What happens when I make a complaint?

A simple guide to the Protocol for Dealing with Complaints of Sexual Harassment, Assault or Sexually Inappropriate Behaviour

The Anglican Church of Australia
– Diocese of Brisbane

OFFICE OF THE

DIRECTOR OF PROFESSIONAL STANDARDS

St Martins House
373 Ann Street, Brisbane Qld 4000

GPO Box 421, Brisbane Qld 4001

Telephone 07 3835 2266
Facsimile 07 3831 9873
Email dops@anglicanbrisbane.org.au

The Anglican Church of Australia
– Diocese of Brisbane
(The Corporation of the Synod
of the Diocese of Brisbane)
ABN 32 025 287 736

Contents

A message from the Archbishop of Brisbane 2

An introduction to the Protocol 4

What is the role of the Director of Professional Standards? 5

How can I make a complaint? 6

Is my complaint confidential? 6

Will my complaint be investigated? 7

Will my complaint be referred to the police? 7

What are my rights when making a complaint? 8

Investigations and Outcomes 9

How will my complaint be investigated? 9

What will happen when the investigator has finished? 10

What if my allegations are substantiated? 11

What if my allegations are found to be unsubstantiated? 11

How will I be kept informed of progress? 12

Relevant publications 13

Key definitions 14

What's my first step? 17

A message from the Archbishop of Brisbane

In 2002, a Protocol was developed by the Anglican Diocese of Brisbane to deal pastorally, professionally and pro-actively with complaints of abuse against clergy and church workers, and to outline the steps to be taken to address complaints as they were made. That Protocol replaced earlier protocols which have been in place since 1997.

Where there are issues from the past which are yet to be reported, or any matters in the future, the Protocol will be followed to ensure a transparent, fair, and efficient process reflecting the principles of natural justice and compassion.

To support the Protocol, this booklet provides a clear and concise explanation of the Protocol and how a complaint will be dealt with. It describes the steps taken by the Diocese and what you can expect to happen each step through the process.

While nothing can completely erase the suffering of persons who have been abused, the Church has apologised unreservedly to all who have been affected; and will continue to do so. We offer pastoral care and counselling unconditionally to all those who have been harmed.

It continues to be our heartfelt prayer that no child or adult will be harmed by any member of the church. Everybody has the right to safety and protection within our congregations, groups, schools and institutions.

We hope and pray that no further harm will be done.

Phillip Aspinall
Archbishop of Brisbane

An introduction to the Protocol

Protocol for Dealing with Complaints of Sexual Harassment, Assault or Sexually Inappropriate Behaviour

The Anglican Church is committed to the provision of a safe, supportive and ethical environment.

This Protocol reflects that commitment by providing a mandatory, clear and consistent process for responding to and managing allegations.

This Protocol applies to all information relating to alleged conduct of a church worker wherever and whenever it occurred which may involve sexual harassment or assault or sexually inappropriate behaviour.

The Director of Professional Standards has the responsibility in the Diocese to manage complaints in a way which is sensitive to the dignity, respect and privacy of all involved.

What is the role of the Director of Professional Standards?

The Office of the Director of Professional Standards (DoPS) was set up in 2004 to provide a link between the Anglican Diocese of Brisbane and any member of the public who wishes to make a complaint of assault against the Church.

If you choose to make a complaint, the Director will guide you through the stages of the Church's Protocol for Dealing with Complaints.

How can I make a complaint?

Any complaint or information about assault within the Anglican Diocese of Brisbane is provided to the Director of Professional Standards.

A complaint can be in any form – verbal or written – and delivered by mail, email, facsimile or in person.

If you make a complaint verbally, the Director may assist you to write it down.

Is my complaint confidential?

Only people who have a specific role in dealing with your complaint will be informed. These will include the Archbishop and the Director of Professional Standards.

Your complaint will not be released to the media or any other public venue.

The person you have complained about will generally be informed at the appropriate time. You will be told when this is going to happen. If you are concerned about reprisals, the respondent will not be informed of your complaint until the investigation commences.

Will my complaint be investigated?

If your complaint or the information you provide is about 'examinable conduct', it will be investigated.

A full definition of the term 'Examinable Conduct' is provided on page 16 of this brochure.

Will my complaint be referred to the police?

If your complaint contains allegations of child abuse, child sexual abuse or other criminal activity, the police will be informed immediately.

You may not want the matter to go to the police but the Director is obliged to report it.

You have the right to report your complaint to the police yourself, at any time.

When allegations are reported to the police, your complaint will not be investigated until the police give us permission to do so.

You will always be informed if your complaint is being referred to the police.

What are my rights when making a complaint?

When you make a complaint, you will be offered pastoral support and professional counselling. The support and counselling may be provided by a person you know, or by someone recommended by the Director.

If you accept our offer of counselling, it will be provided by a skilled and experienced professional counsellor. You will not be asked to pay for either support or counselling, and both will be completely confidential.

You have the right to seek independent legal advice and to take legal action at any time. If your complaint is about a criminal matter, you have the right to inform the police at any time.

How will my complaint be investigated?

If it is determined that your allegations are to be investigated, an investigator will be appointed. The investigator is a professional who works independently of the Anglican Church, and is able to examine and consider your complaint, transparently and objectively.

Your written complaint and any other relevant information will be provided to the investigator who will then meet with you, as well as the person against whom the complaint has been made.

The investigator may request statements, reports, documents and other material relevant to your complaint. The investigator may also record any conversations between them and any other party.

What will happen when the investigator has finished?

When the investigator has completed the investigation they will prepare a report for the Professional Standards Committee.

The investigator's findings will be based on the 'balance of probabilities' test. This means that the question is asked: 'based on all the available information, would a reasonable person consider that the alleged behaviour occurred or did not occur?'

The Investigator's report will state whether the allegations contained in your complaint are substantiated (supported with proof or evidence) or unsubstantiated.

After the Professional Standards Committee has considered the Investigator's report, you, and the respondent (the person against whom you have made the complaint) will be advised of the outcome.

If the complaint is substantiated, you will also be advised of any action to be taken against the respondent.

What if my allegations are substantiated?

If your allegations are substantiated, recommendations for further action will be made to the relevant Church Authority and the respondent will be advised of these.

The Committee may refer the matter to the Professional Standards Board if the report raises questions about:

- the fitness of the respondent to hold an office, licence or position of responsibility within the Anglican Church;
- whether the person should be subject to any conditions or restrictions in their ministry or employment, or in the performance of any function.

What if my allegations are found to be unsubstantiated?

Sometimes it is difficult for a complaint to be substantiated particularly if there are no witnesses. If this is the case with your complaint, you may feel concerned that your complaint has not been believed. Your concerns are understandable and the Director will discuss the outcome of the investigation with you.

How will I be kept informed of progress?

Where a complaint is more complex, you may be concerned about the length of time taken to deal with your complaint. It is important to understand that, for the benefit of everyone involved, we must follow carefully every step of this established process.

The Diocese will keep you informed of each step throughout the entire process.

If, at any time, you wish to ask a question, seek clarification about any matter, or simply to speak to the Director of Professional Standards, you are welcome to contact him directly by telephone, or in writing by mail or email.

For further information, you may wish to review the *Protocol for Dealing with Complaints of Sexual Harrasment, Assault or Inappropriate Sexual Behaviour* and the *Professional Standards Canon*. A copy of each of these documents will be forwarded to anyone making a complaint against a Church worker. The documents may also be accessed on the Anglican Diocese of Brisbane website at www.anglicanbrisbane.org.au\dops\publications

Relevant publications

- Protocol for Dealing with Complaints of Sexual Harrasment, Assault or Inappropriate Sexual Behaviour
- Professional Standards Canon

This brochure has been prepared to help you understand the steps that need to be followed to make a complaint under the provisions of the Diocese's Professional Standards Canon.

As this is a 'simple-English' summary of the Protocol, in the event of any inconsistency between this document and the Canon, the Canon will prevail.

A complete account of these procedures is contained in the Protocol for Dealing with Complaints.

If you would like to receive a copy of the Protocol, please contact the Director of Professional Standards.

Key definitions

Church Worker

A person who is, or who at any relevant time was:

a. a member of the clergy; or

b. a person employed by a Church body; or

c. a person holding a position, or performing a function with the actual or apparent authority of a Church Authority or Church body;

but excludes a bishop subject to the jurisdiction of the Special Tribunal of the Church.

Examinable Conduct

Conduct, wherever or whenever occuring, the subject of information which, if established, might call into question –

a. the fitness of a Church worker, whether temporarily or permanently, now or in the future, to hold a particular or any office, licence or position of responsibility in the Church or to be, or remain in Holy Orders or in the employment of a Church body; or

b. whether, in the exercise of a Church worker's ministry or employment, or in the performance of any function, the Church worker should be subject to certain conditions or restrictions.

Information

Information of whatever nature and from whatever source relating to:

a. alleged conduct of a Church worker wherever and whenever occuring, involving sexual harrasment or assault, or sexually inappropriate behaviour;

b. alleged inappropriate or unreasonable conduct or omission of a Church worker who had knowledge of conduct of another Church worker involving sexual harassment or assault, or sexually inappropriate behaviour; or

c. an alleged process failure.

What's my first step?

The decision to make a complaint is a serious one which requires courage and determination. When you are ready to make the complaint, the first step is to contact the Director of Professional Standards – contact details are on the inside front cover of this booklet.

The steps will be easy and clear – you do not need to feel concerned or worried about making a complaint.

The Director will speak with you by phone or in person to obtain some details of the complaint. Some of the information we may need includes: the name of the person the complaint is about; the behaviour of the person; when and where the behaviour occurred; and what you would like to happen.

You can make a complaint even if you do not have all this information.

If you are unsure whether you want to make a complaint, you can still contact the Director and talk it through. This conversation will be confidential.

DPS 3588 OCT 2006