NORTHRIDGE
VINEYARD | CHURCH

CONCERNS HANDLING POLICY

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IMPORTANT: PLEASE READ THIS *PART A – CONTEXT AND OVERALL FRAMEWORK* IN FULL BEFORE PROCEEDING ANY FURTHER. IT CONTAINS CRUCIAL INFORMATION INTENDED TO ASSIST IN PROMPT, APPROPRIATE AND HEALTHY RESOLUTION OF CONCERNS.

1. Expected behaviour

Northridge sets out its expected behaviour for Employees and Volunteers in a number of places:

Code of Conduct

Child Protection Policy

Pathways to Reconciliation Guidelines

This Concerns Handling Policy

Employment Agreements between Employees and Northridge.

2. Our heart for our community

We desire Northridge to be a community of followers of Jesus who bring honour to God, act with integrity and maintain healthy relationships. All the material referred to above is designed to establish standards by which people are expected to conduct themselves, and practices which must be avoided.

This Policy recognises that there can be times when actual behaviour does not reflect these expectations. As followers of Jesus we understand this results from turning from God's way; of our self-focused acts rather than maintaining a focus to serve and prefer the other.

In Jesus, a new way of whole, flourishing relationships has been opened. Paul writes in 2 Corinthians 5 that God is reconciling the world to himself.

Seeking reconciliation should always be the preferred outcome for any break in relationship. However, there are times when seeking reconciliation of a relationship may expose a vulnerable individual to further risk of harm or it may be an inappropriate response in the circumstances eg the circumstances of a Concern (this term is explained below) could involve the need for a sanction. As a church we always seek to ensure the safety and care of the most vulnerable within our community. Accordingly, Northridge recognises that our Concerns Handling Policy must provide processes when voluntary processes aimed at reconciliation are not relevant, appropriate or possible.

This document explains the overall framework established by Northridge for dealing with Concerns. Northridge has a number of Policies and Guidelines depending on the type of Concern. It is important you read this document first as it will direct you along the appropriate path for dealing with a Concern.

IMPORTANT: If, after reading this document, you feel you need to seek clarification on how to proceed, feel free to reach out to the Northridge Church Administrator or a Board member, who can assist you through the process. Those people are bound by strict confidentiality obligations.

3. Overall framework

This document sets out Northridge's policy for dealing with Concerns.

Concern means any type of conflict, dispute, complaint, grievance or other type of concern arising in connection with:

- activities of Northridge, whether or not related to the behaviour of an Employee or Volunteer, or

- the behaviour of an Employee or Volunteer, whether or not the behaviour the subject of the Concern took place in the context of a Northridge activity.[1]

Concerns covered by this Policy include those arising in connection with the Northridge Child Protection Policy.

IMPORTANT

The process to be followed depends on the type of Concern.

Processes vary depending on whether the Concern involves:

- **anything connected with child abuse[2] or suspected child abuse**
- **an Employee (other than a Senior Employee)**
- **a Senior Employee**
- **a Volunteer or prospective Volunteer, or**
- **something not related to the behaviour of an Employee or Volunteer.**

Processes also vary depending on the seriousness of the Concern and whether the Concern is one suitable for resolution through the Pathways to Reconciliation Guidelines.

A Decision Tree is set out below which provides a simple guide towards the appropriate process for a particular type of Concern.

SCOPE

Before reading any further, a potential Reporter should note the following:

Age: A person raising a Concern must be aged 18 years or older.

Family issues: Northridge's Policies are not designed and cannot be used to deal with issues relating to domestic violence or other family law matters.

Other legal solutions: Subject to any contract between the parties (including a contract of employment), Northridge's Policies do not prevent a party from seeking a legal solution in accordance with their rights.

Possible criminal activity: Concerns involving activity which may be criminal must not be dealt with through the ***Pathways to Reconciliation Guidelines*** process. Instead, the Concern should be referred to either a Senior Pastor, a Northridge Board Member or the Independent Reportee as set out in the Decision Tree below. This may result in the Concern being referred to the appropriate law enforcement agency. Also, nothing in Northridge's Policies is intended to restrict the right of any person to notify an appropriate law enforcement agency directly about possible criminal activity.

PATHWAYS TO RECONCILIATION GUIDELINES

If all parties involved in circumstances giving rise to a Concern are willing to seek reconciliation voluntarily, then the Northridge Pathways to Reconciliation Guidelines ('PTRG') set out a biblically based process for healthy steps to reconciliation.

NOTE: The PTRG is not intended for use in connection with Concerns:

- **of a criminal nature. Refer to the comment above under 'Scope'; or**
- **about child abuse or suspected child abuse, which must be dealt with in accordance with the Northridge Child Protection Policy and various aspects of this Concerns Handling Policy.**

Anyone with a Concern other than those just mentioned is strongly encouraged to read the PTRG carefully with a hope that it will be relevant, appropriate and possible to seek to use it in

[1] Ie such a person's behaviour outside Northridge might give rise to a Concern about the person's fitness for their role at Northridge.

[2] As that term is defined in the Northridge Child Protection Policy

the circumstances. Northridge expects that a potential Reporter, when it is relevant, appropriate and possible to use the PTRG, should not report a Concern under this Policy until attempts to use the PTRG have failed.

However, Northridge recognises that it may not be relevant, appropriate or possible to seek to use the PTRG. In those circumstances it is appropriate to report a Concern under this Policy without first seeking to use the PTRG.

Northridge encourages reporting anything which may be considered dishonest, corrupt, unethical or illegal behaviour or otherwise involving serious wrongdoing. Also, it is committed to protecting anyone who reports Concerns[3]. Reporters can report Concerns without fear of intimidation, disadvantage or other reprisal.

TERMINOLOGY

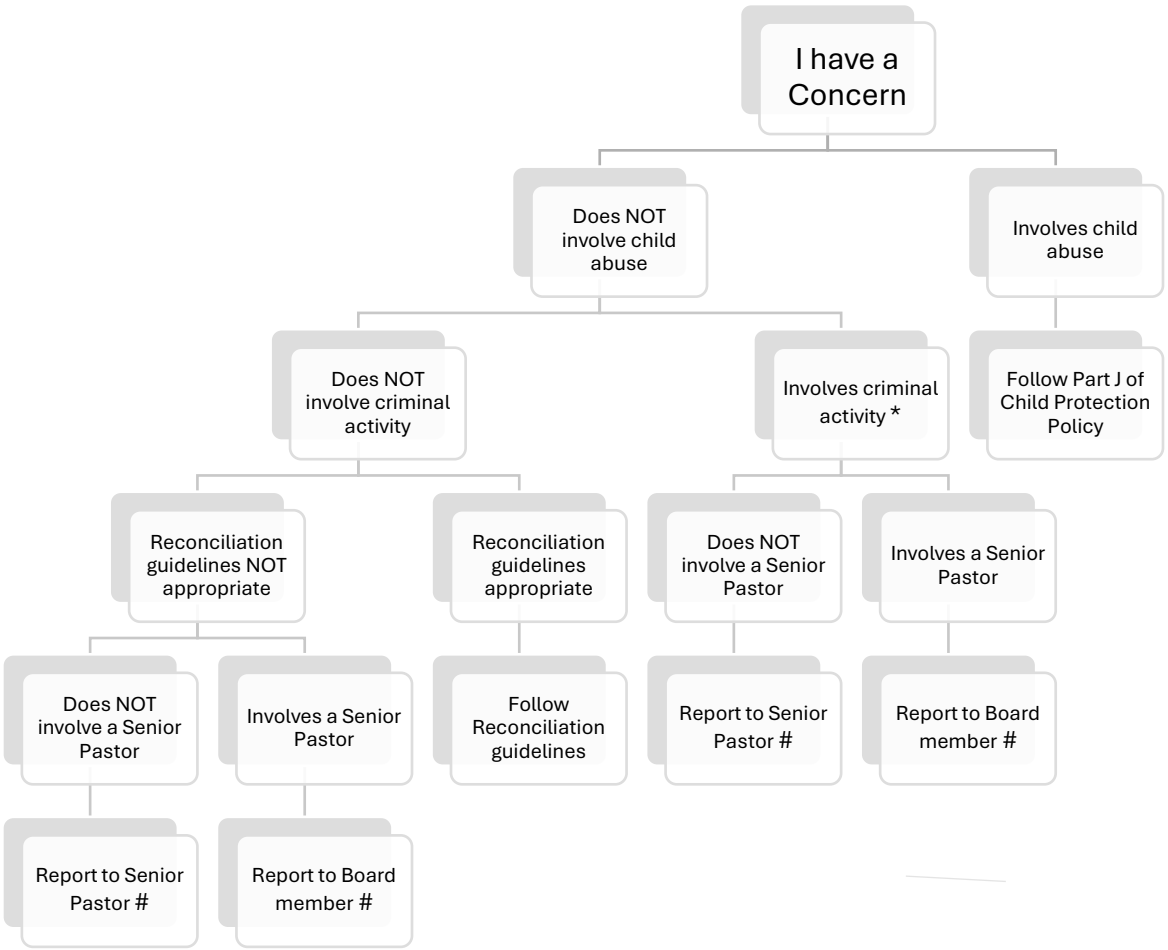
At the end of this document, Part F explains the meaning of various words and phrases used in the Policy.

[3] Protections in this Policy for Reporters do not apply when a Concern involves a false or vexatious claim.

AT A GLANCE: Process for reporting a Concern

See Clause 4 below for a detailed explanation of the process.

This diagram should not be used as a substitute for reading clause 4 in its entirety.



At this stage advice is available from the Independent Reportee

* In addition to the steps set out above, anyone with knowledge of a serious crime should report it to the Police

4. Detailed Steps for raising a Concern

Anyone having a Concern should use the following process to decide how to raise it.

Step 1: Does it involve anything connected with child abuse[4] or suspected child abuse?

Yes: Employees and Volunteers in activities at Northridge involving children must follow the process in Part J of the ***Northridge Child Protection Policy***. This is a mandatory requirement of the ***'reportable conduct scheme'*** established under the *Children's Guardian Act 2019 NSW*. Note in particular the obligations of a 'Leader' in clause 45.1 of that Policy. See also clause 8 of this Policy.

It is open to anyone else to report the Concern voluntarily. Refer to clause 5.1 (b) and (c) of this Policy.

Note: Concerns about anything connected with children's or youth ministry (or any other activity at Northridge involving children) which do not involve child abuse or suspected child abuse should be dealt with through one of the following steps ie not under Part J of the Northridge Child Protection Policy.

No: Go to Step 2

Step 2: Does the Concern involve activity which may be criminal?

Yes: Go to Step 5

No: Go to Step 3

Step 3: Is the person with the Concern willing to attempt to resolve it using the ***Pathways to Reconciliation Guidelines*** (PTRG)? **NOTE:** Subject to the comments about Scope in Part A of this Policy, the PTRG is intended to be used for any type of Concern. This includes Concerns relating to Employees and Volunteers.

NOTE: Volunteers include Board members who are not Employees, members of children and youth ministry teams, service leaders, worship team members, sound/audio visual team members, Set Free Ministry team members, Storehouse Ministry team members and Life Group leaders.

Yes: Ask other parties to agree to use the PTRG. Then go to Step 4

No: Go to Step 5

Step 4: Do all parties agree to use the PTRG?

Yes: Follow the PTRG

No: Go to Step 5

NOTE: It is appropriate to report Concerns under Steps 5 or 6 when the Reporter either:

- believes it is not relevant, appropriate or possible to seek to use the PTRG; or
- the Respondent agrees to engage in the PTRG process but either:
  - terminates the process before an outcome satisfactory to the Reporter is achieved; or

[4] As that term is defined in the Northridge Child Protection Policy

- completes all three phases of the process but, in the opinion of the Reporter, a satisfactory outcome is not achieved.

Step 5: Does it involve a Senior Pastor?

Yes: Report the Concern to a member of the Board or the Independent Reportee (see NOTE 1 below)

No: Go to Step 6

Step 6: Report to a Senior Pastor or the Independent Reportee (See NOTE 1 below) any other Concern, including about another Employee or a Volunteer.

NOTE 1: Independent Reportee: Northridge has engaged Empatia Pty Ltd, an organisation independent of Northridge, to provide a confidential service of receiving a Report of a Concern and determining with the Reporter the immediate steps to be taken in connection with the Concern. The following rules apply:

- A Reporter should be circumspect about reporting a Concern to the Independent Reportee. This process is intended to be used when the Reporter has reservations about reporting it to the person at Northridge to whom they would otherwise report the Concern;
- The Independent Reportee has agreed with Northridge:
  - not to disclose, without the consent of the Reporter, any details of the Concern to Northridge or any other person (including an authority) unless they are bound by law to do so; and
  - to discuss the Concern with the Reporter with a view to obtaining directions from the Reporter on next steps. This could involve reporting the Concern to an authority or engaging with one or more individuals who are members of the Northridge Community. If the latter, it is expected that, once issues of confidentiality are agreed, an appropriate process, as set out in this Policy considering the nature of the Concern, will be followed.

TO CONTACT EMPATIA leave a message on their **CONTACT PAGE** with the message **"I wish to discuss a Confidential matter relating to Northridge Vineyard Church".** Empatia will contact you at which time you can raise your Concern confidentially.

NOTE 2: Despite anything above, anyone having knowledge that a serious crime has been committed should report that knowledge to the Police.

5. How to report a Concern

5.1 Child abuse or suspected child abuse

If the Concern is connected with child abuse[5] or suspected child abuse, then:

(a) if the Reporter is an Employee, or a Volunteer in activities at Northridge involving children (a '**Relevant Person**'), they must follow the process for reporting set out in Part J of the Northridge Child Protection Policy; and

(b) if anyone else chooses to report such a Concern, they should report it to a Senior Pastor or the Independent Reportee.[6]

[5] as that term is defined in the Northridge Child Protection Policy

[6] However, if the Concern relates to a Senior Pastor, then consideration should be given to s.27(3)(b) of the *Children's Guardian Act 2019 NSW*. This section permits the person to report the Concern to the Children's Guardian (as defined in

Once a report of a Concern has been given under clause 5.1 (a) or (b):

(c) the Reporter must comply with all aspects of clause 45.1 of the Northridge Child Protection Policy as if they were a person referred to in clause 5.1(a) even if they have reported under clause 5.1(b) above; and

(d) the Northridge leadership team must ensure all procedures for dealing with the Concern set out in the Northridge Child Protection Policy and this Policy are followed.

5.2 **Other Concerns**

All other Concerns should be reported to either a Senior Pastor, a member of the Board or the Independent Reportee as required or permitted under the decision tree set out in clause 4.

5.3 **Manner of reporting**

Concerns may be reported verbally. However, a written outline of the Concern is encouraged. In either case, a Reporter must identify themself (ie Concerns reported anonymously will not be investigated). When reporting, the Reporter is expected to provide detail including name(s) of people involved, dates and times of events giving rise to the Concern, and the nature of activities giving rise to the Concern. If the Concern relates to a vulnerable person, include anything observed including behavioural changes and safety concerns.

5.4 **Process after a Concern is reported**

The remainder of this Policy sets out the details of how the Northridge leadership team is expected to respond to Concerns. This includes processes for investigating, interviewing Reporters, Respondents and witnesses, allowing those involved appropriate time and opportunity to give their accounts, making determinations, preparing reports and advising Reporters and Respondents of the outcome of investigations.

It is not essential for Reporters and Respondents to become familiar with all the detail set out in the remainder of this Policy.

that Act) if the Senior Pastor is the Head of Northridge (as defined in clause 19.3 of this Policy). Northridge recommends that anyone considering making such a report to the Children's Guardian should discuss it first with the Committee Chair or take legal advice.

6. Concerns Handling Committee

6.1 Board to maintain Concerns Handling Committee

The Board must ensure a committee to investigate Concerns (called the "**Concerns Handling Committee**") is maintained as described in this clause.

6.2 Chair of Concerns Handling Committee

The Board must appoint a Board member (not being an Employee) to be the Chair of the Concerns Handling Committee. This appointment must be reviewed from time to time as deemed appropriate by the Board.[7]

6.3 Members of Concerns Handling Committee

The members of the Concerns Handling Committee in respect of a particular Concern being investigated are:

(a) the "**Voting Committee members**" being all members of the Board other than:

(i) any Respondent to that Concern (and any spouse of that person who is a member of the Board); and

(ii) any member of the Board who recuses themselves because they believe they have a potential conflict of interest or lack of impartiality in connection with that Concern. To do so, they must give written notice to the Committee Chair, which may be given at any time during the process before the Committee makes its finding; and

(b) the "**Non-voting Committee members**" being, in respect of a particular Concern being investigated, up to three non-voting members of Northridge appointed by a unanimous vote of the Voting Committee members applicable to that Concern. However, it is in the absolute discretion of the Voting Committee members whether to appoint Non-voting Committee members.

6.4 Provisions about non-voting Committee members

Non-voting Committee members:

(a) cannot be employees of Northridge and must have been regular attendees at Northridge for at least 3 years before their appointment to the Concerns Handling Committee and be people the Voting Committee members unanimously agree are respected members of Northridge;

(b) may be removed from the Concerns Handling Committee at any time by a majority vote of the Voting Committee members;

(c) are not entitled to vote on any decision of the Concerns Handling Committee but are entitled to attend all meetings of the Concerns Handling Committee and express their views freely.

6.5 Voting requirements for decisions of Concerns Handling Committee

All findings or decisions of the Committee can be made only if no more than one Voting Committee member dissents from the finding or decision. (A failure to vote is to be taken as a dissent.) However, if the Committee Chair reasonably believes a Voting Committee member's failure to vote is because

[7] If the Committee Chair is the subject of a Concern, then the Chair of the Board must immediately convene a meeting of the Board for the purpose of replacing the Committee Chair with a person entitled to be a Voting Committee member for the purpose of investigating the Concern.

of illness or unavoidable inability to attend a meeting and not because of a dissenting view, then that Voting Committee member is to be taken as approving the finding or decision.

6.6 **Record keeping of Concerns Handling Committee**

The Committee Chair must ensure an electronic record of every Concern reported under clause 5 of this Policy is created and held securely. The record should contain all documents generated in connection with the Concern including records of conversations and meetings with, and statements of, the Reporter, Respondent and witnesses, minutes of all meetings of the Concerns Handling Committee and the findings of any Investigator. It must also contain the determination of the Concern and copies of all documents sent to anyone following the determination (including to authorities).

Access to the record of a Concern must be strictly limited to the Committee Chair from time to time and the Senior Pastors. However, if any of those persons is the subject of a Concern, they (and their spouse if they are a Senior Pastor) must not have access to the record for that Concern.

Part D – Process after a Concern is reported

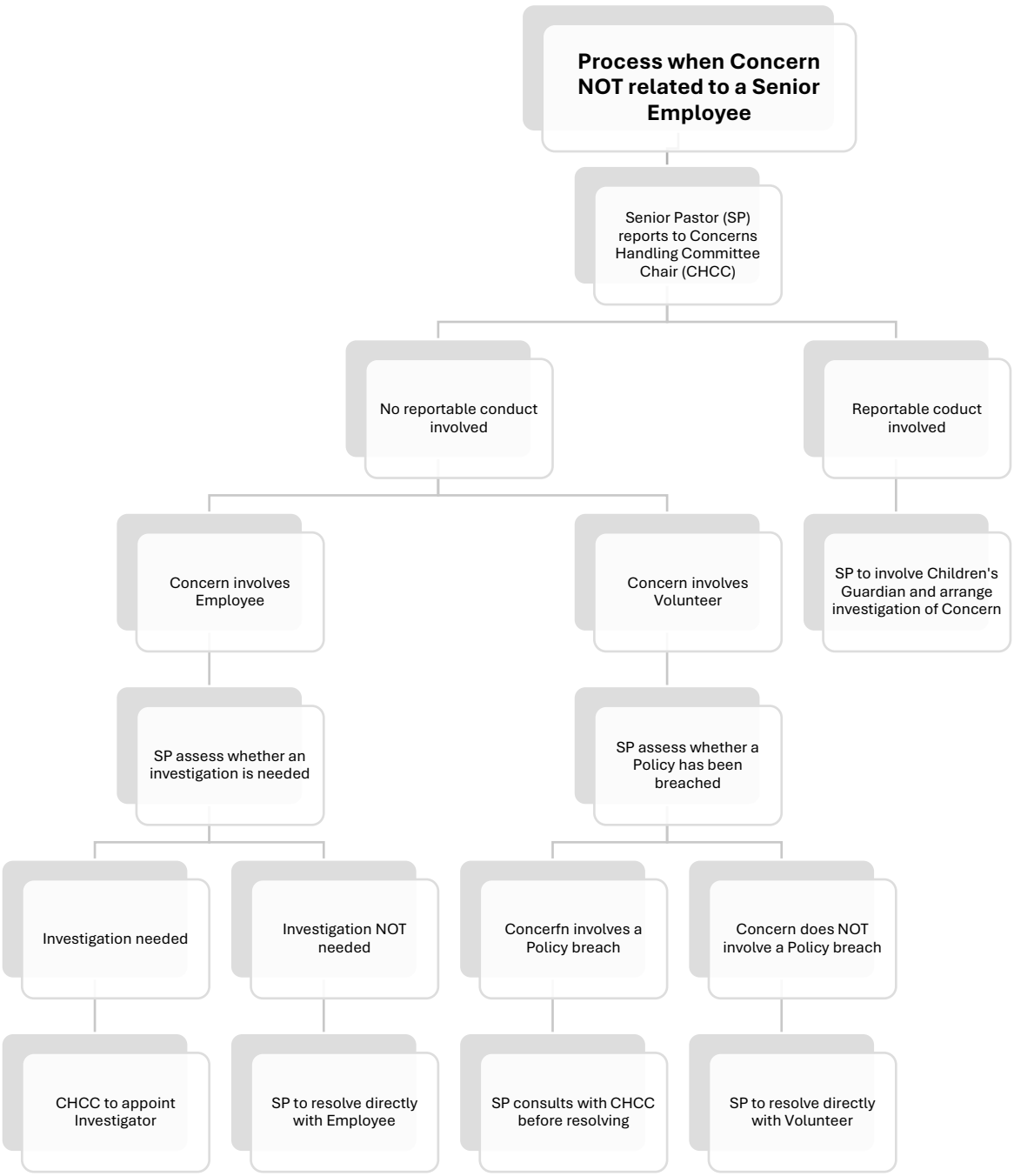
AT A GLANCE: Process After a Concern is reported

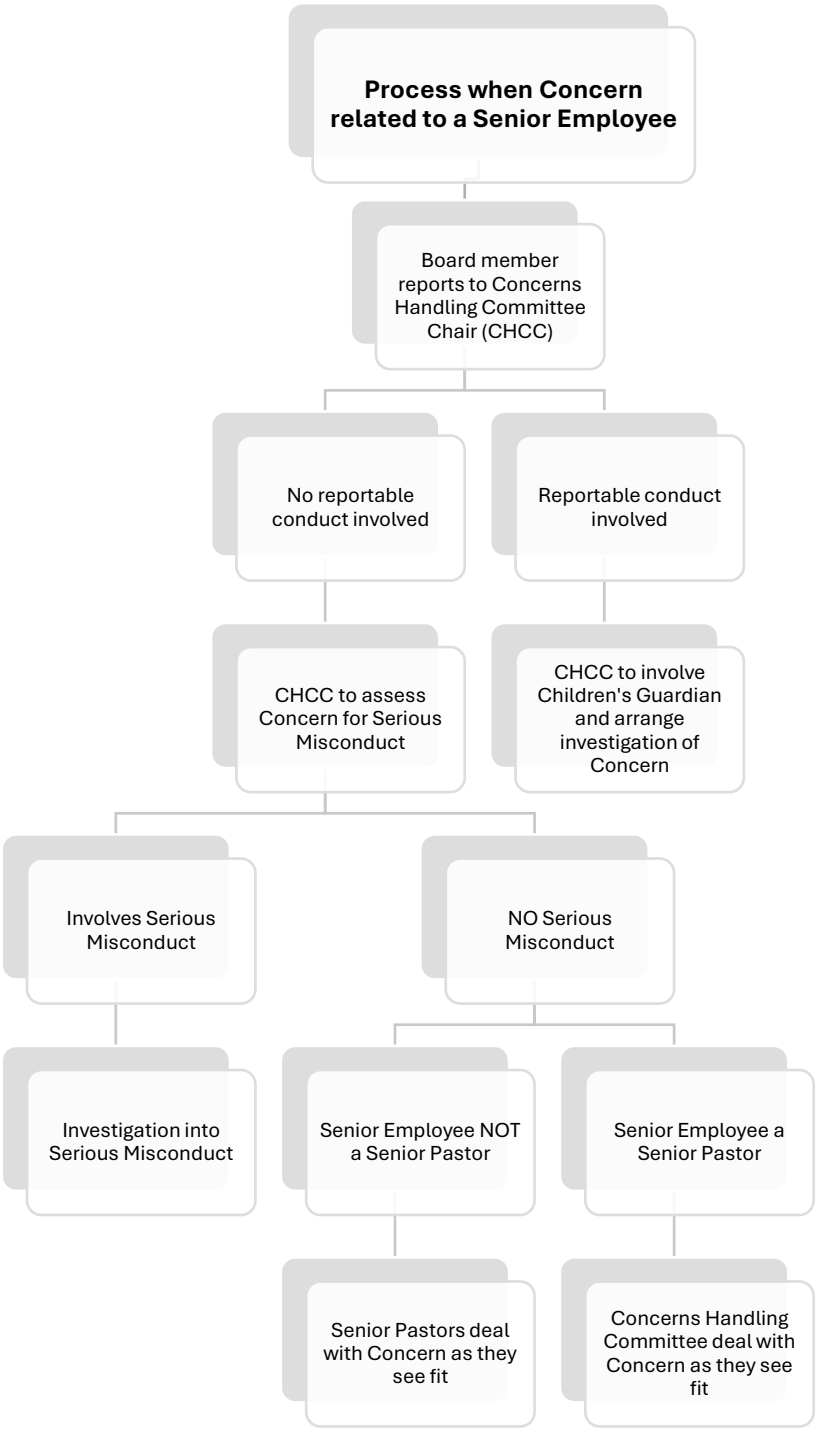
The following two diagrams summarize the process to be followed after a Concern is reported.

NOTE: These diagrams should not be used as a substitute for reading the relevant clauses in their entirety.

THE FIRST DIAGRAM applies when a Concern does NOT relate to a Senior Employee. (It includes the process for Volunteers). See clauses 7,8,9,11-18 for the detailed explanation of the process.

THE SECOND DIAGRAM applies when a Concern relates to a Senior Employee. See clauses 7,8,10,13-18 for the detailed explanation of the process.




Process when Concern related to a Senior Employee
Board member reports to Concerns Handling Committee Chair (CHCC)
No reportable conduct involved
Reportable conduct involved
CHCC to assess Concern for Serious Misconduct
CHCC to involve Children's Guardian and arrange investigation of Concern
Involves Serious Misconduct
NO Serious Misconduct
Investigation into Serious Misconduct
Senior Employee NOT a Senior Pastor
Senior Employee a Senior Pastor
Senior Pastors deal with Concern as they see fit
Concerns Handling Committee deal with Concern as they see fit

7. Initial steps

7.1 Committee Chair to be notified

Anyone receiving a report under clause 5 of this Policy or Part J of the Child Protection Policy must notify the Committee Chair as soon as possible and pass on to them the information provided by the Reporter.

7.2 Initial considerations

The Committee Chair, as soon as possible after receiving a notification under clause 7.1, must decide, in consultation with the Senior Pastors[8] and, if the Committee Chair and Senior Pastors deem necessary, the Concerns Handling Committee whether:

(a) the Concern falls, or potentially falls, within the parameters of the *'reportable conduct scheme'* established under the *Children's Guardian Act 2019 (NSW)*. (The Committee Chair is expected to obtain legal advice if they have any doubts in this respect). If so, the process set out in clause 8 of this Policy must be followed;

(b) the Concern has been, or should be, reported to authorities. If so, the Committee Chair must ensure that an investigation of the Concern under this Policy is not commenced without first consulting with the authority to which it has been, or should be, reported;

(c) the Concern relates to an issue which may give rise to a potential legal claim against, or financial liability for, Northridge. If so, then the Committee Chair must consider notifying the Northridge insurer of the Concern. If the Committee Chair is unsure whether the insurer needs to be notified, they must seek advice from the insurer;

(d) a risk assessment relating to the safety of the Reporter or any vulnerable people involved should be conducted and, if risks are identified, take reasonable precautions to minimise them; and

(e) any steps should be taken not to prejudice ongoing criminal investigations including considering the need to initiate risk management without alerting the person the subject of the Concern.

7.3 Further considerations

The process to be followed after the initial considerations varies depending on the nature of the Concern, as described in the following clauses.

8. Process when 'reportable conduct scheme' relevant

8.1 When this clause applies

This clause applies when a decision is made under clause 7.2(a) of this Policy that a Concern falls or potentially falls within the **'reportable conduct scheme'** established under the *Children's Guardian Act 2019 NSW*[9]. **Important: See clause 19.3 of this Policy for the meaning of terminology used in this clause 8.**

8.2 Mandatory requirement

This clause 8 contains policies and procedures which Northridge is required to have under the reportable conduct scheme[10]:

8.3 Application of Northridge Child Protection Policy

[8] Senior Pastors should not be consulted if one of them is the subject of the Concern.

[9] See the *Children's Guardian Act 2019 NSW* including the following sections: Part 3: Section 8D(2), Part 4: section 54(2).

[10] Ibid s.54(2)(b)-(e)

This clause 8 should be read in conjunction with the Northridge *Child Protection Policy* (in particular Parts I and J).

8.4 **Reporting obligations**

On becoming aware of a Concern that may involve a reportable allegation or reportable conviction:

(a) concerning a Relevant Person other than the Head of Northridge or an Associate, the Head of Northridge must:

(i) notify the Children's Guardian in writing within 7 business days in accordance with the process on their website;[11]and

(ii) report to the Children's Guardian on the progress and outcome of the investigation as required under the *Children's Guardian Act 2019 NSW*[12];

(b) concerning the Head of Northridge or an Associate, the Committee Chair must:

(i) notify the Concern directly to the Children's Guardian as soon as practicable[13]; and

(ii) comply with any directions given by the Children's Guardian in relation to investigating the Concern or making determinations about the Concern.

8.5 **Investigations when Respondent is not the Head of Northridge or an Associate**

As soon as practicable[14] after a notification is given under clause 8.4(a), the Head of Northridge must:

(a) investigate or arrange for an Investigator to investigate any reportable allegation; and

(b) determine whether the information about a conviction considered to be a reportable conviction is a reportable conviction.

Any investigation or determination under this clause must be conducted in accordance with the provisions in Part E of this Policy. If the Head of Northridge contemplates investigating the Concern themself[15], they must first raise this with the Committee Chair who must then seek the view of the Concerns Handling Committee. If the Concerns Handling Committee decides it would be preferable to have someone else be the Investigator, then the Head of Northridge must appoint an Investigator acceptable to the Concerns Handling Committee to investigate the Concern. If the Concerns Handling Committee decides it is acceptable for the Head of Northridge to investigate the Concern, then all references to the 'Investigator' in Part E are to be taken to be references to the Head of Northridge.

8.6 **Investigations when Respondent is the Head of Northridge or an Associate**

After a notification is given under clause 8.4(b), then, subject to any directions given by the Children's Guardian under the *Children's Guardian Act 2019 NSW*[16], the Committee Chair must, as soon as practicable:

(a) arrange for an Investigator to investigate any reportable allegation; or

(b) request the Committee to determine whether the information about a conviction considered to be a reportable conviction is a reportable conviction.

Any investigation or determination under this clause must be conducted in accordance with the provisions in Part E of this Policy.

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[11] Ibid s.29 for those matters to be included in the written notification. This information will be requested at the time of lodging the written notice on website of the Office of the Children's Guardian.
[12] Ibid ss. 34-36
[13] Ibid s 27(2) The Committee Chair is deemed to be an 'employee' for these purposes because it is a Northridge Board requirement that all Board members hold a valid working with children clearance.
[14] Ibid s 34
[15] Ibid s.34(1)(a) permits this
[16] Ibid Divisions 7 and 8

9. Process when Respondent is an Employee (other than a Senior Employee)

9.1 **When this clause applies**

This clause applies when a Respondent to a Concern is an Employee (other than a Senior Employee).

9.2 **Process when clause 8 applies**

If clause 8 applies to the Concern, then the process set out in clause 8 must be followed.

9.3 **Process when clause 8 does not apply**

If clause 8 does not apply to the Concern, then a Senior Pastor must conduct a preliminary investigation of the Concern and advise the Committee Chair whether the seriousness of the Concern warrants an investigation in accordance with the provisions of Part E of this Policy.

If the Senior Pastor advises that a Part E investigation is not warranted, then the Senior Pastor must deal with the Concern as they see fit. If necessary, they should provide recommendations to the Committee about action which should be taken under the Employment Agreement between the Employee and Northridge.

If the Senior Pastor advises that a Part E investigation is warranted, then the Committee must appoint an Investigator to investigate the Concern in accordance with the provisions in Part E. The Employee is expected to co-operate fully with the Investigator in such an investigation. The Committee may take the findings of the Investigator into account in assessing what action to take in connection with the Concern including under the Employment Agreement between the Employee and Northridge.

9.4 **Rights under employment agreement not affected**

Nothing in this Policy affects Northridge's rights against an Employee under their Employment Agreement and the general law. Also, Northridge, by giving written notice to an Employee, may elect that concerns Northridge has about the Employee's performance under their Employment Agreement are not to be treated as a 'Concern' under this Policy but instead are to be dealt with under general law principles and the terms of the Employee's Employment Agreement (excluding references to the PTRG or this Concerns Handling Policy).

10. Process when Respondent is a Senior Employee

10.1 **When this clause applies**

This clause applies when a Respondent to a Concern is a Senior Employee. If clause 8 of this Policy applies to the Concern, then the Concern must be dealt with under clause 10.4 of this Policy.

10.2 **Determine whether Concern potentially involves Serious Misconduct**

The Committee Chair must conduct an initial assessment (in consultation with the Senior Pastors if the Senior Employee is not a Senior Pastor) as to whether the Concern potentially involves Serious Misconduct. If in doubt, the Committee Chair must ask the Committee to make that decision.

10.3 **Process if no possibility of Serious Misconduct**

If the Committee Chair or Committee decides there is no possibility that the Concern potentially involves Serious Misconduct, then:

(a) If the Senior Employee is not a Senior Pastor, the Senior Pastors must deal with the Concern as they see fit. If necessary, they should provide recommendations to the Committee about action which should be taken under the Employment Agreement between the Senior Employee and Northridge; and

(b) If the Senior Employee is a Senior Pastor, the Committee must deal with the Concern as they see fit in accordance with the Employment Agreement between the Senior Pastor and Northridge.

10.4 **Process if possibly Serious Misconduct**

If the Committee Chair or Committee decides there is a possibility of Serious Misconduct, the following procedure must be followed when investigating the Concern:

(a) ***Concerns Handling Committee investigation:*** The Committee Chair must facilitate a Concerns Handling Committee investigation as soon as practicable.

(b) ***Senior Employee may be required to take leave pending investigation:*** If required by a decision of the Committee, the Senior Employee subject to an investigation under this clause 10 must take paid leave pending finalisation of the investigation.

(c) ***Senior Employee may obtain independent legal advice:*** If requested by the Senior Employee subject to an investigation, Northridge must undertake to reimburse the Senior Employee for reasonable costs for obtaining independent legal advice relating to the investigation. This is to be subject to the Committee and the Senior Employee (each acting reasonably) agreeing, before legal advice is sought, on terms of the quantum of legal costs to be reimbursed.

(d) ***Type of process:*** If:

(i) clause 8 of this Policy applies to the Concern, the Committee must appoint an Investigator to investigate the Concern in accordance with Part E of this Policy (augmented as required by clause 13.2(f) of this Policy); or

(ii) clause 8 of this Policy does not apply to the Concern, the Committee Chair must first ask the Committee to decide whether an Investigator should be appointed to investigate the Concern in accordance with Part E of this Policy. It is in the discretion of the Committee to appoint an Investigator. If it does not, then the Committee must ensure an investigation takes place in accordance with this clause 10.3 and Part E of this Policy (where references to the 'Investigator' are to be taken to be references to the Committee Chair).

(e) ***Notice to Senior Employee:*** The Committee Chair must provide the Senior Employee with a written notice:

(i) setting out in reasonable detail the facts they believe could constitute Serious Misconduct, and which

(ii) invites the Senior Employee to a meeting with the Committee, which must be as soon as practicable after the notice is given while allowing enough time for the Senior Employee to prepare for the meeting.

(f) ***Involvement of VCA:*** The Committee Chair must inform the chair of the board of VCA of the investigation and invite the Board of VCA to appoint up to two representatives ("**VCA representatives**") to attend the meeting referred to in clause 10.4(g). This clause 10.4(f) does not apply if VCA does not exist.

(g) ***Meeting with Senior Employee:*** The procedures for the meeting referred to in clause 10.4(e) are as follows:

(i) the Senior Employee may be accompanied to the meeting by one or both of another Northridge Pastor and one other person they choose;

(ii) the meeting is to be chaired by the Committee Chair; and

(iii) if the Senior Employee being investigated does not attend the meeting without giving an adequate reason, the Concerns Handling Committee may proceed to make their decision without further input from the Senior Employee and the meeting with the Senior Employee is to be deemed to have taken place.

(h) ***Decision of Concerns Handling Committee:*** Following the meeting, the Committee must decide as soon as practicable whether the Senior Employee has engaged in Serious

Misconduct. In doing so, they must take account of the findings and recommendations of any Investigator appointed under clause 10.4(d) but are not obliged to agree with or adopt them. The Committee also may make other investigations they see fit.

A finding of Serious Misconduct occurs if the Committee decides they are reasonably satisfied[17] that the Senior Employee has engaged in Serious Misconduct. In doing so they must invite the VCA representatives to express their views to a meeting of the Committee. (However, those representatives may not vote on the issue). The Senior Employee being investigated must be advised of the outcome of the investigation as soon as practicable after the decision is made.

(i) ***Implications of a finding of Serious Misconduct*****:** Following a finding of Serious Misconduct against a Senior Employee, Northridge (acting through a decision of the Committee) may either:

(i) allow the Senior Employee to continue to be employed by Northridge with or without disciplining the Senior Employee and either on the same terms as applied before the investigation or on varied terms (which could include a change in the Senior Employee's role), in each case as the Committee deems appropriate given their finding; or

(ii) dismiss the Senior Employee on four weeks' notice (or on payment in lieu of the notice period).

(j) ***Other findings:*** If the Committee makes a finding of non-compliance with the Senior Employee's Employment Agreement falling short of Serious Misconduct, then nothing in this Policy affects Northridge's rights under the Employment Agreement and the general law.

10.5 **Rights under employment agreement**

Northridge must exercise its rights arising under their Employment Agreement with the Senior Employee in accordance with the Employment Agreement and the general law.

11. Process when Respondent is a Volunteer or Prospective Volunteer

11.1 **When this clause applies**

This clause applies when a Respondent to a Concern is a Volunteer or a prospective Volunteer.

11.2 **Process when clause 8 applies**

If clause 8 applies to the Concern, then the process set out in clause 8 must be followed.

11.3 **Process when clause 8 does not apply**

If clause 8 does not apply to the Concern, then:

(a) if the Concern involves a failure, or likely failure, to comply with any Northridge Policy, then the Senior Pastors must consult with the Committee Chair before making decisions in connection with the Concern;

(b) subject to paragraph (a) above, the Senior Pastors may handle the Concern as they see fit, including:

[17] Applying the standard of proof of the 'balance of probabilities' with reference to the principle in *Briginshaw v Briginshaw* (1938) 60 CLR 336 per Dixon J at 361-362:
'.. reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences.'

(i) setting boundaries and obtaining undertakings around the Respondent's involvement in Northridge;

(i) determining that no action is needed in connection with the Concern (including because they are satisfied the Volunteer is unlikely to continue breaching a Northridge Policy); and

(ii) determining that the Respondent must cease any current leadership or other volunteering role at Northridge or not be permitted to take on a new leadership or other volunteering role at Northridge.

11.4 **Records**

The Senior Pastors and Committee Chair must make records of all conversations and meetings in connection with Concerns dealt with under this clause 11 and ensure they are stored in accordance with the requirements of clause 6.6 of this Policy.

12. Process when Concern is not related to the behaviour of an Employee or Volunteer

If a Concern does not relate to the behaviour of an Employee, Volunteer or prospective Volunteer, the Senior Pastors are expected to meet with the Reporter and gain as full an understanding of the Concern as possible. This includes enabling the Reporter to explain their Concern fully and fairly, including by presenting written material. If the Concern relates to:

(a) anything connected with or directed towards the spiritual health of people who take part in activities of Northridge, including spiritual ordinances, direction of ministry, leading and discernment for initiating or terminating ministry activities and any other matter reasonably connected with spiritual leadership of the Association, then the Senior Pastors are responsible for engaging with the Reporter and deciding how to respond to the Concern.

(b) anything necessary or desirable for the proper management of the affairs of Northridge, including controlling the financial resources of Northridge, staffing, legal and denominational compliance (including establishing and monitoring compliance with policies), facility management, risk management and maintenance of records, then the Senior Pastors in conjunction with the Committee Chair are responsible for engaging with the Reporter and deciding how to respond to the Concern. In doing so the Senior Pastors and Committee Chair may, but need not, engage with the Board to gain the Board's perspective.

13. Investigations by an Investigator

This clause 13 applies if an investigation of a Concern is instigated or required under other provisions of this Policy.

13.1 **Appointment**

Those approving the appointment of an Investigator:

(a) must take into account the nature of the Concern and appoint a person they reasonably believe has appropriate experience to investigate the Concern;

(b) must ensure that a written scope of work is agreed with the Investigator and obtain the Board's approval of the Investigator's fee structure before the appointment is finalised;

(c) must ensure the Investigator does not have a conflict of interests; and

(d) may appoint either a member of the Northridge community or someone who is not such a member (recognising that in some situations it may be preferable to appoint someone outside the Northridge community in order to avoid any potential possibility of perceived bias).

13.2 **Role of Investigator**

The Investigator must:

(a) act in good faith, without bias or unreasonable delay;

(b) provide written details of the Concern to the Respondent. In doing so, they must:

(i) set out the Concern with sufficient detail for the Respondent to understand it;

(ii) if it is alleged that a Northridge Policy has been breached, provide details of the specific provisions of the Policy alleged to have been breached;

(iii) set out the potential adverse outcomes for the Respondent if they are found to have breached a Northridge Policy or engaged in reportable conduct; and

(iv) provide the Respondent with an opportunity to respond to the Concern in writing and within a stated timeframe not usually exceeding 2 weeks;

(c) collect and document evidence, including by conducting interviews and taking statements from the Reporter, Respondent and other witnesses;

(d) maintain a record of all relevant evidence obtained and steps taken in the investigation;

(e) if they become aware of additional relevant information (including adverse information) in relation to the Respondent in the course of the investigation, provide the additional information to the Respondent in writing and invite them to respond to the new information; and

(f) if the investigation relates to possible Serious Misconduct of a Senior Employee, ensure that the procedures set out in clauses 10.3(e) – (g) of this Policy are incorporated in their investigation.

14. Investigator's findings

14.1 **Report to Committee Chair**

The Investigator must provide a written report to the Committee Chair setting out:

(a) the Concern, including the allegations and circumstances;

(b) a preliminary finding about whether or not the Concern is sustained, applying the standard of proof of the 'balance of probabilities' with reference to the principle in *Briginshaw v Briginshaw*[18].

(c) an analysis of the evidence relied on to make the finding, including the response of the Respondent (if any) to the Concern;

(d) possible outcomes or consequences arising from their finding. This may include suspension, termination from duties for volunteers, or termination of employment for employees. It may also require notice to government authorities, such as the Police or the Children's Guardian; and

(e) copies of documents relevant to the investigation report, including notes of interviews.

14.2 **Summary report to the Respondent**

The Investigator must also provide to the Respondent a summary of their report and its preliminary findings (considering both confidentiality and procedural fairness) along with:

(a) an invitation to respond in writing to the Committee Chair within a defined timeframe; and

(b) written notice of the possible consequences if the preliminary findings are accepted by the Head of Northridge or Committee, as the case requires.

15. Determination of Concern and outcomes

15.1 **Determination**

Any report provided under clause 14.1 or response from the Respondent under clause 14.2 must be copied to the Head of Northridge by the Committee Chair if the determination of the Concern is a **"Head of Northridge responsibility"** (which is the case when clause 8 of this Policy relates to the Concern and the Respondent is a Relevant Person (other than the Head of Northridge))[19].

The Head of Northridge or the Committee, as the case requires, must consider the report of the Investigator promptly and decide whether to accept their finding. In doing so, they must consider all relevant material available, including the response (if any) of the Respondent. When the decision is a Head of Northridge responsibility, they must also comply with clause 15.2.

If the Head of Northridge or the Committee do not accept the Investigator's findings, they must decide whether there is another available finding on the basis of the evidence presented to them, and record written reasons for departing from the Investigator's finding/s. Any decision not to accept the Investigator's findings must be reported to the Northridge Board promptly.

15.2 **When determination is a Head of Northridge Responsibility**

When the determination of a Concern is a Head of Northridge Responsibility, the Head of Northridge must take into account Division 6 of Part 4 of the *Children's Guardian Act 2019* (NSW). In doing so they:

(a) must make a finding of reportable conduct if they are satisfied that the case against the Respondent has been proved on the balance of probabilities with reference to the principle in *Briginshaw v Briginshaw*[20]:and

(b) in making that decision, they

[18]Refer to footnote 17 for an explanation of this principle. If clause 8 of this Policy applies to the Concern, the Investigator must take into account Division 6 of Part 4 of the *Children's Guardian Act 2019 (NSW)*
[19] See s.34 of the *Children's Guardian Act 2019 NSW*
[20] Ibid s.40(1)

(i) may take into account:[21]

(A) the nature of any reportable allegation and any defence; and

(B) the gravity of the matters alleged; and

(ii) must take into account:

(A) whether any reportable allegation relates to conduct in breach of the standards applying to the respondent, including professional standards, codes of conduct (including the Northridge *Code of Conduct* and *Child Protection Policy* (including the *Child Protection Code of Conduct)* and accepted community standards; and

(B) whether or not the conduct is reportable conduct.[22]

15.3 **Outcomes**

Once the Head of Northridge or the Committee, as the case requires, make their decisions under clause 15.1, they must determine what action will be taken as a result of their findings including whether remedial or disciplinary action is to be taken against the Respondent. If the Respondent is an Employee, rights must be exercised in accordance with the Employment Agreement between the Respondent and Northridge and the general law.

16. Communication of outcome of investigation of a Concern

Once the investigation of a Concern has been completed under this Policy, the Committee Chair must:

(a) If the reportable conduct scheme is relevant to the investigation, provide the Children's Guardian the 'entity report' containing the information required under the *Children's Guardian Act 2019 NSW*[23];

(b) promptly inform the Respondent in writing of:

(i) the determination of the Concern; and

(ii) any consequences arising from the determination; and

(c) inform the Reporter of the outcome of the Concern;

(d) if Northridge has informed their insurer of the Concern, notify the insurer of the outcome.

17. Providing support while Concern investigated

Northridge must ensure that support is provided to both the Reporter and Respondent while a Concern is being investigated, including:

(a) providing them with a contact person to whom they can direct inquiries about the progress of the Concern;

(b) offering them a support person; and

(c) considering providing them with access to counselling and other support services.

18. General principles applicable to all investigations

The following principles apply to all investigations of a Concern:

[21] Ibid s.40(2)
[22] Ibid s.41
[23] Ibid ss. 36-38

(a) each step in the process must be taken as soon as practicable and meetings must be held at reasonable times and locations;

(b) meetings with Respondents must be conducted in a manner enabling the Reporter, Respondent and anyone investigating to explain their cases fully and fairly, including by presenting written material.

19. Terminology

19.1 **Terminology divided into two sections**

This clause is divided into two sections. Clause 19.2 explains terminology which could be relevant to all types of Concerns. Clause 19.3 explains terminology relevant only to Concerns when the reportable conduct scheme referred to in clause 8 is relevant.

19.2 **Terminology relevant to all types of Concerns**

In this Policy:

Board means the Board of Northridge.

Committee Chair means the Chair of the Concerns Handling Committee.

Concern has the meaning set out in clause 1 of this Policy

Employee means an employee of Northridge.

Independent Reportee means the organisation independent of Northridge appointed from time to time to be the 'Independent Reportee' for the purpose of this Policy.

Investigator means a person appointed to investigate a Concern in accordance with Part E of this Policy.

Northridge means Northridge Vineyard Christian Fellowship Inc. **ABN 811 5445 5799**

Pastor means any Employee whose title includes the word 'Pastor'.

Prospective Volunteer means a person, not being an Employee, who has asked, or been approached, to become a Volunteer.

PTRG means the Northridge Pathways to Reconciliation Guidelines.

Reporter means a person who believes circumstances have occurred giving rise to a Concern and who reports the Concern under clause 5 of this Policy or Part J of the Northridge Child Protection Policy.

Respondent means a person whose acts or omissions are believed by the Reporter to have given rise to a Concern.

Concerns Handling Committee or **Committee** means the committee maintained under Part C of this Policy.

Senior Employee means a Senior Pastor or any other Employee whose employment agreement specifies they are to be treated as a 'Senior Employee' for the purpose of this Policy.

Senior Pastor means a person appointed by the Board to provide oversight and leadership of the whole of Northridge

Serious Misconduct means:

(a) Committing an act of serious or willful misconduct (including, but not limited to, a serious or willful failure to comply with any Board policy (including the Northridge Code of Conduct and any policy setting out Northridge's workplace health and safety requirements), theft, fraud, deliberate falsification of records, physical violence, serious bullying or harassment, deliberate damage to property, serious insubordination, misuse of Northridge's property or name, bringing Northridge into serious disrepute, engaging in sexual misconduct, or serious negligence which causes or might cause unacceptable loss, damage or injury); or

(b) Promoting a doctrinal position being a serious departure from the Vineyard Statement of Faith.

VCA means Vineyard Churches Australia ABN 6914 096 028 or its successor from time to time.

Volunteer means a person, not being an Employee, who is**:**

- a non-employee Board member
- a member of a children's or youth ministry team
- a service leader, a member of a worship team or a member of a sound/audio visual team
- a member of the Set Free Ministry team
- a member of the Storehouse Ministry team
- a Life Group leader, or
- in any other volunteer role at Northridge which the Concerns Handling Committee determines should be subject to this Policy.

19.3 **Terminology relevant only when reportable conduct scheme is relevant**

The following terms have the same meaning in this document as in the Northridge Child Protection Policy: Activity; child; child abuse; Child Protection Officer; employee; Kids Church Pastor; Leader; Pastor; Youth Pastor; Senior Pastor; volunteer; young person, WWC number.

In this document[24]:

Associate means any spouse or child (or spouse of a child) of the Head of Northridge.

Head of Northridge means, if there is more than one Senior Pastor, the Senior Pastor the Board designates to be the 'head' of Northridge for the purpose of Section 17 of the *Children's Guardian Act 2019 NSW.*

Head of Northridge Responsibility has the meaning set out in clause 15.1 of this Policy.

Relevant Person means an Employee, or a Volunteer in activities at Northridge involving children.

reportable allegation means an allegation that an employee, or a Leader who is a volunteer,[25] has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the person's engagement with Northridge.

reportable conviction means a conviction, including a finding of guilt without the court proceeding to a conviction, in NSW or elsewhere, of an offence involving reportable conduct whether or not the conduct occurred in the course of the person's engagement with Northridge.

reportable conduct[26] means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a sexual offence;
- sexual misconduct;
- ill-treatment of a child;
- neglect of a child;

[24] These terms reflect those in the *Children's Guardian Act 2019* (NSW) with changes of terminology reflective of terminology used by Northridge

[25] ***"employee or a Leader who is a volunteer"*** is described in the *Children's Guardian Act 2019 (NSW)* as an "employee of the relevant entity". The *Children's Guardian Act 2019 (NSW)* defines an "employee of a relevant entity" as "an individual who holds, or is required by the religious body to hold, a working with children check clearance for the purpose of engagement with the religious body". For Northridge this definition includes a volunteer Leader as defined in section 5 of the Northridge Child Protection Policy .

[26] Each of the items listed in this definitions are defined in Division 2 of Part 4 of the *Children's Guardian Act 2019 NSW* and have the same meaning in this Policy as in that Act.

- an assault against a child;
- an offence under section 43B[27] or 316A[28] of the *Crimes Act 1900 (NSW);* or
- behaviour that causes significant emotional or psychological harm to a child.

[27] Failure to remove or reduce the risk of a child becoming a victim of child abuse
[28] Concealing a child abuse offence