

**THE ANGLICAN DIOCESE OF GRAFTON  
DIOCESAN POLICIES AND PROCEDURES**

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<b>SUBJECT: GRIEVANCES</b>		<b>PROCEDURE REFERENCE NUMBER</b> GEN-005
<b>DATE APPROVED</b> 24 February 2022 by Bishop-in-Council		<b>VERSION 3</b> Replaces version dated 16 September 2021
<b>IMPLEMENTATION DATE</b> 24 February 2022	<b>REVIEW FREQUENCY</b> 3 Yearly	<b>RESPONSIBLE FOR REVIEW</b> Bishop-in-Council

## **1.0 PURPOSE**

As the gathered people of God, our relationships are to be governed by the ideals of the kingdom of God through the living out of the two great commandments to love God and love our neighbour. In all relationships there are times where the relationship is strained but the measure of a loving community is how well those circumstances are lived through and how well everyone participates in the resolution with respect for each other.

This procedure outlines the actions to be taken when grievances are made known within the Anglican Diocese of Grafton ('the Diocese').

## **2.0 SCOPE**

### **2.1 Applicability**

This procedure applies to the operation of the Parish ministries.

Grievances arising in the Diocesan Registry, Archives, or in the operation of any other minister or ministry authorised and licensed by the Bishop of Grafton will be accommodated by this procedure with appropriate variations.

### **2.2 Exclusions**

This procedure does not apply to the scope of operation of each of the bodies corporate of the Diocese of Grafton (i.e. Lindisfarne Anglican Grammar School, Emmanuel Anglican College, Clarence Valley Anglican School, Bishop Druitt College, St Columba Anglican School, St Columba Anglican School Foundation, Anglicare North Coast and Lismore Parish Pre-School).

Matters that are the focus of criminal law, the Professional Standards Ordinance 2004, Clergy Discipline Ordinance 2004, GEN-004 Prevention of Bullying and Harassment, or relate to the implementation of contracted employment conditions are to be dealt with in accordance with the terms of that legislation or document.

Grievances that do not relate to a workplace, church location or authorised activity of the Diocese and do not involve a person or persons employed or licensed by the Diocese are excluded from the operation of this procedure.

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### **3.0 POLICY**

#### **3.1 Guiding Values**

In seeking to live as the gathered people of God and especially in the handling of grievances, we will adopt the principles espoused in “Being Together” (Resolution 45/14 of the General Synod of the Anglican Church of Australia 2014).

### **Being Together**

#### **Expectations of behaviour in our church community**

Jesus told us to love one another as he loves us. As Christians we know our life together is strengthened when our behaviour is consistent with our faith. However, our experience of being together can be difficult, particularly when there are differences. So it is important to be clear about how we will behave towards each other.

##### *Being a community:*

- We will **value the wellbeing and safety of others**, especially children and other vulnerable people.
- We will **encourage each other to participate** in the life of the church.
- We will **consider the impact of our behaviour** on others.

##### *Relating to each other:*

- We will **protect the safety of all**, especially children and other vulnerable people.
- We will **treat each other with respect and dignity**, irrespective of ability, gender, sexuality, race, age or contribution to the church.
- We will **act with integrity and honesty** in our interactions with each other.

##### *Communicating with each other:*

- We will **communicate respectfully** with others, and not in a way that threatens, belittles or humiliates.
- We will **speak with integrity and honesty**, and refrain from speculation and gossip.

##### *Acknowledging difference:*

- We will **respect those who are different** from us and not isolate or ridicule them.
- We will **listen to and seek to understand** the beliefs, opinions and practices of others, even when we do not share their views.

##### *Responding to conflict:*

- We will **accept responsibility** for our part in a conflict.
- We will be willing to **play our part** in resolving a conflict.

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### **3.2 General**

In addition to the principles of “Being Together”, grievances will be addressed as far as possible in the following ways:

- In a timely manner;
- At a local level involving the people most connected to the issue;
- Maintaining privacy and confidentiality of sensitive information;
- Enacted in a spirit of fairness striving for mutual understanding;
- Aiming for reconciliation;
- Avoiding resolutions that are in breach of legislation or a Diocesan ordinance, policy or procedure; and
- Avoiding resolutions that unreasonably disenfranchise another party without their consent.

### **3.3 Parish Contact People**

- (a) To assist in the timely and impartial resolution of grievances, each Parish Council will appoint at least one contact person for grievances.
- (b) The contact person(s):
  - Does not need to be a member of the parish;
  - Should not be a member of clergy (unless there is another contact person who is not a member of clergy);
  - Should not be an employee of the parish (unless there is another contact person who is not an employee of the parish);
  - Should have appropriate interpersonal relationship skills;
  - Should have current training in Faithfulness in Service;
  - Should support the principles of “Being Together”; and
  - Should have a good understanding of this policy and procedure.
- (c) Attachment A shall be displayed prominently as a laminated poster(s) in parish centres so that members of the parish are aware of this procedure and detail of the Parish Contact Person(s). Parish Council should consider also using their pew bulletins, website and other methods of communication to support the raising of awareness of this procedure and the Parish Contact Person(s).

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#### **4.0 HANDLING GRIEVANCES**

##### **4.1 Informal Resolution**

- (a) In accordance with “Being Together” and the guiding principles of managing grievances, wherever possible, a person(s) with a grievance should discuss their concerns with the most appropriate person(s). In doing so, the bearers of the grievance should consider:
- Whether the issue is properly handled as a grievance (please refer to the definition at 5.1);
  - Raising the grievance in a timely manner (i.e. not allowing resentment to build);
  - Approaching the appropriate person(s) at a time and place conducive to constructive discussion (consider organising a time and place for discussion);
  - Raising their grievance in a manner that is respectful and seeks to understand (i.e. avoid making accusations);
  - Only involving others to seek advice or guidance (i.e. avoid complaining to others);
  - Whether the advice of the Parish Contact Person would assist; and
  - Keeping an open mind (i.e. there may be good reasons for what was done).
- (b) While informal resolution is the ideal and can often produce the best outcomes with the least energy, it is recognised that there will be times where it is not appropriate. Such times are, where the person with the grievance:
- Does not feel safe in discussing their grievance directly with the appropriate person(s);
  - Is concerned about their ability to be constructive when raising their grievance; and
  - Has difficulty getting access to the appropriate person(s) to discuss their grievance.

##### **4.2 Formal Resolution**

If attempts at Informal Resolution (4.1) are unsuccessful or found to be inappropriate (4.1(b)), the following steps are to be followed:

- (a) The person(s) bearing the grievance puts the grievance in writing including any relevant supporting material (e.g. photos, copies of correspondence or documents, witness statements), adds their name(s) and signs the statement. (The Parish Contact Person may assist with the writing of the statement if the person(s) bearing the grievance is unable to do so.) Anonymous complaints will not be accepted.
- (b) Where a Parish Contact receives a grievance that is unclear, inadequately documented, or lacks relevant supporting information, the Parish Contact may confer with the person(s) bearing the grievance to explain how the report is not yet in a form

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where it can be considered. As clarity and credibility of a grievance is necessary for fair treatment of those involved, the process of formal resolution will not commence until the grievance is received in a form that is clearly documented with appropriate supporting material.

- (c) If the Parish Contact Person is of the view that the grievance can be handled safely and respectfully within the parish, the Parish Contact Person organises a formal discussion between the person(s) bearing the grievance and the person(s) most appropriate to respond and:
- i. Ensuring that the Rector/Priest-in-Charge and Churchwardens are informed;
  - ii. Ensuring that an appropriate person (possibly the Parish Contact Person) facilitates the discussion;
  - iii. Where necessary, offer support people to the aggrieved and the respondent(s);
  - iv. The time, venue and other arrangements for the discussion are appropriate; and
  - v. Notes are taken recording the key points and outcome of this discussion.
- (d) If the grievance is not resolved by actions at 4.2(c) or if the action in 4.2(c) is not appropriate (e.g. where the Rector's behaviour is the basis of the grievance), the Parish Contact Person forwards the signed grievance statement (4.2(a)), and information on any resolution steps already taken, to the Regional Archdeacon (or in cases where the Regional Archdeacon is the subject of the grievance, to a person nominated by the Bishop), who:
- i. Firstly, satisfies himself/herself that the matter is properly the subject of this procedure (Where another procedure is to be followed the Archdeacon will activate the other procedure and write to advise all relevant parties of his/her action and advise that the grievance process has been terminated in lieu of more appropriate action);
  - ii. Provides written acknowledgement to the Parish Contact Person that the grievance statement has been received;
  - iii. Writes to the authors of the grievance statement and those most appropriate to respond to formally notify that a formal grievance process has been activated and invites replies from each party;
  - iv. Advises the Bishop of Grafton that a formal grievance process has been activated;
  - v. Offers support people to the aggrieved and the respondent(s);
  - vi. Determines a resolution strategy in consultation between the parties and/or their support people; and
  - vii. Keeps a written record of each step and major development in the resolution process. This record will be provided to the office of the Bishop of Grafton for long-term retention.
- (e) The role of support people is to ensure that the person(s) that they are supporting:
- Understands the resolution process taking place;
  - Understands the proposals being made;

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- Is encouraged to follow the principles of “Being Together” and the principles of grievance handling;
- Does not feel isolated; and
- Does not make a decision under duress.

However, the support person is not to become a spokesperson or advocate for the person they are supporting.

- (f) The primary resolution strategy is for the Regional Archdeacon to facilitate a formal discussion between the relevant parties in an attempt to come to a common understanding and a resolution satisfactory to each party.
- (g) The engagement of an independent professional mediator can be considered where:
- The issues are complex;
  - The grievance has serious implications if left unresolved;
  - The parties are willing to participate in this form of mediation;
  - Other relevant resolution strategies have been attempted or where the Regional Archdeacon has determined them not to be appropriate; and
  - The Bishop of Grafton approves of this course of action.
- (h) The costs of any independent professional mediator will be charged to the parish concerned.
- (i) No individual can be compelled to participate in the resolution process, however:
- in the event of non-participation by the person bearing the grievance, the process will terminate;
  - in the event of non-participation by a person holding the Bishop’s licence, the Bishop may determine to withdraw the licence and terminate any remunerated position dependent on that licence; and
  - in the event of non-participation of any parish office bearer, the Bishop may recommend cancellation of that office.

#### **4.3 No Resolution**

- (a) Despite all best efforts, situations occur where there is no resolution of a grievance after all reasonable efforts to facilitate a resolution have been attempted.
- (b) The approval of the Bishop of Grafton on the recommendation of the Regional Archdeacon is required to terminate the formal grievance process in such circumstances.
- (c) The Regional Archdeacon shall write to each party advising of any decision made under 4.3(b) including any strategy to mitigate any tensions due to the unresolved grievance.

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## **5.0 DEFINITIONS**

### **5.1 Grievance**

A concern or complaint about unfair treatment, an alleged wrong, hardship suffered or the action of those in authority that is irresponsible or unacceptably inappropriate but not limited to these.

Examples are:

- Actions contrary to the ethos of the Anglican Church;
- Application (and non-application) of employment conditions;
- Application (and non-application) of policies and procedures;
- Failure to observe legislative requirements;
- Failure to apply health and safety principles;
- Failure to adequately consult; and
- Application of bias.

### **5.2 Excluded as Grievances**

- (a) On the basis that other legislation and procedures deal with specialised topics, the following matters are not grievances for the purpose of this procedure:
- Criminal acts (report to police);
  - Matters involving sexual abuse (report to Director of Professional Standards and police, where appropriate);
  - Matters covered by the Clergy Discipline Ordinance 1966; and
  - Bullying and Harassment (refer to GEN-004 Prevention of Bullying and Harassment).
- (b) Any complaint aimed at obtaining an outcome contrary to law, Diocesan ordinances, or Diocesan policies and procedures is excluded.
- (c) Any complaint about the outcome of a properly conducted process (e.g. failure to be elected) is excluded.

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**6.0 REFERENCES**

GEN-001 Privacy

GEN-002 Faithfulness in Service

GEN-004 Prevention of Bullying and Harassment

GEN-007 Handling Suspected Misconduct

REG-001 Administration Code of Conduct

Clergy Discipline Ordinance 1966

Professional Standards Ordinance 2004