



INFORMATION ON MAKING A COMPLAINT OR ALLEGATION ABOUT ABUSE

INTRODUCTION

The Presbyterian Church of Australia in NSW is part of Christ's wider universal Church throughout the world. We are a Protestant, Evangelical and Reformed denomination who seek to express the good news of Jesus Christ and love people through local Presbyterian Churches and various ministries such as Aged Care, Presbyterian Youth and Presbyterian Social Services.

Breaking the Silence is the name of the policy to prevent and deal with abuse within the Presbyterian church.

PURPOSE

The purpose of this document is to provide information on how you can make a complaint regarding abuse and misconduct reports or allegations in relation to the congregations, presbyteries, organisations, committees, schools, hospitals and other groups where *Breaking the Silence* has been adopted.

ROLE OF THE CONDUCT PROTOCOL UNIT

The Conduct Protocol Unit (CPU) is established to provide support, advice and resources in relation to abuse and misconduct matters within the Presbyterian Church of NSW/ACT and states or territories where *Breaking the Silence* has been adopted by the State General Assembly. CPU does not deal with any other form of grievance or personal injury claim.

MAKING A COMPLAINT OR ALLEGATION

»» *How can I make a complaint or allegation to the Conduct Protocol Unit?*

Anyone wishing to make a complaint or allegation may do so verbally or in writing to the CPU or request to speak to a contact person who is independent from the church.

The CPU receives complaints and allegations of abuse and misconduct within the Presbyterian Church and affiliated organisations and has oversight of handling and responding to these complaints.

At times, the CPU will be required to investigate allegations in response to statutory bodies (e.g. a Reportable Conduct allegation).

Contact the Conduct Protocol Unit at: Jon Flood, *Director* | 02 9690 9325 | jflood@pcnsw.org.au



»» What can I expect will happen if I make a complaint or allegation of abuse?

This is a summary of what happens when you make a complaint or allegation to the Presbyterian Church in NSW/ACT. This summary is to be read in conjunction with our *Breaking the Silence* policy which can be found at <https://jerichoroad.org.au/breaking-the-silence/our-policy/>.

The Presbyterian Church responds to complaints and allegations of abuse with *Breaking the Silence* policy (BTS). BTS deals with abuse, more specifically with:

- child abuse
- risk of significant harm – a term used in legislation about children currently at risk of harm
- reportable conduct – a term used in legislation concerning certain complaints and allegations about employees¹ that must be reported to the Office of the Children’s Guardian (NSW) or Ombudsman (ACT).
- domestic and family violence
- sexual misconduct
- conduct that breaches the *Breaking the Silence* Code of Conduct

A copy of the *Breaking the Silence* Code of Conduct can be found at <https://jerichoroad.org.au/breaking-the-silence/our-code-of-conduct/>.

The main things you should know about making a complaint or allegation are:

- Your complaint or allegation of abuse will be treated seriously.
- All aggrieved² persons will be treated with respect.
- As far as possible, we will treat all complaints and allegations confidentially. Information will be only shared with the alleged offender with your permission, in order to respond to the complaint. However, at times we may be required under law to disclose some information, for example, mandatory reporting or criminal matters.
- Individual pastoral care and professional counselling will be offered to all aggrieved persons, the alleged offender and others affected by the process and/or outcome. Responsibility for costs associated with such care and counselling will be determined as part of the process.
- Complaints and allegations will be actioned as quickly as possible with genuine regard to their seriousness. However, some complaints and allegations will take a significant amount of time to be properly responded to.
- Every person within the Presbyterian Church who is involved in handling a complaint will be to declare any conflict of interest in the matter or any personal connection or relationship with any party, past or present.
- In cases of domestic violence, the safety of the victim and any children will be paramount.
- You can withdraw the complaint or allegation at any time. This would not negate any mandatory reporting obligations.

¹ Under the NSW and ACT Reportable Conduct Schemes ‘employee’ refers to people in positions of authority within the church. This includes all ministers, home missionaries, deaconesses, licentiates, elders, paid employees, church workers whether paid or volunteers and all those working with children and young people.

² BTS defines an aggrieved person as “the person making the complaint”.



»» *Can I make an anonymous complaint or allegation?*

Although anonymous complaints and allegations present difficulties for investigation they will still be treated seriously. If you make an anonymous complaint, please be aware that this limits the church's ability to obtain information and may impact our ability to address your concerns.

PROCESS

»» *What happens when I make a complaint or allegation?*

The process of handling allegations and complaints varies depending upon the exact circumstances of the situation and the particular issues involved.

In very broad terms, the following process will apply:

Acknowledgement

- Your complaint or allegation will be acknowledged by the CPU. Written acknowledgement can be provided on request.
- If the complaint or allegation is made in writing you will receive written acknowledgement that we have received your document.

Addressing the complaint

- The complaint or allegation will be considered by the CPU to determine what processes are needed to best deal with the matter.
- The CPU will determine if statutory reporting is required, for example to Community Services or Police. The CPU will inform you if any reports need to be made and by whom.
- The CPU will determine if the complaint or allegation can be dealt with by the CPU. If it cannot we will refer you to the appropriate body within the church or externally, or recommend another process.

When the complaint or allegation can be dealt with by the CPU:

- We will clarify with you your desired outcomes for resolving your complaint or allegation.
- We will tell you what the CPU can and cannot do.
- If the complaint or allegation requires investigation, we will prepare a plan and communicate this with you and other key parties as appropriate.
- All reasonable efforts will be made to provide you with an expected timeframe for the resolution of your complaint or allegation, however at times this may be difficult due to circumstances beyond our control. For example, where significant distance is involved or we are reliant on processes external to the CPU.
- You will be updated on the progress of a complaint or allegation and reasons for any delay.
- You will be offered pastoral care via the provision of a support person, access to counselling services or other ways determined through discussion with you.
- The sensitive information about your complaint and/or allegation will be handled confidentially.



If the complaint or allegation is about a minister or elder or member of a church, there are formal processes outlined in the Presbyterian Church "Code of Discipline" which may be undertaken. You will be informed if this process is necessary to deal with your complaint or allegation. Information about internal church disciplinary processes can be obtained from the CPU Director.

Resolution and Decision

- You will be informed verbally and/or in writing of the outcome(s) of any complaint or allegation and the reason for each decision.
- You will be informed of any recommendations arising from your complaint or allegation.

OUTCOMES

»» *What are some of the outcomes I can expect from making a complaint or allegation?*

The outcome will depend on the process undertaken. Some possible outcomes are:

- You may receive a written apology
- We may recommend mediation. In cases of domestic violence, the safety of the aggrieved person will be the paramount consideration. This will only be considered if appropriate and agreed to by all parties.
- We may refer you to or make a report to appropriate authorities, for example NSW Police.
- We may make recommendations for counselling for parties involved.
- Disciplinary action may be taken against the person who is the subject of the complaint or allegation. This may include, among other things, removal of that person from their role, suspension, counselling, supervision or conditions for continued employment.
- We may recommend a review of existing policy/practice.

»» *What if I am unhappy with the outcome/decision?*

Depending on the nature of the complaint or allegation you may be able to request a review of the decision. Please speak with CPU staff about your reasons for dissatisfaction and they will advise whether there is an alternative option which can be considered or whether further information can be provided about the reason for the decision.

For more information or assistance about anything within this info sheet please contact:

Conduct Protocol Unit

Jon Flood, Director

02 9690 9325 | jflood@pcnsw.org.au

PLEASE NOTE: This is a companion document and should be used alongside Breaking the Silence (2015 ed.). It is provided as general information and does not form part of the policy or process for dealing with or preventing abuse within the church. Released March 2020.