

The Grievance Procedure for Office Holders
within
the

DIOCESE IN EUROPE

THE CHURCH
OF ENGLAND



1. Introduction

1.1 This grievance procedure is available to all office holders listed in paragraph 18(d) of the Diocesan Constitution:

- (i) the diocesan bishop;
- (ii) the suffragan bishop of the Diocese;
- (iii) the Dean of Gibraltar;
- (iv) the archdeacons of the Diocese;
- (v) any person in holy orders who exercises his or her office or ministry in accordance with a licence from the diocesan Bishop issued under any Canon of the Church of England; and
- (vi) any deaconess reader or lay worker who exercises his or her office or ministry in accordance with a licence from the diocesan Bishop issued under any Canon of the Church of England and who receives a stipend or other emoluments of office (including the provision of accommodation) in respect of his or her office.

1.2 The grievance procedure is intended to provide a means of addressing grievances relating to the exercise of the office held, which may include issues relating to:

- 1.2.1** the interpretation and application of terms and conditions of service;
- 1.2.2** housing (though this is normally a local matter for a chaplaincy);
- 1.2.3** ministerial development reviews;
- 1.2.4** continuing ministerial education;
- 1.2.5** (in the case of training posts) provision of suitable training and experience or the result of an assessment at the end of the training.

1.3 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.

1.4 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.

1.5 Reconciliation is a desired outcome, but never at the expense of failing to deal adequately with the issues raised.

2. Authority of the procedure

2.1 This Code of Practice is issued by the Bishop's Council under paragraph 18 of the Constitution of the Diocese in Europe.

2.2 Anyone dealing with a grievance raised by any person holding office must have regard to this Code of Practice.

2.3 This Code of Practice is supported by advice on good practice issued from time to time by the Archbishops' Council.

3. Principles

3.1 Office holders need to feel assured there is a way of raising their concerns that is confidential and fair.

3.2 The aim of this procedure is:

3.2.1 to respond to grievances fairly and quickly

3.2.2 to ensure that the focus is on the issues rather than personalities

3.2.3 to take account of the legitimate interests of all concerned

3.2.4 to allow grievances to be pursued without fear of sanction.

3.3 The basic principles of the procedure are as follows:

3.3.1 every grievance should be treated seriously

3.3.2 no-one should be disadvantaged for raising a grievance

3.3.3 a grievance should be dealt with informally wherever possible

3.3.4 proceedings should be kept confidential

3.3.5 even during the informal stage, a written record should be made.

3.3.6 office holders raising a grievance should be allowed to bring a lay or ordained colleague or trade union representative to any meeting

3.3.7 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

3.3.8 mediation should be considered at every stage.

4. Mediation

4.1 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.

4.2 Reconciliation involves clarification of what has happened, how it is perceived by the other person and acknowledgement of the depth of anger and hurt.

4.3 Mediation is a well-established process for resolving disagreements in which an impartial third party (the mediator) helps people in dispute to find a mutually acceptable resolution. (HM Courts Service definition).

- 4.4 Agreeing to participate in mediation does not deprive the office holder of the right to pursue a matter further via the grievance procedure.
- 4.5 Mediation is a voluntary process. Unlike arbitration, the third party has no power to impose or even formally recommend a solution.
- 4.6 The emphasis is on collaborative problem solving between those in dispute - 'win/win'.
- 4.7 The focus is on the future - rebuilding relationships rather than apportioning blame. Mediation acknowledges feelings as well as facts, in order to allow participants to let go of anger/upset and move forward.
- 4.8 Mediation should not be seen as committing people in advance to whatever the outcome of the process is, but does require willingness by all concerned to participate in trying to find a mutually acceptable solution
- 4.9 Mediation works by giving those involved an opportunity to step back and think about how they could put the situation right encouraging participants to be aware of the need to look at their own behaviour as well as that of others. Mediation enables people to rebuild relationships as they work together to find an agreement.
- 4.10 Mediation should not be used to divert an office holder into accepting a compromise in a situation where their grievance takes the form of a specific accusation of unacceptable conduct (such as bullying or discriminatory behaviour) and where disciplinary examination of that person's actions would be appropriate.
- 4.11 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).

5. Bullying and harassment

- 5.1 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. (*insert link to policy*)

6. Outline of the procedure

- 6.1 The key stages of the procedure follow.

6.2 It is important to read this overview in conjunction with the detailed explanation of the procedure that follows in sections 8 - 12 and which includes information about rights of representation and timescales.

6.3 Informal Resolution

6.3.1 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).

6.3.2 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.

6.3.3 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.

6.4 Formal Procedure

6.4.1 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 as set out below.

6.4.2 *Stage one of the formal procedure*

6.4.2a 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.

6.4.3 *Stage two of the formal procedure*

6.4.3a 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').

6.4.3b 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.

6.4.3c The archdeacon will write to the office holder with a decision about steps that have or will be taken to resolve the matter.

6.4.3 *Stage three of the formal procedure (see also Annex 1)*

6.4.4a 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.

6.4.4b 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.

6.4.4c The respondent will also be invited to attend.

6.4.4d The decision of the appeal body will be given in writing.

6.4.4e There is no further right of appeal.

7. Detailed Procedure – Informal resolution

- 7.1 Attempts should always be made to resolve a grievance informally.
- 7.2 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 chaplain.
- 7.3 If this is not appropriate or is unsuccessful, the office holder should raise the matter with the 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.
- 7.4 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.
- 7.5 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).
- 7.6 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.

8. The Detailed Formal Procedure – general introduction

- 8.1 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.
- 8.2 Human resources should, where practicable, be involved at every formal stage of the procedure.

9. The Detailed formal Procedure – Stage One

9.1 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.

9.2 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 bishop, who has ultimate responsibility for ensuring that the grievance is heard.

10. The Detailed Formal Procedure - Stage Two

10.1 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 suffragan bishop) and may, after consulting the office holder, refer the matter accordingly.

10.2 In the following sections of this document, references to 'the archdeacon' include any other person dealing with the matter.

10.3 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.

10.4 The meeting should be held without unreasonable delay whilst allowing the office holder reasonable time to prepare his or her case.

10.5 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.

10.6 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.

10.7 It will be necessary to take a judgement on whether it is appropriate to see the parties separately.

10.8 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 grievance.

10.9 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.

10.10 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.

- 10.11** 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.

11. The Detailed Formal Procedure - Stage Three (see also annex 1)

- 11.1** 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.
- 11.2** The archdeacon should refer the matter to a senior member of the clergy (a bishop, or another archdeacon) or to a small group including one such person.
- 11.3** The office holder should be invited to attend a meeting with that person or group to discuss the grievance.
- 11.4** The meeting should be held without unreasonable delay whilst allowing the office holder and any respondent reasonable time to prepare their respective cases.
- 11.5** 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.
- 11.6** 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.*

Annex 1
Suggested checklist for holding a stage three hearing

- 1) Written submission of case and witness statements should be made available to the parties as soon as reasonably possible and in good time before the meeting.
- 2) The office holder and the person accompanying him or her should state his/her case and call any witnesses. Witnesses will remain outside the meeting room unless they are giving evidence.
- 3) The person or group conducting the hearing ('the adjudicator(s)'), and the respondent and the person accompanying him or her may question any witnesses.
- 4) The office holder and the person accompanying him or her may re-examine his/her witnesses on any matters referred to in their examination by the adjudicator(s) or the respondent.
- 5) The respondent and the person accompanying him or her shall be entitled to reply to the office holder's case and may call witnesses.
- 6) The adjudicator(s), the office holder and the person accompanying him or her may question the respondent's witnesses.
- 7) The respondent and the person accompanying him or her may re-examine his/her witnesses on any matters referred to in their examination by the adjudicator(s) or the office holder.
- 8) The adjudicator(s) may at any time in the hearing ask either party to elucidate or amplify any statement made. The adjudicator(s) can also call other witnesses or persons to give evidence or clarify a point.
- 9) The adjudicator(s) may, at their discretion, adjourn a hearing in order for either party to produce further evidence.
- 10) The adjudicator(s) shall fully consider the grievance in private in the light of any relevant conditions of service and any further advice which they may seek on questions of interpretation of conditions of service etc.
- 11) The decision shall be communicated in writing to both parties and, where appropriate, representatives as soon as possible and in any event normally within seven working days after the hearing.
- 12) If the office holder or the respondent to the grievance fails to attend the hearing, the adjudicator(s) may consider the appeal in the absence of that party, except where there is an adjournment by consent, or the adjudicator(s) decide in their discretion that it would be reasonable to adjourn.
- 13) In the event of such an adjournment, the adjudicator(s) should, in fixing a new date, as far as practicable, have regard to the convenience of the office holder.