

Non-Compliance Policy and Procedure

Policy Number:

Approved by: Parish Council

Last reviewed: Feb 2016

Next review due: December 2018

1. Background

All members of St Mark's, including staff, contractors, volunteers, children, teenagers and other lay people including (where applicable) visitors (collectively "Members"), aim to work in partnership under God to progress towards achieving St Mark's Mission and Goals.

As appropriate for their age and role, such Members agree to familiarise themselves with, and comply with, the various policies of St Mark's, as well as the "Duty of Care Handbook" and "Faithfulness in service and the Code of Good Practise" factsheet as published by the Anglican Diocese of Melbourne and updated/replaced from time to time.

Despite the best efforts of all, inevitably there will be times when conflict or differences of opinion arise regarding a particular policy or procedure. This Non-Compliance Policy and Procedure is to be used as appropriate.

2. Scope

This policy and the related procedures apply to all persons who are Members of St Mark's.

3. Policy Aim

The Non-compliance Policy and Procedure has been created to formally recognise, promote and protect the rights of Members of St Mark's.

If, after due process, the Vicar and/or Parish Council (or other nominated party appropriate to the issue) deems that a person at or involved with St Mark's has not complied with St Mark's policies or procedures, or those of the Anglican Diocese of Melbourne, the Non Compliance Policy & Procedure will be applied as appropriate.

St Mark's recognises it has a duty of care to take all reasonable practicable steps to ensure St Mark's is a safe and healthy work/participation environment.

4. Resolution of non-compliance issues

It is expected that all persons who access the St Mark's programs and services will abide by all St Mark's policies and procedures, and the published policies and procedure of the Diocese of Melbourne, at all times.

4.1. Should a grievance arise relating to a particular policy and/or procedure, an appropriate Grievance Management Procedure will be determined by the Vicar in consultation with the Parish Council.

4.2 Provided that the Vicar is not a party to the grievance,

- the matter will be handled by the Vicar in consultation with the Wardens and, where appropriate, the Melbourne Diocese.
- if the grievance is unable to be settled through informal discussions, the Vicar, the Wardens or other party nominated by the Vicar, will investigate and the Vicar will mediate formal grievance meetings.
- Where the Vicar decides there has been an infringement of a policy and/or procedure he/she may instigate appropriate-to-the-issue disciplinary action.

4.3 If the Vicar is a party to the grievance, the role of the Vicar in paragraph 4.2, above, will be taken by the Wardens (or any 2 of them) or other suitable person(s) as appointed by the Parish Council.

4.4 All parties involved in the issue are to be aware (subject to Step 4 below) of the need for confidentiality and the fact that inappropriate disclosure of the issue may damage reputations and seriously hurt the people involved.

5. Non-compliance Procedure

Step 1: Verbal Warning

The Vicar, or appropriate ministry leader, will issue a verbal warning. The Wardens will be advised of all such issues/warnings. For "serious matters" (where the seriousness of the matter is determined by the Vicar) the Parish Council will also be advised of the issue and how it has been dealt with. The Vicar and / or Parish Council may choose to advise the Professional Standards unit of the Melbourne Diocese of serious matters.

Step 2: First and Final Written Warning

If the infringement continues, the Vicar will issue a "a first and final" written notice which will:

- outline the infringing behaviour;
- request immediate cessation of this behaviour;
- warn of termination of the person's role at St Mark's or participation at St Mark's

Step 3: Termination of employment or a person's access to St Mark's programs or Services

If the infringement continues, the Vicar, after consultation with both the Wardens and the Parish Council, may terminate the staff member's employment or, in the case of a participant or volunteer, access to the St Mark's program or service. A copy of the warning will be kept on the file of the staff member, contractor or volunteer.

Step 4: Informing the Congregations

At the discretion of the Vicar (or where the Vicar is involved in the grievance/issue, the Wardens) the Vicar/Wardens will ensure that the various congregations of St Mark's are informed of the grievance/issue. The emphasis of this part of the policy is on:

- discretion by the party doing the disclosing – so as not to damage reputations where reputations can be spared
- selection of appropriate communication channels
- maintaining transparency between the "leadership" and "people" of St Mark's

6. Laws of Victoria over-ride this policy

In the event of serious, negligent or criminal matters the laws of Victoria and Australia override this policy and the Vicar, the Warden, Parish Council or any other person involved in the issue must comply with such laws.