



Grievance Procedure for Certificate Holders

A procedure to be used by all State Executives of the
Australian Christian Churches
when dealing with a complaint against a Certificate Holder

Revised: April 2010 to comply with the 2009 revision of the United
Constitution

Grievance Procedure for Certificate Holders

Background

This procedure applies where a person issued with a certificate by the Australian Christian Churches is alleged to have engaged in improper conduct or heresy, contrary to Article 11.2 of the United Constitution.

This procedure has been put in place;

- To provide a uniform procedure to be followed in all States across Australia
- To alleviate the difficulties faced in negotiating the moral, legal and ministry minefields which emerge as allegations are made
- To ensure a safe environment for the children under our care in accordance with guidelines for Child Protection
- To support certificate holders in the midst of significant allegations
- To provide natural justice for the certificate holder
- To provide support and ministry for the complainants
- To ensure that serious allegations are treated seriously and investigated fully
- To maintain and ensure high moral and ethical standards for certificate holders
- To minimize the movement's exposure to legal action.

There are four types of certificates issued by the Australian Christian Churches (Assemblies of God in Australia):

- Ordained Minister's Certificate
- Probationary Minister's Certificate
- Specialised Ministries Certificate
- Overseas Associate Minister's Certificate

All credentials and certificates are issued by the National Executive and the power to suspend or withdraw those certificates rests with the National Officers.

This procedure is for guidance only. The State or National Executive may decide not to follow the Procedure, or apply a truncated version of the procedure, where they consider it necessary.

Confidentiality

Throughout the Grievance Procedure, the relevant Executive will seek to maintain the confidentiality of all the parties involved, and the content and nature of the complaint that has been made. However, this will not always be possible, especially where the information is already outside of the Executive's control, completing duties require the release of the information, or it is otherwise in the interests of Australian Christian Churches to release the information. In such circumstances, the Executive may decide to release the information as it deems appropriate.

Step One – Receipt of Complaint

Where a person alleges that a Certificate Holder has committed improper conduct or heresy, that person (the "Complainant") must fully document the allegation in writing and forward it to the State Executive. Whilst another person may forward it to the State Executive on the Complainant's behalf, the Complainant must still be clearly identified.

For the purposes of this Procedure, this document is referred to as the "Complaint".

The Complaint must include the Complainant's contact details.

It should be made clear to the Complainant that the written complaint will be made available to the Certificate Holder against whom the complaint is being made. This is a requirement of natural justice.

In the event that a Regional Leader receives the Complaint, they must forward it to the State Executive within 72 hours.

If there is any possibility of litigation in relation to the Complaint, the State Executive's insurer should be notified as soon as possible.

The State Executive will consider the Complaint. If the State Executive considers (in its absolute discretion) that the complaint is frivolous, or that further action against the Certificate Holder is not necessary, the State Executive may decide to dismiss the complaint.

Note: If the Certificate Holder 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 Grievance Procedure from this point. In such a case, all references to the State Executive in the steps below should be read as applying to the National Executive.

Step Two – Mandatory Reporting

Upon receipt of the Complaint, the State Executive will determine whether the Complaint must be reported to the relevant authorities under State or Territory legislation (i.e. for child safety reasons).

Whilst the 'mandatory reporters' vary across different States and Territories, the Australian Christian Churches has decided that it will voluntarily report all cases of child abuse regardless of various state based requirements.

Step Three – Suspension

The State President will consider whether there is sufficient evidence of a serious breach of ministerial conduct to justify suspension of the Certificate Holder's certificate pending the investigation and final decision. In this regard, the State President, in consultation with the National President, has the power to suspend all certificates for a period of 30 days pending investigation by the State Executive.

If the State President is considering suspending the Certificate Holder's certificate, it will:

- Provide the Certificate Holder with a copy of the Complaint
- Advise the Certificate Holder that it is considering suspending the Certificate Holder's certificate
- Invite the Certificate Holder to respond in writing within 48 hours regarding why the certificate should not be suspended; and
- Consult with the National President regarding the decision, taking into account the Certificate Holder's written response (if any).

The State President will advise the Certificate Holder in writing of its decision, including the period of the suspension.

If the investigation is not complete within the suspension period, the State President may decide to renew the suspension for a further period. The State President will provide the Certificate Holder with a further opportunity to respond before renewing a suspension period.

Step Four – Consider whether a full investigation should be delayed pending criminal proceedings

If there is an ongoing criminal investigation into the circumstances of the Complaint, the State Executive will contact the relevant authorities before further investigating the Complaint. Care must be taken not to prejudice the criminal proceedings. In this regard, further investigation by the State Executive will generally not proceed unless the criminal proceedings have concluded or the Certificate Holder otherwise consents to the investigation proceeding.

However, where the State Executive investigation is delayed pending the criminal proceedings, the State President may still decide to suspend the Certificate Holder's credentials, and to continue to renew those suspensions.

Step Five – Investigation by the State Executive

The State Executive will appoint a person or persons (the Investigator(s)) to investigate the Complaint. The Investigator may be a member of the State Executive.

The Investigator will consider the Complaint and may contact the Complainant or any other person as he/she considers deems necessary, for further information.

The Investigator will provide the Certificate Holder with a copy of the Complaint and details of any other statements he/she has obtained during the investigation.

The Investigator will then invite the Certificate Holder to provide a response to the Complaint. The Certificate Holder is not obliged to provide a response at this time.

The Investigator will prepare a report for the State Executive, documenting the evidence it has obtained during the investigation (including statements by the Complainant and the Certificate Holder). The Investigator may comment on the credibility of the Complainant, Certificate Holder or other witnesses in this report, but **will not** conclude whether the Complaint has been proved.

Step Six – Consideration of the Investigator's Report by the State Executive

The State Executive will nominate a number of its members (the Committee) to consider the Investigator's Report and make a preliminary determination as to whether the Certificate Holder may have engaged in improper conduct or heresy.

If the Committee's preliminary determination is that the Certificate Holder may have engaged in improper conduct or heresy, it will request the Certificate Holder provide a written response for further consideration before making a final decision.

The request to the Certificate Holder will:

- Set out each Complaint in which it is alleged that the Certificate Holder has engaged in improper conduct or heresy. Where a Complaint contains separate

allegations of improper conduct or heresy, the Complaints will be separately identified;

- For each Complaint, particulars will be provided indicating the evidence on which the Complaint is based;
- Enclose a copy of the Investigator's Report;
- Enclose any other material that the Committee intends to consider when making its decision; and
- Invite the Certificate Holder's written response within 21 days.

Step Seven – The Committee's Final Decision

The Committee will consider the Investigator's Report and the Certificate Holder's response (if provided) with a view to determining whether the Certificate Holder has, on the balance of probabilities, engaged in improper conduct or heresy.

If the Committee considers the Certificate Holder has engaged in improper conduct or heresy, it will proceed to Step Eight.

If the Committee considers that the Certificate Holder has not engaged in improper conduct or heresy, it will advise the Certificate Holder, Complainant and the National Executive in writing. If a certificate has been suspended, it will be reinstated.

The written report from the investigator shall be kept on file by the State Executive but it must be kept in strict confidence.

Step Eight – Determination regarding appropriate disciplinary action

Where the Committee decides that the Certificate Holder has engaged in improper conduct or heresy, it will consider possible action that might be taken in response to the breach.

Action that might be taken includes discipline and restoration (in accordance with 'A Program for the Restoration and Reinstatement of Disciplined Ministers'), suspension of the certificate or cancellation of the certificate.

The Committee will provide the Certificate Holder with a written summary of the action it is considering recommending through the State Executive to the National Officers and provide the Certificate Holder with an opportunity to respond.

The Committee will take that response into consideration before deciding on a final recommendation through the State Executive to the National Officers.

Step Nine – Recommendation through the State Executive to the National Officers

The Committee will make a recommendation on the appropriate action to be taken through the State Executive to the National Officers. The National Officers will advise the Certificate Holder of the final decision.

Step Ten – Right of Appeal

Pursuant to Article 11.8 of the United Constitution, the National Executive will consider any appeal by a Certificate Holder, provided written notice of the appeal is lodged by the Certificate Holder with the National Secretary within 30 days of notification of the suspension or withdrawal of the certificate.

The Certificate Holder must, at the time of lodging the Appeal, provide its reasons in writing for why the certificate should not be suspended or withdrawn.

The National Executive will consider the submission by the Certificate Holder and any other material available to it before making its decision. The decision of the National Executive will be final.