

PROFESSIONAL STANDARDS UNIT ESTABLISHMENT AND FUNCTIONS POLICY – VOLUME 4

in respect of the Churches of Christ in NSW & the ACT Professional Conduct Protocols
(the “*Professional Conduct Protocols*”)

This is Volume 4 of the Churches of Christ in NSW & the ACT Professional Conduct Protocols.

The Churches of Christ in NSW & the ACT Professional Conduct Protocols comprises:

Volume 1: *Dictionary* of Defined Terms.

Volume 2: Guide for personal behaviour and practice in ministry.

Volume 3: Code of Conduct

Volume 4: Professional Standards Unit Establishment and Functions Policy

Volume 5: *Complaints* Procedure

Volume 6: Pastoral Response Policy

INTRODUCTION TO THE PROFESSIONAL STANDARDS SUITE OF DOCUMENTS

The *Professional Conduct Protocols* is a group of documents intended to assist *Ministering Persons* to act appropriately in their *Ministries*. The suite of documents:

- contains a dictionary of terms used in the documents;
- outlines standards and expectations of personal and professional behaviour for *Ministering Persons*;
- prescribes behaviour of *Ministering Persons* which if not observed may lead to a complaint against a *Ministering Person* and, if the complaint is upheld, may lead to the imposition of sanctions against that person;
- establishes a *Professional Standards Unit* to administer the *Code of Conduct*;
- establishes a procedure to deal with *Complaints*; and
- ensures pastoral care is available and provided to the *Complainants* and those against whom *Complaints* are made.

As to the *Professional Conduct Protocols*, note:

- for *Complainants* Volumes 1, 5 and 6 are the principal documents to consider;
- for *Ministering Persons* Volumes 1, 2, 3, 5 and 6 are the principal documents to consider;
- Volume 4 will likely only need consideration in the event a complaint is made;
- Volume 1 contains a dictionary of the terms used in each of Volumes 2 to 6.
- for the assistance of both *Complainants* and *Ministering Persons*, some key definitions are also included in Volumes 5 and 6.

The address and contact details of the *Professional Standards Unit Co-ordinator* are:

Professional Standards Unit Co-ordinator, Churches of Christ in NSW & ACT
Suite 301, Level 3, 1B Homebush Bay Drive
Rhodes NSW 2138
psu@ccnswact.org.au
(02) 8573 6000

All communications are kept strictly confidential, subject to the *Professional Conduct Protocols*.

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1. Introduction

1.1 Purpose

Churches of Christ in NSW & the ACT (CCNSWACT) honours the history that has given local congregations freedom to decide how to function as the body of Christ in their own contexts.

In most instances the appropriate place for the accountability of Christians to each other, and of ministers to congregations, is within the life and structure of each individual congregation. While that is the case, it is recognised that in certain circumstances, given the relationship of *Ministering Persons* and those to whom they exercise ministry, it is appropriate that a proper independent process of accountability in respect of *Ministering Persons* be established.

This document provides for the formation of the *Professional Standards Unit (PSU)* and its functions.

1.2 Other considerations

Nothing in this document replaces any obligation that a person would ordinarily have under law.

1.3 Defined Terms

Terms and definitions used in this document are defined in the *Dictionary*. Some of the key terms include:

Appeal Panel means the panel of that name appointed pursuant to clause 3.5 of this Policy.

Complaint means information about any allegation, suspicion, concern or report of a breach of a *Minimum Standard*. The conduct complained of may or may not constitute *Criminal Conduct* or *Reportable Conduct*.

Dictionary has the meaning set out in Volume 1 of the *Professional Conduct Protocols* and Volume 1 contains the *Dictionary*.

Executive Ministry Director (EMD) means the Executive Ministry Director of Churches of Christ in NSW.

Pastoral Care Committee means the committee of that name appointed pursuant to clause 3.6.2 of this Policy.

Pastoral Care Providers means those persons appointed, from time to time, by the *EMD* pursuant to clause 3.6.1 of this Policy to provide pastoral care under the *Pastoral Response Policy*;

Professional Standards Panel means the panel of that name, appointed pursuant to clause 3.2 of this Policy.

Professional Standards Unit (PSU) means the *PSU Co-ordinator* and any *Alternative PSU Co-ordinator* together with the persons appointed under clause 3.2.1 of this Policy to implement the provisions of that Policy including the overseeing of compliance with the *Code*, the investigation of breaches of the *Code* and dealing with complaints made in accordance with the *Complaints Procedure*.

PSU Co-ordinator means the person appointed to that role under this Policy.

PSU Hearing Committee means the committee of that name appointed pursuant to clause 3.4 of this Policy.

Reference Committee means the committee of that name appointed pursuant to clause 3.3 of this Policy.

Respondent means a *Ministering Person* who is the subject of a *Complaint*.

1.4 Appendices

Attached to this Policy (and forming part of it) is the following appendix:

- **Appendix A:** Professional Standards Structure. The Appendix contains a diagrammatic representation of the relationship of the panels, committees and unit described in clause 1.3 above. In the event of any inconsistency between Appendix A and the terms of the remainder of this Policy, the terms of the remainder of this Policy shall prevail.

1.5 Other Policies and Procedures

This Policy is to be read in conjunction with the *Dictionary* and each other volume of the *Professional Conduct Protocols* and the following policies and procedures:

- *Policy for Endorsement of Ministers* being the “Churches of Christ Policy for Endorsement of Ministers in NSW & the ACT”;
- *Procedure for Responding to Child Safety Concerns* being the “Churches of Christ Procedure for Responding to Child Safety Concerns in NSW & the ACT”;
- *Risk Management Framework* being the Churches of Christ in NSW Risk Management Framework Policy.

1.6 Obtaining Advice and Making Complaints

For advice on specific matters in relation to the *Professional Conduct Protocols*, or to make a complaint under the *Complaints Procedure*, contact the CCNSWACT Professional Standards Unit (“PSU”) as follows:

Professional Standards Unit Co-ordinator, Churches of Christ in NSW & ACT
Suite 301, Level 3, 1B Homebush Bay Drive
Rhodes NSW 2138
psu@ccnswact.org.au
(02) 8573 6000

1.7 Standards required of Appointees and other persons under this Policy

The *PSU Co-ordinator*, the *EMD*, the *Conference President*, the *Professional Standards Panel*, the *PSU Hearing Committee*, the *Reference Committee*, the *Appeal Panel* and the *Pastoral Care Committee* must at all times:

- Act in a manner that ensures procedural fairness and natural justice;
- Act fairly, in good faith, without bias and without undue delay;
- Declare all real, perceived or potential conflicts of interest and once declared remove themselves from participation in any process or procedure to which their real, perceived or potential, conflict of interest is relevant;
- Have in mind the seriousness of the conduct and the consequences of adverse findings;
- Be mindful of the need for privacy and confidentiality and handle documents and information about any *Complaint*, any hearing, any Appeal and any investigation, with care;
- in the case of any Committee or panel, make decisions by consensus, and where consensus is not possible, by a vote of at least a two-thirds majority; and
- Document relevant decisions.

1.8 Authorisation

Responsible person	The <i>Executive Ministry Director</i>
Version	1.0
Review date	February 2025

1.9 Adoption and Effective Date

Adopted by Conference Executive	3 June 2023
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2. Professional Standards Unit

2.1 Responsibilities of Members of the PSU

- 2.1.1 The role of the *PSU* is to ensure the proper and timely implementation of this Procedure including the following:
- a. receive *Complaints*, triage the issues and process the *Complaints* in relation to *Respondents*, including:
 - i. determining whether to investigate a *Complaint*;
 - ii. authorising and causing risk management plans to be prepared; and
 - iii. instigating the provision of pastoral care;
 - b. ensuring the *PSU Co-ordinator* and/or *Reference Committee* investigate a *Complaint*;
 - c. receive reports following those investigations; and
 - d. determine *Complaints*.

3. The *PSU Co-ordinator*, the *Professional Standards Panel*, the *PSU Hearing Committee*, the *Reference Committee*, the *Appeal Panel* and the *Pastoral Care Committee*.

3.1 Professional Standards Unit Co-ordinator

- 3.1.1 The *PSU Co-ordinator* shall be appointed by *Conference Executive* on such terms as *Conference Executive* determines.
- 3.1.2 The *PSU Co-ordinator* shall be the Executive Officer of the *PSU* and shall exercise and undertake the powers, duties and responsibilities specified in respect of the *PSU Co-ordinator* in the Professional Conduct Protocols in accordance with the provisions of the Professional Conduct Protocols;
- 3.1.3 The *PSU Co-ordinator* shall, as is required from time to time:
- a. convene a *Reference Committee* out of the members of the *Professional Standards Panel* in accordance with this Policy;
 - b. convene a *PSU Hearing Committee* out of the members of the *Professional Standards Panel* in accordance with this Policy;
 - c. convene an *Appeal Panel* out of the members of the *Professional Standards Panel* in accordance with this Policy; and
 - d. convene a *Pastoral Care Committee* made up of not less than two (2) *Pastoral Care Persons* in accordance with this Policy.
- 3.1.4 Where the *PSU Co-ordinator* is at any time conflicted in the exercise of the *PSU Co-ordinator's* role in any circumstance the *Executive Ministry Director* must appoint another person to act as the *PSU Co-ordinator* to exercise the role of the *PSU Co-ordinator* in that circumstance (the "**Alternate PSU Co-ordinator**"). In that circumstance, in relation to the *Complaint* in respect of which the *Alternate PSU Co-ordinator* is appointed, the *Alternate PSU Co-ordinator* is to fulfil the role of, and exercise the powers and functions conferred on, the *PSU Co-ordinator* under the *Professional Conduct Protocols*.
- 3.1.5 The *Executive Ministry Director* may at any time terminate the appointment of any person appointed as the *PSU Co-ordinator* or as an *Alternate PSU Co-ordinator*.
- 3.1.6 Without limiting clause 3.7, in the event the *Executive Ministry Director* has any conflict of interest in relation to the exercise of the functions of the *Executive Ministry Director* under clause 3.1.4 or clause 3.1.5, those clauses shall have effect as if each reference to the *Executive Ministry Director* was replaced with a reference to the *Conference President*.

3.2 Professional Standards Panel

- 3.2.1 *Conference Executive* shall appoint the *Professional Standards Panel* and shall appoint such

persons to it, as from time to time may be required, such as to ensure:

- a. that at no time will there be less than twelve (12) members of the *Professional Standards Panel*; and
- b. that the persons appointed will be able, between them, to meet the requirements of this Policy concerning each of:
 - i. a *Reference Committee*; and
 - ii. a *PSU Hearing Committee*.

3.2.2 *Professional Standards Panel* The purpose of the *Professional Standards Panel* is to provide a pool of people for appointment from time to time to form each of:

- a. a *Reference Committee*; and
- b. a *PSU Hearing Committee*,

as and when they are required under this Policy.

3.2.3 *Professional Standards Panel* The *Professional Standards Panel* shall:

- a. consist of not less than twelve (12) persons appointed by *Conference Executive* and shall comprise such persons capable of fulfilling the purposes set out in clause 3.3.1 and clause 3.4.1; and
- b. include not less than four (4) females.

3.2.4 Members of the *Professional Standards Panel* shall be appointed, from time to time, for terms of not less than two and not more than three years (inclusive). The term of each such appointment shall end on 30 June in the year specified by *Conference Executive* at the time of the appointment. There is no limit on the number of terms a person may be appointed to the *Professional Standards Panel*.

3.2.5 *Conference Executive* may at any time terminate the appointment of any individual member of the *Professional Standards Panel*.

3.3 Reference Committee

3.3.1 Where the *PSU Co-ordinator* determines that a *Reference Committee* is required, the *PSU Co-ordinator* may appoint a *Reference Committee* made up of persons who are members of the *Professional Standards Panel*. The role of the *Reference Committee* is:

- a. to assist the *PSU Co-ordinator* in the making of decisions and determinations,
- b. to discharge the obligations of the *Reference Committee* under the *Complaints Procedure*.

The *PSU Co-ordinator* may seek guidance and advice from the relevant *Reference Committee* as and when the *PSU Co-ordinator* thinks fit.

3.3.2 If required, a *Reference Committee* will consist of:

- a. Three people selected from the *Professional Standards Panel* and appointed by the *PSU Co-ordinator*; and
- b. At least one male and at least one female;

3.3.3 The *PSU Co-ordinator* shall act as the convenor of the *Reference Committee* and shall determine the procedures and protocols of that committee.

3.3.4 Any *Reference Committee* which is appointed shall be dissolved by the *PSU Co-ordinator* when it has completed the role for which it was appointed.

3.4 PSU Hearing Committee

3.4.1 Each *PSU Hearing Committee* shall be appointed by the *PSU Co-ordinator* and shall comprise of five (5) persons all of whom must be persons who are members of the *Professional Standards Panel* and:

- a. shall include a person admitted to practice as a legal practitioner, or a person with an academic degree, or diploma, in law; and
- b. shall include four additional persons including:
 - i. at least one member with qualifications in counselling or psychology;
 - ii. at least one member:
 - A. with over 10 years pastoral experience in ministry; or
 - B. who:
 - (1) is in good standing with a Christian church;
 - (2) is of Christian faith and character; and
 - (3) has over 10 years' experience:
 - i. as an elder in a church; or
 - ii. in a human resources or management role;
 - iii. at least one member independent of CCNSWACT; and
 - iv. a minimum of one male and one female.

One member may fill more than one of the above requirements. A determination by *Conference Executive*, in respect of any person, of the matters set out in subclauses 3.4.1(a) and 3.4.1(b) shall be conclusive and binding.

- 3.4.2 The *PSU Co-ordinator* must, as and when a *PSU Hearing Committee* is appointed, appoint one of the members of the *PSU Hearing Committee* to act as the Chair of the *PSU Hearing Committee* which shall meet as and when the Chair determines. Additionally, the Chair shall determine the protocols and procedures of the *PSU Hearing Committee*. Such protocols and procedures shall include provisions such as to ensure natural justice is extended to any *Respondent*.
- 3.4.3 The procedures applying to, and the decision making of the *PSU Hearing Committee*, include that the *PSU Hearing Committee* shall:
 - a. meet as and when required to ensure it discharges its obligations under this Policy and the Procedure or as the Chair determines;
 - b. be convened by the Chair or the *PSU Co-ordinator*. The *PSU Co-ordinator* must:
 - i. not vote on any resolutions of the *PSU Hearing Committee*;
 - ii. not participate in the deliberations of the *PSU Hearing Committee*;
 - iii. not participate in the preparation of the *PSU's Initial Determination*; and
 - iv. not participate:
 - A. in the review of the *Respondent's* response;
 - B. in the preparation of the *PSU's Final Determination*; and
 - C. in respect of the consideration and determination of any *Appeal*.
- 3.4.4 The *PSU Co-ordinator* may engage and obtain advice from properly qualified experts in order to assist the *PSU Hearing Committee*.
- 3.4.5 The *PSU Hearing Committee* may establish facilities and arrangements using any technology that gives the participants at any *PSU Hearing Committee* meeting a reasonable opportunity to participate in the meeting.
- 3.4.6 Any *PSU Hearing Committee* which is appointed shall be dissolved by the *PSU Co-ordinator* when it has completed the role for which it was appointed.

3.5 Appeal Panel

- 3.5.1 Where any *Appeal Panel* is required it shall consist of three (3) persons selected by the *EMD* who must select the Chair of that Panel. The persons so selected shall be appointed by the *PSU Co-ordinator* to form an *Appeal Panel*.
- 3.5.2 Members of the relevant *Reference Committee*, the *PSU Hearing Committee* and *Pastoral Care Committee* are ineligible for appointment to the *Appeal Panel*.
- 3.5.3 The *Appeal Panel* shall include a person admitted to practice as a legal practitioner, or a person with an academic degree, or diploma, in law. An *Appeal Panel* must consist of at

least one male and at least one female.

- 3.5.4 In the event that the *EMD* and the *PSU Co-ordinator* determines that it is impossible to appoint an *Appeal Panel* free of any conflict of interest, the *EMD* may determine that the provisions of Sections 3.5.1 and 3.5.3 shall be suspended and the *EMD* may appoint a third party, independent of CCNSWACT, to determine the *Appeal*. The independent third party must be a legal practitioner of at least twenty (20) years' experience. Any person so appointed is the "**Alternate Appeal Adjudicator**".
- 3.5.5 The *Appeal Panel* shall meet as and when the Chair determines and the Chair shall determine the protocols and procedures of the *Appeal Panel*.
- 3.5.6 The role of the *Appeal Panel* and the *Alternate Appeal Adjudicator* is set out in the *Complaints Procedure*.
- 3.5.7 Any *Appeal Panel* which is appointed shall be dissolved by the *PSU Co-ordinator* when it has completed the role for which it was appointed.

3.6 Pastoral Care Providers and Pastoral Care Committee

- 3.6.1 The *EMD* shall from time to time, at the request of the *PSU Co-ordinator*, appoint a group of male and female persons who are capable of providing pastoral care in accordance with the *Pastoral Response Policy*. Each such person who is appointed shall be a "**Pastoral Care Provider**".
- 3.6.2 Where the *PSU Co-ordinator* determines that a *Pastoral Care Committee* is required, the *PSU Co-ordinator* must appoint two (2) or more *Pastoral Care Providers* to form a *Pastoral Care Committee*. The role of a *Pastoral Care Committee*:
- is set out in the *Pastoral Response Policy*; and
 - is, additionally, to assist the *PSU Co-ordinator* in the making of decisions and determinations, and in the undertaking of the responsibilities of the *PSU Co-ordinator*, set out in the *Pastoral Response Policy*.
- 3.6.3 No Member of the *Professional Standards Panel* nor the *PSU Co-ordinator* may be appointed as a *Pastoral Care Provider*.
- 3.6.4 If a *Pastoral Care Committee* is required it must consist of at least one male and at least one female.
- 3.6.5 Members of the *Pastoral Care Committee* must:
- be able to build rapport and confidence with the *Complainant(s)* and the *Respondent*; and
 - have counselling and/or pastoral skills;
- 3.6.6 The *PSU Co-ordinator* shall act as the Chair of each *Pastoral Care Committee* and shall determine the procedures and protocols of that Committee.
- 3.6.7 Any *Pastoral Care Committee* which is appointed shall be dissolved by the *PSU Co-ordinator* when it has completed the role for which it was appointed.

3.7 EMD Conflicts

Where, in exercising any role or function with respect to a Policy, the *EMD* has a conflict of interest the role or function of the *EMD* shall be undertaken and discharged by the *Conference President* and in that circumstance the *Conference President* shall have all of the powers conferred on the *EMD* under the Policy.

4. Appendix

To the extent of any inconsistency between the provisions of this Policy (excluding the Appendix) and the contents of the Appendix, the provisions of this Policy (excluding the Appendix) shall prevail.

Appendix A: Professional Standards Structure

