

HILLSONG CHURCH STANDARD OPERATING PROCEDURE			
DOCUMENT TITLE:	MAKING A FINDING OF MISCONDUCT OR ABUSE		
DOCUMENT ID:	5-3-015	VERSION:	1.7
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1. PURPOSE

- 1.1. The purpose of this procedure is, once the investigation is complete, to provide clear instruction on how a finding should be made, what findings are available, and where findings should be reported.
- 1.2. At the conclusion of an investigation against a Worker, the Head of Agency should assess the evidence regarding the allegation(s) and any conclusions or recommendations made by the Head of Safe Church Office, and make a finding in relation to each allegation.

2. SCOPE

- 2.1. Making a finding is the responsibility of the Head of Agency, and all those who have been given instruction to support the fulfilment of this responsibility.
- 2.2. The intended users of this procedure will include the Head of Agency, and Head of Safe Church Office.

3. DEFINITIONS

Allegation	An assertion that someone has done something wrong, often with little or no proof.
Child/Children or Young Person/People	Hillsong considers a Child or Young person to be a person under the age of eighteen (18) years.
Child-Related Worker	A Worker involved in providing services that are directed towards a Child or Young person (whether in whole or in part), or conducting activities that may involve a Child or Young person (whether in whole or in part), and includes the supervision of Child-Related Workers, irrespective of whether they actually work with Children or Young people, because of their overarching supervisory duties.
Making a Finding/Finding	A final determination of the likelihood of an allegation being sustained, once having assessed the evidence, and any conclusions or recommendations made through the process of an investigation.
Harm	Harm is any detrimental effect of a significant nature on the person's physical, psychological or emotional well-being. It is immaterial how the harm is caused. Harm can be caused by physical, psychological or emotional abuse or neglect; or sexual abuse or exploitation. Harm may result from a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.
Hillsong/Hillsong Church	Hillsong Church Limited (ABN: 37 002 745 879) and all its related entities operating within Australia.
Workers	All those who are, or were at any relevant point in time, employees of Hillsong and all persons performing work, or facilitate activities, at

	the direction of, or on behalf of Hillsong. This includes directors, committee members, volunteers, HILC students, self-employed, contractors, sub-contractors, agents, consultants, temporary staff, people undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience), or otherwise, defined under relevant legislation.
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4. PROCEDURE

4.1. How a finding should be made

- 4.1.1. At the conclusion of an investigation the Head of Agency should assess the evidence regarding the allegation(s), and any conclusions or recommendations made by the Head of Safe Church Office, and make a finding in relation to each allegation.
- 4.1.2. When making a finding the Head of Agency should apply the civil standard of proof, 'the balance of probabilities', to investigations of reportable allegations against Workers. This means that the Head of Agency needs only to be satisfied that it is 'more likely than not' that the allegation is true, in order to sustain an allegation.
- 4.1.3. The amount of evidence required to reach a level of satisfaction will be greater the more serious the allegation under investigation, and the likely consequences for the Worker if the allegation is proven, the greater the weight of evidence that is required. This is known as the 'Briginshaw' principle.
- 4.1.4. The strict rules of evidence that apply in court do not apply to Safe Church Office investigations of reportable allegations. However, the Head of Agency must assess the strength or weight of the evidence, when making a finding. There are some general considerations that can assist in determining how much weight to place on information and to determine a finding. The Head of Agency should consider:
- how reliable the evidence may be,
 - if it is relevant to the alleged conduct,
 - if accounts are consistent (over time, with other evidence, and more or less plausible), and
 - whether there is any other evidence to corroborate or contradict an allegation.
- 4.1.5. The considerations listed at 4.1.4. are not independent from one another, so evidence that satisfies one consideration may very well also satisfy others.
- 4.1.6. In making a finding, the Head of Agency is authorised to engage with legal or any other advisor, as considered necessary, in the fulfilment of his or her duties.

4.2. What findings are available

- 4.2.1. For the purposes of the Hillsong Safe Church Framework and the fulfilment of obligations to various authorities, a finding in an investigation of a reportable allegation may be that the allegation is one of the following:
- Sustained (i.e. a finding that the conduct occurred)
 - Not sustained – insufficient evidence (i.e. there is some evidence of weight however there is insufficient evidence available to reasonably establish that the alleged conduct did occur)

- Not sustained – lack of evidence of weight (i.e. where the evidence is of such poor probative value or lacking in weight, such as to warrant a finding that, on the balance of probabilities, the conduct did not occur)
- False (i.e. where inquiries into the matter show reportable conduct or an act of violence did not occur).

Note: Some of these matters may be vexatious, for example where inquiries into the matter show the allegation was made without substance and to cause distress to the person against whom the allegation was made

- Not reportable conduct (i.e. where inquiries into the matter show the conduct was not reportable).

Note: Examples are use of force that was trivial or negligible in the circumstances, conduct that was reasonable in the circumstances or accidental. This may include ‘misconceived’ matters, where inquiries into the matter show that, even though the allegation was made in good faith, it was based on a misunderstanding of what actually occurred and the incident was not reportable conduct.

4.3. Where findings should be reported

4.3.1. The finding should be reported by the Head of Safe Church Office to the Safe Church Office in order to take further actions required. Refer to 5-3-013 Planning and Conducting an Investigation for more details.

4.3.2. The finding should inform the Safe Church Office’s final risk assessment (refer 5-3-014) and any action taken to mitigate ongoing risks, including reporting any findings of workplace misconduct to authorities responsible for Working With Children ‘pre-employment screening’ (refer 5-3-016).

5. RELATED WORK INSTRUCTIONS

DOCUMENT ID:	WORK INSTRUCTION TITLE:

6. RELATED PROCEDURES

DOCUMENT ID:	PROCEDURE TITLE:
5-3-013	Planning and Conducting an Investigation
5-3-014	Risk Management Following a Concern
5-3-016	Reporting a Finding of Misconduct or Abuse

7. RELATED RECORDS

DOCUMENT ID:	TITLE:	MIN PERIOD RETAINED: