preliminary enquires with a view to establishing whether there is a foundation to pursue a complaint. In most cases, a Complainant is required to initiate a complaint, however in some circumstances, where the PSC believes there is sufficient concern then the PSC, in consultation with the Director of Ministries (or their delegate), can initiate an investigation without a complainant bringing forward a complaint.

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### 3.2.3 Local Church or Mutual Resolution

Where a complaint does not involve an allegation of a serious breach of the standards of the Code of Ethics and Conduct, local church or mutual resolution will be encouraged. The objective here is to achieve a resolution that is acceptable to all key parties, and is in their best interests, rather than to avoid a more thorough investigation. (The Association has provided a Model Procedure for Conflict Resolution for use by local churches for this purpose).

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Deleted: 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 of harm can be resolved at the local level. The Association will encourage this option, where appropriate, before engaging these procedures.

### 3.2.4 Complaints Regarding Theology or Ministry Competence

Complaints regarding an Accredited or Recognised Minister's theology may be referred to the AOT for consideration and are not the remit of the PSC. Complaints regarding poor ministry competence should be referred to the local church leadership (or that Accredited or Recognised Minister's employer).

Deleted: This document exists for the more serious matters that cannot be appropriately resolved in this way.

Deleted: However, where the Association begins to recognise trends or a pattern of issues, be it in one church or across some churches of similar issues (requiring local resolution), the Association has a responsibility to examine this further and follow up as deemed appropriate. ¶

## 3.3 STAGE 2 – Investigation

The Ministry Standards Manager will present information obtained in Stage 1 to the PSC who will determine whether more information is required. If appropriate, the PSC will refer the matter for investigation in one of the following three options:

Deleted: Practice

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Deleted: Ministry Standards Committee

The Ministry Standards Manager

- More straight forward matters may appropriately be investigated further and recommendations brought by the Ministry Standards Manager, who can consult other PSC Members if needed.

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An Investigation Team

- Where a matter is more serious in its implications or complexity, the PSC will appoint an Investigation Team to consider the complaint. This may or may not include the Ministry Standards Manager. The Investigation Team will be appointed from among members of the PSC and from persons whose names are on a list of approved investigators maintained by the committee. At least one member of the Investigation Team will have training or expertise in conducting an investigation.

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- The decision to appoint an Investigation Team will depend on the seriousness and nature of the allegations, the expertise required (for example, financial expertise, professional experience responding to sexual misconduct, etc.) and the amount of work it is anticipated that a review will involve. The size and composition of the Investigation Team is determined by the PSC. Every person who is involved in handling an investigation will declare any conflict of interest in the matter or any personal connection or relationship with any party, past or present.

#### An Independent External Investigator

- In matters where there is deemed to be inherent conflicts of interest, or where the PSC does not have, and cannot second, appropriate expertise, or where the PSC deems it necessary, the involvement of an independent investigator may be considered. This needs to be approved, due to potential cost, by the Ministry Standards Manager.

The Ministry Standards Manager will consider whether local Church Leadership should be advised that a complaint has been received. This may particularly apply where the complaint is public knowledge within the church (legal advice may need to be taken in a small number of circumstances).

### 3.3.1 Investigation Process

Each investigation may take a slightly different format depending upon the nature of the complaint, the particular issues involved, and at the discretion of the Ministry Standards Manager, the Investigation Team and / or the External Investigator.

However, the general progression in most cases will be:

- Review all known information and consider it in relation to potential breaches of the Code of Ethics and Conduct.
- Formulate an investigation plan.
- Formulate a plan to communicate with key parties (including the Complainant and the Respondent).
- Liaise with relevant authorities if required.
- Determine whether the Complainant and the Accredited or Recognised Minister have appropriate support and offer to assist in arranging support if necessary and possible.
- Interview Complainant and document any evidence shared verbally to be signed off by the Complainant. Alternatively, the investigator may choose in some circumstances to obtain an audio recording of the interview with the complainant.
- If appropriate, interview witnesses or other parties with knowledge of the circumstances (with interview records to be signed off by each person interviewed). Alternatively, the investigator may obtain written signed statements from other parties or witnesses with knowledge of the circumstances.
- Consult suitable experts if specialist advice required. Engagement of any additional experts will be approved by the Ministry Standards Manager.
- The particulars of the complaint will be drafted by the Ministry Standards Manager, the Investigation Team or the External Investigator, and confirmed by either the chair of the PSC, or the legally qualified member of the PSC.
- The particulars of the complaint will be presented in a letter of allegations to the Respondent.
- The Respondent will be asked to provide a written response to the particulars of the complaint.

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Deleted: and / or the Director of Ministries or his delegate.

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Deleted: Ensure support people (for pastoral care) are in place

Deleted: support, and

Deleted: develop a written statement

Deleted: Put written statement to Complainant for confirmation / sign off

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- The Respondent will then be asked to attend an interview with the Investigator to discuss their written response.
- Obtain an audio recording of interview with Respondent if appropriate and possible.
- Develop final investigation report including any findings for the PSC

All parties involved will be made aware of the need for confidentiality in regards to their involvement in the investigation.

Deleted: put details of complaint / allegation to the Respondent (through written statement and interview if possible) for response ¶

Deleted: Develop summary statement of interview with Respondent ¶  
Review any written response provided by the Respondent¶

### 3.3.2 Advising the Respondent of the Complaint

Where outside authorities are involved (e.g. Police or government authorities), the Ministry Standards Manager and PSC will be guided by these authorities concerning communication or contact with the Respondent. This means the complaint will be kept in complete confidence and the Respondent will not be contacted or advised without permission from these authorities.

Deleted: , civil authorities such as Community Services or FaCS...

Once it is appropriate, the Respondent will be advised in person. This will include the provision of written information that outlines the complaint and the process to be undertaken, as far as known at the time to investigate the complaint. Advice of the complaint to the Respondent by phone and/or in writing will only occur as a last resort.

### 3.3.3 Additional Information about Interviews

A Complainant or Respondent will be advised of their rights at all times in dealings with the Ministry Standards Manager, Investigation Team or Independent Investigator, to have the opportunity to be accompanied by their chosen support person.

### 3.3.4 Complaint by or in Relation to Children and Young People

Children under the age of sixteen at the time of the complaint are to be represented by a person of their choice, preferably their parent or legal guardian, who will make a formal complaint in writing on their behalf and generally act on their behalf as required for the processing of the complaint. If an older child requests to be present for part or all of the proceedings, this should be carefully assessed and agreed to where possible. Young People, legally defined as those 16 or 17 years, are able to make the determination of whether they are represented or represent themselves.

In NSW a report to the NSW Department of Communities and Justice (Child Protection Help Line) 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 ACT Child and Youth Protection Services (CYPS) 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 investigation in relation to alleged or suspected abuse must in the first instance be done by the relevant government authority.

Deleted: of Family and Community Services

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Deleted: 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.

### 3.3.5 Persons with an Intellectual or Psychiatric Disability

Special care should be taken when interviewing anyone with an intellectual or psychiatric disability and any interviews should only be conducted by someone with experience and expertise in working with people with these disabilities.

Consideration should also be given to the amount of preparation required by talking with any case workers or support services involved, with appropriate consent.

### 3.3.6 Where the Respondent Refuses to Take Part

Where a Respondent refuses to take part in the process of investigation, the investigation may still proceed, with the Investigator(s) still endeavouring to make a determination, albeit one that acknowledges the limitations of the lack of co-operation. This refusal could be a further matter of misconduct for consideration.

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## 3.4 STAGE 3 – Reporting and Findings

### 3.4.1 Report to Pastoral Standards Committee

A report, outlining the process and findings of the Ministry Standards Manager, Investigation Team, or Independent Investigator (dependent on level of investigation determined as per 3.3), is to be presented to the PSC once the investigation is completed. This report will include:

- the process of investigation that has been undertaken,
- the key evidence and findings against each allegation and how it relates to breaches of the standards of the Code of Ethics and Conduct,
- copies of any written statements or other evidence,
- recommendations as to suitable outcomes, and
- any areas of contention or disagreement.

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### 3.4.2 Regular Updates to the AOT

The PSC will provide regular updates to the AOT on progress in each active case after the matters have been considered by the PSC.

### 3.4.3 Determination by PSC and Confirmation of Appropriate Process by the AOT

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

The AOT needs to have confidence that appropriate processes and the guidelines of this procedures document have been followed. It is not the function of the AOT to review the decision itself unless in the context of an appeal per section 4 below.

### 3.4.4 Notification of Outcome of Complaint Process

After the AOT has confirmed that due process and the guidelines of this procedures document have been followed, the Ministry Standards Manager or Chair of the PSC will ensure that all relevant parties are notified in writing of the outcome, as appropriate. This written notice will normally be delivered in person and will include the opportunity for discussion regarding the reasons for the decision. This communication will occur in a timely manner, and with due sensitivity to the gravity of information being shared. All reasonable efforts will be made to communicate the outcome in person, however in some situations,

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particularly where great distance is involved, communication through online applications may be more appropriate. Advice of the outcome to the parties by phone, email or post will only occur as a last resort. The written advice to the Respondent will include a statement regarding the right of appeal.

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#### 3.4.5 Possible Recommendations and Outcomes of Complaint Process

Some of the potential outcomes for an Accredited or Recognised Minister may include:

- removal from either the Association's Accredited or Recognised Ministers list,
- continuance on the relevant list, with conditions or restrictions on practice of ministry,
- suspension from the relevant list, with provision for review after a nominated time frame and/or after certain requirements have been attended to by the suspended Minister,
- no change to Accreditation or Recognition, or
- such other action as is deemed appropriate in the situation.

In each case there may be a requirement for counselling, supervision and monitoring, or other appropriate action. There may also be a disciplinary or probationary process.

It is recognised that removal of Accreditation or Recognition may or may not mean removal from employment by the local church, as this is a decision beyond the control of the Association.

Some other potential outcomes following conclusion of the process may include:

- referral for local resolution, with recommendations to the local church,
- apology,
- development of a restoration / reconciliation plan,
- recommendation of additional training to be undertaken,
- referral to appropriate authorities,
- recommendation of counselling for other parties involved,
- recommendation of legal action,
- no further action deemed necessary.

#### 3.5 Recording Requirements Throughout the Complaint Process

All members of the PSC or Association staff involved with a complaint are required to record the date, time and nature of any significant contact or enquiry, and the outcomes or follow-up actions. The Ministry Standards Manager will collate all these records and all documents relevant to the complaint will be kept in a single file.

All records of complaints shall be stored securely by the Association for 100 years.

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#### 3.6 Confidentiality and its Limits

The Association will seek to maintain confidentiality in terms of ensuring only those with a need to know about a matter do know. In the local church context, the only persons with whom complaints and allegations should be discussed are those either directly involved (for example by way of interviewing), those in positions of leadership who need to know in order to make appropriate decisions, and others who may have direct responsibility. In all instances, the Association, to the best of its ability, shall act in a way so as to limit the general knowledge amongst church members of the specifics of allegations, except in the rare instances where it may be necessary for safety.

The Association will at times be required, by law, to share information it holds with third parties. This includes but is not limited to situations of risk of harm, criminal investigations

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and requests governed by privacy legislation. Records held may also be subpoenaed by a Court of law. Association staff may also be subpoenaed, as may PSC members, [Investigation](#) Team members and Independent [Investigators](#).

## 4 APPEALS PROCESS

Once the PSC has made its determinations and the process undertaken has been approved by the AOT, the complaint will be considered closed. This Procedure does not provide an appeals process to Complainants.

Respondents must rely on at least one of the following grounds to appeal a decision by the PSC:

1. Procedural Error. A procedural error occurs when the PSC, or its Investigator, does not follow this procedure or otherwise fails to afford the Respondent procedural fairness which has a material effect on the investigation and / or the outcome.
2. New Evidence. New evidence is evidence that was not available to the Respondent during the investigation but later becomes available and may have a material effect on the outcome of the complaint.
3. Conflict of Interest. A conflict of interest occurs when a member of the PSC or Investigator does not declare a conflict of interest or inappropriately participates in the complaint process despite having declared a conflict of interest.
4. Disproportionate Punishment. Disproportionate punishment is when the disciplinary sanctions imposed as a result of the investigation were excessive, disproportionate, or unfair based on the severity of the alleged misconduct. An appeal based on Disproportionate Punishment will only consider the sanctions imposed on the Respondent and is not to consider the findings of the investigation.

A request by a Respondent for an appeal must be received by the AOT in writing within 30 days of the formal decision being advised to the party in writing. The request must make clear the grounds of the appeal as per the above list.

The AOT will determine, having previously reviewed the PSC's procedures and determinations according to 3.4.3 above, whether the grounds alleged by the Respondent are applicable and adequate. Further information may need to be provided by the Ministry Standards Manager. The Respondent will usually be informed of the AOT's decision of whether the request will be granted within 60 days of receiving the request.

If a Respondent's request is granted, the AOT will appoint an Appeal Panel to consider the details of the appeal. The Appeal Panel, shall consist of at least three members, and should ideally include:

- one member from a non-Baptist denomination,
- at least one male and one female, and
- members with expertise relevant to the details of this appeal.

One or more members of the AOT may be appointed to serve on the Appeal Panel. Consideration should be given to any potential or perceived conflicts of interest. The Appeal Panel will appoint one of its members as an Appeal Panel Convenor who will assist to coordinate the appeal process and provide regular progress reports to the AOT.

The Appeal Panel will initially review all relevant documentation and any further information gathered during the investigation in detail. It may interview the Ministry Standards Manager, members of the investigation team and/or other members of the PSC as needed. The Appeal Panel will determine whether one or more of the grounds listed above justifies upholding the respondent's appeal. It will then make a recommendation to the AOT accordingly.

The AOT will determine an appropriate response to the Appeal Panel's determination and inform the PSC of any further investigation or reconsideration of the PSC's report.

The Respondent will be notified in writing of the result of the appeal as soon as possible following the final determination. This may be delivered in person with the opportunity for discussion and with due sensitivity to the gravity of the information being shared.

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After conducting the appeal process, the Appeals Panel will make a determination in an expedient manner. The decision of the Appeal Panel is final.

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