



Complaints Procedure for Benedictus Contemplative Church

Application

1. Subject to clause 2, this document sets out the procedure to be followed when a person makes a complaint about egregious conduct by a person participating in a BCC activity.
2. The Benedictus Contemplative Church Reportable Conduct Policy and Procedure provides a procedure for dealing with an allegation of 'Reportable Conduct' against a child by a BCC employee. If a complaint includes such an allegation, the allegation must be dealt with under that Policy and Procedure. (The terms 'Reportable Conduct' and 'employee' are defined in that Policy and Procedure.)

Definitions

3. Definitions
 - **BCC** is the Benedictus Contemplative Church.
 - **BCC Leader** means a BCC employee, including the BCC Director and any other ordained clergy in ministry at Benedictus, a Council member, or any person who leads a group, retreat or any other kind of gathering in the name of Benedictus, whether paid or on a voluntary basis.
 - **Complainant** is the person who makes a complaint.
 - **Council** is the BCC Council
 - **Egregious conduct** includes, but is not limited to:
 - bullying, harassment (including sexual harassment) discrimination, and vilification within the meaning of the general law
 - criminal conduct
 - any conduct that physically, emotionally or sexually harms a child in circumstances not falling within the Reportable Conduct Policy and Procedure
 - a serious breach of confidentiality
 - a serious conflict of interest
 - **Professional Standards Officer (PSO)** is a person appointed by the Council to this role. Council may appoint more than one person to this role.
 - The **Professional Standards Sub-Committee** is a sub-committee of Council comprising the BCC Director and two members of Council appointed by Council.
 - **Respondent** is the person about whom the complaint is made.

Procedure

4. Anyone can make complaint about egregious conduct by a person (including a BCC Leader) participating in a BCC activity.
5. A complaint may be made to the BCC Director, a Member of Council or the PSO.

6. The complaint may be made verbally or in writing. (For contact details, email info@benedictus.com.au)
7. If the complaint is made verbally, the person to whom the complaint is made must make a written record of the complaint, including the name of the Complainant, as soon as practicable.
8. If the complaint is made to someone other than the PSO, the recipient of the complaint will inform the PSO as soon as practicable.
9. If the complaint concerns behaviour that appears to be prohibited under anti-discrimination law or be criminal, the recipient of the complaint or the PSO must advise the Complainant that they can pursue the matter externally with the Australian Human Rights Commission, a state or territory anti-discrimination body or the police, as appropriate.
10. Subject to clause 12, if criminal proceedings are commenced against the Respondent, BCC will take no further action on the complaint until after the conclusion of the criminal proceedings.
11. If civil proceedings are commenced against the Respondent, BCC may defer dealing with the complaint.
12. If the PSO is aware that criminal or civil proceedings have commenced in relation to a complaint, the PSO will inform Council and advise Council as to any appropriate action.
13. Subject to clauses 9 -11, the PSO must notify the Respondent of the nature of the complaint as soon as possible and afford the Respondent natural justice.
14. Unless the PSO forms the view that it is not appropriate to conciliate the complaint (see clause 20), the PSO will attempt to conciliate the complaint, adopting a trauma informed approach.
15. Subject to clause 18, the conciliation process is confidential to the Complainant, the PSO and the Respondent, to the extent the law allows.
16. If the conciliation results in an agreed outcome:
 - a. the outcome will be recorded in writing by the PSO, signed by both the Complainant and the Respondent; and
 - b. the outcome is binding on the Complainant and the Respondent.
17. If the conciliation process does not result in an agreed outcome, the result of the process will be recorded in writing by the PSO.

18. As soon as practicable after the completion of the conciliation process, the PSO will provide a de-identified report on the process to Council, and a full, identifying report to the Professional Standards Sub-Committee.
19. The Professional Standards Sub-Committee can either sign off on the report, or ask the PSO to take further action as appropriate.
20. If the PSO forms the view that it is not appropriate to attempt to conciliate the complaint, the PSO will report to, and consult with, the Professional Standards Sub-Committee on appropriate action.
21. If the Professional Standards Sub-Committee receives a report from the PSO that identifies persistent and wilful behaviour by the Respondent that is prejudicial to the interests of the Benedictus community, the BCC Director may request Council to recommend expulsion of the Respondent pursuant the BCC Constitution. Unless the Complainant requests otherwise, the name of the Complainant will not be disclosed to Council.
22. Records of actions taken pursuant to this Procedure will be kept in secure storage. Electronic records must be password protected, and hard copy records must be stored in a locked area. Access to records must be authorised by a member of the Professional Standards Sub-Committee. Records will be maintained for ten years.