

Frequently asked questions by complainants

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Who is a Church worker?

The term 'Church worker' includes clergy, authorized lay ministers, senior lay leaders, employees and any volunteer holding a role office or position. This is a wide class that includes a rostered reader, intercessor, welcomer, choir member, musician, pastoral care visitor or catering volunteer. See the definition in schedule 1 of the Act.

What if I am not sure whether to complain or not?

The Director employed by Kooyoora Ltd is independent of the Church. You can contact the Director and discuss your concern with complete confidentiality.

Is my complaint confidential?

Your complaint is confidential and must not be disclosed except as authorized by the Act. Before the complaint can proceed as a formal complaint and be disclosed to the respondent, you must consent in writing in the prescribed form. However, the Director is obliged by law to report a matter involving child abuse to the Police, Child Protection and/or the Commissioner for Children and Young People. The Director will inform you if this happens.

Will the person I am complaining about know it is me who is complaining?

Issues normally cannot be investigated unless both parties know there is an issue. The Director will explain the processes available to you. You have the choice of how you may want to proceed. During the process, both complainant and respondent will be expected to respect the confidentiality of the 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. It can undermine the process and be harmful to the parties involved by bringing pressure to bear on witnesses and others.

How long will it take to resolve my complaint?

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

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

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to be taken to ensure due process is followed. Resolution can occur as quickly as 6 weeks however more complex cases can exceed 1 year.

I don't want to go through a formal process – I just want the issue fixed. Is this possible?

There is no informal process however an early resolution by agreement in a case, where no serious fitness is raised, is encouraged if the Committee considers it is the best way of resolving the issue. The Director will discuss with you the different ways a complaint can be resolved.

Can I withdraw my complaint after a process has started?

Yes.

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

The Director can explain to you the different ways your complaint can be resolved. The legislation is designed to handle complaints concerning misconduct by a Church worker in a fair and open manner. You may refer also the Kooyoora website.

Can I complain about a parishioner?

No, not unless the parishioner is or have been a Church worker, for example a Churchwarden or the holder of some other role office or position.

The Director can help you understand whether that person comes within the definition of a Church worker under the Act.

I am unhappy about the style of worship at my local church - can I complain to the Director?

No, the legislation does not cover these types of complaints.

I am worried about the effect on my wellbeing and the financial cost if I complain.

The Director can provide both a care person and a support person to assist you during the process. There is no financial cost to you if you make a complaint.

Can I claim compensation?

Kooyoora manages the Kooyoora Independent Redress Scheme in which the Melbourne Diocese is a participating institution. If you have suffered harm as a result of sexual abuse or physical abuse, you may apply for redress through the Director, who will put you in touch with the Redress Manager. Details are available on the Kooyoora website.

Will I have to face the person I am complaining about?

Every effort will be made to respect your wishes in this regard. You may have a meeting with the person but only if you and that person agree. Both the Board and the Review Board are authorised under the Act to adopt special procedures to prevent a person being re-traumatised by the events that are

alleged to have taken place: s98A.

What is the role of the Church authority?

Kooyoora manages the formal process, engaging qualified, trained people to investigate and evaluate each individual case. The members of a separate Professional Standards Board appointed by the President of the Board from a panel constituted by Kooyoora makes recommendations to the Church authority about a person's fitness for ministry. The Church authority remains independent of the process and must give effect to any recommendation about a Church worker's fitness for ministry or any variation of it that is consistent with the facts found and the substance of the determination.

How is the formal process commenced?

The Professional Standards Uniform Act 2016 is designed to deal with allegations of misconduct by a Church worker. Misconduct is defined in s5 of the Act. If you wish your complaint to be dealt with in accordance with the process set out in the Act, you will need to consent in writing to that process. The Director will advise you about this.

Why have a formal process?

When a complaint is made about a Church worker and their fitness for their role office or position is in question, it is important to follow a process that is fair and transparent and understood by everyone. The Act seeks to ensure that both complainant and respondent are kept informed of what is happening during the process.

Why does Kooyoora have a Professional Standards Committee and Professional Standards Boards?

Those investigating the complaint (the Committee) and those making determinations (the Boards) are separate bodies appointed by Kooyoora with different people to ensure the integrity and independence of the process and respect for the decisions that are made.

What decisions might the Professional Standards Board make?

The Board will adjudicate on the complaint and if it is upheld, may recommend to the Church authority what action should be taken in respect to the Church worker. A range of options is available to the Board, from temporary suspension of office and counselling, through to the permanent removal from the role office or position or deposition from the exercise of Holy Orders.

What is the Professional Standards Review Board?

If a recommendation is made by the Board in respect of a Church worker and either the respondent Church worker or the Committee is aggrieved, either may within 30 days apply for a review of the decision of the Board. If this happens, all parties are notified.

Are there circumstances where this formal procedure will not be followed?

Yes, there are possible circumstances;

- other legal processes may be taking place;
- mediation may in the view of the Committee be the best approach;
- the events may have occurred in another Diocese or should be handled by another Diocese;
- the matters complained of may not be covered by the Act.

Are outside experts used to assist Kooyoora's investigations?

Yes. A person may be appointed to assist in investigating the matter.