

## Complaints Policy

### 1.0 Purpose

As a Church we seek to follow Jesus' instruction to: *'Love the Lord your God with all your heart and with all your soul and with all your mind'* and to *'Love your neighbor as yourself'* (Matthew 22:37-39). Love for God and for people shapes everything we do as a Church. So it also informs how we respond to those who raise complaints or grievances about the behaviour of people and leaders in our church. These complaints are valuable opportunities to love people who may have been hurt, and so to bring glory and honour to God.

Salt Church has two Codes of Conduct that set out appropriate and expected behaviour. One code of conduct applies to staff members, and the other applies to non-staff (volunteer) leaders. Salt Church recognises that there may be occasions when people behave in a way that is, or appears to be, in breach of the Code of Conduct. Any person who believes that a person who is subject to the Codes of Conduct has acted in breach of them may make a complaint in accordance with this policy.

Matters relating to concerns other than the codes of conduct are considered to be feedback and should be raised informally with Salt Church staff/leaders.

This policy and its associated procedures are intended to:

- (a) enable Salt Church to respond to issues raised by people making complaints in a God honouring, fair, efficient and effective way;
- (b) boost the confidence of those working with Salt Church's administrative processes; and
- (c) provide information that can be used by Salt Church to deliver quality improvements in our services, staff and complaint handling.

### 2.0 Scope

This policy applies to all staff (paid and volunteer) and non-staff volunteers of Salt Church, involved in receiving and managing complaints made to, or about Salt Church, regarding our services, staff, volunteers or our complaint handling process.

This policy does not apply to complaints relating to the following reportable conduct, as there is a separate Salt Church policy for these matters of reportable conduct:

- (a) A sexual offence committed against or within the presence of a child;
- (b) Sexual misconduct towards or in the presence of a child;
- (c) Ill-treatment of a child;
- (d) Neglect of a child;
- (e) An assault against a child;
- (f) An offence under section 43B or 316A of the Crimes Act 1900; or
- (g) Behaviour that causes significant emotional or psychological harm to a child.

## 3.0 Definitions

Complaint	An expression of dissatisfaction made to Salt Church about a Salt Church member, volunteer, leader, staff member, services or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
Complainant	The person(s) making the complaint
Complaint handling system	All policies, procedures, practices, staff, hardware and software used by Salt Church in the management of complaints.
Dispute	An unresolved complaint escalated either within or outside of our organisation.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Salt Church, about the services or complaint handling system where a response is not explicitly or implicitly expected or legally required.
Grievance	A clear, formal written statement by an individual staff member about another staff member or a work-related problem.
Policy	A statement of instruction that sets out how Salt Church should fulfil its vision, mission and goals.
Procedure	A statement or instruction that sets out how Salt Church's policies will be implemented and by whom.
Respondent	The person about whom the complaint has been made.
Review Panel	Refer to the definition in the Salt Church Constitution.

## 4.0 Guiding Principles

Effective complaint management shall be modelled on the following principles:

**1. Fairness:** The principles of procedural fairness are to apply to the way every complaint is managed and investigated. These principles include:

- (a) appropriate care will be arranged for complainants, victims of alleged wrong behaviour and the respondent; including the availability of support persons and counselling etc. if required.
- (b) notifying the person about whom the complaint has been made (the respondent) of the complaint;
- (c) providing the respondent with details of the allegations;
- (d) giving the respondent an opportunity to respond to the allegations in writing and/or in person;
- (e) considering all relevant information and ensuring the outcome is supported by evidence<sup>1</sup>;
- (f) ensuring the respondent is offered a support person<sup>2</sup> to attend any meeting convened for the purpose of investigating the allegations.

**2. Promptness:** As far as practicable, a complaint should be dealt with promptly. Fairness requires that investigations be carried out without undue delay.

**3. Confidentiality:** The members of the Review Panel, Administration committee and Safe ministry representatives must keep the details of complaints, and the fact that they have been made, confidential where this is practical and appropriate. During the process of investigation, all parties are expected to maintain confidentiality, limiting discussions to those who need to be involved to facilitate complaint resolution and pastoral care of those involved. Any breach of confidentiality by parties involved in the investigation may result in disciplinary action.

**4. Impartiality:** The person(s) involved in any investigation must be impartial; that is, not actually biased or perceived to be biased.

**5. Free of Repercussions:** Salt Church does not tolerate the victimisation of any person as a result of raising a complaint in good faith or participating in an investigation. Any behaviour that constitutes victimisation is serious misconduct and may result in disciplinary action. Salt Church is to take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

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<sup>1</sup> Findings are to be based on the civil standard of proof which means that the decision maker must be reasonably satisfied on the balance of probabilities that what is alleged did happen.

<sup>2</sup> A support person must not be a person who is or could be involved in the investigation. A support person may be a lawyer, provided that the lawyer acknowledges that the role of a support person is to provide support and not be an advocate.

## 5.0 Complaints Facilitation

### 5.1. Accessibility

Information about how and where complaints may be made shall be well publicised. The systems to manage complaints shall be easily understood and accessible to everyone, including the public, and particularly people who may require assistance.

### 5.2. People Focus

People making complaints shall be listened to, treated with respect, and actively involved in the complaint process where possible and appropriate.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative, if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

All reasonable steps shall be taken to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

### 5.3. Anonymous Complaints

Anonymous complaints are accepted if there is a compelling reason to do so, and we will carry out a confidential investigation of the issues raised where there is enough information provided.

### 5.4. Complaint Lodgement

Any complaints can be raised with a Safe Ministry representative, who will support the complainant to determine whether to take an informal complaint pathway or to lodge a formal complaint, and then will support them to make this complaint.

Informal complaints should be communicated directly to the person(s) that the complaint relates to, or with the Lead Pastor if the complaint relates to a service undertaken by Salt Church. Where the complainant considers it inappropriate to communicate the complaint informally, a formal complaint is required.

Formal complaints may be made by letter or email using the complaint form appended to this policy. Formal complaints may also be lodged in person or by phone. Where lodged in person or by phone, complainants are encouraged to put the complaint in writing as soon as possible using the complaint form appended to this policy.

Complaints shall be lodged with the appropriate Salt Church person(s) as follows:

- (a) For complaints *not* relating to the conduct of the Lead Pastor, the complaint is to be lodged with a Safe Ministry representative or the volunteer leader/staff member who has responsibility for managing the person(s) or service that the complaint relates to.
- (b) For complaints relating to the conduct of the Lead Pastor, the complaint is to be lodged with the Review Panel or a Review Panel member. Where the complainant is dissatisfied with the

handling of the complaint by the Review Panel, wishes to appeal the findings of the complaints process, or desires the complaint to be lodged to a body external to Salt Church, the complaint may be lodged with the Fellowship of Evangelical Churches in accordance with their complaints policy.

## **5.5. Responsiveness**

The person(s) receiving the complaint must promptly acknowledge receipt of complaints.

Complaints shall be assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response shall be immediate and will be escalated appropriately.

Responding to complaints shall include management of people's expectations. The complainant must be inform as soon as possible, of the following:

- the complaints process;
- the expected time frames for anticipated action;
- the progress of the complaint and reasons for any delay;
- their likely involvement in the process; and
- the possible or likely outcome of their complaint.

## **5.6. Objectivity and Fairness**

Each complaint shall be addressed with integrity and in an equitable, objective and unbiased manner. The person handling a complaint shall be different from any staff member, volunteer, leader or member of Salt Church whose conduct or service is being complained about.

Conflicts of interest, whether actual or perceived, must be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker or investigator.

## **5.7. Confidentiality**

The identity of people making complaints shall be protected where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

## **5.8. Empowerment of Staff**

All staff and volunteer members of Salt Church managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities. They are also encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

## 6.0 Investigations

### 6.1. General

Investigations must be conducted in accordance with the Guiding Principles.

The relevant standard of proof for investigations is “on the balance of probabilities”. Investigations do not amount to a criminal proceeding. Accordingly, to find that an allegation is sustained requires proof on the balance of probabilities - the ordinary standard of proof required of a party who bears the onus in civil litigation in Australia. That is, the investigator must be reasonably satisfied that what is alleged did happen before finding that the allegation is sustained.

### 6.2. Preliminary Investigation

For each formal complaint lodged, an initial preliminary investigation must be undertaken as follows:

#### 1. For complaints relating to the conduct of the Lead Pastor:

- (a) the Review Panel member(s) who received the complaint is to communicate it to all members of the review panel.
- (b) two (2) or more members of the Review Panel are to undertake a preliminary investigation in consultation with the person(s) who received the complaint;
- (c) the findings of the preliminary investigation are to be reported to the Review Panel at a meeting of the Review Panel, and one of the following resolutions is to be determined by majority support of the Review Panel members:
  - (i) the complaint is not substantiated; the complaint is to be dismissed and the complainant notified in accordance with this policy.
  - (ii) the complaint appears to be substantiated; a full investigation is to be undertaken by the Review Panel.
  - (iii) the complaint appears to be substantiated but no further investigation is necessary, as agreed with the complainant.

#### 2. For complaints *not* relating to the conduct of the Lead pastor:

- (a) the person(s) who received the complaint is to communicate it to the lead pastor.
- (b) the Lead Pastor is to ensure a preliminary investigation occurs, in consultation with the person(s) who received the complaint, to determine one of the following:
  - (i) the concern is not substantiated; the complaint is to be dismissed and the complainant notified in accordance with this policy.
  - (ii) the concern is substantiated; a full investigation is to be undertaken.
  - (iii) the complaint appears to be substantiated but no further investigation is necessary, as agreed with the complainant.

### 6.3. Full Investigations

Where the complaint is determined to be substantiated, an investigation is to be undertaken as follows:

1. For substantiated complaints relating to the conduct of the Lead Pastor, the Review Panel:
  - (a) Will expeditiously investigate the complaint by:
    - (i) Conducting whatever discussions, investigations, interviews, or other processes necessary;
  - (b) May choose to establish a sub-committee to assist them in their investigation, which is required to:
    - (i) be representative of the diversity at Salt Church, including but not limited to, at least one (1) woman who is a Member of the Association;
    - (ii) include an independent person(s) who is not a Member of the Association nor a member of Salt Church;
    - (iii) include an independent person(s) with expertise as relevant to the concern being investigated;
    - (iv) be chaired by a member of the Review Panel; and
    - (v) report to the Review Panel the progress and outcomes of the investigation, along with recommendations for consideration.
  - (c) Will determine, by majority support of the Review Panel members, if the allegations are:
    - (i) Sustained (where the evidence supports a finding that the alleged conduct did occur).
    - (ii) Not sustained (where there is not sufficient evidence to establish whether the alleged conduct did or did not occur).
    - (iii) False (where the evidence supports a finding that the alleged conduct did not occur).
    - (iv) Vexatious (where the evidence supports a finding that the allegation was made without substance and with the intent of being malicious or to cause distress to the respondent).
    - (v) Misconceived (where the evidence supports a finding that, even though the allegation was made in good faith, it was based on a misunderstanding of what actually occurred, so long as the alleged incident was not sexual in nature nor an act of violence).
  - (d) By considering the findings of any investigation, the Review Panel is to take the appropriate action within the scope of their responsibilities.
2. For substantiated complaints not relating to the conduct of the Lead pastor:
  - (a) The lead pastor, or their delegated authority, will expeditiously investigate the complaint by conducting whatever discussions, investigations, interviews, or other processes necessary.
  - (b) Will determine if the allegations are:
    - (i) Sustained (where the evidence supports a finding that the alleged conduct did occur).
    - (ii) Not sustained (where there is not sufficient evidence to establish whether the alleged conduct did or did not occur).
    - (iii) False (where the evidence supports a finding that the alleged conduct did not occur).
    - (iv) Vexatious (where the evidence supports a finding that the allegation was made without substance and with the intent of being malicious or to cause distress to the

respondent).

- (v) Misconceived (where the evidence supports a finding that, even though the allegation was made in good faith, it was based on a misunderstanding of what actually occurred, so long as the alleged incident was not sexual in nature nor an act of violence).
- (c) On the basis of the findings of any investigation, the Lead Pastor, or their delegated authority, is to take the appropriate action within the scope of their responsibilities.

## 7.0 Resolution of Complaints

### 7.1. Early Resolution

Where possible, complaints will be resolved informally at first contact with us where this is appropriate for the seriousness of the complaint and acceptable to the complainant.

### 7.2. Disciplinary Action

Where findings of a breach of the Code of Conduct have been made,

1. Action against the person(s) committing the breach shall operate with the primary goal of supporting the person(s) who made the breach to genuinely repent of their sin, to both God and to those they have impacted, and to receive support to modify their behaviour (as per the principles in passages such as Matt 18:15-17, 1 Cor 5:1-5, 2 Cor 2:5-11, 7:8-13, 1 John 1:5-2:2, etc).

2. Further disciplinary actions may also be appropriate and necessary:

- (a) Where the breach relates to conduct by the Lead Pastor, the Review Panel is to consider any appropriate action in accordance with the Constitution.
- (b) Where the breach relates to conduct by person(s) other than the Lead Pastor, the Lead Pastor or their delegated authority is to take appropriate disciplinary action. This may include one or more of the following escalating actions:
  - (i) an oral warning, in the form of one or several coaching conversations;
  - (ii) assistance to receive ongoing regular pastoral support and/or counselling services;
  - (iii) a written warning;
  - (iv) a final written warning;
  - (v) where the findings relate to staff member, termination of employment; and
  - (vi) where the findings relate to a member of Salt Church, cancellation of the person(s) membership in accordance with the Salt Church Constitution.



## 8.0 Accountability and Learning

### 8.1. Recording of Complaints

All complaints shall be recorded and securely stored in a systematic way by the Administration Committee, whilst ensuring confidentiality is maintained.

### 8.2. Monitoring of the complaint management system

The complaint management system, including this policy, shall be reviewed not less than bi-annually to:

- ensure its effectiveness in responding to and resolving complaints; and
- identify and correct deficiencies in the operation of the system.

### 8.3. Continuous Improvement

Salt Church is committed to improving the way we operate, including the management of the effectiveness and efficiency of the complaint management system. To this end, effort shall be made to:

- support the making and appropriate resolution of complaints
- implement best practices in complaint handling
- regularly review the complaint management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

**A. Review**

This Policy shall be reviewed every two (2) years.

**B. Document Properties**

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**C. Revision History**

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0	14/02/2022	G Wood	-