CODE OF ETHICS
APPLICABLE TO PASTORS/MINISTERS OF THE
BAPTIST CHURCHES OF SOUTH AUSTRALIA
AND
THE PROTOCOL FOR INVESTIGATING COMPLAINTS
ON MATTERS PERTAINING TO BREACHES
OF THE CODE OF ETHICS

Code of Ethics for Pastors/Ministers/Leaders (Paid or Voluntary, full-time or part-time)
For the purposes of this policy, a pastor or minister (ordained and non-ordained) is any person who is formally engaged in a recognised ministry role within (or on behalf of) the congregations, committees or agencies of the Baptist Churches of South Australia. These terms, for the purposes of this document, refer to any person given any ministry role or responsibility by the local church leadership and includes chaplains, youth workers, elders, board and governance team members, etc.)
NOTE:

These policies developed by CACET Global for the Baptist Churches of South Australia have in part originated from CACET Global’s extensive data base of previously developed policies.

It is important from a legal and moral perspective to acknowledge a range of organisational policies that have been studied and referred to in part, in order to ensure the highest quality and up to date documents.

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BAPTIST CHURCHES OF SOUTH AUSTRALIA
CHILD PROTECTION POLICY

PLEASE NOTE:
As you are aware the churches affiliated with Baptist Churches of South Australia are each separate legal entities responsible for their own policies and procedures. These guidelines should not be used as a substitute for each church satisfying its self that all reasonable steps have been taken to create and maintain a safe environment for children.

The Baptist Churches of South Australia recognises the fact that some processes in relation to this policy are dependent on individual church resources and circumstances, which may be unique to that church.

Churches who adopt this policy, along with individuals who choose to agree to the guidelines, do so accepting the spirit in which the policy is written, and the “intent” to create and maintain a safe environment.

Where a process may not work due to the dynamics of a particular church, the intent must not be to ignore it, but develop and implement a policy and process that address the issue in such a way that it becomes an accountable and viable process. The Independent Director of Professional Standards is available to discuss and assist any church that may require assistance in this area.

CACET GLOBAL ACKNOWLEDGE:
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SECTION 1 : INTRODUCTION

1.1 The purpose of this document

The purpose of this document is:

- to define the ethical practice of ministry,
- to provide examples and definitions which assist and guide in determining unethical behaviour, and
- to establish a protocol for dealing with complaints.

1.2 The scope of this document

The principles and procedures set down in this policy apply to Pastors in all churches and ministries that are an expression of the Baptist Churches of South Australia. The term ‘Pastor’ is generally viewed or identified as a paid/senior leader. For the purpose of this document any persons who are appointed to and serve in any area of pastoral ministry, leadership and service within the life and ministry of the church, whether full-time, part-time, paid, unpaid, ordained, not ordained, or pending ordination, endorsed, trained, student or lay are subject to the same principles and processes. Within this document, the term, “minister” encompasses all of those identified above.

1.3 Definitions

“Assembly Board” consists of the Officers of the Association and elected members.

“Advocate” a support person as defined in 4.1.1

“BCSA” Baptist Churches of South Australia Inc

“Complainant” a person who alleges or lodges a complaint against another person

“Counsellor/pastoral carer” any person appointed by the church to provide advice/guidance to another person.

“DPS” Director of Professional Standards or delegate

“Duty of Care” the responsibility of minister to exercise ministry within an ethical framework as defined in 4.1.2

“Elder” any person appointed to oversight of a congregation (includes board members, deacons, governance team member or any similar leadership role).
“Officers of the Association” consists of
- The President
- The Immediate Past President
- The Vice-President
- State Executive Minister

“PSAT” Professional Standards Assessment Team as defined in 4.1.4

“Pastor” a person who has been formally appointed or endorsed by a church or denomination to exercise ministry which involves the oversight of a congregation and its ministries.

“Minister” Any person appointed to a position of “ministry” as defined in 1.2

“Pastoral Manner” the manner defined in 4.1.3 in which ministers and all those involved in the outworking of these protocols are to conduct themselves.

“Respondent” a person who is subject to an allegation or complaint.

“SEM” State Executive Minister

1.4 General Introduction

The church is to be God’s instrument in restoring wholeness to creation. It is in this context that these principles and guidelines have been formed. It is hoped that rather than raising matters of concern that do not exist, the guidelines will provide a framework for establishing a just, accountable, open and compassionate response to all effected by any critical incident and breach of ethical standards.

Our commitment to expressing the love of Christ leads us to the view that all people should be able to live and work in an environment that is as far as possible free from abuse of any kind.

Legally, churches and church agencies may be found to be vicariously liable for wrongs (including abuse) perpetrated by ministry staff and employees, as well as those appointed to a position of leadership responsibility and trust. The Church must take responsibility for providing a safe environment for those being served. Subject to particular exemptions, State and Commonwealth Acts dealing with issues of discrimination and equal opportunity apply generally to the church. In some situations both the employee and the employer may be found in breach of applicable legislation. Liability is likely to be greater in cases where offences have been inadequately handled; liability is likely to be lessened where approved standards and procedures have been effectively implemented.
Allegations of sexual harassment and abuse are serious. An allegation of this nature, if made to an inappropriate third party, can, in some cases, give rise to a suit for defamation even if the allegation is found to be false. In some states a suit for defamation can arise even if an allegation is found to be true if that allegation is published with a malicious intent. People who make allegations to inappropriate third parties, ignoring these procedures, can put themselves and their organisation at considerable risk.

NOTE: This information is made available to strengthen the process in order to achieve proper accountable and just outcomes, not in any way to suggest that victims be persuaded not to speak out and report abuse of any kind.

In the past some church leaders have dealt with allegations of sexual harassment and other forms of abuse and breaches of ethical standards without clearly defined policies and procedures. The procedures in this document establish a protocol whereby allegations and complaints may be referred to an appropriate identified person who can implement a number of procedures depending on a number of factors that would require assessment at that time. It should also be noted that cases could be subject to legal procedures outside of this framework. The church does not intend that its procedures should in any way protect offenders from the law. All forms of abuse that constitute, or are likely to constitute a criminal offence must in every instance be reported as the law demands.

Sexual harassment and abuse contravenes God’s word and is unethical and unacceptable behaviour. Sexual harassment and abuse covers a range of unwelcome, unsolicited, manipulative and in some cases unreciprocated behaviour. (Some victims although not seeking or wanting sexual harassment/abuse to occur are subject to a grooming and manipulative process and as a result may reciprocate in certain situations), Sexual harassment and abuse extends from unwelcome actions such as gestures, display of offensive pictures, comments of a sexual nature, implicit or explicit demands or suggestions for sexual activities, through to physical contact such as patting, pinching, excessive use of hands, touching, caressing, inappropriate kissing and more hostile conduct including rape. Harassment may be perpetrated by an individual, or by a group, towards a person of the same or opposite gender, or by an adult towards a child.

The terms “sexual or sexualised relationship” is not restricted to sexual intercourse. It also includes any behaviour that has as its purpose some form of sexual self-gratification, or which may reasonably be construed by another person as having that purpose.

1.5 Guiding Principles for the Code of Ethics

This Code of Ethics seeks to apply to the ministerial relationship those standards that God expects of all people. Ministers are therefore expected to be examples and models of Christian faith.
It has also been prepared from the equally important perspective of expressing justice and support to those who have been victimised. The church must stand with those who have been victimised. This code seeks to do justice, to stand in solidarity with those who have been victimised, and to strenuously avoid re-victimisation. (Micah 6:8)

It is the unambiguous duty of any person in a ministry position not to use the influence or authority of their position for personal gain, whether that gain is financial or sexual gratification or otherwise.

The adoption of this Code of Ethics and the related protocol for Investigating breaches of the Code of Ethics in the area of sexuality reflects a conscious decision and desire to move from the past where many churches and denominations have focused on damage control, denial and even cover-ups, to an open and accountable process that seeks to express both justice and compassion.

1.6 Guiding Principles for the implementation of the Protocol for investigating complaints and matters pertaining to sexuality

In terms of investigation standards and procedures a complainant cannot determine the course or avenues of any enquiry.

As a rule, a respondent is entitled to the law of “natural justice” and has the right to know exactly what he/she is being accused of and by whom. Normally a complaint will not proceed unless the complainant or complaints are willing to have their name(s) and the details of the complaint referred to the respondent.

If a complainant does not wish for a matter to go beyond a disclosure it is difficult to proceed with an investigation without the support and evidence of a complainant/victim. However, if there is an identified risk to others, the church has a duty of care to those people who may be at risk.

In exceptional circumstances the DPS reserves the right to take up a complaint so raised and instigate an investigation. The DPS will advise the complainant of any action and outcome.

The principles of natural justice will be respected. For instance, the principle of ‘innocent until proven guilty’ lies behind the development of the formal complaint procedures. However, it may be appropriate for a respondent to be stood down from active ministry (on paid leave if a paid employee), pending the outcome of the formal complaint and investigation process, or any civil action.

The protection and wellbeing of both a complainant and respondent (by virtue of natural justice) is extremely important.

The Baptist Churches of South Australia via the SEM, the DPS, or delegated persons must deal with the collection of and holding of information under ‘qualified
privilege’. For example a person privy to such information (as identified above) has the discretion not to hold to his/her confidentiality in circumstances where he/she reasonably believes that the potential complainant may harm him/herself, or where the alleged perpetrator may harm others, or him/her.

When assessing an investigation outcome report and recommendation(s) or liaising with a respondent, those responsible must be aware of the difference between remorse and repentance. Normally remorse is the initial expression of genuine regret or sorrow in response to the substantiated complaint/offence. Repentance is the slow and deeply personal process of accepting responsibility for the consequences of his/her actions and sustained commitment to proper actions.

Those dealing with allegations of sexual abuse and harassment must recognise that sometimes reconciliation between complainant and respondent appears improbable and may be impossible or unwise.

No person who has offended has the right to demand to be forgiven by a complainant.

This document recognises the possibility of false accusations.

It is the responsibility of each person in the process to undertake its tasks with compassion, wisdom and justice.

This document also recognises that victims of ministerial abuse include not only those who have been directly subject to the impact of the abuse, but also includes secondary victims who are directly or indirectly impacted by the abuse. Secondary victims may include individuals within and outside of the congregation, the congregation as a whole, members of the victim’s family, and members of the alleged or substantiated respondent’s family. The impact of ministerial abuse on such secondary victims must be taken into account as part of an overall assessment of the impact of abuse. Pastoral care of secondary victims must also be assessed, planned and made available.

It is essential to ensure that complainant(s) are not put in the position of having to retell their story a number of times, however in the event that it is essential to do so to determine credibility, then the complainant(s) may be required to repeat their story. Proper reports/referrals and skilled investigators will as far as possible prevent this from occurring. At all times, and in all ways, the ongoing safety and care of the victims of alleged ministerial abuse will be a priority.
SECTION 2 : THE CODE OF ETHICS

2.1 The Ethical Practice of Ministry

The nature of ministry requires ministers to, at all times, be positive examples and role models to others. It is the responsibility of ministers to be respectful of, and act responsibly towards all people, in particular the people who fall within their duty of care. This Code of Ethics is intended to describe the ethics of ministry for the benefit of both ministers and those to whom they minister on a day-to-day basis.

These guidelines provide ‘specific’ processes’, but cannot address or foresee every ethical question or situation that may arise from time to time. The four basic principles which ministers are called to apply are as follows:

2.1.1 The Dignity of the Human Person

Human beings are created in the image of God, and Scripture clearly teaches that each person is of unique value. Ministers have a particular responsibility to respect and enable all people to fulfill their calling as children of God. Ministers are called to encourage, lead and guide those who seek their ministry, while recognising their personal autonomy.

2.1.2 Justice and Integrity

Those who minister in the name of Jesus will act with respect, consideration and truthfulness towards all people. Ministers are called to seek justice where there is oppression, and truth where there is deceit.

2.1.3 Service in Humility and Love

Ministers are called to pattern their ministry on the example of Jesus Christ, which is a ministry of service carried out in humility and marked by deep spiritual love. The abuse of power and privilege is unacceptable and will not be tolerated. A Christ-like ministry means that ministers will be aware of their own relationship with those they come into contact with, and will seek to avoid harm, whilst actively seeking to do what is right.

2.1.4 Shared Responsibility

Those who minister inside and outside of the life of the church, share in the Ministry of Christ. Within that ministry, all are accountable to each other and to Christ for the exercising of such ministry.
2.1.5 **Breaches of Ethical/Professional Standards**

A breach of Ethical, Professional Standards occurs when an individual

- Fails to comply with a policy or procedure of the BCSA, and/or
- Engages in conduct that is likely to bring the BCSA into disrepute or diminish public confidence therein, and/or
- Behaves or acts in any manner that is deemed to be disgraceful, improper or illegal.

2.2 **Code of Ethics**

2.2.1 **The Minister and those receiving Ministry**

Ministers will:

- Practise or exercise ministry within the limits of their expertise and to the best of their ability.
- Undertake ongoing education to improve professional standards of care.
- Strive to keep public and private life above reproach.
- Ensure that they do not exploit those in their care for any reason, e.g. sexual, emotional or financial.
- Treat those to whom they minister, and all with whom they come into contact, with compassion and respect.
- Respect the dignity of the human person, regardless of race, religion, gender, political beliefs, disability or sexual orientation.
- Respect the right of all people to make their own educated decisions and choices in life.
- Respect the right of all to whom they minister to a relationship of mutual trust, privacy and confidentiality. Accordingly, information divulged by people will not be discussed or disclosed to others unless consent is given, except in exceptional circumstances, which are highlighted along with specific processes in section 4.
- Ensure that where limits of confidentiality apply, ministers will seek to inform people of those limits, for example, where there is a threat to the safety of a person. In such exceptional circumstances, they will seek to consult with those who have provided the information prior to breaking such confidentiality.
- Recommend the seeking of additional opinions and services where the ministry required is not within their competence or where there is a conflict of interest.
- Refer people to another competent colleague, ensuring continuity of care, where there is a conflict of interest.
• Ensure where fees are charged for any services, those to whom they minister are aware of all fees and associated costs (if any) beforehand, and are aware that the pastoral needs take precedence over capacity to pay.

• Refrain from sexual exploitation or sexual harassment as identified in section 1.4.

• Refrain from using emotional abuse and manipulative behaviours.

• Cooperate fully and provide all relevant information to the SEM and DPS in any matters pertaining to breaches of the code of ethics.

• Encourage those to whom they minister to move towards self determination under God, with the aim of supporting and ‘empowering’ the individual to take responsibility for their own lives and decisions.

2.2.2 The Minister and the Church

Ministers will:

• Recognise membership of the Body of Christ implies a partnership in ministry, and that they will follow the proper counsel of those to whom they are answerable (for example: Church Board, Governance Team, Elders, leaders, BCSA).

• Contribute professional expertise and experience to the development of ministry, policy and practice within the Baptist Churches of South Australia.

• Uphold professional standards of practice in ministry, and work to further them.

• Actively share professional knowledge, skills and experience with colleagues.

• Ensure that in pastoral situations these two commitments are maintained:
  
  o First, ministry that is offered will be of the highest possible quality, and,
  
  o second, ministers are accountable to those receiving ministry for its quality and impact.

• Work to incorporate within the life of the church, and seek to provide ministry to: those who differ in terms of disability, political beliefs, or ethnic and racial background.

• Be acutely aware of the risk of over-commitment and avoidance of responsibility.
• Cooperate fully and provide all relevant information to the SEM and DPS in any matters pertaining to breaches of the Code of Ethics.

2.2.3 The Minister and Colleagues in Ministry

Ministers will:

• Ensure that all colleagues in ministry are treated with respect, consideration, fairness, and in good faith.

• Recognise and respect the abilities, expertise, areas of responsibility, skills, talents, time commitments and views of colleagues in ministry.

• Be aware that personal conduct affects their own reputation and that of the profession and the ‘church’.

• Refrain from making comments that may needlessly damage the reputation of colleagues, cause anxiety to a person receiving ministry, or damage the wider profession and church.

• Seek mediation in the face of conflict with colleagues.

• Accept responsibility for their own emotional, mental, physical and spiritual health, and recognise its effect upon their professional engagements and pastoral care.

• Fulfill the duty of care that they have for their own families and friends.

• Cooperate fully and provide all relevant information to the SEM and DPS in any matters pertaining to breaches of the Code of Ethics.

• Avoid entering into contracts or situations with colleagues, individuals or organisations, which may diminish (the minister’s) ability to maintain professional integrity and independence.

2.2.4 The Minister and Society

Ministers will:

• Strive to improve the standard and quality of ministry within the church and wider community.

• Acknowledge that ministers have a role in society that carries respect and ensure that they act responsibly and with integrity, so as far as to maintain such a position of positive respect and trust.

• Act within and obey the local, State, Federal and international law.

• Seek the support of the church body employing him/her before accepting other remuneration than that agreed in his/her employment agreement.
• Seek to be an example of upright behaviour to the members of both the church and the community, and seek in his/her example to display Christ-likeness in demeanor and actions.

• Work for justice in society and encourage those to whom ministry is given to live their Christian principles throughout their lives.

• Recognise the proper concern by the church for all aspects of society, including political issues. In doing so, ministers will encourage debate which is respectful of persons, and support those in positions of political responsibility, seeking at all times to further Christian principles.

• Cooperate fully and provide all relevant information to the SEM and DPS in any matters pertaining to breaches of the Code of Ethics.

2.2.5 Character Reference Requests

Where pastors, elders, workers or representatives who are seen to be a church representative are asked to provide a character reference for anyone charged with a criminal offence the DPS should be consulted. There can be severe consequences associated with the provision of references.
SECTION 3 : COUNSELLING

3.1 Pastoral Care Support/Counselling

The topic of pastoral counselling is a vexed one, in terms of protecting the counsellee and the counsellor, especially when the issue of the individual’s right to confidentiality is taken into consideration.

There are recognised difficulties in the “private” nature of the counselling relationship. It is an issue which faces health professionals every day. The question of whether or not to counsel a member of the opposite sex, whether or not to counsel alone, or only to counsel where someone else is able to see what is transpiring in the session, etc., are very complicated. Those requiring counselling are often in a vulnerable state, and may be very sensitive to the thought that they cannot speak with someone else privately. There are also clearly occasions when anonymity is vital to the disclosing of information (such as sexual abuse of a child). Counsellors should determine in conjunction with the church leadership what the internal policy with respect to counselling ought to be.

Best practice would suggest that, at the very least, anyone who undertakes a counselling role should keep a written record of the session, including the name of the counsellee, the date and place of meeting, and some brief indication of the nature of the interaction. It is not appropriate that any personal opinions of the counsellor be recorded, nor should any diagnosed label be attached, unless the counsellor is professionally qualified to make such diagnosis. All such information should then be kept in a secure place where confidentiality will not be compromised.

If, in a counselling session, there is a felt need to involve a third person in the session, it must be clearly understood that whether that occurs, and if it does, the choice of whom that third person might be, should be the right of the counsellee in the first instance, or should be determined at the very least by mutual agreement. If such agreement cannot be attained then it may be more appropriate for someone else to undertake the role of the counsellor.

3.2 Counselling Code of Ethics

Anyone who undertakes a pastoral counselling role should desist from engaging in intensive personal and long term involvement with any counsellee, and should guard against spending unnecessary or overly long periods of time of being alone with another person. Such counsellors should also be extremely cautious about any level of self disclosure in the counselling relationship, especially given that the most reliable predictor of crossing sexual and emotional boundaries is inappropriate self disclosure by the counsellor. The counsellor must ensure the counsellee has an understanding of the purpose, process and boundaries of the counselling relationship.
Pastoral counsellors also need to be very wary of purporting to be what they are not with respect to counselling. Unless formal counselling training has been undertaken, those who offer pastoral counsel would be unwise to call themselves counsellors and certainly unwise to presume that they are able to operate with the training and expertise of a professional counsellor. From a Duty of Care perspective, it needs to be understood that anyone who claims to be a counsellor would be judged according to professional industry standards of a qualified counsellor should any investigation be undertaken. In any event, any person who undertakes any counseling or support role should be very aware of their own limitations and expertise and be very conscientious about referring counselees on as soon as it is indicated.

A counsellor must not initiate, develop or pursue a relationship be it sexual or non-sexual with past or present counselees for a period of two years from the last counseling session.
SECTION 4 : PROTOCOL AND PROCESSES FOR INVESTIGATING COMPLAINTS

4.1 Definitions

A “complainant” is usually the person who raises an allegation.

A “respondent” is the person against whom an such an allegation is directed.

Whilst this policy directly relates to Pastors as identified in section 1.2, for the purpose of this policy, a pastor or minister is any person who is formally engaged in a recognised ministry role within (or on behalf of) the congregations, committees or agencies of the Baptist Churches of South Australia. It includes chaplains, youth workers, ordained and non-ordained ministers, key leaders, (elders, board members etc), paid and volunteer staff.

4.1.1 Advocate

In the event of an investigation both the respondent and complainant will each be encouraged personally to select a key person (Advocate) who will support and guide them through the process. The advocate will also ensure that those involved are aware of their rights and choices as described in this protocol, regardless of being either a respondent or complainant. If a respondent or complainant is unable to identify an advocate, the DPS shall provide the names of a number of appropriate independent people. A legal practitioner may act as an advocate. It is important that the respondent and complainant select and appoint an advocate. In the event that the respondent or complainant is under a disability, it is advisable that their advocate appoints a person as an advocate for this process. An individual has the right to refuse an advocate.

4.1.2 Duty of Care

The term duty of care describes the responsibility of respondents to exercise their ministry within an ethical framework of accountability to both church and recipients of such ministry. It expects respondents to do all things considered reasonable in their conduct of a particular ministry activity. All respondents are to be accountable at a variety of levels for all those who come into their care.

4.1.3 Pastoral Manner

The term pastoral manner encapsulates the traditional tasks of guiding, healing, teaching and reconciling (where possible and appropriate). Those who take part in any process within this protocol are called to act towards all parties with dignity, respect, sensitivity and understanding. This in no way means that unacceptable behaviour is to be tolerated, or that perpetrators of unacceptable behaviour are not to be held highly accountable for their actions.
4.1.4 Professional Standards Assessment Team (PSAT)

The Professional Standards Assessment Team consists of the Officers of the Association and any delegated member(s).

In order to ensure unbiased and objective assessments and responses, the PSAT can at their discretion add delegates to the team or seek advice from persons who may be identified as possessing special skills (including legal skills), in order to have input into and assist with a specific case.

4.1.4.1 Role and Responsibilities of the Professional Standards Assessment Team (PSAT)

Once an investigation final outcome report is submitted to the PSAT via the SEM, that team will be responsible for the ongoing assessment and implementation of determined procedures from that point. This structure serves as a second tier within the process.

The PSAT have a range of operational/response options and can at their discretion:

- Meet with the DPS for a full briefing re the reported outcome of the investigation.
- Direct the DPS to conduct further enquiries and report back to the PSAT.
- Consider and implement additional actions/processes.
- If a recommendation has been made in relation to therapeutic evaluation and/or treatment, the PSAT may make some suggestions as to the suitability of qualified therapists for support and counselling.
- Ensure that ongoing planned and coordinated assistance and support is made available to the spouse and families of both the complainant and respondents as considered appropriate by the PSAT. Costs for complainants will be met by either the church or in some cases the BCSA. In relation to respondents, costs may be borne by a respondent, employing body or BCSA as deemed appropriate by the Assembly Board or designated body thereof.
- Where limited or restricted ministerial function has been recommended and agreed to, the PSAT will provide for appropriate monitoring of the limited functions.
- The PSAT will, after a period not exceeding 12 months, review the effectiveness of the counselling/rehabilitation process.
- Any consideration of re-instatement of the respondent will depend upon satisfactory recommendations from the therapist and other
individuals involved in the process. These recommendations will be forwarded to and evaluated by the PSAT.

- If a matter is unsubstantiated and the respondent has been stood down pending an investigation, the PSAT may reinstate the respondent.
- If a matter is substantiated the PSAT may recommend to the Assembly Board the termination of the services of the respondent and removal of ministerial accreditation if applicable.

It is the ongoing role and responsibility of the PSAT, via the SEM, to engage the local church and manage the matter from this point. The DPS is available for ongoing input/consultation upon request.

4.2 Introduction

‘Sexual harassment and abuse’ is referred to and defined in section 1.4 of this document. It must be noted that the term ‘sexual or sexualised relationship’ is not restricted to sexual intercourse. It includes any behaviour that has as its purpose some form of sexual self-gratification, or which may be construed by another person as having that purpose.

The moment that a person has taken on a position of ministry/leadership, he/she takes on the inherent responsibility for those who will look to him/her for that ministry/leadership.

If there is an indiscretion (breach of the code of conduct) of any kind between a minister, and a person with whom they have contact with as an appointed minister, it is that person who will always be regarded as the more culpable, because of the nature of the trust relationship, which has been bestowed upon the him/her.

The term ‘sexual misconduct’ covers a wide range of sexualised behaviour in breach of the code of ethics. The following are examples of sexual misconduct.

- Pressure from a minister applied to a person within their ‘duty of care’ with the purpose of sexualising the relationship.
- A minister who demands sexual favours from any person within the minister’s ‘duty of care’.

A person may feel sexually pressured when:

- “The minister keeps demanding that we go out for dinner.”
- “The minister often pats me on the bottom and I hate it.”
- “The minister’s use of sexualised language and imagery is causing me to feel uncomfortable.”
- “When I talk with the minister, he puts his hands on my thigh.”
• In a counselling situation the conversation shifts to the needs of the minister and does not stay with the needs of the person being counselled. The sexual content of the topics introduced into the conversation by the minister leaves the counselee feeling uncomfortable.

• “Our minister only ever visits me when my spouse is not at home and stays for an extended period of time. I am starting to feel uncomfortable.”

• “When I am being counselled by the minister I am questioned about my private life. I feel uncomfortable about these questions. They do not seem to relate to the problems I have.”

• “The minister has made sexually suggestive remarks when counseling me.”

• “In board meetings the minister always interrupts me. He/she never does it to the other men/women.”

• “One of the ministers made a request for sexual favours at a Church Camp.”

• “The minister assumes the right to hug me.”

• “The minister constantly asks for kisses and cuddles”.

**NOTE:** It is acknowledged that the circumstances of un-married and widowed ministers require special consideration. Nevertheless, it is considered inappropriate for such ministers to form an intimate relationship with someone who is within their duty of care. It may be considered to be a serious breach of the Code of Ethics. It is recommended that un-married and or widowed ministers who enter into a legitimate relationship with a pastoral contact take steps to formally ‘transfer’ the duty of care for that person to another competent person (perhaps another minister or church leader).

### 4.3 Monitoring Bodies

The Baptist Churches of South Australia have appointed an independent Director of Professional Standards.

It is the responsibility of the DPS or delegate, upon the request of the SEM, to respond to and conduct enquiries in relation to complaints and allegations of breaches of the code of Ethics by ministers (inclusive of all parties defined herein).

This appointment was designed and implemented to ensure independent and objective investigations in accordance with natural justice principals. Investigation outcomes and recommendations are forwarded to the SEM. The SEM in turn presents the findings and recommendations to the Officers of the Association who form the Professional Standards Assessment Team (PSAT). The PSAT members are responsible for assessing and acting on investigation outcomes and recommendations. Disciplinary action as well as the ongoing identification and delivery of pastoral care/counselling is also the responsibility of this group. The group
can at any time form a sub committee, or add individuals to it in order to respond to a particular matter.

The DPS, while responsible for initial responses and enquiries, may utilise the resources of a number of suitably qualified people (delegates) from within and/or outside of the BCSA in order to ensure a balanced and objective investigation. This can occur by establishing an independent team, or liaison with suitably qualified individuals.

4.4 Investigative Guiding Principles

The DPS and delegates will at all times implement the principles of natural justice throughout the course of any investigation process, and acknowledge that justice must not only be done, but be seen to be done. All investigators will:

- Undertake all investigations (and any other role undertaken) in good faith and with the utmost impartiality.
- Declare any personal interest in the matter under investigation and any pre-existing relationship, whether personal or professional, with any party subject to or involved in the process.
- Ensure as far as possible that all parties have been given adequate opportunity to speak to their situation and seek clarification, or clarify information relevant to the allegation/investigation.
- Determine that all the components of the process have been clearly explained to all parties and that they have been effectively implemented at the completion of the process, and
- Implement regular reviews in order to assess investigative processes and outcomes.

The DPS will keep those with a defined need-to-know up to date on a range of issues including:

- Knowledge of the issues and dynamics of the abuse.
- Theological issues related to the victims needs and the church’s response.
- Legal issues related to sexual abuse (eg. the criminal nature of sexual assault and legal opinions including criminal injury and compensation).
- Fundamental components of the responses of victims, offenders and church congregations, as well as those in local church leadership who are pastorally caring for complainants, respondents and congregations.
- A growing awareness of skilled individuals and services both within and outside of the church environment.
• In keeping those with a defined need-to-know up to date on a range of issues, the DPS, where appropriate, shall ensure that such an up-date does not result in the Respondent not being informed of all of the evidence against him or her.

4.5 Investigation Process

4.5.1 BCSA Ministry Team response to complaints/allegations

It is anticipated that in most instances a complaint will be first tabled with the SEM, or in his absence the DPS, or delegate.

When a specific complaint or allegation is received the SEM may liaise with the DPS and/or PSAT in order to discuss and assess the allegation and supporting information.

If the SEM and/or PSAT forms the view that sufficient grounds exist the DPS will be directed in writing to commence an investigation. In the absence of the SEM the DPS and/or PSAT has the authority to assess a complaint and initiate an investigation. Depending on the circumstances and supporting information, this may take the form of either initial/preliminary enquiries, or a full investigation.

The DPS can at his discretion engage other persons as deemed appropriate to assist in an investigation. Any such person is referred to as a delegate.

The DPS will ensure that an independent, objective, gender balanced and unbiased investigation into the complaint/allegations is made. The rules of natural justice will be followed.

If a complaint is initially assessed as lacking sufficient information or substance, the outcome may be that no further action is to be taken at that time, however the report will be documented and filed. A “no further investigation” recommendation must be endorsed by PSAT.

In the event that a complaint(s) falls into the jurisdiction of criminal law, the DPS will encourage and support the complainant in making a formal report to police, or in child protection matters to Families SA. If a complainant, for whatever reason, refuses to make a report, and the DPS forms the view that others are, or may be at significant risk of harm, the DPS may report the matter(s) to Federal or State police without the consent of the person who has disclosed the information. In matters relating to alleged child abuse where a complainant refuses to make a formal report to Families SA, the DPS in line with mandated notification legislation will report the matter, if he/she forms the view that abuse has, or is likely to have occurred, and that others may also be at risk. In cases where a notifier (a person who makes a report) is
not a victim, his or her identity is not to be disclosed to any person without written consent, other than to police or Families SA who are subject to stringent privacy laws in relation to disclosing the identity of notifiers.

Where matters are referred to and accepted by either SA police or Families SA, the BCSA investigation will be placed on hold in order to allow a formal investigation to take place. Internal processes outside of any legal process may continue at an appropriate level. It should be noted that inappropriate and premature responses have the potential to interfere with and contaminate formal investigations. Persons receiving complaints must take the complaint seriously. “Off the record” meetings and conversations are to be avoided where possible.

Openness to the complaint being brought forward is important to minimise any sense or allegation of ‘conspiracy or cover up’. Appropriate confidentiality is to be maintained.

Throughout the process it is important that the complainant is kept up to date with the process and supported. The complainant does not determine the course of an investigation.

4.5.2 Investigation Stages

4.5.2.1 Stage 1 – Pre investigation

- Hear and document the complainants/allegations.
- Provide the complainant with a copy of the document outlining the processes of investigation, and clarify uncertainties regarding the process.
- Discuss the options available to the complainant, including the offer of assistance with the preparation of a written statement clearly detailing all relevant details in relation to the complaints/allegations.
- Explain to the complainant that in some cases action may have to be taken in order to ensure the safety of others, even if the complainant does not wish to proceed.
- At this stage the respondent in most cases would not be contacted by the DPS, however other avenues of enquiry may take place at the discretion of the DPS.
- If the DPS recommends that insufficient information exists to take further action the DPS may provide a list of professionals who the complainant may wish to engage for ongoing support/counseling. The DPS will submit his /her recommendation to the PSAT, via the SEM. The PSAT may accept the recommendation or direct the DPS to investigate the matter further.
• If the DPS assesses the matter as requiring further investigation he/she will advise the PSAT via the SEM and seek direction to proceed to stage 2.

• The PSAT at this point may choose/direct to stand down the respondent on paid leave until the matter is fully investigated.

• Where a criminal offence is substantiated and a criminal conviction recorded, the DPS will recommend to the PSAT, via the SEM, that the respondent’s endorsement as a minister, or appointed leader be revoked and may make other recommendations deemed appropriate.

4.5.2.2 Stage 2 - Full Investigation

• The DPS will verbally advise the complainant that the investigation is to proceed. The complainant will be instructed that he/she is not to initiate any contact with the respondent at any time during the course of the investigation.

• The DPS will contact and inform the respondent that a complaint has been received, the nature of the complaint, and the decision to conduct a full investigation. It is important at this stage to inform the respondent of the process and advise that the investigation will be conducted by the DPS as an independent appointment, and that the outcome of the investigation will be forwarded to the PSAT for assessment.

• The DPS will recommend and encourage both parties to engage advocates as identified in section 4.1.1

• The DPS will arrange to meet with the respondent and provide detailed information in relation to the complaints/allegations made against him/her and provide the respondent with an opportunity to respond.

• When the complainant’s identity becomes known to the respondent, the respondent will also be instructed not to initiate any contact with the complainant either directly or through media or a third party.

• During this stage other avenues of enquiry relevant to the investigation process will occur at the discretion of the DPS.

• If a respondent refuses to cooperate and meet with the DPS, or in other ways obstructs the course of an investigation, the DPS may proceed without the respondent’s active involvement. The respondent will be advised in writing.
4.5.2.3 **Stage 3 - Investigation Outcome**

- Upon the completion of all interviews, statements and gathering of information, the DPS will come to a finding that the complaints/allegations are either substantiated or unsubstantiated.

- During this process the DPS may involve other persons suitably qualified and experienced from within and outside BCSA to have input into the finding. This can be done via a case study or case conference where the identities of those involved may not be disclosed.

- Upon the completion of this phase a final report outlining the findings and the basis of those findings will be forwarded by the DPS to the PSAT via the SEM for further assessment and action.

  Whilst the DPS may make some suggestions, it is not the responsibility of the DPS to make formal recommendations to the PSAT.

4.6 **Appeal Process**

Either a complainant or respondent may appeal a decision made by the PSAT in relation to a complaint. There is also scope to appeal the investigation process, if there is a view that the process has not been conducted in a fair and objective manner.

- The appeal must be made in writing within 28 days of the decision being communicated to the relevant party.

- The grounds of appeal must be clearly stated and relate to the specific decision made by the PSAT.

- The appeal panel will be comprised of 3 persons, with 1 person out of the 3 to be independent of BCSA. The members of the appeal panel shall not comprise any person who is also on the PSAT. A member of the Assembly Board (who is not a member of PSAT) (the “Delegate”) will be appointed by the Assembly Board to choose 4 persons whose names will be put forward to the appellant. The appellant shall have the right to select any 2 out of the 4 persons put forward and the Delegate shall have the right to select the third person who will also be the chair, and those 3 persons will comprise the appeal panel.

- The appeal will be heard within 28 days of receipt of the written grounds of appeal being received.

- The appeal panel will hear an appeal and prepare a written report to be tabled at a meeting of the PSAT.

- The PSAT will receive and adopt the report and communicate its decision to the appellant and others involved in the process within two weeks of the appeal being heard.
MINISTRY COVENANT

Insert name of church

Compliance with BCSA Code of Ethics for Pastors/Ministers/Elders/Leaders
(Paid, voluntary, full time or part time)

All those engaged as ministers or agencies of the Baptist Churches of South Australia are expected to have read and understood the Code of Ethics applicable to Ministers of the Baptist Churches of South Australia, and are expected to comply with that code throughout their ministry. It is a condition of commendation for ministry that ministers complete and sign this Statement of Compliance every two years.

Has there ever been any sexual misconduct alleged against you by any person?

Yes  No

Has there ever been any dishonest or illegal conduct alleged against you by any person?

Yes  No

Has there ever been any violence or physical abuse alleged against you by any person?

Yes  No

Have you ever been convicted by a court of any offence in relation to your driving of a motor vehicle or motor cycle?

Yes  No

Is there any other matter of concern that you should declare, which may affect your ministry with …………………..Baptist Church?

Yes  No

If yes to any of the above please provide brief details. (Attach additional information)

I (Full name) ...........................................................(Church Copy) ...........................................................

of ..............................................................................................................................................................................

declare that all information submitted by me in this statement is true, to the best of my knowledge. I understand that any significant misstatement in, or omission from, this application or attached documentation may be cause for me not being commended for any position (paid or voluntary) within the church.

I further declare that while being employed/engaged as a Pastor/Minister/Leader working within the terms of the Code of Ethics, and Child Protection Policy documents I do hereby accept the procedures set out herein. In the event that a complaint is laid against me, I give consent to these procedures being followed. I will cooperate with any investigation that is set up by the Director of Professional Standards in accordance with this document. I will attend and take part in an education process intended to promote these guidelines. I also understand and agree that in the event that I am stood down under the guidelines of this policy that my salary (if the recipient of a salary) will continue to be paid by my employer until such time as my employment is formally terminated.

Signature ..........................................................  Witness ..........................................................

Full name ..........................................................  Name..........................................................

Date ..........................................................  Address..........................................................

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Amended October 2012
MINISTRY COVENANT

Insert name of church……………………………………………………………………………………………………

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Has there ever been any violence or physical abuse alleged against you by any person?  Yes  No

Have you ever been convicted by a court of any offence in relation to your driving of a motor vehicle or motor cycle?  Yes  No

Is there any other matter of concern that you should declare, which may affect your suitability for ministry with …....................................................Baptist Church?

If yes to any of the above please provide brief details. (Attach additional information)  Yes  No

I (Full name) ………………………………………………………………………………………………………………………

of …………………………………………………………………………………………………………………………………

declare that all information submitted by me in this statement is true, to the best of my knowledge. I understand that any significant misstatement in, or omission from, this application or attached documentation may be cause for me not being commended for any position (paid or voluntary) within the church.

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Signature .......................................................... Witness  ..........................................................

Full name .......................................................... Name…………………………………………………………..

Date .......................................................... Address…………………………………………………………..

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Amended October 2012

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