

Frequently asked questions by respondents

March 2019

The Director has told me there is a complaint made about me - what happens?

The process that is to be followed, the responsibility of the Director and the different Boards are detailed in the *Professional Standards Uniform Act 2016* (the Act) and the Protocol.

To assist you in responding to the complaint, the Director will discuss appointing a Respondent Carer and/or support person and explain their roles during the process.

The complaint may be dealt with in different ways and this will be explained to you. Possible ways of resolving the complaint include the following:

- the Director speaking with you and attempting to resolve the matter;
- mediation or some other informal process;
- the formal process in the Act and Protocol may be used.

You will be provided with a copy of the complaint. Where the Committee decides that the complaint needs to be investigated, you may be asked to meet an investigator and provide information. See section 9 of the Protocol for details of the investigation process.

The Director must report a matter involving child abuse to the Police and the Commissioner for Children and Young People.

If the alleged misconduct is serious and it is considered that there is an unacceptable risk of harm to any person if as respondent, you remain in your present position, you may be suspended or stood down or placed on restricted duties. You will normally be given a reasonable opportunity to be heard about this.

What cases would be likely to be subject to a formal process?

The Act is designed to deal with allegations of misconduct by a Church worker, cases where the fitness of the Church worker is in question.

Will I know what the complaint is?

Yes. You are entitled to notice of the complaint made against you and to be given a reasonable opportunity to respond.

KOOYOORA LTD

A company limited by guarantee, a public company.

'Kooyoora' means 'Mountain of Light' in the Djadja Wurrung language of Central Victoria

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Who manages the process?

The Director and the Committee are independent of the Church and are responsible for making sure the Act and Protocol are followed.

How can I best understand the process in the Professional Standards Uniform Act?

The Director or your Respondent Carer can explain to you the different ways the complaint can be managed and your rights under the Act and Protocol. The legislation is designed to ensure that complaints of misconduct by a Church worker are handled in a fair and open manner.

What is the role of the Church authority?

On receiving a recommendation from the Professional Standards Board or Review Board, the Church authority must give effect to the recommendation or to any variation of it that is consistent with the facts found by the Board or Review Board and the substance of the determination.

Will I have to face the person who is complaining about me personally?

Every effort will be made to respect your wishes in this regard. You may have a meeting with the complainant but only if you and that person agree.

Do I have to respond?

You may be required by an investigator appointed by the Committee to meet on reasonable notice and provide written information. See Part 3.3 of the Act.

Can I get legal advice?

Yes, but it will be at your expense.

Can I receive counselling?

Yes. If a counsellor is appointed by the Director reasonable counselling expenses will be paid for by the Church. The counsellor is a different person from the Respondent Carer appointed for you.

I feel powerless in this whole process.

People have a right to complain and you have a right to respond and state your case. Complaints can range from simple misunderstandings to very serious matters. The processes have been designed to make sure a proper procedure is followed and people are afforded procedural fairness.

Why can't the Archbishop or Diocesan Bishop resolve these issues directly?

The Kooyoora Office of Professional Standards is independent of the Church and

is responsible for managing complaints fairly. The Professional Standards Board and Review Board are also independent of the Church.

How long will the process take?

Kooyoora is committed to providing a just quick and inexpensive resolution of the matter. Sometimes matters can be concluded quickly. If the complaint is of a serious nature, then it may take longer. This is because much care needs to be taken to ensure due process is followed.

Can I appeal against the decision of the Board?

Yes. You may apply to the Review Board for a review of the decision if you are aggrieved by a decision of the Board. You must apply for a stay if you wish no action to be taken by the Church authority pending the hearing and determination of your application for a review.

Is the complaint confidential?

The Office of Professional Standards, the members of the Professional Standards Board and Review Board and the Church authority in each case are subject to strict confidentiality obligations: s175. The Director must however report a matter involving child abuse to the Police and the Commission for Children and Young People. The complainant and the respondent are asked to treat the matter as confidential so as to not to prejudice any investigation or the due process of a matter.

Why is ongoing confidentiality important?

When an issue is being resolved, it is neither fair nor helpful for anyone who is involved in trying to resolve the issue to be speaking about it to other people. That can undermine the due process required under the Act and be harmful to the parties by bringing pressure to bear on witnesses and others.

What information will I be given?

If the formal process is used, the Director will give you:

- details of the complaint, including the name of the complainant;
- a copy of the Act and the Protocol;
- notice of the substance of any relevant findings on facts of an investigator;
- a copy of any report and opinion of the Committee to the Board on the question of your fitness for ministry;
- a copy of any determination and recommendations of the Board and the Review Board.