

ALLEGED MISCONDUCT PROCEDURE

The following procedure is to act only as a guide. Depending on the situation and the level of risk a simple conversation may be all that is required or it may even be appropriate to call 000 immediately.

Criminal Matters and Government Statutory Reporting

Where the allegation is clearly of a criminal nature the relevant Office holder will report it to the relevant State and/or Federal Government agencies and/or police. Criminal matters are defined in the criminal codes and include but are not limited to; child abuse and or neglect, acts of indecency, sexual assault, fraud, drug dealing. In NSW, this will include where applicable, reporting to the NSW Ombudsman.

Reporting to the Diocese

In addition to the above or for non-criminal matters and depending on the level of risk the allegation may be handed over to the Anglican Diocese of Newcastle's Department of Professional Standards for advice, resolution and/or mediation.

General Principles and Procedures

The principles of natural justice shall be applied throughout:

Case manager/s, the case response group and all church office holders shall:

1. Act fairly, in good faith, without bias and in a dispassionate manner;
2. Provide each party the opportunity of adequately stating their case and correcting or contradicting any relevant statement prejudicial to the person's case;
3. Not receive information except as part of its information gathering and of assessment of the allegation;
4. Ensure that a person called upon to answer an allegation shall be given in writing the particulars of the allegation being made;
5. Ensure that each party has the opportunity to respond to further statements.

The matter is to be managed:

- Without undue delay: Acting as quickly as possible shall be a genuine recognition of the seriousness of the allegation. Care should be taken to avoid delays.
- 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-bias manner: Disputed allegations will be investigated by persons who have no relationship (biological or other) to any party.

Alleged Misconduct Procedure

Adapted from the SMR Handbook - <http://www.smr.org.au>

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- Considering Conflict of interest: Disputed 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. All disputed facts will be independently investigated. All outcomes will be based on the findings of the investigation. The burden of proof shall be on the balance of probabilities, e.g. was the conduct more likely to have occurred than not.
- Privacy: Every effort must be made to protect the privacy of all parties. Findings are only to be released with the permission of the Person Subject of the allegations (PSOA) and/or the person/s bringing complaints.
- When the case manager's report to the employer/head of agency, the case manager will focus on the needs of: the person bringing the complainant and any family; the PSOA and any family; and the congregation.