

## **Alpine Presbytery**

# **Guidelines for Good Practice in Maintaining Boundaries, Confidentiality and the Declaration of Conflicts of Interest**

September 2020

### **Introduction**

This paper has been adopted by Presbytery Council as a guideline for Presbytery Teams, while also being available to assist church councils.

Council believes that developing good practices in the area maintaining boundaries, taking care with confidentiality, and being open about any conflicts of interest, will help our Presbytery and churches councils and teams safeguard the people we work with and for.

People who serve in leadership are to seek the best for the people in their care.

There is an element of dying to ourselves in this call to serve:

we take care not to work to advantage ourselves or our family and friends;

we are careful with the knowledge that we acquire;

we can be trusted to respect people's privacy; and,

we are open to gently holding one another to account in our practices.

This paper is offered as a reference point that we can refer to and engage with.

It is hoped that our Councils and Teams will spend some time on reflecting on these guidelines and then help one another to work openly, transparently, and with accountability to one another.

It is envisaged that new people onto our Councils or Teams will be asked to commit to work within these guidelines as part of their call to serve.

### **The PCANZ Code of Ethics states:**

The PCANZ, as a part of the church of Jesus Christ, is committed to conducting itself in accordance with the Gospel so that all people are treated with honesty, transparency, dignity, and respect.

### **Boundaries**

It is a constant challenge for us to maintain transparent and appropriate boundaries in our work together. Often, we are people who know each other reasonably well, and this can both advantage and disadvantage us.

As Christian people together, we

- undertake to develop and enjoy healthy relationships
- seek the best in one another
- respect each other's privacy
- maintain confidences
- refrain from sharing gossip or rumour

- respect one another's privacy and rights to be the sharers of their own stories
- refrain from holding things over each other
- refrain from taking advantage of one another
- refrain from dismissing the validity of people's opinions, faith, and motivations
- refrain from acting in ways to advantage ourselves, or our close friends and loved ones
- seek to honour one another, and, most of all
- love one another as Christ loves us.

## **Conflicts of Interest**

We recognise that to act in ways that advantage ourselves or people close to us is inappropriate.

- In a meeting, ahead of any discussion where someone might have a conflict of interest, or be perceived as having a conflict of interest, that person is encouraged to declare to the chairperson that they are or might be conflicted. Often our councils attend to this by adding the declaration of conflicts as an agenda item early in their meetings
- Alternatively, we give permission for someone else in the group to be able to question whether we are conflicted
- It may be that this is simply noted as a 'declaration of interest' because of previous involvement in some way. Declaring interest doesn't necessarily forbid someone from participating in the debate and vote, but there is an attempt to make sure that that interest is clear to all concerned, whereas, a conflict of interest should limit a person's involvement
- If a conflict of interest is identified, the chairperson, or the group, may ask that the conflicted person either remains silent during that item of discussion, or leaves the room for the duration of that discussion and decision-making. The best option to take is decided by the chairperson, and it can be challenged by members other than the person whose conflict has been declared
- Sometimes conflicts of interest arise as events unfold, e.g. in an appointment processes where one's involvement becomes conflicted because a friend, family member, or close colleague is being considered. In cases such as this, it is better to declare that conflict as soon as possible, and step aside from the process
- Conflicts of interest are to be documented in the minutes of meetings

## **Confidentiality**

While we should try to be as transparent as possible in our decision-making, nevertheless, there are times when discussions need to be confidential.

- As a general principle, we take care to respect the delicate nature of matters that are not appropriate for public disclosure, and enact meeting procedures to protect the privacy of the people and organisations involved in what is understood to be a sensitive matter

- Matters deemed to be treated 'in confidence' stay in confidence, and are not to be shared with *anyone* outside the meeting, be they family, or friends, without the permission of the body that declared that that confidentiality be held
- It is reasonable that those who act as trustees in our church councils can be asked to sign a 'maintaining confidentiality statement' as part of their joining the council
- If there is a concern that confidentiality has not been maintained this can be discussed with the council chairperson who has the responsibility to discern, take advice, and embark on the appropriate course of action (Matthew 18:15-17 offers a guide as to how to go about this!)
- Maintaining confidentiality is not to be used as an excuse for hiding unlawful or unethical behaviour, and it is important for people on our church councils and teams to challenge anything that looks as if it is

## **Background Information**

These legal principles are useful to consider:

- Conflict of interest. Part of natural justice is the principle of *nemo iudex in causa sua*, meaning no one is judge in their own cause. A decision maker should be free from actual and apparent bias.
- Confidentiality. There are a few legal rules that relate to confidentiality, for example the tort of breach of confidence, and the emerging tort of breach of privacy.
- Religious privilege. More of a rule of evidence than confidentiality, but if a Minister is a party to a communication intended to be confidential and made for the purposes of seeking religious guidance, that might be privileged.