

COMPLAINTS POLICY



Revision – September 2023

1. Purpose

The purpose of this Policy is to provide a fair, efficient and effective process for addressing complaints related to the conduct of Representatives, Associates and Staff of FIEC. We recognise that there will be occasions when Christian leaders fall short of the standard of conduct expected of them and the importance of a procedure by which any misconduct is addressed in a God-honouring way. As a fellowship, we are committed to living in godliness and holiness by the grace, joy and freedom that are in Christ Jesus.

2. Scope

This Policy applies to all Representatives (Senior Pastors), Associates and Staff of FIEC. A complaint can be made under this Policy by anyone connected or not connected with FIEC, including any member or employee of an FIEC church, or the general public. Complaints made under this Policy may not be anonymous and must be personally signed by the complainant.

3. Principles

The following principles will guide the manner in which all complaints are handled under this Policy:

- 3.1 **Sensitivity and Care:** all parties should be treated with loving respect and dignity. An appropriate level of pastoral care should be offered to both the complainant and the respondent during and after the resolution of a complaint.
- 3.2 **Promptness and Timeliness:** as far as reasonably practicable, a complaint should be received, considered, investigated (if necessary) and decided upon promptly and without undue delay.
- 3.3 **Confidentiality and Discretion:** the fact and details of a complaint should be kept strictly confidential to the greatest extent possible. All parties should limit disclosure to those persons directly involved in resolving it or who are providing pastoral care.
- 3.4 **Impartiality and Fairness:** all complaints should be handled in an impartial manner, all parties should be fairly heard, and all persons involved in resolving the complaint should be free of any actual or apprehended bias.
- 3.5 **Free of Repercussions:** no person should be subject to victimisation or adverse treatment for making a complaint or participating in an investigation in good faith under this Policy.

4. Interaction with Other Policies

This Policy is to be read alongside the Code of Conduct (**Code**) which sets the standard of behaviour to which Representatives, Associates and Staff of FIEC can be held accountable. Any complaint made under this Policy must specify the section(s) of the Code which the complainant alleges has been breached.

Other than in exceptional circumstances, a complaint against a Representative or Associate should not be made under this Policy unless the internal complaints

management procedure of the church to which the respondent belongs has been first used. If the church does not have an internal complaints management procedure, a complaint may be directly made to FIEC under this Policy but the church will be liable to bear the costs of any investigation.

Where a complainant alleges any criminal conduct by a person covered by the Code, he or she is encouraged to report the matter to the relevant law enforcement agency. FIEC will at all times comply with its mandatory reporting obligations under law.

5. Complaints Panel

The Complaints Panel (**Panel**) is responsible for receiving, considering and if necessary, investigating a complaint made under this Policy.

The Panel will comprise up to 10 persons who are elected by the General Committee and who each serve a renewable term of three years. Where a position on the Panel becomes vacant during the course of a term, the Executive Committee (**Executive**) may appoint a suitably qualified person to fill that position until the next General Meeting. The Panel is to comprise at least:

- a. one person who is a Representative;
- b. one person who is an Australian legal practitioner; and
- c. one person who has tertiary qualifications in social work or psychology.

When a complaint is received under this Policy, the National Director will invite at least three members of the Panel to form a Complaints Committee (**Committee**) for the purposes of handling the particular complaint. He must not invite any Panel member who is the subject of or directly or indirectly involved in the complaint, or who has a real or perceived conflict of interest in relation to the complaint.

6. Complaints Procedure

The formal complaints management process is set out in Appendix A.

6.1 Use the internal complaints management procedure

At first instance, you should make use of the internal complaints management procedure of the church to which the respondent belongs. Ordinarily, alleged misconduct is best resolved at the level at which it occurs.

6.2 Follow the FIEC complaints management procedure

If you are not satisfied with the outcome of the internal complaints management procedure of the church to which the respondent belongs, you may then consider escalating your complaint to FIEC by following the steps below.

a. Step 1: Submitting a formal complaint

You may make a formal complaint by submitting it to the National Director or if your complaint is in relation to the National Director, you should submit it to the Chair of the Executive.

Your complaint must be in the form prescribed by Appendix B. Specifically, it must be writing, personally signed and include the following information:

- i. your name and contact details, and the nature of your relationship with the respondent;
- ii. the name of the person you are alleging has breached the Code;
- iii. the specific section(s) of the Code that you allege the respondent has breached;
- iv. details of the alleged breach including when, where and how this breach is alleged to have occurred; and
- v. any evidence of or witnesses to the alleged breach.

b. Step 2: Receiving a formal complaint

Upon receiving a formal complaint, the National Director or Chair of the Executive is to form a Committee and refer the complaint to the Committee for initial consideration.

The Committee is to consider whether the complaint is, prima facie:

- i. a matter of substance: it describes specific conduct, an incident or a pattern of conduct that can be verified; and
- ii. a matter of consequence: it describes specific conduct, an incident or a pattern of conduct that, if substantiated, would constitute a breach of the Code and which would have consequences for the respondent and the church to which they belong or in the case of Staff, FIEC.

If the Committee determines that the complaint is not prima facie a matter of both substance and consequence, it is to dismiss the complaint, advise the complainant of its decision, and refer the matter back to the National Director for further response if required.

However, if the Committee determines that the complaint is prima facie a matter of both substance and consequence, it must initiate an investigation into the matter and inform the complainant that the matter is being investigated.

c. Step 3: Investigating a formal complaint

As part of its investigation, the Committee may interview the complainant, the respondent and any appropriate witnesses. It may also, if it deems appropriate, engage an experienced investigator to conduct or assist with the investigation. Any investigation must be conducted in accordance with the principles set out in this Policy. Any findings in the course of the investigation must be made on the balance of probabilities.

Following its investigation into the complaint, the Committee is to provide a report including any initial findings of fact and recommendations to the Executive. The report must make a preliminary determination whether the alleged conduct contained in the complaint is in whole or in part:

- i. Sustained: the evidence supports a finding that the alleged conduct did in fact occur.
- ii. Not sustained: there is not sufficient evidence to establish whether the alleged conduct did or did not occur.
- iii. False: the evidence supports a finding that the alleged conduct did not occur.
- iv. Vexatious: the evidence supports a finding that the complaint was made without reasonable grounds or was designed to harass, annoy, or cause delay or detriment to the respondent.
- v. Misconceived: the evidence supports a finding that the complaint was made in good faith but was based on a misunderstanding of the facts.

If the Committee engaged an experienced investigator to conduct or assist with the investigation, it must also provide that external report to the Executive.

d. Step 4: Determining a formal complaint

Upon receiving the report from the Committee, the Executive is to make a final determination in relation to the complaint.

Where the respondent is found to have breached the Code, the Executive may

take appropriate disciplinary action against the respondent in accordance with section 8 of this Policy.

The National Director is to advise the complainant and the respondent of the final determination including any action taken by the Executive in relation to the complaint.

e. Step 5: Accepting the final determination

Whatever the outcome, the complainant should acknowledge that their complaint has been taken seriously and accept the final determination of the Executive.

If, however, the complainant is unable to accept the outcome, he or she may seek recourse under civil law. The complainant may also raise a relevant concern with the Australian Charities and Not-for-profits Commission.

7. Own Motion Investigations

Where the National Director – or in the case of the National Director, the Chair – receives information and forms a reasonable belief that a Representative, Associate or Staff of FIEC has acted in breach of the Code, he may refer the matter to the Panel for initial consideration and if appropriate, investigation and then determination by the Executive, according to the process set out from section 6.26.2b to 6.2e of this Policy.

8. Disciplinary Action

Where the Executive determines that a complaint made under this Policy is substantiated and an alleged breach of the Code is sustained, it may take one or more of the following disciplinary actions against the respondent:

- a. recommending to the respondent and/or the governing body of the church to which they belong, that:
 - i. the respondent undergoes counselling, specific training, coaching or mentoring;
 - ii. the respondent offers a written apology to the complainant for their conduct; or
 - iii. the respondent or the church offer an explanation or some form of restitution to the complainant;
- b. recommending that both the complainant and the respondent undergo formal mediation in relation to the complaint;
- c. issuing an oral warning, an initial written warning, or a final written warning;
- d. where the respondent is a Representative or Associate:
 - i. removing them as a Representative or Associate of FIEC; or
 - ii. temporarily suspending them as a Representative or Associate of FIEC; or
- e. where the respondent is Staff, suspending or terminating their employment.

9. Costs

While FIEC may make findings of fact, recommendations and determinations and take appropriate disciplinary action, it will not award any damages or financial remedies to either party in relation to a complaint made under this Policy.

FIEC is not able to meet any financial costs associated with professional counselling, legal assistance or other services that are recommended to or used by either party in connection with a complaint.

Where a complaint is made against a Representative or Associate and the church to which they belong does not have an internal complaints management procedure, any

costs incurred by FIEC in handling or investigating the complaint will be borne by the church. In all other cases, the allocation of costs will be determined by the Executive in consultation with the governing body of the church.

10. Vexatious Complaints

This Policy should not be used by any person to make vexatious complaints. Vexatious complaints include complaints that are an abuse of the process set out in this Policy, submitted or continued without reasonable grounds, or designed to harass, annoy, or cause delay or detriment.

If the Committee determines that a complaint submitted under this Policy is vexatious, it may dismiss the complaint at first instance without further consideration.

FIEC is under no obligation to consider or investigate a complaint any further once all avenues under this Policy have been exhausted.

11. Record Keeping

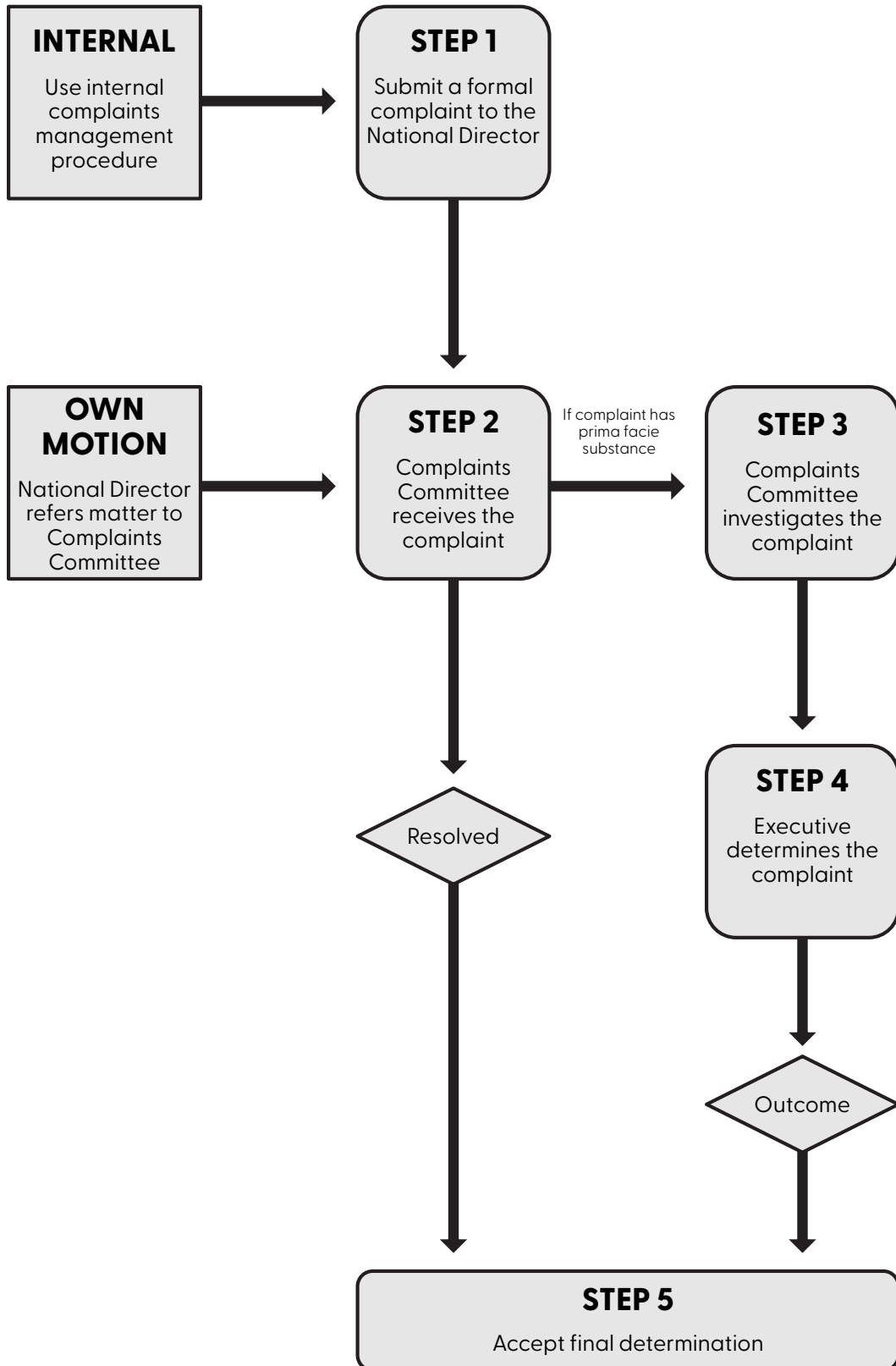
All records including the complaint, investigation reports, interviews, correspondence and file notes will be securely kept by FIEC during and after the resolution of the matter.

All personal information will be handled in accordance with the Australian Privacy Principles and where appropriate will be de-identified and destroyed after a data retention period of 2 years from the formal conclusion of the matter.

12. Review

FIEC will monitor the effectiveness of this Policy and make any appropriate amendments at least every three years.

Appendix A: Formal Complaints Management Process



Appendix B: Formal Complaint Form

Please complete this form and either print it and send it to **Attn: National Director, PO Box 5170, Lyneham, ACT 2602** or email it to **complaints@fiec.org.au**. An online version of this form can be found **[here](#)**

YOUR DETAILS	
Name:	
Address:	Phone:
	Email:

YOUR COMPLAINT	
Name of the person who is the subject of your complaint:	
Category (please tick): <input type="checkbox"/> Representative (Senior Pastor) <input type="checkbox"/> Associate <input type="checkbox"/> Staff	FIEC church to which the respondent belongs: Your relationship with the respondent:
Specific section of the Code of Conduct alleged to have been breached:	
Details of your complaint: <ul style="list-style-type: none">· Write what happened, when (dates) and where· Provide the contact details or statements of any witnesses· Explain what impact this conduct had or you fear may have on you or others· Provide any additional information that you believe might be helpful	

Have you tried to resolve this issue informally?	YES	NO
<p>If not, please explain why you have not tried to resolve this issue informally:</p>		
Have you used the internal complaints management procedure of the church to which the respondent belongs?	YES	NO
<p>If not, please explain why you have not used the internal complaints management procedure:</p> <p><i>Please be aware that if the church to which the respondent belongs has an internal complaints management procedure in place, FIEC encourages you to use that process before submitting a complaint under this Policy.</i></p>		
<p>What actions do you want taken in response to this complaint and what type of resolution are you seeking?</p>		
<p>Signature:</p> <p>Date: / /</p>		