



Australian Christian Churches (ACC) Grievance Procedure

The procedure for the examination of information in relation to alleged improper conduct or heresy of ACC Credential/Certificate Holders

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ACC NATIONAL GRIEVANCE PROCEDURE

TABLE OF CONTENTS

ACC NATIONAL GRIEVANCE PROCEDURE	1
1. INTRODUCTION	2
2. PURPOSE	2
3. SCOPE	2
4. PRINCIPLES GUIDING THIS PROCEDURE	3
4.1. PROCEDURAL FAIRNESS	3
4.2. CONFIDENTIALITY	4
4.3. BEST INTEREST OF THE CHILD (PARAMOUNTCY PRINCIPLE)	4
4.4. DUTY OF CARE	4
4.5. UPHOLD ALL RELEVANT LEGISLATION AND DIRECTIONS OF STATUTORY AUTHORITIES.....	4
4.6. COOPERATION WITH THE PROCEDURE.....	4
4.7. RECORD KEEPING	4
5. STEPS IN THE PROCEDURE	5
5.1. RECEIVING INFORMATION ABOUT IMPROPER CONDUCT	5
5.2. CLASSIFICATION OF INFORMATION	5
5.3. INITIAL RESPONSE PLAN	6
5.4. COMMITTEE INVESTIGATION.....	7
5.5. COMMITTEE REPORT TO THE NATIONAL OFFICERS (AND LOCAL CHURCH IN REPORTABLE CONDUCT MATTERS)	7
5.6. NATIONAL OFFICERS DETERMINATION.....	8
5.7. APPEAL OF DETERMINATION	8
5.8. ACKNOWLEDGEMENTS:	8
APPENDICES	10
APPENDIX 1 - FLOWCHART OF THE GRIEVANCE PROCEDURE	10
APPENDIX 2 - LEGAL, MANDATORY REPORTING AND REPORTABLE CONDUCT.....	11
APPENDIX 3 – SUSPENSION OF CREDENTIALS	12
APPENDIX 4 – INVESTIGATION PROCESS FOR TYPE 1 ALLEGATIONS BY STATE EXECUTIVE	13
APPENDIX 5 - INVESTIGATION PROCESS - NATIONAL MINISTRY STANDARDS COMMITTEE	14
APPENDIX 6: GLOSSARY OF TERMS	16

1. INTRODUCTION

The Australian Christian Churches United Constitution (May 2017) *Article 11* sets out high moral and ethical standards for ACC Credential and Certificate Holders.

The ACC Grievance Procedure (hereby Procedure) is established and maintained by the National Executive¹.

This Procedure is the approved procedure referred to in the Ministerial Code of Conduct for ACC Credentialed Ministers (hereby Code) and in ACC Safer Churches Guideline 11²:

2. PURPOSE

The purpose of the Procedure is to fairly and justly examine information received by the Movement where a person issued with a Credential or Certificate by the ACC is alleged to have breached expected Ministry Standards. That is, when a Credential/ Certificate Holder (hereby CH) is alleged to have engaged in improper conduct or heresy, contrary to the United Constitution.

This Procedure has been put in place to:

- provide a uniform procedure to be followed in all States across Australia;
- ensure that alleged criminal conduct is reported to the relevant authorities;
- to ensure that alleged child abuse and neglect, which means a child has been harmed, or is at risk of harm, is reported to the relevant appropriate government child protection agency; ensure that alleged Reportable Conduct by CH's is reported in accordance with the relevant state or territorial legislation (i.e. in jurisdictions where a Reportable Conduct Scheme is in operation);
- ensure in child related matters, that the safety, welfare and protection of the child/ren is central, and that responses are child focused;
- ensure that information in relation to improper conduct is treated seriously and investigated fully;
- ensure procedural fairness for ACC CH's, and
- maintain and ensure high moral and ethical standards for ACC CH's.

3. SCOPE

Article 11 of the United Constitution (hereby Constitution) provides for action that may be taken where a CH has committed improper conduct and/or heresy.

Improper conduct is behaviour that in all the circumstances is an inappropriate or an incorrect way of discharging a CH's duties, obligations, or responsibilities.

The Code sets out Ministry Standards that are expected of CH's, and therefore is an important document for determining whether a person has committed improper conduct.

This Procedure covers information relating to alleged improper conduct or heresy and it

¹ The National Executive have the responsibility under Article 11.7.2 of the United Constitution (May 2017) for the: issuing, suspending and cancelation of credentials and certificates, including procedures in relation to investigation of complaints in relation to the improper conduct of a certificated person.

² Located within - ACC Safer Churches Guidelines November 2019

applies to all four types of credentials³ issued by the Australian Christian Churches (formerly Assemblies of God in Australia):

- Ordained Minister's Credential
- Provisional Minister's Credential
- Specialised Minister's Certificate
- Overseas Associate Minister's Certificate.

There will be times when information is received by the ACC that does not relate to improper conduct, or the information received does not relate to a CH. The information instead may be related to improper conduct of a non-credentialed worker or church member, a grievance between church workers or members, or to church worker performance matters. All such matters will be referred to the local church board for proper handling.

It is important for workplace health and safety reasons and for the proper handling of such information, that local church boards have written procedures for managing conflicts and/or misunderstandings and for investigating misconduct and abuse allegations.

In addition to the ACC Child Protection Policy and Safer Churches Guidelines, including ACC reporting requirements, all ACC Churches are expected to comply with all legal and government authority reporting requirements.

4. PRINCIPLES GUIDING THIS PROCEDURE

Procedural Fairness

Procedural Fairness (also known as natural justice) shall be offered to all parties involved in the application of this Procedure.

Case managers, investigators and committees shall:

- act fairly, in good faith, without bias and in a dispassionate manner;
- provide each party the opportunity of adequately stating their case and responding to any relevant statement prejudicial to the person's case;
- not receive information except as part of its information gathering and of assessment of the allegation;
- ensure that a person called upon to answer an allegation shall be given, in writing, the particulars of the allegation/s, and
- ensure that each party has the opportunity to respond to further statements.

In all matters the information is to be examined:

- *with clear communication*: all parties should be fully and speedily informed regarding decisions made, the reasons for the decisions, and what processes are being used at all stages, particularly where there is any delay.
- *in a non-biased manner*: disputed allegations will be investigated by persons who have no relationship (biological or other) to any party, and whose involvement does not involve perceived or actual bias.
- *considering conflict of interest*: allegations will be investigated by persons who have no stake in benefiting from any particular outcome of the case.
- *so that evidence-based decisions are made*: decisions made are to be fact based.
- *fairly for all parties*: as such, all disputed facts will be independently investigated.

³ All Credentials and Certificates are issued by the National Executive and the power to suspend or withdraw those certificates rests with the National Officers. In this procedure Credential and Certificate Holders are denoted 'CH'.

- *with the goal of findings based outcomes*: outcomes will be based upon the findings of the investigation. The burden of proof shall be on the balance of probabilities: i.e. the conduct is more likely to have occurred than not. In applying this standard, the seriousness of the allegations, and the impact of any adverse finding, shall be taken into account.

Confidentiality

Throughout the application of this Procedure, the relevant Executive will seek to maintain the confidentiality of all the parties involved. However, this will not always be possible, especially where the information is already outside of the Executive's control, where competing duties require the release of the information, or where specific legal advice suggests otherwise. The Movement's privacy procedure will be adhered to when releasing any information.

Best interest of the child or young person (i.e. paramouncy principle)

In line with the National Principles for Child Safe Organisations, all matters that relate to children and young people shall put the safety, welfare and wellbeing of children, including protecting children from child abuse, as the paramount consideration in decision-making throughout the Procedure.

Duty of care

As part of the duty of care the ACC has to keep people safe, where able, ACC shall share all relevant risk management information with all relevant stakeholders including, ACC National and State office holders, or ACC local constituent church boards.

To care for all those directly involved (i.e. informants, CH, or witnesses) during the application of the Procedure the State or National Executive shall offer process and pastoral support.

Uphold all relevant legislation and directions of statutory authorities

All persons involved in the application of this Procedure shall uphold all relevant State or Territorial legislation, including criminal codes and child safety legislation. This Procedure is always subject to the direction and advice of police and government authorities.

Cooperation with the Procedure

All CHs who are subject of the Procedure shall cooperate with the relevant authorities and any committee as part of the Procedure.

They must not:

- in their response, include any material that is calculated or likely to mislead the relevant authorities and any committee, or any other person involved in the investigation; or
- obstruct or unreasonably delay the Procedure.

A breach of these obligations can be treated by the relevant committee as a new allegation under this Procedure.

Where the CH subject of the Procedure is a vulnerable person (e.g., due to disability or ill health), or has a culturally and linguistically diverse (CALD) background, they shall be offered such support by the State or National Executive as is necessary to adequately participate in the procedure and to protect their interests.

Record keeping

Throughout this Procedure it is expected that all information and decisions be documented. Included in such documentation shall be the reasons decisions were made and by whom. Dates and times must be noted throughout. Records are to be kept securely and permanently by the State Executive and/or National Executive.

5. STEPS IN THE PROCEDURE

Receiving information about improper conduct

Any person may provide information alleging that a CH has committed improper conduct or heresy to the National or State Executive directly, or via the local church, or via the State Safer Churches Officer (hereby SSCO), or via the Safer Churches Helpline.

Information may be received from individuals, or by agencies such as the police or other government authorities, or other sources.

Information may be received verbally, electronically, in a written report or letter, via phone, text or a comment on a social media platform, or published in a media article or other published material or through the Safer Churches Helpline.

Information may be received anonymously⁴.

Classification of information

The State Executive (or State Executive appointee, e.g., State Secretary or SSCO) will conduct relevant enquiries as necessary to ascertain the nature and extent of the information as soon as practical, so as to implement an Initial Response Plan.

Classifications include:

- A. information does not involve an ACC CH;
- B. information is related to a CH but does not meet the scope of the Procedure;
- C. information is related to alleged improper conduct or heresy by a CH.

Information related to a CH shall be further classified into two categories:

Type 1: Alleged Improper Conduct

Dependent upon the circumstances, information may include, but is not limited to:

- addictive behaviours,
- breach of privacy (including disclosure of confidential pastoral conversations except as required by law or if there are concerns for the safety of a person),
- failing to appropriately manage conflicts of interests (including reputational harm),
- failure to report a breach of a prohibited area of the ACC Ministerial Code of Conduct to the State President within 7 days (or 24 hours if civil or criminal action is involved),
- misrepresenting qualifications in instances that do not cause serious harm to a person or group of people,
- misrepresenting values, beliefs and the written positions of the ACC,
- mistreatment of staff,
- misuse of authority,
- Misuse of ministry gifts that does not cause serious harm to a person or group of people,
- officiating at weddings that do not conform with the definition of marriage as accepted by the Movement, and

⁴ In States or Territories where it applies, Reportable Conduct legislation requires **even** anonymous allegations to be investigated.

- use of offensive language.

Type 2: Alleged Serious Improper Conduct

Dependent upon the circumstances, information may include, but is not limited to:

- abuse (including all forms of child abuse and domestic and family violence),
- addictive behaviours (resulting in criminal / harmful / abusive conduct),
- bankruptcy
- breach of privacy (including disclosure of confidential pastoral conversations except as required by law or if there are concerns for the safety of a person),
- charges of crimes that if convicted would bring about a sentence or suspended sentence of more than 12 months,
- engaging in poor administrative practices in relation to child protection reporting, sexual abuse allegations (including: Reportable conduct), or domestic violence,
- embezzlement,
- failure to comply with the Procedure (under Principle 4.6),
- failure to report a breach of a prohibited area of the ACC Ministerial Code of Conduct to the State President within 7 days (or 24 hours if civil or criminal action is involved) relating to criminal, harmful or abusive conduct.
- fraud (including tax evasion),
- harassment (including serious bullying),
- inappropriate sexual behaviour (including sexual assault, sexual harassment, sexual misconduct and all other improper sexual conduct),
- major misrepresentation of the values, beliefs and the written positions of the ACC (including heresy),
- misrepresenting qualifications in instances that cause significant harm,
- officiating at weddings that do not conform with the definition of marriage as accepted by the Movement,
- Reportable Conduct, as defined in State Territory legislation,
- significant mistreatment of staff,
- significant use of offensive language and
- use of position (and credential) to seek financial gain.

Initial Response Plan

The Initial Response Plan will vary greatly depending on the nature and classification of the information, the role of person who is the subject of the information, and the relevant legal (mandatory reporting, police reporting, Reportable Conduct reporting), pastoral and risk management issues.

The Initial Response Plan will be developed and activated in consultation with relevant State/Territory Statutory bodies (e.g. police/child protection), Safer Churches Personnel, the local church and/or State President, and where appropriate, the National President.

1. **If information does not involve an ACC CH-** referral to the local church with recommendations as to an appropriate response.
2. **If information relates to a CH but does not meet the scope of the Procedure-** referral to the local church with relevant recommendations as to an appropriate response.
3. **If information relates to alleged improper conduct by a CH-**
 - a) No further action with pastoral care for those impacted by the alleged conduct-
 - If the State Executive, after evaluating the material available, determines the information is vexatious, frivolous, misconceived or the circumstances are

such that the State Executive decides to take no further action for other reasons, they may respond pastorally to parties impacted by the alleged conduct.

- b) Legal, risk management and pastoral actions implemented:
 - legal and government authority reporting are met (see appendix 2),
 - communication with all parties in relation to the process,
 - conduct an initial risk assessment including a proposed care plan for all persons affected by the alleged improper conduct (including informant, witnesses and CH),
 - contact the State Executive Insurers,
 - suspend the CH in line with the process for suspension of Credential/Certificates (see Appendix 3),
 - pause the Procedure during any pending criminal proceedings:
 - if there is a criminal investigation into the circumstances of the allegation, the State Secretary or nominated representative will contact the relevant authorities before further investigating the complaint;
 - where the procedure is paused due to criminal proceedings, the State Executive will collaborate with the local church in relation to risk management strategies,
- c) referral to relevant ACC committee for investigation:
 - for Type 1 Improper Conduct: the State Executive or nominated representative shall make up a 'Case Management Committee', to investigate the allegation/s.⁵
 - for Type 2 Serious Improper Conduct: allegations shall be investigated by the National Ministry Standards Committee.

Committee investigation

Dependent upon the classification of the allegation, the relevant committee shall investigate the matter according to the principles in this Procedure and using the relevant process⁶.

During the investigation:

- under no circumstances is there to be any attempt by any party to intimidate or coerce any other party;
- no interview with a child will take place if there is a risk that this will interfere with the proper process of civil or criminal law;
- no interview shall be conducted with a child without the express authority of the parent or guardian;
- special care shall also be taken in interviewing persons with an intellectual disability or mental health concern.

Committee Report to the National Officers (and local church in Reportable Conduct matters)

⁵ Referral of the matter to the National Executive if the CH who is the subject of a Complaint is considered to have a prominent national ministry and the National or State Executive consider it to be appropriate, the National Executive may assume responsibility for the Procedure from this point. In such a case, all references to the State Secretary and / or State Executive in the steps below should be read as applying to the National Executive.

⁶ Processes for investigation by the Committees are found in Appendix 4 of this Procedure.

After completing its investigation of the allegations, the relevant committee shall report in writing to the National Officers in relation to its findings and recommendations.

When the Committee is satisfied on the balance of probabilities that the alleged conduct is not proven, they shall provide the National Officers with their findings and the basis of those findings.

In relation to recommendations, when the Committee is satisfied on the balance of probabilities that the alleged conduct is proven, they shall provide the National Officers with their findings, the basis of those findings, and recommendations that are appropriate given all the circumstances.

In matters relating to Reportable Conduct, where the Committee has been appointed by the local church to investigate on their behalf, the Committee shall also provide its findings and recommendations to the Head of the Relevant Entity/Organisation at the local church.

National Officers Determination

1. Pursuant to Article 11.7.3 of the United Constitution, the National Officers will consider the findings, the basis of those findings, and recommendations of the relevant committee and make a preliminary decision with respect to recommendations.
2. The National Officers will communicate their preliminary decision with respect to recommendations to the CH subject of the procedure and provide them with an opportunity to make submissions in regards to their intended decisions.
3. The National Officers shall make final decisions in relation to the outcomes of the matter.
4. In matters of Reportable Conduct, the National Officers shall consult the local church Head of Relevant Entity/Organisation as to the final decision and outcomes.
5. The National Officers shall communicate in writing its determination to the impacted parties including:
 - the CH subject to the procedure,
 - the informant/s and / or the victim/s,
 - the local church⁷,
 - The relevant State Executive, and
 - any relevant police or government authority as required.⁸

Appeal of Determination

The National Executive will consider any appeal by a CH of its determination, provided written notice of the Appeal is lodged by the CH with the National Secretary within 30 days of notification of the determination. The National Executive shall appoint a suitably qualified legal practitioner to hear the Appeal.

The National Executive decision regarding the Appeal will be final.

Acknowledgements

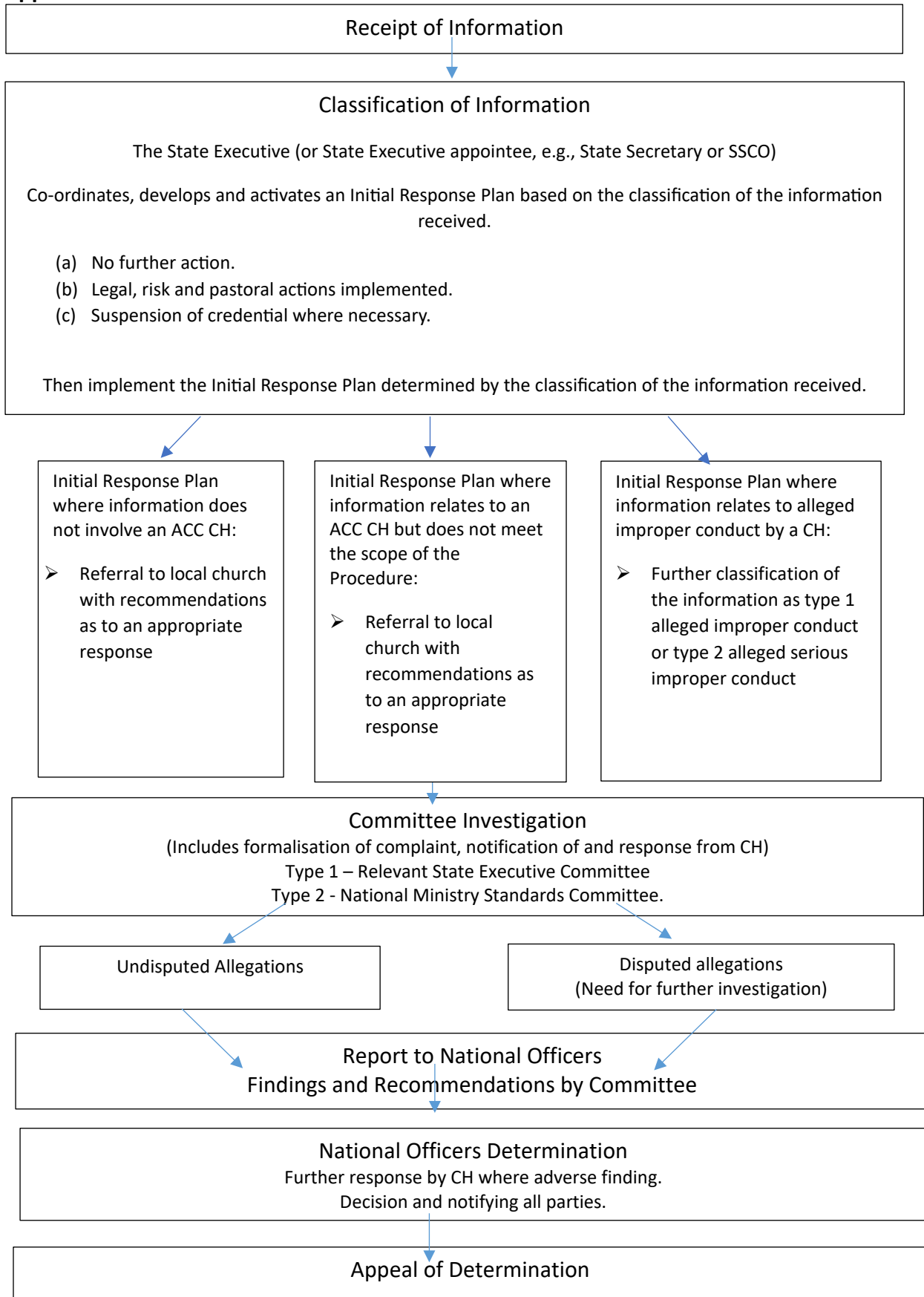
⁷ In the case where a CH has their credential permanently removed the National Executive shall explain to the local church the implications of their decision.

⁸ In those State and Territories with Reportable Conduct Legislation, outcomes of investigations must be formally notified to the relevant governing authority.

The ACC acknowledges that this procedure is written in consultation with Safe Ministry Resources Proprietary Limited. The Procedure has definitional information sourced from Government websites as referenced herein.



Appendix 1 - Flowchart of the Grievance Procedure



Appendix 2 – Police Reporting, Mandatory Reporting and Reportable Conduct

In Australia both the ACC and Local ACC church may have obligations at law in relation to reporting complaints of misconduct to police or other government authorities including:

1. reporting criminal matters to police;
2. reporting matters to government authorities in compliance with mandatory reporting obligations relevant to each State and Territory; and
3. notifying allegations of reportable conduct to the relevant government authority in States and Territories where Reportable Conduct schemes are operational.

Advice should be sought if there is uncertainty about if a complaint has been appropriately reported or what the requisite reporting obligations are.

Where information received alleges criminal conduct, the State Secretary or their nominated representative shall ensure that the person/s affected by the conduct are/is in no immediate danger and are supported and assisted to make a Police report. If the person providing the information is unable to make a Police report and/or the allegation alleges a child is at risk of harm and this requires reporting to a relevant State or Territory Government Authority, the State Secretary or their nominated representative shall ensure that all reporting requirements are met on behalf of the ACC.

In the instance where the State Secretary or their nominated representative identifies that a matter needs reporting they must consult with the police and/or the relevant government authority and/or local ACC church (as the employer in Reportable Conduct matters) to determine:

1. if the Procedure can commence. At no stage should the Procedure compromise other investigations including police, child protection, and/or local church Reportable Conduct Investigations;
2. whether those agencies and entities have any objections to the Procedure commencing, if they have decided not to pursue the matter;
3. any risk management steps those agencies deem necessary;
4. if compliance with Reportable Conduct obligations requires collaboration in relation to the investigative process between ACC as the credentialing body, and the local church employing body. For example, the local church Board may decide to appoint the National Ministry Standards Committee as the investigator to manage conflict of interest and ensure evidenced based outcomes. It is acknowledged that the local church maintains Head of Organisation/Entity obligations, and as such, is the determiner in relation to findings in Reportable Conduct matters.

Appendix 3 – Suspension of Credentials

The ACC United Constitution states:

11.7.6 If, in the opinion of the National President, circumstances exist which, in the public interest, justify the suspension of a minister’s credential, the National President or delegate appointed for that purpose, may do so, by notice in writing to the Minister, for a period not exceeding sixty days while the matter is being investigated by the State Executive. Where the National Executive is of the opinion that further time is required to fairly and justly investigate the matter, it may extend the period of suspension for further periods not exceeding 60 days each. Before each new suspension period the National Executive must freshly consider all elements of the investigation and the reasons for extension

11.7.7 The National President should be immediately informed of a formal complaint against a credentialed minister that may, in the opinion of the State President, lead to the suspension of the minister's credential or ministry certificate.

In such instances:

- After Classification of the information and as part of the Initial Response Plan, the State President in consultation with the National President, will consider whether the seriousness and substance of the information (e.g. alleged criminal conduct, child abuse and serious sexual misconduct matters) is enough to justify the suspension of the CH’s credential/certificate, pending the investigation and final decision.
- If suspension of the CH’s credential/certificate is required, the State President (or nominated representative) will advise the CH of the suspension the credential, with as much detail is as possible about the nature of the allegation (in the case of a Police matter, this may be limited), including the period of suspension (up to 30 days initially as per the United constitution article 11.7.6).
- If the CH is able to provide, in writing within 48 hours, compelling and corroborated evidence of their innocence, the suspension shall be reviewed immediately.
- If the investigation is not completed within the suspension period, the State President may be required to renew the suspension until the end of this Procedure. In cases where an extended suspension is necessary, the State President shall provide adequate reason for the extended suspension, e.g. the Committee investigation is still in progress, or the matter is being investigated by the Police.

Appendix 4 – Investigation Process for Type 1 Allegations by State Executive

The process used by the State Executive may vary dependent upon the nature of the allegations and the information available to the State Executive. The investigation process shall follow the principles in this Procedural document (section 4 herein).

1. Appointment of a Case Manager ('CM') and Case Management Committee ('Committee'), consisting of members of the State Executive and/or additional appointed suitably qualified persons.
2. CM - Formalisation of the allegations resulting in a written allegations document.
3. CM - Provision of appropriate process and pastoral support persons for all parties.
4. CM notification of CH: allegations provided in writing to the CH who is subject of the allegations, including a request for a response from the CH within 14 days.
5. CH response for consideration by Committee: CH provides a written response. If the CH refuses to take part in the process, the investigation may still proceed, with acknowledgment of the limitations ensuing from a lack of co-operation. Such refusal may be considered as a matter of Serious Improper Conduct (Type 2).
6. Committee considers the CH response.
7. Undisputed matters: if the CH acknowledges/admits the misconduct or does not significantly deny the substance of the allegation/s, the Committee shall provide a report to the State Executive in relation to appropriate outcomes given all the circumstances.
8. Consideration of disputed allegation – further investigation: depending upon the nature of the allegations and the information available, the Committee has powers to appoint an Investigator(s) to further investigate the allegations. The Investigator may be a member of the Committee.
9. Further investigation: the Investigator will consider the disputed allegations and may contact and interview any party deemed necessary as part of the investigation.
10. Investigation report to Committee: the Investigator will prepare a report for the Committee, documenting the evidence obtained during the investigation, and make comment as to the credibility of the witnesses and evidence, and provide preliminary findings for the Committee's consideration.
11. Preliminary findings by the Committee: the Committee will consider the evidence and make a preliminary finding/s. When the Committee's preliminary finding/s is that the CH is likely to have engaged in the alleged conduct, it will provide the CH with clear reasons for its preliminary finding, along with a request for a further response from the CH, within 14 days, prior making a final decision.
12. Committee findings and recommendations: the Committee will consider the CH's response, make findings in relation to the alleged conduct, and provide recommendations as to outcomes that are reasonable in all the circumstances.

The Committee will make recommendations as follows:

- If the Committee considers the CH has engaged in improper conduct, they will make a recommendation to the National Officers. Action that might be taken includes:
 - rebuke, correction, retraining and/ or counselling.
 - discipline and restoration (where appropriate given all the circumstances).
 - suspension of the Credential/Certificate or
 - cancellation of the Credential/Certificate.

If the Committee considers that the CH has not engaged in the alleged conduct, it will provide this advice in writing to the National Officers.

Appendix 5 - Investigation Process for Type 2 Allegations by National Ministry Standards Committee

This process shall be used by the National Ministry Standards Committee ('NMS Committee') when investigating Type 2 allegations. The investigation process shall follow the principles in this procedural document (section 4 herein).

1. The NMS Committee shall appoint a Case Manager for the matter, to carry out the investigation. This can be from within the committee or an appropriately qualified external investigator.
2. The Case Manager shall offer support persons to all parties. Support persons will be asked to attend all face-to-face meetings.
3. The Case Manager shall provide all parties with adequate procedural information.
4. Case Manager formalisation of the allegations: this document may include relevant witness statements being signed and attached.
5. CH notification: the Credential Holder will be informed of the allegations in writing with clear instruction in relation to this Procedure, their responsibilities under the Procedure and timing for responding to the allegations.
6. Initial Response of the CH: the CH will have 21 days to write an initial response to the allegations, alternatively or in addition the CH will be offered an interview to provide their initial response.
7. NMS Committee deliberation: the NMS Committee will discuss the CH's response (can be electronically) and decide on an appropriate next step of the Procedure based on the response and alert all parties (including relevant officer holders).
 - a. Undisputed allegations: if the CH acknowledges/admits the misconduct or does not significantly deny the substance of the allegation/s, the NMS Committee shall provide a report to the National Executive in relation to appropriate outcomes given all the circumstances.
 - b. Further investigation of significantly disputed matters:
 - If the CH disputes the allegations significantly (denies the substance of the allegation/s), the matter will be considered by the NMS Committee in terms of whether the matter should be at this point tested by them on the balance of probability or whether the matter should further investigated. In its decision to further investigate the NMS Committee will take into consideration:
 - the type of allegations (nature and seriousness);
 - the outcomes for the CH if the allegations were to be found more likely to have occurred;
 - the ability to test the allegations, i.e. existence of credible witnesses;
 - other corroborating facts.
 - The NMS Committee may decide to appoint an appropriately experienced and qualified external investigator to assess the facts and to then provide a Case Report to the NMS Committee⁹.
 - The NMS Committee will provide any external investigator with all the documents and an investigation brief.
 - The further investigation shall include

⁹ In some jurisdictions the external case manager may be required by law to hold an investigator's licence, e.g. in NSW a CAPI licence, unless the person is a lawyer.

- interviews (phone or face-to-face) with the all relevant parties, recording of these interviews, and, where deemed necessary, transcripts of these interviews.
 - a written Case Report that shall be given to the NMS Committee. The investigator shall present the evidence, examine the areas of dispute and provide conclusions to the NMS Committee as to whether the alleged behaviour is more likely to have occurred than not, based on the balance of probabilities. The investigator must provide evidence-based reasons for their conclusions. If they are unable to reach a determination based on the balance of probabilities, they may make risk management suggestions to the NMS Committee.
8. Preliminary Finding of the NMS Committee: the NMS Committee shall consider the case report and make preliminary findings. If the NMS Committee makes a preliminary finding that the CH has, on balance, engaged in serious misconduct, the CH shall be provided with the preliminary finding and the NMS Committee’s reasons for the finding. They shall be given 21 days to provide a final response to the NMS Committee.
 9. NMS Committee Findings and Recommendations: the NMS Committee will consider the CH’s written response and make any further enquiries it deems necessary before finding that on the balance of probabilities, the CH has/has not engaged in the alleged conduct.

The NMS Committee will make recommendations as follows:

- if the Committee considers the CH has engaged in improper conduct, they will make a recommendation to the National Officers. Action that might be taken includes:
 - discipline and restoration (where appropriate given all the circumstances).
 - suspension of the Credential/Certificate or
 - cancellation of the Credential/Certificate.
- If the NMS Committee considers that the CH has not engaged in the alleged conduct, it will provide this advice in writing to the National Officers.

In matters relating to Reportable Conduct, where the NMS Committee has been appointed by the local church to investigate on their behalf, the NMS Committee shall also provide its findings and recommendations to the Head of the Relevant Entity/Organisation at the local church.

Appendix 6: Glossary of Terms

This glossary of terms are the explanations and definitions of the terms used in this Procedure.

ACC United Constitution: the Constitution of the Australian Christian Churches

ACC Safer Churches Guidelines: the guidelines pertaining to the implementation of the ACC Child Protection Policy

Abuse: includes the following conduct:

- sexual abuse
- physical abuse
- neglect of a child
- emotional abuse
- spiritual abuse
- bullying; or
- harassment.

Addictive behaviour: a strong inclination to do, use, or indulge in something repeatedly. Addiction is defined as a compulsive, chronic, physiological or psychological need for a habit-forming substance, behaviour, or activity having harmful physical, psychological, or social effects and typically causing well-defined symptoms (such as anxiety, irritability, tremors, or nausea) upon withdrawal or abstinence.¹⁰ Addictive behaviours may include, but are not limited to the use of illegal drugs, abuse of alcohol/prescription medication, smoking, gambling and pornography.

Balance of Probabilities: it can be concluded that the conduct is more likely to have occurred than not. In applying this standard, the seriousness of the allegations and impact of any adverse finding shall be taken into account.

Bullying: Bullying is when a person or group of people repeatedly and intentionally use words or actions against an individual or group of people to cause distress and risk to their wellbeing. These actions are usually done by those who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless. It can be physical, verbal, emotional, and can include messages, public statements and behaviour online intended to cause distress or harm (also known as [cyberbullying](#)).¹¹

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

It is a risk to health and safety because it may affect the mental and physical health of workers. Bullying can take different forms including psychological, physical or even indirect—for example deliberately excluding someone from work-related activities. It can be obvious and it can be subtle, which means it's not always easy to identify.

Some examples of workplace bullying include:

- abusive or offensive language or comments
- aggressive and intimidating behaviour

¹⁰ <https://www.merriam-webster.com/dictionary/addiction> accessed October 20, 2020

¹¹ <https://humanrights.gov.au/our-work/commission-general/what-bullying-violence-harassment-and-bullying-fact-sheet> accessed March 26, 2021

- belittling or humiliating comments
- practical jokes or initiation
- unjustified criticism or complaints.¹²

Care Plan: a plan implemented to care for the health and safety of witnesses, informants, and CH’s subject to the Procedure. The Movement encourages each party to have a support person as part of their care plan.

Counselling and support will be offered to informants/witnesses who make an allegation relating to child abuse, the sexual abuse of a child or any sexual misconduct involving children.

Counselling and support may be made available, at the discretion of the State or National Executive to those impacted by the allegation.

Child: refers to anyone under the age of 18 years; (see also Young Person).

Credential/ Certificate Holder: a person holding one of the ACC certificates as defined in the ACC United Constitution. **Article 11.1** “The Movement recognises four certificates with respect to ministry, namely Ordained Minister’s Credential (OMC), Provisional Minister’s Credential (PMC), Specialised Ministry Certificate (SMC) and Overseas Associate Minister’s Certificate (OAMC)”.

Embezzlement: the crime of secretly taking money that is in your care or belongs to an organisation or business you work for.¹³

Emotional abuse: emotional and psychological abuse involves both isolated incidents, as well as a pattern of behaviour over time. It includes the failure on the part of a parent or caregiver to provide a developmentally appropriate and supportive environment. Acts in this category may have a high probability of damaging the person’s physical or mental health. In Children it can damage their physical, mental, spiritual, moral or social development. Abuse of this type includes: the restriction of movement; patterns of belittling, blaming, threatening, frightening, discriminating against or ridiculing; and other non-physical forms of rejection or hostile treatment.¹⁴

Fraud: the crime of obtaining money or property by deception, or a person or thing that is not what it claims to be.¹⁵

Frivolous: a complaint that is “readily recognizable as being devoid of merit”.

In the workplace context, employers need to keep in mind that under Work, Health and Safety legislation, harassment is defined as a course of comment or conduct, so even minor incidents (that at first glance might appear “frivolous”) can be part of a pattern of behaviour that needs to be investigated.¹⁶

¹² Safe Work Australia: <https://www.safeworkaustralia.gov.au/bullying> accessed October 20, 2020

¹³ <https://dictionary.cambridge.org/dictionary/english/embezzlement?q=Embezzlement> accessed October 20, 2020

¹⁴ World Health Organization: https://www.who.int/violence_injury_prevention/publications/violence/child_maltreatment/en/ accessed October 20, 2020

¹⁵ <https://dictionary.cambridge.org/dictionary/english/fraud?q=Fraud> accessed October 20, 2020

¹⁶ <https://www.lexology.com/library/detail.aspx?g=b7091ce7-9dbc-4c26-a0a8-705e5b4f032f> accessed October 20, 2020

Harassment: when a person is treated less favourably on the basis of certain personal characteristics, such as race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Some limited exemptions and exceptions apply.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying racially offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race
- asking intrusive questions about someone's personal life, including his or her sex life.¹⁷

Heresy: theological doctrine or system rejected as false by ecclesiastical authority.¹⁸

Improper Conduct: Behaviour that in all the circumstances is an inappropriate or incorrect way of discharging a person's duties, obligations, or responsibilities. The Code sets out Ministry Standards that are expected of CH's, and therefore is an important document for determining whether a person has committed improper conduct.

Improper Sexual Conduct: Behaviour as defined herein as sexual abuse, sexual assault, sexual harassment and sexual misconduct.

Information: in this Procedure, Information is any report or information received by the National Officers, National Executive, State Executives, State Safer Churches Officers, the Safer Churches Helpline, the Local Church or from any other source, in relation to alleged improper conduct or heresy by a CH.

Insurance notification: the State Executive's insurer should be notified as soon as possible where the information pertaining to an allegation may lead to an insurance claim. Where the "known sexual offenders' exclusion" is triggered by the allegation, the insurer may be consulted for a formal ruling on the status of the person subject of the allegation. This may influence the risk assessment and risk management plan.

Ministerial Code of Conduct: standards for ministry for ACC CH's.

Movement: as defined in the ACC United Constitution Articles 1 and 2.

National Executive: as defined in the ACC United Constitution Article 7.1.

National Ministry Standards Committee: This Committee investigates Type 2 allegations referred to them from the State Executive according to the process for investigation of Type 2 allegations. The Committee investigates on the behalf of the State Executives.

This Committee is a carefully selected, appropriately inducted, and appointed group by the National Executive. The Committee will be made up of at least 4 persons and not more than 6 persons with a Committee Chair, a person suitably experienced in criminal law (practitioner for at least 10 years), a credentialed minister of the ACC, a non ACC person, and a person with suitable experience in relation to the allegation. The committee shall reflect a gender balance where possible.

The Committee acts for the State Executives as the recommending body to the National Officers.

¹⁷ Human Rights Commission: <https://humanrights.gov.au/quick-guide/12040> accessed October 20, 2020

¹⁸ <https://www.britannica.com/topic/heresy> accessed October 20, 2020

National Officers: as defined in the ACC United Constitution Article 6.1.

Neglect: neglect includes both isolated incidents, as well as a pattern of failure over time on the part of a Carer (including a parent or other family member) to provide for the well-being and/ or development of a child or other person in their care – where they are in a position to do so – in one or more of the following areas: health; education; emotional development; nutrition; shelter and safe living conditions. Carers who neglect may not be poor. They may equally be financially well-off.¹⁹

Offensive language: the use of language that is improper for an ACC CH (swear words, sexual connotations, racial and religious slurs).

Physical abuse: physical abuse of a child is defined as the intentional use of physical force against a child that results in – or has a high likelihood of resulting in – harm for the child’s health, survival, development or dignity. This includes but is not limited to hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. Much physical violence against children in the home is inflicted with the object of punishing.²⁰

Poor administrative practices: in relation to child protection reporting, sexual abuse and/or domestic violence when a CH who has received a report or has knowledge of a child protection concern, sexual abuse and/or domestic violence and:

- 1) fails to take any action that should be taken legally;
- 2) fails to follow Safer Churches Guideline 8;
- 3) engages in an excessive or unreasonable delay in process;
- 4) fails to maintain adequate and accurate records.

Qualifications and Requirements of all Credential and Certificate Holders: as defined in the ACC United Constitution Article 11.2.

Reportable Conduct Scheme: State and Territory Legislation related to government oversight and requirements for investigation and prevention of Reportable Conduct (as defined in each State and Territory legislation where the scheme exists). Reportable Conduct allegations include, but are not limited to, child sexual assault, sexual misconduct, ill- treatment, neglect and physical assault of children.

Risk Assessment: upon the receipt of information the State Secretary or their nominated representative, must undertake an initial risk assessment and develop an initial response including management of identified risks. The extent of this risk assessment will be dependent on the circumstances of the complaint. This risk assessment may be done in liaison with any relevant governing authority and the local church, and must be completed before the commencement of any investigation.

Sexual abuse: Sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not

¹⁹ World Health Organization: https://www.who.int/violence_injury_prevention/publications/violence/child_maltreatment/en/ accessed October 20, 2020

²⁰ World Health Organization: https://www.who.int/violence_injury_prevention/publications/violence/child_maltreatment/en/ accessed October 20, 2020

developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim.²¹

Sexual assault: sexual act carried out against a person’s will through the use of physical force, intimidation or coercion. Includes rape, attempted rape, aggravated sexual assault (assault with a weapon), indecent assault, and penetration by objects, forced sexual activity that did not end in penetration and attempts to force a person into sexual activity. These acts are an offence under State and Territory criminal law.²²

Sexual harassment: sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour.²³ Sexual harassment includes sexual innuendo and compliments of a sexual nature.

Sexual misconduct: is all inappropriate sexual behaviour for CH’s and includes:

- practices forbidden in the Bible;
- practices forbidden by the Movement’s beliefs and position papers;
- the sexualisation of a relationship with any person other than with their spouse (including non-contact sexualisation including communications);
- a sexual relationship other than with their spouse;
- Sexual innuendo or compliments of a sexual nature;
- Viewing pornographic material or visiting places of commercialised sex such as strip clubs or visit a brothel without a legitimate reason;
- Reportable Conduct in relation to conduct towards children as it is defined in the relevant State and Territory legislation.

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

- the use of a position of spiritual authority to dominate, manipulate or inappropriately influence another person or group;
- isolation from friends or family members;
- claims for inappropriate deference to a person with spiritual authority; and
- the use of Christian terminology to justify abuse.

State Executive: as defined in the ACC United Constitution Article 6.1.

Support Person: a person whose role it is to support another throughout the Procedure.

The support person shall not undertake the role of advocacy or representation of the person/s they are supporting; rather they are to care for the person through the process, pray with the person (where appropriate) and debrief after any meeting.

²¹ World Health Organization: https://www.who.int/violence_injury_prevention/publications/violence/child_maltreatment/en/ accessed October 20, 2020

²² Australian Institute of Health and Wellbeing <https://www.aihw.gov.au/reports-data/health-welfare-overview/australias-welfare/glossary> accessed October 20, 2020

²³ Human Rights Commission <https://humanrights.gov.au/quick-guide/12040> accessed October 20, 2020

The support person should not generally be a person in a position of authority organisationally over the person they are supporting, nor lawyer nor a witness in relation to the allegation/s.

A parent may be the most appropriate support person for a child informant/witness.

There may be occasions where the State Secretary or their nominated representative, or the relevant Committee can suggest a suitably experienced support person.

Vexatious: complaints without reasonable grounds or for improper purposes. They are proceedings that are an abuse of the Procedure and are instituted to harass or annoy, to cause delay or detriment, or for another wrongful purpose.

Young person: refers to anyone aged 16-17 years (see also Child).