

SUSPENSION AND TERMINATION OF LICENCE FOR NOT YET BEING COMPETENT

The Bishop may suspend a clergy person's license for reasons of following the procedures outlined in Schedule 6 of The Licencing Statute 2017. The suspension may be on such terms and condition as the Bishop considers appropriate.

The Bishop may terminate a licence for reasons of not yet being competent following the procedures outlined in Schedule 6 of The Licencing Statute 2017.

The process for suspension or termination of a licence must include provision for notice to be given to the clergy person and an opportunity for the clergy person to respond to any recommendation, allegation or charge prior to the Bishop suspending or terminating the licence.

Performance Development, Competency and Capacity

1. Competency and Proficiency

- a) Competency and proficiency in the work of the clergy is essential to the life of the parish and the Diocese of Bunbury. Competency for clergy includes compliance with:
 - (i) Faithfulness in Service
 - (ii) The Code of Good Conduct
 - (iii) The Professional Standards Statute 2004
 - (iv) The Ministry Covenant
 - (v) The Diocesan Tribunal Statute 1985-2013
 - (vi) The Statutes with their current governance and administrative skills
 - (vii) Theological study and ongoing learning
- b) Further information on the above is provided in the Parish Handbook.

2. Performance Competency and Proficiency Framework

- a) A performance, competency and proficiency framework is set by the Bishop-in-Council.
- b) The current framework is contained in the Parish Handbook.

3. Matters which cause concern

- a) Certain concerns of a serious nature, are subject to the provisions of The Tribunal Statute 1985-2013 and the Professional Standards Statute 2004.
- b) Criminal, Professional Standards, Serious Misconduct, Abuse and Negligence matters, are Serious Complaints.

- (i) Serious complaints arise out of possible illegal activities, serious misconduct, abuse including family violence and negligence. Hereafter, these are called Serious Complaints. These must immediately be referred to the Professional Standards Committee, the Police and other legal bodies as required by the laws of Australia and the State. The Professional Standards processes will be followed where these apply.
- c) Performance development and competency concerns must be raised with the Archdeacon where conduct or performance is perceived to be not yet competent.
- d) Such concerns may have arisen over a period of time; alternatively, a single act, omission, event may be sufficiently serious to bring the matter to the attention of the Archdeacon or the Bishop.
- e) The Archdeacon may institute an inquiry for any concern and provide a report to the Bishop with recommendations as a process.
- f) The Bishop in any matter will make the final determination in terms of process to be used and the recommendations and decision made regarding the outcome for the concern.
- g) If a concern is raised concerning an Archdeacon, the Bishop must appoint another Senior Cleric to fulfil the Archdeacon's responsibilities as set out in this Schedule.
- h) Any appeal to the recommendations will be made in writing by the clergy person.
- i) The Bishop must consider all appeals.
- j) The Bishop's decision is final.

4. Steps to achieve competency and restoration of relationships

- a) The aim of the process is to achieve competency and restore relationships. The following process shall be used to ensure a timely and restorative approach:
 - (i) All conversations between the Archdeacon, the clergy person, the complainant and other interested parties must be conducted with appropriate confidentiality.
 - (ii) A concern must be raised with the Archdeacon. This concern may be raised by any person.
 - (iii) Wardens must inform the Archdeacon of any matters they believe cannot be resolved locally.
 - (iv) The Archdeacon must ascertain the extent to which the clergy person has been made aware of the concern.
 - (v) The Archdeacon must inform the clergy person of the concern and must provide the clergy person with written details of the concern in a face to

face meeting within five working days of the matter being raised with the Archdeacon.

- (vi) The Archdeacon must make appropriate pastoral arrangements for the clergy person, the parish and the complainant.
- (vii) The clergy person must give an initial response to the Archdeacon in a meeting to be held within two working weeks of the initial meeting.
- (viii) Following the meeting with the clergy person, the Archdeacon may:
 - a) Recommend to the Bishop the clergy person be stood aside for a period
 - b) Arrange for further investigation
 - c) Arrange for mediation
 - d) Conclude no further action is required.
- b) The Archdeacon must provide the Bishop with regular reports on the matter together with any recommendations the Archdeacon wishes to make.

5. Standing Aside

- a) Being stood aside does not mean a sanction and must not be treated as such. It is used in the following manner:
 - (i) To facilitate the carrying out of any enquiries or formal investigation
 - (ii) To prevent damage to persons or property
 - (iii) Where the complaint or concern is serious enough to be viewed as a Tribunal complaint or a Serious Complaint.
 - (iv) Where it is considered to be in the interest of, or for the protection of other clergy or lay employees or volunteers or other vulnerable and affected individuals.

6. Concerns Remain Unresolved

- a) Concerns may remain unresolved by reason of:
 - (i) Unsuccessful mediation
 - (ii) Failure to achieve competency
- b) Where concerns remain unresolved, the Bishop may consider a period of suspension or removal of licence.

7. Consequences and Outcomes Where Concerns Remain Unresolved.

- a) Following an investigation, recommendations are made to the Bishop and may include any of the following:
 - (i) No case to answer and therefore no further action and full restoration to duties.
 - (ii) Oral warning which will remain on the clergy person's record for three months
 - (iii) First written warning which will remain on the clergy person's record for six months
 - (iv) Second written warning which will remain on the clergy person's record for six months
 - (v) Final written warning which will remain on the clergy person's record for twelve months
 - (vi) Suspension from office
 - (vii) Removal of licence.
 - (viii) Should further concerns arise during an investigation or a period of warning or suspension, the matter must be reconsidered.

8. Appealing the decision

- a) The Bishop in any matter will make the final determination in terms of process to be used and the recommendations and decision made regarding the outcome for the concern.
- b) Any appeal to the recommendations will be made in writing by the clergy person. The Bishop must consider all appeals.
- c) The Bishop's decision is final.

9 Other Complaints – Tribunal Complaints

- a) These include those matters covered by the Bunbury Diocesan Tribunal Statute 1985-2013 which affect clergy. Hereafter these are called Tribunal complaints. The Tribunal Statute processes will be followed. Such matters include:
 - (i) Unchastity
 - (ii) Drunkenness
 - (iii) Habitual wilful neglect of duty after written admonition by the Bishop
 - (iv) Wilful failure to pay just debts
 - (v) Conduct disgraceful in a Christian and productive of scandal or evil report. This can include malicious and harmful gossip.
 - (vi) Wilful neglect of the weekly worship of the church

- (vii) Any offence punishable by law being a notable crime
 - (viii) The preaching or teaching of heresy or heretical practice
 - (ix) The practice of magic or sorcery and or any offences related to this
 - (x) The wilful misuse or theft of church monies or funds or church property
 - (xi) The wilful failure to observe and practise the laws and statutes of the Diocese
 - (xii) The wilful and deliberate disobedience to the Bishop and their instructions
 - (xiii) Any other offences as may be specified by any Statute, Ordinance or Rule.
- b) 'Wilful' means knowingly and purposefully choosing not to comply with a reasonable request repeated at least three times with explanations and expectations set out verbally and followed up in writing, and demonstrates a consistent pattern of refusal to comply.

(Ref: The Licensing Statute 2017, Schedule 6)