



# A Code of Conduct

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## for holders of key lay offices in the Diocese of Brisbane.

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### Background:

***Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by Clergy and church workers*** was developed by the General Synod of the Anglican Church of Australia in 2004 as part of the Church's wider response to the incidents of sexual abuse by clergy and employees of church bodies such as schools and agencies. The Code was endorsed by the Synod of the Diocese of Brisbane in 2006. In March 2010, the Diocesan Council endorsed the extension of the provisions of the Code to the holders of key lay offices which comprises all lay offices licensed by the Archbishop and persons holding a number of unlicensed lay offices including School Heads or Principals, members of school councils and a number of other offices as listed in Appendix A.

***Faithfulness in Service*** was written for Clergy and Lay Ministers licensed by the Archbishop. Following the above decision by Council, a specific version of the Code was prepared for school Heads and members of school councils.

***Faithfulness in Service*** has proven valuable in giving guidance to Clergy and Bishops in the management of pastoral situations and it is hoped that ***A Code of Conduct – for holders of key lay offices*** will offer similar guidance.

It is important to note that because of the broad range of offices covered by the application of this Code, the language used is generic. Please take into account the specific nature of your office and the body of which you are a member in applying the Code. The words 'bodies', 'person/s holding office' and 'person/s' are consistently used throughout the Code and apply to all the offices and bodies listed in Appendix A [except for school Heads and members of school councils who have their own Codes].

### First Principles:

#### 1. There is great diversity within the Diocese but many things unite us:

The Code of Conduct acknowledges the variety of governance structures which exist within the Diocese of Brisbane. Because of this variety, it is important that any Code of Conduct be inclusive and respectful of difference.

#### 2. Lay persons have accepted a commission to serve in the Diocese:

Many lay persons serve the Diocese in an honorary and voluntary capacity. They offer their time and talents in diverse ways because they are motivated by their commitment to serve. Whatever their background, all are committed to supporting the Anglican Church and the Diocese.

Specifically, the Code acknowledges that all persons holding office:

- are appointed to work within the ethical framework common to all 'not for profit' bodies. As part of their own professional development and preparation, they should be aware of the conventions governing such service; and
- work within conventions consistent not only with good governance but also at the highest ethical standards.

Quite simply, these persons have accepted an office of trust within a Church body. In doing so, they commit to the values and the conventions of the Church and to the values of the Christian faith that stands behind the Church. This does not mean that every person subscribes to every doctrine or teaching of the Church; it does mean, however, that they accept that their association with the Diocese brings an explicit association with the Church. They are expected, whatever their faith or office, to support the Anglican Church.

### **3. Persons holding office share in the leadership of the Diocese and their Code of Conduct reflects this high position of trust and responsibility.**

The Code is intended to be formative and pastoral. There is no intention in the document to qualify the privacy of individuals or to disturb relationships of trust and respect developed over a long period of time in the management and leadership of the various bodies. The Code does aim to describe more explicitly the personal and professional behaviours consistent with the leadership roles within the Diocese.

### **4. The Code of Conduct is formative in nature: it does not recommend procedures for investigating complaints, responses or consequences.**

Like the original *Faithfulness in Service* and that of school Heads and members of school councils, this Code makes no recommendation for consequences appropriate to a breach of its provisions by any person who is required to follow the Code. *Faithfulness in Service* has operated successfully for six years without this distraction. It is expected that any alleged violation of the Code will be dealt with first at a pastoral level and be consistent with existing practice. Only when this approach fails would the matter be considered further.

It is to be understood by everyone that the Code does not replace State Law and where an allegation of misconduct violates a State Law then the existing protocols for the management of such incidents would apply.

## **The Theological Background to the Code**

This material is adapted from the original *Faithfulness in Service*: When Jesus spoke to his disciples he said they were not to be like the rulers of the day who exercised authority over others. They were to be servants of others, even as Jesus did not come to be served, but to serve. When Peter wrote to the Christians scattered throughout Asia Minor, he reminded them of their identity in Christ as God's chosen people, shaped by the Holy Spirit for obedience to Jesus Christ. The call to be holy is reflected in both the Old and New Testaments as the appropriate response to God's grace. Christians live according to the knowledge that they have been created by God, redeemed by Christ and empowered by the Holy Spirit.

When Paul wrote to the Philippian Christians he rejoiced in their fellowship and prayed that their love might grow in knowledge and discernment so that they might see what was significant for their Christian vocation and be enabled to live pure and blameless lives for the day of Jesus Christ. In the light of that growing knowledge of God's love they are to live in humility and faithfulness in the power of the Holy Spirit. They live out that love in their contact with others, especially those to whom they minister in Christ's name.

The Church is the fellowship that nurtures and sustains Christians as they seek to follow Christ faithfully and participate in God's mission. Its leaders especially are to be examples of Christian faith and obedience as they exercise their vocation, in dependence on the Holy Spirit. The personal behaviour and practices of pastoral ministry required of clergy of the Anglican Church of Australia are specified in the Holy Scriptures as well as in its Constitution, Canons, Ordinances, the Book of Common Prayer and the Ordinal. Although not bound by the promises made by Clergy, lay persons who hold an office or perform a function within the Anglican Church of Australia are

also expected to lead personal and professional lives consistent with the ethos and values of the Gospel.

### **The Limitations of any Code of Conduct:**

Given the complexity of governance and leadership in the Diocese, no Code of Conduct, no matter how comprehensive or elegantly written, will be able to cover the many issues which will arise as the various bodies work to meet their responsibilities. This Code of Conduct begins with the expectation that members of these bodies are required at times to make difficult decisions. They are called upon to act with discrimination and integrity in complex circumstances and to possess in their professional lives a high degree of self knowledge. Members of these bodies contribute to the shaping of the culture and direction of the bodies; they often work with confidential, sensitive or privileged information. The Code does not attempt to reduce the complex responsibilities of governance to a series of dot points but to indicate some areas of personal and professional behaviour where problems may arise.

Quite apart from their responsibility for the leadership and oversight of the particular body to which they are appointed, persons have an implicit responsibility for the welfare of the Diocese. The exercise of this responsibility alone requires behaviour of the highest professional, fiduciary and personal standards which may not be accessible to description in a Code of Conduct. While this is a responsibility which rests immediately with the leader of the body it is a trust shared by all the members of that body.

### **Clarification of the Code**

If there is any conflict between this Code and applicable legislation, the legislation will prevail. In the same way, if there is conflict between this Code and an existing standard established by an external body, the higher standard would prevail.

## Applications of the Code:

### **Conflict of Interest**

A conflict of interest is a situation in which someone in an office of trust has competing professional or personal interests. Such competing interests can make it difficult to fulfil his or her duties impartially. A conflict of interest may exist even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the person or the body.

Examples of a potential conflict of interest for a person holding office might be the appointment of a member of that person's family to the body.

Some bodies may have developed policies to cover commercial or professional situations where a conflict of interest arises in the work of a member of the body. Good practice in this area would involve the person declaring the conflict and removing him/herself from the discussion and the decision-making in this matter. In all situations, honesty and transparency are particularly important and considerable tact and respect are demanded of all parties.

### **Respect for Persons**

Persons holding office will at all times act responsibly in the performance of their duties without misuse of power or office. They will treat the members of the wider church family honestly and fairly, and with proper regard for their rights irrespective of their age, gender, disability, culture, language, racial origin, religious belief or sexual identity. They will act within the spirit and letter of laws guaranteeing anti-discrimination and respect for all persons. They will be particularly sensitive to ensure that they treat other members of their own body with this same respect and courtesy.

### **Integrity**

Persons holding office will at all times seek to maintain or enhance public confidence in the integrity of the service they perform. This will be particularly evident in their attention to fiduciary reports to bodies such as the State and Commonwealth governments.

### **Alcohol and Drugs**

Persons holding office have an obvious responsibility to observe the law on matters relating to illegal drugs and to exercise sensible discretion and restraint in their use of alcohol and other legal substances.

### **Use of Information**

Persons holding office must:-

- Comply with the provisions of the *Privacy Act* and National Privacy Principles except where over-ridden by other applicable legislation (e.g. to avoid the risk of serious injury or harm to any person);
- Use information gained in the course of their duty only for professional purposes;
- Treat information with the strictest confidence; and
- Respect the confidentiality of meetings of the body in which they serve.

### **Particular Obligations of persons holding office:**

Persons holding office will:-

- As required, make themselves aware of the various Acts, Regulations, policies, delegations and protocols that relate to their duties;
- Avoid behavior that could give the impression of favouritism or inappropriate relationships within the body.

### **Child Protection**

Persons holding office are covered by a range of legislation designed to protect the people with whom they may work. Members of bodies must conform to the appropriate legislation and the

Diocese's own child protection protocols. They have an obvious responsibility to ensure that the Church is a safe place for all children and vulnerable adults and those who work with them.

### ***Personal Behaviours***

Persons holding office should be aware that personal behaviours will impact on the reputation and well-being of the wider organisation. Therefore:

- The Diocese does not tolerate:
  - bullying;
  - emotional abuse;
  - harassment;
  - physical abuse; or
  - sexual abuse.
- The Diocese has policies in place to discourage and deal with accusations of harassment. Because of their positions of power, persons holding office need to be sensitive to their behaviour and conduct. If another person indicates by their words or actions that they feel bullied or harassed by a person holding office, the person so challenged should review his/her conduct. If in doubt, he/she should cease the conduct and seek advice on how best to respond to the complaint.
- Among the many responsibilities with which bodies may be entrusted, there are some which relate directly to the exercise of authority for the good of the whole diocesan community. Members with leadership roles are required to exercise tact and prudence in the management of those functions such as performance appraisal and the management of diminished performance. In carrying out these responsibilities, however, members are not engaging in harassment or bullying but in discharging responsibilities inherent in their office.
- Persons holding office should be sensitive to the effect of their language on others. They should avoid using language that may be misunderstood, is culturally insensitive or that is, or could be, interpreted as bullying, threatening, belittling, humiliating or causing unnecessary offence or embarrassment.
- Persons holding office are not to view, possess, produce or distribute illegal restricted material.
- They should not engage in any unlawful activity e.g. tax avoidance.
- They should avoid personal advantage or financial gain for themselves or their families or other persons from their office.
- Persons holding office must endeavour to avoid allowing themselves to be influenced by offers of money or financial reward.
- Persons holding office should minimise the risk of being accused of or engaging in financial impropriety by adhering to the applicable financial management and accountability provisions, particularly as they apply to the use of credit cards and entitlements to allowances for the performance of duties when travelling or representing the body.

## Key Terms

**abuse** in relation to an adult means the following conduct:

- bullying;
- emotional abuse;
- harassment;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

**bullying** means the repeated seeking out or targeting of a person to cause them distress and humiliation or to exploit them. It includes:

- exclusion from a peer group;
- intimidation;
- extortion.

**Church** means the Anglican Church of Australia.

**harassment** means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time.

It includes:

- making unwelcome physical contact with a person;
- making gestures or using language that could reasonably give offence including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- making unwelcome communication with a person in any form (for example, phone calls, email, text messages); and
- stalking a person.

**offensive language** includes verbal harassment, racial and other forms of vilification, personal insult or comment and obscene words.

**physical abuse** means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures.

**prohibited substance** means any substance banned or prohibited by law for use or consumption by adults.

**restricted material** means:

- publications, films, and computer games that have been classified as Category 1 or 2 restricted, X or RC classification by the Office of Film and Literature Classification; and
- any other images or sounds not subject to classification by the Office of Film and Literature Classification (for example, internet material) that are considered with good reason within the Diocese as being offensive on the grounds of violence, sex, language, drug abuse or nudity.

**sexual abuse of an adult** means sexual assault, sexual exploitation or sexual harassment of an adult.

**sexual harassment** means unwelcome conduct of a sexual nature, whether intended or not, in relation to an adult where the person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time.

It includes:

- asking a person for sex;
- leading a person to understand that you would like sexual favours from them;
- making any gesture, action or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence;
- making jokes containing sexual references or innuendo using any form of communication;
- exposing a person to any form of sexually explicit or suggestive material;
- making unwelcome physical contact such as touching, pinching, or patting;
- making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual nature;
- deliberately intruding on an individual's personal space;
- staring at or secretly watching a person for the purpose of sexual stimulation or gratification; and
- stalking a person.

Appendix A -Persons/Bodies to whom the Code applies:

Chancellor

Deputy Chancellor

General Manager

Chief Financial Officer

Members of Diocesan Council

Members of Commissions [ASC; CSC; FSC; MEC; Parishes Commission]

Members of –

- Archbishop's Advisory Committee on Church Buildings and Furnishings
- Social Responsibilities Committee
- Hospital Chaplaincy Committee
- Diocesan Committee of ABM
- Provincial Council and Provincial Synod
- General Synod
- Professional Standards Board
- Professional Standards Committee

Lay Examining Chaplains

Lay members of St John's College Council

Executive Directors of the Commissions

Board of Management of the Diocesan Insurance Fund

Records and Archives Committee

Lay members of Cathedral Chapter

Director of Professional Standards