

AGENDA 14.1.1

APPENDIX TO PROPOSAL 2.1.7

GCB PRELIMINARY RESPONSE TO THE RECOMMENDATIONS OF THE ECCLESIASTICAL DISCIPLINE REVIEW TEAM REPORT

The GCB thanks the members in the LCA who made submissions and/or provided information to the EDRT. The GCB also thanks the Ecclesiastical Discipline Review Team (EDRT) for the considerable work undertaken in presenting the review findings and recommendations.

The GCB received the report at its June 2021 meeting and was able to consider the recommendations again at its July 2021 meeting.

Having given prayerful consideration and a preliminary assessment of the report and its recommendations, the GCB provides the following advice regards each of the recommendations.

Where GCB advice is that the recommendations should be accepted in part or supported in principle it is because further time and due consideration is required before a full assessment can be made.

ECCLESIASTICAL DISCIPLINE

1. That the current system of ecclesiastical discipline be redesigned.

GCB advice: Accept in full.

GCB suggests that the re-design should also include a review of the language used. The GCB's view does not imply any criticism of the Review Team who faithfully and appropriately addressed what was required of them in the Synod resolution and the Terms of Reference.

The GCB is of the mind that the Church would be better served by a system that has an intent of affording 'good order in the Church' rather than starting from a point of 'discipline'. Discipline can automatically suggest a negative connotation and assumptions can be made when in effect innocence or reconciliation may be the resultant outcome.

The GCB further suggests that any redesign will need to be cognisant of 'matters that are in progress', therefore requiring transitional arrangements to be developed in Phase 2 of the proposed action plan.

2, That a steering committee be established to oversee the implementation of the new ecclesiastical discipline system.

GCB advice: Accept in full, noting that the GCB supports the formation of the steering committee, with two discrete phases. Phase 1 (2021) would see an initial remit to scope the work, including potential timeframes and likely resources and associated costs required to implement the redesign of the system. Phase 2 (2022) would see the steering committee oversee the implementation of the scope and resourcing approved by General Synod.

That the system established encompasses the conceptual as well as structural reforms recommended.

GCB advice: Accept in principle, subject to further consideration about the feasibility and viability of all the proposed reforms.

3. **That an implementation team be established to:**
 - **prepare for change**
 - **implement approved recommendations for reforms**
 - **ensure that ecclesiastical discipline can still be administered while the new system is implemented.**

GCB advice: Accept in principle. The GCB would seek that the steering committee (refer response to recommendation 2) considers the formation and composition of the implementation team and that it would only commence its work after the General Synod has approved the steering committee's report on the scope and implementation costs (Phase 1).

4. **That as part of the implementation process a panel/board be established to support the operation of the ecclesiastical discipline system and to ensure that the System remains fit for purpose.**

GCB advice: Accept in principle, subject to further clarification about its form, structure, function and accountability.

CONSTITUTIONAL AND PROCESS REFORM

5. **That the Constitution as it relates to ecclesiastical discipline be redrafted to set out a clear framework for the establishment and operation of a discipline system.**

GCB advice: Accept in full. Any substantial change to the current system will need to be reflected in the constitution.

6. **That any operational details of a discipline system be set out in supporting documentation such as, policy and procedure documents or guidelines.**

GCB advice: Accept in full. This is a more contemporary and preferred approach under the LCA's governance arrangements for operationalising such a system as opposed to it being covered in the current By-laws.

7. **That terminology specific to ecclesiastical discipline be given definition so that there can be consistent interpretation of such terms.**

GCB advice: Accept in full, noting the comments under recommendation 1 about the proposed change in language.

THE OVERSEEING OF COMPLAINTS

8. **That a position of bishop or other senior church official be created to oversee ecclesiastical discipline.**

GCB advice: The GCB does not support the creation of a dedicated position of bishop to oversee ecclesiastical discipline. The GCB accepts there needs to be a clear lead for the oversight of ecclesiastical discipline. There may be other options to achieve the intent without the need to establish a senior church official position given the current sustainability issues for the LCA.

- 9. That this position has a supervisory role over the judicial system of the church and any further bodies of the church created to administer and oversee ecclesiastical discipline.**

GCB advice: This will be contingent upon the response to recommendation 9.

TRIBUNAL

- 10. That the Tribunal be retained.**

GCB advice: Accept in full.

- 11. That matters should only be referred to the Tribunal after other mechanisms of dispute resolution have failed.**

GCB advice: Accept in full. This is an affirmation of a key principle underpinning the existing tribunal arrangements, but noting that there may be some matters that require a direct referral to the Tribunal as other mechanisms are deemed to be not appropriate in the circumstances.

- 12. That the Tribunal system be utilised to assist in determining whether pastors are fit and proper to remain on the roll in situations where this has been questioned.**

GCB advice: Accept in part. The Tribunal system should be utilised in the circumstances envisaged in the report and consideration be given as to how decisions are enforced and how the College of Bishops is consulted and other expert advice sought by the Tribunal to help inform their decisions relating to pastors.

- 13. That there be a consistency in approach to hearings. To that end, panel members should be provided with mandatory training as to the expectations of what is required of them.**

GCB advice: Accept in full.

- 14. To assist in developing consistency consideration should be given to creating guideline definitions so that Tribunal panels can apply principles consistently regardless of membership.**

GCB advice: Accept in full.

PROFESSIONAL STANDARDS

- 15. That the current professional standards department role and functions be reviewed.**

GCB advice: Accept in full. The GCB regards the subsequent recommendations 17, 18, 19, 24, 25 and 26 to form part of this review.

- 16. That the current position of Professional Standard Officer be reviewed, with a view of the position becoming solely an investigative one.**

GCB advice: Support in principle, having regard to the overall role and functions of the Professional Standards Department and how this may be achieved with resourcing in a sustainable manner.

- 17. That Professional Standards becomes the intake point for all complaints received, and an appropriate framework be developed for complaints handling.**

GCB advice: Support in principle. This needs to have regard to the overall role and functions of the Professional Standards Department and assumes this is for the more formal complaints, noting the report speaks of an intent of trying to solve grievances at the local level in the first instance.

- 18. That the teaching/training component currently undertaken by the Professional Standards Department be transferred to ALC.**

GCB advice: Accept in part. This would need to be explored further with ALC to ensure ALC's capacity to assume responsibility for the training and whether this is the most cost-effective approach given resource limitations. It is not clear from the report and its recommendation if it is proposed ALC has responsibility for developing the content, or just the delivery. As this is a LCA training program, the content should be the responsibility of the GCB, through the Professional Standards Department.

- 19. That training packages become standardised throughout the LCANZ so that there can be a consistent approach to training.**

GCB advice: Support in principle. A consistent approach has the advantage of 'portability' so individuals who have multiple roles in the LCA don't have to undertake multiple trainings. However, the training needs to be appropriate to the context, as well as the individual's skills and capabilities, and this can vary between a congregational setting and those applying in other Lutheran 'sectors', such as education, community services and aged care.

- 20. That the option of online training be made available.**

GCB advice: Accept in full. The GCB notes that online training is already available for key components of Safe Church. Additional work may need to be done once the role and functions of the Professional Standards Department have been refined.

- 21. That the principles governing Professional Standards be embedded into the ALC training packages for pastors and church workers.**

GCB advice: Support in principle. This is on the basis that the pastors and church workers are being equipped to serve within the LCA, where the principles governing Professional Standards apply.

- 22. That these principles are taught throughout pastor and church worker training and become an integral part of training, so that pastors and church workers understand and are familiar with professional standards requirements.**

GCB advice: Support in principle. However, the GCB notes that there is no single training pathway for pastors and church workers to serve in the LCA (eg pastors coming from overseas to serve in the LCA; church workers who have done their training elsewhere).

- 23. That a new complaint handling process be developed that allows for all forms of dispute resolution.**

GCB advice: Accept in full. A new system as envisaged at recommendation 18 will mean the development and introduction of new complaints handling processes.

- 24. That Professional Standards becomes responsible for risk audits within the church and maintains records of training compliance.**

GCB advice: Accept in part. The scope for being responsible for risk audits will need to be defined and consideration given to whether it is cost effective to have this service delivery administered by the Professional Standards function or delivered locally and overseen by the Professional Standards Department. The GCB notes that the Professional Standards Department is currently responsible for maintaining records of training compliance regards the training it conducts.

25. That Professional Standards maintains supervision of persons of concern and the development of management plans for them.

GCB advice: Accept in full.

26. That those involved in the assessment of persons of concern and preparation of risk management plans should be appropriately trained and qualified to make such assessments.

GCB advice: Support in principle. The GCB notes that the Professional Standards Department already draws on external advice during the 'persons of concern' assessment process. GCB supports those who are responsible for developing risk management plans with leaders in local congregations being trained and qualified, but that there is no expectation for local congregation members to be trained and qualified in making such assessments.

27. That the definition of a 'person of concern' be amended.

GCB advice: Accept in full. The GCB notes that the Professional Standards Department has accepted the proposed change to the definition and will submit to the GCB for its consideration a change to the Prevention of Risk of Harm from a Person of Concern Policy to incorporate the new definition.

28. That the Prevention of Harassment and Abuse Policy and Child Protection Policy to be merged to form a Safeguarding Children and Vulnerable Adults Policy, with the Child Protection Procedure to be re-named.

GCB advice: Accept in part. The GCB acknowledges that consolidating policies is in principle a good objective and this recommendation can be considered. The GCB notes that the Prevention of Harassment and Abuse Policy is also a broader human resource (and work health and safety) approach, and not only relevant in the context of safeguarding children and vulnerable adults.

RECONCILIATION MINISTRY

29. That the principles of reconciliation be embedded into the ALC training packages for pastors and church workers.

GCB advice: Support in principle. However, consistent with recommendation 23, the GCB notes that there is no single training pathway for pastors and church workers to serve in the LCA (eg pastors coming from overseas to serve in the LCA; church workers who have done their training elsewhere).

- 30. That these principles are taught throughout training and become an integral part of training, so that pastors and church workers are familiar with the techniques employed and equipped to approach conflict in a reconciliatory manner on graduation.**

GCB advice: Refer response to recommendation 30.

- 31. That case-based reconciliation ministry be outsourced to external organisations specifically qualified to carry out case work.**

GCB advice: Accept in full. The GCB notes that the College of Bishop determined to cease the reconciliation ministry from undertaking localised case work in 2019 and it has been managed differently since that time.

- 32. That Reconciliation Ministry as it currently exists be disbanded.**

GCB advice: Accept in part in light of the advice provided at recommendation 32 as it relates to ceasing case work. However, now that the focus of reconciliation ministry is on training, developing tools and providing guidance, GCB sees this could have application in a new complaint and associated discipline system.

PASTORS

- 33. Foundation training for pastors should include ethical standards and practical ways to avoid compromising conduct.**

GCB advice: Accept in full. The GCB notes that pastors are already required to do the Professional Standards training, which is underpinned by the standards of ethical behaviour. The GCB agrees that, in cooperation with the ALC, enhanced training as proposed is explored.

- 34. Suitable programs for promoting the wellbeing of pastors should be examined and implemented, including support programs.**

GCB advice: Support in principle. The GCB notes that this is already an area receiving significant attention (not only pastors but also other church workers). The LCA has already introduced Professional Supervision for pastors. Pastors (and church workers and employees) can access an Employee Assistance Program. The Church Worker Support Department, in collaboration with ALC, has commenced a longitudinal study this year focused on tracking wellbeing, the data from which will help inform future responses to support pastors' wellbeing.

- 35. Foundational documents clearly setting out expected standards of behaviour for pastors, such as call documents and a code of conduct, should be developed or enhanced, where appropriate, in a role-specific way.**

GCB advice: Support in principle. The GCB advises that this should be carefully considered with reference to the current Behavioural Guidelines for Pastors document.

- 36. Members in key positions in congregations should be educated on the standards of behaviour expected of their pastor.**

GCB advice: Support in principle, noting the importance of the reciprocity of appropriate standards of behaviour of congregational leaders towards their pastor/s.

- 37. There should be clear and timely advice available for congregations where there are concerns about the standard of behaviour of a pastor.**

GCB advice: Accept in full. The GCB suggests this should be considered concurrently with recommendation 16.

- 38. The LCANZ should examine the terms and conditions of pastors to avoid undue work-related stress and ambiguity in roles and relationships, and implement appropriate changes.**

GCB advice: Support in principle that this issue should be examined. The GCB notes its response made at recommendation 35.

- 39. That a guild be established to advise and assist pastors in disciplinary matters.**

GCB advice: Not supported. The GCB acknowledges the intent of having a support mechanism for pastors subject to disciplinary matters. However, the GCB offers no opinion as this concept is a new one to the LCA and would require closer examination to assess its merits and implications.