

ECCLESIASTICAL OFFICES (TERMS OF SERVICE) REGULATIONS 2009

GRIEVANCE PROCEDURE

**CODE OF PRACTICE MADE UNDER SECTION 8 ECCLESIASTICAL
OFFICES (TERMS OF SERVICE) MEASURE 2009**

CONTENTS

PART 1
INTRODUCTORY

1. Authority of the procedure
2. Principles
3. Mediation
4. Scope
5. Outline of the procedure

PART 2
DETAILED PROCEDURE

6. Informal resolution

PART 3
THE FORMAL PROCEDURE

7. The formal procedure
8. Stage one
9. Stage two
10. Stage three

PART 1 - INTRODUCTORY

Those who feel they have been disadvantaged should have the opportunity to have their concerns addressed. Ideally, these should be aired and resolved quickly to the satisfaction of all concerned without recourse to formal proceedings. On occasions where this is not possible, a procedure is needed to give office holders the right to seek redress and to know that their complaints will be dealt with promptly, fairly and consistently. Reconciliation is a desired outcome, but never at the expense of failing to deal adequately with the issues raised.

1. Authority of the procedure

- 1.1 This Code of Practice is issued by the Archbishops' Council under section 8 of the Ecclesiastical Offices (Terms of Service) Measure 2009 and Regulation 32(1) of the Ecclesiastical Offices (Terms of Service) Regulations 2009. Anyone dealing with a grievance raised by any person holding office on common tenure must have regard to this Code of Practice.
- 1.2 This Code of Practice is supported by advice on good practice issued from time to time by the Archbishops' Council and available at www.common tenure.org

2. Principles

- 2.1 Office holders need to feel assured there is a way of raising their concerns that is confidential and fair. The aim of this procedure is:
 - to respond to grievances fairly and quickly
 - to ensure that the focus is on the issues rather than personalities
 - to take account of the legitimate interests of all concerned
 - to allow grievances to be pursued without fear of sanction.
- 2.2 The basic principles of the procedure are as follows:
 - every grievance should be treated seriously
 - no-one should be disadvantaged for raising a grievance
 - a grievance should be dealt with informally wherever possible
 - proceedings should be kept confidential
 - even during the informal stage, a written record should be made
 - office holders raising a grievance should be allowed to bring a lay or ordained colleague or trade union representative to any meeting
 - attempts should always be made to resolve grievances as swiftly as possible, although it is recognised that, where a number of people are involved, it can take time to gather all the necessary evidence
 - mediation should be considered at every stage.

3. Mediation

It is central to the teaching of Jesus that those who are reconciled to God must be open to being reconciled to those who have offended them or those they have offended. Reconciliation involves clarification of what has happened, how it is perceived by the other person and acknowledgement of the depth of anger and hurt. Reconciliation, for both parties, involves the rebuilding of damaged relationships. Reconciliation should be the desired outcome. It is important to consider how mediation might be used to bring this about at every stage of the procedure (for example, at the outset or where the first formal stage has not resulted in a mutually acceptable outcome).

4. Scope

4.1 This grievance procedure is available to all office holders under common tenure and is intended to provide a means of addressing grievances relating to the exercise of the office held, which may include issues relating to:

- the interpretation and application of terms and conditions of service
- housing
- ministerial development reviews
- continuing ministerial education
- (in the case of training posts) provision of suitable training and experience or the result of an assessment at the end of the training.

4.2 In the case of bullying, the diocesan anti-bullying and harassment policy will set out the informal steps which office holders may take before making a formal complaint under this procedure.

5. Outline of the procedure

The key stages of the procedure follow. It is important to read this overview in conjunction with the detailed explanation of the procedure that follows in sections 6 -10 and which includes information about rights of representation and timescales:

a) Informal

It is usually desirable to attempt to resolve the grievance informally by raising it directly with the person or body responsible for the matter that has given rise to concern at the earliest possible juncture (although sometimes this is not appropriate, for example, in cases of bullying). The informal stage requires making an attempt to address the concerns seriously and promptly, as grievances that are properly resolved at this stage result in the least damage to feelings and working relationships. However, the person raising the grievance has the right to proceed straight to the formal stage if they wish, but may find it helpful to discuss the implications of doing this with the human resources adviser or (if they have one) their trade union representative first.

b) Formal

If the grievance has not been resolved informally or within a reasonable time period, the office holder may choose to proceed to the formal stage.

Stage one

- (i) The office holder will need to set out their grievance in writing, describing what attempts have been made to resolve the matter informally and what the desired remedy is.

Stage two

- (ii) The person handling the grievance (usually the archdeacon) will need to investigate the matter. This will include obtaining a statement from any person against whom the grievance has been raised ('the respondent'). The archdeacon will invite the office holder to attend a meeting to discuss the grievance. The respondent may be invited to attend and express a view. The archdeacon will write to the office holder with a decision about steps that have or will be taken to resolve the matter.

Stage three

- (iii) If the office holder remains dissatisfied or the matter remains unresolved, he or she may move to the appeal stage by informing the archdeacon in writing and giving reasons. The office holder will be invited to a meeting with a senior member of the clergy or a group to discuss his or her grievance. The respondent will also be invited to attend. The decision of the appeal body will be given in writing. There is no further right of appeal.

PART 2 - DETAILED PROCEDURE

6. Informal resolution

- 6.1 Attempts should always be made to resolve a grievance informally. An office holder should in the first instance discuss his or her grievance with the person responsible for the matters which have given rise to concerns, for example the relevant diocesan officer or the incumbent or team rector. If this is not appropriate or is unsuccessful, the office holder should raise the matter with the rural or area dean, with the person responsible for his or her ministerial development review or with some other suitable person, in order to explore whether and how the matter might be resolved informally.
- 6.2 Once a grievance has been raised, it is vital to try to address the office holder's concerns as promptly as possible. A swift response demonstrates that the grievance is taken seriously, and can sometimes nip a difficult situation in the bud.
- 6.3 At the conclusion of the informal stage, it will normally be appropriate to agree any remedial arrangements and a period of time for them to take effect before the office holder will be able to pursue the action formally (for example 28 days, with a provision for this to be extended by mutual agreement). However, this will not prevent the office holder from moving to the formal

stage earlier than this, if, exceptionally, it becomes evident that the other party is failing to observe their part of the remedial arrangements.

PART 3 - THE FORMAL PROCEDURE

7. The formal procedure

If an informal approach proves incapable of resolving the grievance, or it has not been resolved within the agreed deadline, then the formal grievance procedure, set out below, may be invoked by the office holder. The human resources adviser should, where practicable, be involved at every formal stage of the procedure.

8. Stage one

The office holder should set out the grievance in writing, including (a) what remedies he or she might find acceptable as routes to a resolution and (b) details of any informal steps that have been taken to try and resolve the matter. He or she should send the statement to the archdeacon unless the archdeacon is directly concerned. In this case, the matter should be referred to the diocesan bishop¹, who has ultimate responsibility for ensuring that the grievance is heard.

9. Stage two

- 9.1 In certain cases, the archdeacon or diocesan bishop may feel that the matter would be more appropriately handled by some other person (for example the person who chairs the Diocesan Parsonages Board or a suffragan or area bishop) and may, after consulting the office holder, refer the matter accordingly. In the following sections of this document, references to 'the archdeacon' include any other person dealing with the matter.
- 9.2 The archdeacon should make appropriate enquiries into the matters raised in the statement of grievance and invite the office holder to attend a meeting to discuss the grievance. The meeting should be held without unreasonable delay whilst allowing the office holder reasonable time to prepare his or her case. An office holder should be given the right, upon making a reasonable request, to be accompanied at the meeting by a lay or ordained colleague or trade union representative.
- 9.3 If the grievance is directed at a respondent, that person or body should be invited to express a view, and that view must be taken into account at the meeting. It will be necessary to take a judgement on whether it is appropriate to see the parties separately. Whilst it will almost always be necessary to bring the parties together at some point, to do so prematurely when the issue centres on behaviour and relationships may risk inflaming rather than resolving the

¹ An area or suffragan bishop may exercise the functions of the diocesan bishop under this procedure where he has been given authority by the diocesan bishop so to do.

grievance. The respondent should also be given the right, upon making a reasonable request, to be accompanied by a lay or ordained colleague or trade union representative.

- 9.4 As soon as possible the archdeacon should inform the office holder and the respondent in writing of his or her decision as to whether there is substance in the matters raised in the statement of grievance and, if so, what steps he or she has taken, is taking or proposes to take to resolve the matter.
- 9.5 The archdeacon should at the same time notify the office holder of the office holder's right to take the matter to stage three if the office holder is dissatisfied with the decision or if the matter is not resolved.

10. Stage three

- 10.1 An office holder wishing to move to this stage of the procedure should inform the archdeacon in writing, stating his or her reasons for wishing to do so. The archdeacon should refer the matter to a senior member of the clergy (a bishop, the dean of the cathedral, or another archdeacon) or to a small group including one such person. The office holder should be invited to attend a meeting with that person or group to discuss the grievance. The meeting should be held without unreasonable delay whilst allowing the office holder and any respondent reasonable time to prepare their respective cases. The office holder and any respondent should be given the right, subject to making a reasonable request, to be accompanied by a lay or ordained colleague or trade union representative at the meeting.
- 10.2 As soon as possible the office holder and the respondent should be informed in writing of the decision.

At the end of this process the grievance may remain unresolved. Such a situation will need to be handled by all concerned with pastoral sensitivity.