**Lutheran Church of Australia**

**Review of the LCA’s Ecclesiastical Discipline, Adjudication and Appeals Provisions, Policies and Processes**

**BACKGROUND**

At its Convention in October 2018 the LCA General Synod adopted the following resolution:

***The General Synod requests the General Church Board to undertake a review of the LCA’s overall Ecclesiastical Discipline Adjudication and Appeal’s provisions, policies and processes including a review of the PSD and related policies, procedures and practices, in response to concerns raised in congregational and district pastors conference proposals submitted to this Synod on matters related to the discipline and judicial system of the Church.***

***That the review be conducted by people with no involvement in allegations against the PSD nor with any responsibility for PSD.  Those undertaking the review to be members of the LCA and include high level theological expertise and knowledge of police and judicial matters as well as the Royal Commission into the Institutional Abuse of Children.  That submissions to the review be sought from interested parties.***

As highlighted in the Synod resolution, the resolution was responding to a range of concerns expressed by a number of LCA bodies in respect to the judicial system of the church and the work of the Professional Standards Department.

The resolution aims to undertake the review in a comprehensive and integrated way, rather than address specific issues in a piecemeal manner.

The Synod also resolved that the review be conducted as independently as possible, but the ‘review team’ membership is drawn from the church and consist of people with the requisite skills, qualifications and experience.

**TERMS OF REFERENCE**

To enable the LCA’s ecclesiastical discipline, adjudication and appeals structures, policies, processes and procedures to meet the aspirations and responsibilities of the Church and which are consistent with contemporary standards the review will:

1. Examine the LCA’s Ecclesiastical Discipline, Adjudication and Appeals provisions, policies and procedures, including the role of the Professional Standards Department and Reconciliation Ministry;
2. Call for and receive submissions from interested parties;
3. Identify the relevant issues and concerns with the current arrangements and any anticipated issues;
4. Where appropriate, identify and examine systems used in other organisations;
5. Examine any other relevant matters; and
6. Make recommendations in a final report to the General Church Board.

**SCOPE OF WORK**

The scope of work will be determined by the review team in a manner that it considers necessary to achieve its terms of reference. It has been encouraged by the General Synod to conduct the review in a manner that provides an opportunity for all parties with an interest in the review to provide their input, and thereby reflects the diversity of perspectives on the matters under consideration.

The GCB requests that, as the matters under review are of a sensitive and, in some situations, are deeply personal in nature, the review team establishes an environment in which all who participate in this process do so in a respectful manner and, accordingly, will apply the five principles of dialogue in the LCA.

**REVIEW TEAM**

A review team will be appointed by the General Church Board. The team leader will also be appointed by the General Church Board. The membership will consist of members with a commitment to the mission of the church and with relevant skills, qualifications and experience in one or more of the following areas:

1. Leading review processes;
2. High level theological expertise and knowledge;
3. Child protection, and preferably with a good knowledge of the report and recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse;
4. Complaints handling or a related field; and
5. Policing or legal background that is relevant to the matters subject to the review.

As required by the Synod resolution, the members will have no involvement in allegations against the PSD nor with any responsibility for PSD and, for the sake of a consistent approach, will have no involvement in allegations against the Judicial System nor with any responsibility for the Judicial System and Reconciliation Ministry.

The GCB will provide resources to establish a secretariat which will provide logistical and other forms of support to the Review Team on its request.

The Review team may also seek external advice and expertise, if necessary.

**MEETINGS**

The Review Team will establish its own schedule of meetings, which it considers necessary and appropriate to satisfy the requirements of the Terms of Reference.

**TIMEFRAME**

An interim report will be submitted to GCB by no later than 3 April 2020.

A final report with recommendations will be submitted to GCB by no later than 9 October 2020.

General Church Board

22 February 2019