Uniting Church
SYNOD OF NSW & ACT

# Grievances and Complaints Policy Synod Wide

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| TITLE: | Grievance and Complaints Policy |
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# 1. Introduction

1.1 As an entity that engages with the community and as a workplace, the Uniting Church in Australia Synod of NSW and ACT has a range of legal responsibilities. Some of these responsibilities relate to preventing and addressing harm and the potential for harm to be caused. This policy provides a means of addressing issues and risks as they arise so that the Church can fulfil legal and ethical responsibilities, including responsibilities to children, young people, vulnerable people, employees, volunteers, and congregants.

The Uniting Church in Australia is committed to upholding relevant legislative and general legal obligations. Accordingly, church discipline processes shall defer to legal processes where necessary. For example, the Uniting Church in Australia Regulations provide processes for Church Discipline, which are defined as the exercise of spiritual authority, These provisions will be followed after legislative and regulatory responsibilities are implemented.

# 2. Purpose

2.1 This purpose of this Policy is to:

a. provide a consistent means of receiving and addressing grievances, complaints and concerns Synod-Wide;
b. emphasise the importance of a trauma-informed approach
c. outlines the stages in an appropriate response to various types of Complaints;
d. identify triggers for specific processes and reporting requirements;
e. consider the requirements of procedural fairness, risk management and transparency; and
f. allocate key responsibilities in ensuring that the policy and associated procedure is implemented.

2.2 This policy also addresses reportable conduct responsibilities and, in doing so, forms part of a suite of policies designed to uphold the Child Safe Standards.

2.3 This policy is part of the Uniting Church in Australia Synod of NSW and ACT commitment to a Culture of Safety.

2.4 This policy operates under UCA Regulation 5.1.6, which provides that ‘the Synod determined the complaint-making process’ and, as such, is to be applied prior to the application of any relevant steps outlined in the Uniting Church in Australia Regulations Chapter 5: Church Discipline.

# 3. Scope

3.1 This Policy applies to all 'employees' of Synod or any Synod entities, including:

a. Employees
b. Ministers in placement
c. Specified Ministers
d. Pastors
e. Staff
f. Volunteers
g. Contractors
h. Office Holders
i. Members
j. Adherents
k. Any other person who would be considered an employee or deemed a worker by NSW, ACT, and/or federal legislation.

*See Policy Framework for entity requirements by category.

# 4. Regulatory Context

4.1. Requirement to have Complaints Policy
Childrens Guardian Act 2019 (NSW) s8D(1)(d) /
Ombudsman Act 1989 (ACT) s17EB

4.2. Reportable Conduct
Children's Guardian Act 2019 (NSW) Part 4 /
Ombudsman Act 1989 (ACT) Div 2.2A

4.3. WHS psychosocial risks
Work Health and Safety Regulations 2011(Cth) Part 3.2 Division 11

4.4. WHS notifiable incidents
Work Health and Safety Act 2011 (NSW) Part 3 /
Work Health and Safety Act 2011 (ACT) Part 3

4.5. Unfair Dismissal
Fair Work Act 2009 (Cth) Part 3

4.6. Responsibility to report to police
Crimes Act NSW s316 and 316A (Concealing Offences) /
Crimes Act 1900 (ACT) s66A (Failure to report)

4.7 Privacy
Privacy Act 1988

# 5. Report or complaint is made

## Prior to making a complaint

5.1. If anyone is in immediate danger, contact Emergency Services on 000.

5.2. If a child has been harmed or is at risk of significant harm, ensure that all child protection reports are made pursuant to the Policy for Responding to Concerns about Vulnerable People (including children).

## How complaints may be made

5.3. Anyone may raise a grievance or make a report or complaint of any kind, including (but not limited to):

a. allegations of breaches of the Code of Conduct or Code of Ministry Ethics and Conduct
b. allegations of Reportable Conduct
c. allegations of discrimination
d. allegations of harassment (including sexual harassment)
e. allegations of bullying
f. allegations of inappropriate behaviour
g. privacy concerns
h. notifiable incidents
i. or any other serious concern regarding the actions of staff, volunteers or representatives of the Church.

5.4. Complaints may be made to:

a. the relevant supervisor or manager of the relevant person (if the complaint is regarding the supervisor or manager, then the individual is encouraged to contact People and Culture or a senior manager)
b. a Minister in placement at the relevant congregation or entity
c. the People and Culture team, for Synod Missions Services complaints
d. the Culture of Safety team (cultureofsafety@nswact.uca.org.au )
e. the confidential and independent reporting hotline, Speak Out. Anyone may use this service, including staff, volunteers, congregation members, and members of the public.
    - Synod Speak Out Service https://nswact.uca.org.au/speak-out-in-confidence/
    - Speak Out Service Phone: 1800 951 145

5.5. The person to whom the report is made must contact a Synod Mission Services General Manager who will:

a. ensure that the report or complaint is allocated to a Synod Reviewer; and
b. if the report relates to a Minister, notify the Associate Secretary.
c. If the report relates to a Privacy issue, notify the Privacy Offer (privacy@nswact.uca.org.au)

5.6. If a report is made to the Speak Out (Core Integrity) service

a. Core Integrity receive and triage the report
b. Core Integrity seeks to clarify the report and verify details but does not make any

enquiries that may constitute investigation.

c. Core Integrity reports the matter to a Synod Mission Services General Manager, including highlighting if there are any red flags such as reporter distress, or if the matter is urgent.

d. Reporter identity and contact details are only provided to the Synod with the reporter's permission.

# 6. Report is received by the Synod Reviewer

6.1. The Synod Reviewer will determine whether the report or complaint meets the threshold for any one or more of the following:

a. Police report
b. Reportable conduct
c. Mandatory reporting
d. Breach of the Code of Conduct
e. Notifiable WHS incident
f. Insurance notification
g. Privacy breach
h. Committee for Discipline complaint as defined by UCA Regulation 5.1

6.2. The Synod Reviewer will conduct a risk assessment and ensure appropriate risk mitigation, considering:

a. The safety of the complainant

b. The safety of any children and/or vulnerable adults

c. The safety of any employees, with particular consideration for psychosocial risks

6.3. It may be appropriate to suspend or stand down an individual where a complaint has been made with regard to their conduct.

a. It is presumed that suspension or change in duties will be appropriate where there is an allegation of sexual misconduct or harm to a child or young person.

b. Where the individual is a Minister, the Synod Reviewer will consult with the Moderator and/or the Associate Secretary. The Moderator will determine whether to exercise their power under Regulation 5.7.5(a) and 3.6.3.2(i) to stand the Minister aside.

c. Any suspension or standing down is taken as a measure of precaution and will not be considered an indication of guilt or wrongdoing and will not, in itself, constitute a record of disciplinary action.

6.4. The Synod Reviewer will determine and document what appropriate action should be taken in response to the complaint and record reasons for their decision.

a. Appropriate action may include:
   i. No action (reasons must be recorded and the outcome communicated to the complainant)
   ii. Informal consideration

iii. Referral to mediation
iv. Referred to the Committee for Counselling, Committee for Discipline, or Sexual Misconduct Complaints Committee
v. Referred to the relevant Presbytery Pastoral Relations Committee
vi. Subject to internal investigation (with proper attention to conflicts of interest)
vii. Subject to an external investigation

b. For allegations or complaints under 5.3 (b), or (e) of this Policy an investigation must be conducted
c. For allegations that meet part b of the definition of Committee for Discipline Complaint in UCA Regulation 5.7.2, an external investigation must be conducted.

6.5 For allegations or complaints in relation to Ministers, the Synod Reviewer will refer the matter to the Committee for Counselling, Committee for Discipline, or Sexual Misconduct Complaints Committee unless it is determined that an external investigation is necessary. Any such referral relates to the Minister's conduct and does not prevent any additional steps in relation to consideration or addressing potential systemic issues.

# 7. Report is considered or investigated

### Appointing an Investigator

7.1. No investigation will be commenced where it may prejudice any police matter. If there is any doubt, the Synod Reviewer will consult with police before proceeding.

7.2. Where an **external investigation** is considered appropriate, the Reviewer will appoint an external **Investigator** and instruct them to follow the Complaints Procedure.

7.3. Where an **internal investigation** is considered appropriate, the Reviewer may appoint an appropriate internal **Investigator**, being mindful of potential conflicts of interest, and instruct them to follow the Complaints Procedure.

7.4. Where an **informal consideration** in considered appropriate, the Reviewer will take such steps as they consider appropriate to consult with stakeholders and document an outcome.

### Conducting an Investigation

7.5. The Investigator is to investigate the complaint (or concern or allegation) according to the relevant Procedure for Responding to Complaints..

7.6. In investigating the complaint, the Investigator is to:

a. act in good faith, without bias and without unreasonable delay;

b. collect and document evidence, including by conducting interviews and taking statements from the complainant and other witnesses; and

c. maintain a record of all relevant evidence obtained and steps taken in the investigation.

7.7. The Investigator is to provide a report to the Synod Reviewer upon completion of the investigation and such interim reports as the Synod Reviewer requests.

**The matter is concluded**

7.8. The Synod Reviewer will consider the Investigator's Report and take such action as is appropriate in accordance with the Procedure for Responding to Complaints.

7.9. The Reviewer will ensure that the outcome is communicated to the person subject to the complaint and the person who made the complaint.

7.10. The Reviewer will ensure that appropriate records are kept regarding the investigation and the outcomes.

# 8. Support and protections

8.1. The Reviewer will ensure that adequate pastoral support, usually including EAP assistance, is offered to

a. the complainant
b. the person or people subject to the complaint
c. anyone else who may be impacted by the complaint or investigation

8.2 The Synod encourages any person or group to speak up about any issue or incident of concern.

a. No adverse action will be taken against a person in response to a complaint they have made or supported.
b. for complainants or whistleblowers who wish to remain anonymous, the Speak Out line makes provision for the protection of identity.

# 9. Responsibilities

9.1 **Employees of Synod or any Synod entity:**

a. Any employee of Synod Mission Services who becomes aware of an allegation of Reportable Conduct must communicate that information to the General Secretary.
b. Any employee of a Synod entity who becomes aware of an allegation of Reportable Conduct must communicate that information to the relevant head of entity.
c. All employees are responsible for reporting WHS hazards and for taking reasonable care for their own health and safety and the health and safety of others.

9.2. **People leaders**

a. People leaders are responsible to ensure that employees are aware of their responsibilities and receive sufficient training to enable them to discharge their responsibilities.

9.3. **Synod Reviewers**

a. Synod Reviewers are responsible for understanding and identifying triggers for specific complaint types.

b. Synod Reviewers are responsible for the implementation and documentation of the Complaints Procedure in relation to any complaint.

9.4. **General Managers of Synod Mission Services**

a. The General Managers of Synod Mission Services are responsible for ensuring that a Synod Reviewer is allocated to every complaint or report in a timely manner.

**b.** The General Managers of Synod Mission Services are responsible for appointing appropriate Synod Reviewers.

9.5. **Head of entity**

a. Where a matter is identified as a Reportable Conduct matter, the Head of Entity (in most instances the General Secretary) will be the Synod Reviewer.

b. Where the General Secretary has delegated Head of Entity responsibility to a particular role for a particular scope, that acting Head of Entity will be the Synod Reviewer for any Reportable Conduct matters within the relevant scope.

9.6. **Synod Board**

a. The Synod Board is responsible for ensuring that the Complaints Policy is reviewed regularly.

b. The Synod Board is responsible to ensure that there are sufficient resources available to implement the Complaints Policy.

## 10. Definitions

| Term | Definition |
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| **Bullying** | When an individual or group of individuals repeatedly behave unreasonably towards a worker or group of workers and that behaviour creates a risk to health and safety. See Fair Work Act (Cth) s789FD |
| **Complaint** | For the purposes of this Policy, Complaint includes any grievance or other concern. |
| **Discrimination** | Adverse action towards an individual or group on the basis of a Protected Attribute (see definition) that is not<br>• a result of the inherent requirements of the position concerned, or<br>• action taken in good faith in accordance with UCA doctrine to avoid injury to religious susceptibilities. |
| Grievance | Concern, feeling of resentment, or significant conflict over something believed to be wrong or unfair. |
| **Harassment** | Unwelcome behaviour or conduct by a person (which may be verbal, physical or electronic such as email, instant messaging and social media) that intimidates, offends, belittles, threatens or humiliates another person. This includes harassing someone on the basis of them (or an association of theirs) having a Protected Attribute |
| **Inappropriate Behaviour** | Includes behaviour which could constitute Bullying, Harassment, Sexual Harassment, Sex-based Harassment, , Discrimination, Vilification or Victimisation. |
| **Information Privacy** | Concerns the promotion and protection of information about who we are, what we do and what we believe. |
| **Minister** | Means a Minister as referred to in the Code of Ethics, including any Candidate, Deacon, Intern, Pastor, Youth Worker, Minister ordained by the UCA and retired but engaging in ministry, Minister of another denomination serving in a placement, the Synod General Secretary, and the Moderator. |
| **Notifiable Incident (ACT)** | ***A notifiable incident*** means—<br>(a) the death of a person; or<br>(b) a serious injury or illness of a person; or<br>(c) a dangerous incident; or<br>(d) a sexual assault incident. |
| **Notifiable Incident (NSW)** | A ***notifiable incident*** means<br>(a) the death of a person, or<br>(b) a serious injury or illness of a person, or<br>(c) a dangerous incident. |
| **Procedural fairness** | Procedural fairness a flexible obligation to adopt fair procedures which are appropriate and adapted to the circumstances of the particular case. relates to fairness in the process of decision-making rather than the outcome of the decision. Procedural fairness will usually include providing the Respondent with enough information about the complaint to enable them to answer, and |

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| | allowing the Respondent a right of reply where new information is received. |
| **Protected Attribute** | means certain protected characteristics, e.g. a person's:<br>• age;<br>• physical or mental disability;<br>• race, including colour, national or ethnic origin or immigrant status;<br>• sex, pregnancy, breastfeeding, marital status and family or carer's responsibilities'<br>• sexual orientation, gender identity and intersex status;<br>• religion, political opinion, or social origin;<br>• subject to family and domestic violence. |
| **Reportable Conduct (ACT) – applies to any Minister, employee or volunteer.** | • ill treatment or neglect of the child;<br>• exposing or subjecting the child to behaviour, or a circumstance, that psychologically harms the child<br>• misconduct of a sexual nature<br>• an offence against parts 2,3,4 or 5 of the Crimes Act 1900 for which the child is either present or a victim at the time of the conduct:<br>• an offence against section 166 or 167 of the Education and Care Service National Law (ACT): |
| **Reportable conduct (NSW) – applies to anyone required to hold a WWCC for their engagement with the Church.** | • Sexual offence (offence of a sexual nature committed against with or in the presence of a child)<br>• Sexual misconduct (sexual conduct with, towards or in the presence of a child; other than an offence)<br>• Ill-treatment of a child (conduct that is unreasonable and seriously inappropriate, improper, inhuman or cruel)<br>• Neglect of a child (significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by person with parental responsibility, an authorized carer or an employee, f the child is in the employee's care)<br>• An assault against a child (assault includes intentional or reckless application or force OR cause another to apprehend immediate and unlawful violence)<br>• An offence unders43B or 316A<br>• Behaviour that causes significant emotional or psychological harm to a child.<br>• Reportable Conduct can be conduct in any circumstances and is not limited to workplace related conduct. |
| **Sex-based Harassment** | Is unwelcome behaviour that is sexist and demeaning in nature, where a reasonable person would anticipate that the person subjected to the behaviour would be humiliated, offended or intimidated. The behaviour is not necessarily sexual. |

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| **Sexual harassment** | Includes any unwelcome sexual advance, unwelcome request(s) for sexual favours or other unwelcome conduct of a sexual nature where a reasonable person would have anticipated the possibility that the individual subjected to the behaviour would feel offended, humiliated or intimidated.<br>Conduct of a sexual nature includes sexual gestures, inappropriate physical contact, intrusive comments about a person's physical appearance or private life, inappropriate staring, or jokes of a sexual nature whether in person or by text or electronic message. |
| **Vilification** | Is a public (not private) act that could incite hatred, serious contempt or ridicule towards a person or group of people who have a particular characteristic.. |
| **Workplace** | includes:<br>• at an individual's usual workplace;<br>• where an individual is working from home or at an approved alternative location, including when the individual is attending church or a community member's premises in the course of work; and<br>where an individual is representing the Synod or engaging in work- related activity such as community consultation, conferences, training, business trips and social events whether or not on Synod owned or run premises. |

# 11. Version history

| Version | Approved by | Approval date | Effective date | Sections modified |
|---|---|---|---|---|
| 1 | Synod Board | 27 August 2024 | 27 August 2024 | |
| 1.1 | Synod Board | 25 February 2025 | 25 February 2025 | 2.1, 5.2, 5.3, 5.5, 6.4, 6.5, 7.3, 10 |
| 1.2 | Synod Standing Committee | 13 June 2025 | 13 June 2025 | 2.1, 2.4, 3, 6.4, 6.5 |