



Anglican Diocese
of the Northern Territory

Faithfulness in Service Investigations Protocol

DOCUMENT NUMBER	SM006
TYPE	Protocol
SUBJECT	The Process for investigating an alleged breach of the Diocesan Code of Conduct: <i>Faithfulness in Service</i> by a church worker
AUTHORISED BY	Diocesan Council in accordance with Part 3 of the Professional Standards Ordinance
DATE AUTHORISED	

SCOPE

This protocol describes the process to be followed when there is information, concerns or disclosures in relation to *misconduct* that is:

- alleged to have been committed by a church worker (ordained and lay, paid and voluntary, licensed and unlicensed) who is, or was associated with the ministry of the Anglican Church in the Diocese of the Northern Territory
- current and/or historical.

However, this protocol is not applicable where:

- information or allegations concern sexual harassment, sexual assault or sexually inappropriate behaviour. In such cases refer to the *Professional Standards Ordinance (PSO)* and the *Protocol for Responding to Allegations of Sexually Misconduct*; or
- information relates to a grievance or conflict. In such cases refer to *the Grievance Protocol*.

COMMITMENT

The Diocese of the Northern Territory is committed to safe ministries. This means that Diocesan parishes, ministries and entities should be abuse-free and harm-free, person-valuing and respectful environments for ministry to God's glory. Accordingly, we are concerned to respond appropriately to concerns that church workers are not fit for service.

DEFINITIONS

All definitions in this protocol are set out in the Diocesan *Professional Standards Ordinance*, the Diocesan Code of Conduct: *Faithfulness in Service* and the Diocesan *Safe Ministry Policy*. In addition, this protocol uses the following definitions:

“Excluded conduct”: for the purposes of this protocol, is any breach of faith ritual or ceremony.

“Information”: for the purposes of this protocol means information of whatever nature and from whatever source, whether about current or historical events, relating to:

- serious grievance causing harm
- misconduct by church workers
- intention or attempt to engage in *misconduct* by church workers;
- concerns about whether *misconduct* has occurred

“Misconduct” in this protocol, is in relation to a Church worker and means:

- abuse

- b) wilful violation of the Constitution or of a canon of the General Synod or of an ordinance of Provincial Synod or of the Diocesan Synod or of a synod of another diocese in which the church worker was at the time of the violation a member of the Church in that diocese
- c) any offence under the Offences Canon 1962¹ as amended and in force from time to time and as adopted by the Diocesan Synod, which is not covered under the PSO
- d) any offence under a law of the State or Territory or the Commonwealth for which the maximum penalty prescribed is imprisonment for at least 6 months
- e) any offence under an ordinance of another diocese in which the church worker was at the time of the offence a member of the Church in that diocese
- f) any significant breach of the Diocesan Code of Conduct: Faithfulness in Service, approved by the Diocesan Council. A significant breach is one that if admitted to or proven would lead to one or more of the following outcomes: referral to counselling, suspension from position, permanent removal from role/position, loss of licence, revocation of holy orders (clergy), referral to police, including but not limited to breaches of canonical oaths, breaches of the diocesan Code of Conduct: Faithfulness in Service, or other alleged criminal behaviour
- g) any breach of the duty to report information or of a like duty to report information under any previous ordinance or protocol of the Diocese or another diocese in which the church worker was at the time of the breach a member of the Church in the relevant diocese
- h) wilful or reckless failure to comply with a requirement of the Safe Ministry Policy and Protocols of the Diocese
- i) wilful or reckless failure to comply with a condition or determination imposed by the Church authority following a process
- j) wilful or reckless failure to comply with an undertaking given to the Board or the Church authority
- k) failure of the Church to adequately respond to any misconduct by a church worker
- l) any other conduct (other than excluded conduct) that is unbecoming or inappropriate to the role office or position of the church worker or their duties and functions by the person whenever occurring (whether before or after the commencement of this protocol) which, if established, would on its face call into question:
 - the fitness of the person to hold a role office or position, or to be or remain in Holy Orders
 - the fitness of the person, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role office or position
 - whether, in the exercise of ministry or in the performance of any duty or function, the person should be subject to any condition or restriction.

These provisions do not affect the operation of the Canon Concerning Confessions 1989 of General Synod or any other canon or legislative instrument relating to confessions in force in the Diocese.

¹ Section 1 of the *Offences Canon 1962–1998* provides

(1) *A diocesan tribunal and a provincial tribunal in its original jurisdiction in addition to their respective powers under section 54(2) and section 55(3) of the Constitution may hear and determine charges made in respect of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is licensed by the bishop of the diocese or is in holy orders resident in the diocese:*

1. *Unchastity.*
2. *Drunkenness.*
3. *Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.*
4. *Wilful failure to pay just debts.*
5. *Conduct, whenever occurring,*
 - (a) *which would be disgraceful if committed by a member of the clergy, and*
 - (b) *which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.*
6. *Any other offence prescribed by an ordinance of the synod of the diocese.*

FAITHFULNESS IN SERVICE INVESTIGATIONS COMMITTEE (FiSIC)

The FiSIC is the group within the Diocese who investigate and provide advice to the Bishop regarding allegations of church worker misconduct under this protocol. The members of the FiSIC shall be appointed and shall hold office on such terms as may be determined by the Diocesan Council.

The FiSIC shall have at least three members, of whom one shall be the chair and convenor. The membership of the FiSIC shall be constituted, so as to collectively provide:

- a) experience in law;
- b) experience in ordained ministry; and
- c) experience and appropriate qualifications in counselling or psychology.

The membership of the FiSIC shall include both lay and ordained persons and so far as reasonably practicable shall have an equal number of men and women. Members may be appointed from outside the membership of the Anglican church.

Members of the Professional Standards Committee (PSC) are eligible to be appointed to the FiSIC.

PROCEDURE

If you have concerns about someone's immediate safety please call the police. Then, as soon as practical afterward, contact the Diocesan Safe Ministry Helpline (Helpline) on 1800 070 511.

The Helpline provides advice regarding the implementation of relevant legislation, Diocesan protocols, including reporting any crime to the police and relevant statutory bodies as mandated by law in the NT or interstate, if relevant to the information provided.

1. Initial Assessment

Upon receiving information, the Helpline must report the matter to the Chair of the FiSIC. Alternatively, in the course of an investigation under the *Professional Standards Ordinance (PSO)* the PSC may have information outside the scope of the PSO, which falls under the scope of this protocol. In this case, the PSO may report to the Chair of FiSIC. On receiving relevant information the Chair, or another member of the committee will then proceed to make an initial assessment of the information. This may include interviews, review of correspondence, and holding meetings with involved parties to assist in:

- understanding the history and current status of the relevant issues;
- determining the level and nature of risks;
- noting the specific circumstances and considerations required to provide procedural fairness to all involved;
- interaction of the issues with relevant NT or federal legislation
- making a recommendation regarding which members of the FiSIC will need to meet giving account to the type of issues involved.

The committee member may also seek professional advice, including consultation with the *Director of Professional Standards* as part of making the assessment. The assessment will then be forwarded to the Bishop and a meeting of the relevant FiSIC members.

Time-frame:

This initial assessment will be undertaken as soon as practical, and within 30 days, in order to determine the pathway forward and avoid further harm, crime, loss or damage to persons or parishes through the continuation of any alleged misconduct.

2. Pathway Recommendation

Once the initial investigation has been undertaken, the Chair of FiSIC will convene a meeting of relevant members in order to determine the best pathway or pathways for responding. The FiSIC will also undertake such enquiries as necessary to determine the resources that would be required for relevant pathways to response.

The FiSIC shall meet act as expeditiously as possible in coming to a recommendation, and may conduct its business by telephone or electronic communication.

Following this meeting, the FiSIC will provide a recommendation to the Bishop.

3. Decision

Taking into account the recommendation of FiSIC, and any other advice or submissions made by involved parties, the Bishop, or his/her delegate, shall determine the appropriate response to the information.

The Bishop (or delegate), may meet with involved parties, or seek professional advice at any stage while determining the best response pathway.

In determining the appropriate response, the Bishop (or delegate), will also give due consideration to whether involved parties are employed, stipendiary or volunteer church workers, and to the resources required for the best response, including assessment of where funding responsibilities for the response will lie.

Possible response pathways that may be implemented include, but are not limited to:

- 1) a determination to take no further action
- 2) counselling
- 3) conciliation
- 4) mediation
- 5) arbitration
- 6) implementation and/or referral to another relevant Diocesan Protocol or Ordinance
- 7) loss of licence (for lay people)
- 8) tribunal (if the allegation concerns a clergy person)
- 9) referral or report to other Dioceses or Churches (both inside or outside Australia)
- 10) referral to law enforcement or other agencies.

Options 2), 3), 4), and 5) may be undertaken through an internal Diocesan process, or through accessing external professionals. It is to be noted that, dependent upon the issues involved, a decision and response pathway may take several meetings and some time to formulate.

4. Implementation and Communication

Once the response pathway has been decided upon, the Bishop, (or delegate), will communicate the steps or outcomes to all parties, and authorise implementation of the response steps.

The Bishop, or delegate, will monitor the situation to ensure that the response has been adequate and that resolution of all issues is underway. This may include communication to indirectly affected persons, if appropriate, such as communication to the parish where a whole church has been affected.

MORE INFORMATION:

Civil Legislation:

- Work Health and Safety Act
- Work Health and Safety Regulations
- Care and Protection of Children Act
- Domestic and Family Violence Act

Church Legislation:

- Offences Canon
- Anglican National Register Canon
- Professional Standards Ordinance
- Clergy Appointment and Regulation Ordinance

Diocesan Documents:

- Diocesan Code of Conduct: Faithfulness in Service
- The Safe Ministry Policy of the Diocese
- Diocesan Due Diligence Appointment Protocol.
- Diocesan Grievance Protocol
- Protocol for Ministry with Persons of Concern.
- Diocesan Work Health and Safety Protocol
- Protocol for Responding to Allegations of Sexual Misconduct
- Clergy Tribunal Protocol
- Diocesan Privacy Protocol

For completion when document supersedes an existing policy, procedure or protocol.

VERSION NUMBER OF THIS DOCUMENT	DATE OF PREVIOUS DOCUMENT	SUMMARY OF CHANGE	REASON FOR CHANGE
	n/a	n/a	n/a