

# ARCHBISHOPS' COUNCIL

## MINISTRY DIVISION

# DEPLOYMENT, REMUNERATION AND CONDITIONS OF SERVICE COMMITTEE

### A Grievance Procedure for Licensed Ministers

This procedure is for all clergy and licensed or accredited lay ministers exercising ministry within the Church of England (hereafter together described as 'ministers')

#### Introduction

1. **The aim of this procedure is:**

- i) to promote good working relationships between ministers;
- ii) to ensure that grievances that ministers have about specific matters should be resolved fairly, quickly and as near as possible to the point of origin;
- iii) to allow ministers to pursue grievances without fear of sanction.

2. 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.

3. Any grievance should be treated seriously because of its significance to the person concerned. In addition, no-one should be disadvantaged in relation to new appointments or access to training, for example, by bringing a grievance or by acting as a 'friend' to someone who has registered a grievance.

#### The scope of the procedure

4. This procedure does not cover complaints of misconduct against ministers, which must continue to be dealt with under the appropriate disciplinary procedures. It is intended to deal with grievances between ministers not amounting to misconduct and grievances about conditions of service. For example, such grievances might relate to perceived lack of access to certain opportunities for development or training or to particular aspects

of working conditions that are not covered by existing procedures (such as the procedures relating to clergy housing).

## **Stating a Grievance**

### **I The Informal Stage**

5. Any minister who has a grievance should, in the first instance if possible, discuss it with the person against whom he or she has a grievance. If this is not possible or is unsuccessful, the minister should raise the matter with a peer, with the person responsible for his or her ministerial review or with another suitable person, in order to explore whether, and if so, how, the matter might be resolved informally.

### **II The Formal Stage**

6. If an informal approach proves incapable of resolving the grievance, the minister with the grievance should (except in the circumstances mentioned in paragraph 7) refer the matter in writing to a senior colleague (as set out in paragraph 8), stating the steps that have been taken to try to resolve the matter informally.
7. If the minister against whom the grievance is brought is an employee (for example a sector minister, an accredited lay worker or a Church Army evangelist employed by the diocese, or an employee of the DBF) and the grievance has arisen in connection with his or her duties in that employment, the grievance should be referred to the employer and be dealt with in accordance with that employer's procedures. A grievance against a Church Army evangelist employed directly by the Church Army should be referred to the Church Army's Operations Director.
8. Otherwise, the matter should be referred to the appropriate senior colleague, in accordance with the following guidelines:
  - If the grievance is against an accredited lay worker or Church Army evangelist, where the appointment is not governed by a contract of employment, the matter should be referred to the Archdeacon, in whose archdeaconry the person against whom the grievance is brought resides.
  - If the grievance is against a Reader, the matter should be referred to the Warden of Readers.
  - If the grievance is against a member of the parochial clergy, the matter should be referred to the Archdeacon, in whose archdeaconry the person against whom the grievance is brought resides.
  - If the grievance is against a member of the cathedral clergy (other than the Dean), the matter should be referred to the Dean.
  - If the grievance is against the Warden of Readers, the matter should be referred to the Archdeacon, in whose archdeaconry the Warden resides. If the Warden.

is the Archdeacon, then the matter should be referred to another Archdeacon in the diocese. If the Warden is a Bishop, the matter should be referred to the diocesan Bishop or the Archbishop as advised below.

- If the grievance is against the Archdeacon, the matter should be referred to another Archdeacon in the diocese.
  - If the grievance is against the Dean, the matter should be referred to the diocesan Bishop.
  - If the grievance is against a suffragan or area Bishop, the matter should be referred to the diocesan Bishop.
  - If the grievance is against the diocesan Bishop, the matter should be referred to the Archbishop of the province in which the Bishop resides.
  - If the grievance is against the Archbishop, the matter should be referred to the Archbishop of the other province.
9. The person to whom the grievance has been referred ('the Referee') should, in consultation with the diocesan Registrar if appropriate, decide whether there is an issue that can be properly be dealt with under the Grievance Procedure. If the Referee, with Registrar's advice, considers that the grievance amounts to an allegation of misconduct and would therefore be more appropriately dealt with as a disciplinary matter, it must not be dealt with under the Grievance Procedure. Instead, it should be dealt with under the disciplinary procedures set out in the Ecclesiastical Jurisdiction Measure 1963 or (as and when it comes into force) the Clergy Discipline Measure 2003 or (in the case of a Reader or lay worker) Canons E6/E8.
10. If the Referee decides that no further action should be taken under the formal stage of the Grievance Procedure he or she should write within 28 days of receiving the letter described in paragraph 6 to the person who has brought the grievance stating the reasons for the decision. The aggrieved person may request the Referee in writing to reconsider his or her decision within 14 days of receiving the Referee's letter. Only one such approach to the Referee should be made. Referee decides whether to pursue the grievance within 28 days
11. If the Referee decides that there is an issue that can be dealt with under the Grievance Procedure then he or she should not become involved in dealing with the grievance but should within 28 days of receiving the letter described in paragraph 6 nominate a suitably trained person from the diocesan list ('the Nominee') to explore the matter and make recommendations as appropriate. The diocesan list (previously assembled and maintained by the diocesan Bishop) should consist of suitably qualified clergy and lay people, including those with particular expertise in dealing with issues of gender, race and disability. People on the list should be trained in the understanding and resolution of conflicts and in mediation. They should not deal with more than one grievance at a time.

12. Those involved with the process should respect proper boundaries of confidentiality and only share information with those who genuinely need to know it. The Nominee should not enter discussions relating to the grievance with the parties to the grievance outside the framework of the meetings arranged by the Nominee in accordance with this Procedure.
13. Within 14 days after receiving the nomination, the Nominee should take the following steps:
- He/she should write to the aggrieved person to report his or her nomination and explain the role of the Nominee.
  - He/she should write on the same day to the person against whom the grievance has been brought, setting out the name of the aggrieved person and the substance of the grievance and also reporting his/her nomination and explaining the role of the Nominee.
  - He/she should advise both parties that they are entitled to be accompanied at meetings by a friend or union representative who may participate in discussions.
  - He/she should copy this correspondence to the diocesan Bishop (unless the Bishop is the Referee or the subject of the grievance).
14. If either party objects to the choice of Nominee, that party should, within 7 days of receiving notification of the Nominee's identity, write to the Referee (sending copies at the same time to the Nominee and to the other party to the grievance) stating his or her objection and the reasons for it. The Referee should, within 14 days of receiving the letter of objection, write to both parties to the grievance, sending copies at the same time to the Nominee and (unless he is otherwise involved in the proceedings) to the diocesan Bishop, stating whether or not the objection is upheld, and, if it is, appointing a new Nominee. The Referee's decision should be final.
15. The Nominee should as soon as practicable but preferably within 28 days hold separate meetings with the aggrieved person and the person against whom the grievance has been brought.
16. These meetings will be followed (again as soon as practicable but preferably within 28 days of the meeting referred to in paragraph 15) by a joint meeting between the Nominee and both parties to the grievance. At this joint meeting the Nominee will seek to achieve reconciliation and agreement about a way forward.
17. If, as a result of the joint meeting, the grievance is satisfactorily resolved, the Nominee should record the outcome, including any agreed course of action, and, within 14 days after the date of the joint meeting, send copies to both parties, the Referee and the diocesan Bishop (except where the diocesan Bishop is the subject of the grievance or the Referee).
18. If the consensus cannot be achieved, the Nominee should
- The Nominee writes to both parties and the Bishop within 14 days of nomination.
- Parties to object to choice of Nominee in 7 days. Referee to make new nomination within 14 days.
- Nominee holds separate meetings with both parties, preferably within 28 days.
- Nominee holds joint meeting, preferably within 28 days
- Nominee notifies both parties and the Bishop about recommendations within 14 days.

recommend a course of action to be followed. This may include counselling, supervision or spiritual direction. Both parties to the grievance, the Referee and the diocesan Bishop (except in the circumstances set above) must be informed of the recommendation in writing within 14 days of the meeting.

19. The Nominee should assume responsibility for a period of up to 12 months, which may be extended after consultation with the diocesan Bishop (or Archbishop in the case of a grievance against a diocesan Bishop) for checking with both parties that the grievance has been resolved and that the agreed or recommended action has been taken. This period will be specified in writing to the parties, the Referee and the Bishop (or Archbishop) in the letter referred to in paragraphs 17 and 18. The Nominee will send a final report to the Bishop (or Archbishop) at the end of the specified period. If the grievance persists, it will be for the Bishop (or Archbishop) to decide whether further action would be taken.

Nominee monitors the case for up to a year.

### **Appeal**

20. Both parties to the grievance may appeal in writing to the diocesan Bishop (or Archbishop where the diocesan Bishop is the subject of the grievance) about the Nominee's recommendation under paragraph 18 within 28 days of receiving the written record of that recommendation. The Bishop and Archbishop may (but need not) interview both parties to the grievance. Again, the parties may, if they wish, be accompanied by friends or union representatives. The Bishop (or Archbishop) may recommend a new course of action to be followed. The Nominee will have responsibility during the next 12 months for checking whether the action has been taken and the grievance has been resolved.
21. The Bishop's (or Archbishop's) decision on appeal will be final and will be given as soon as practicable but preferably within 28 days of receiving the appeal. In the case of a grievance against an Archbishop, the Archbishop of the other province will be the final arbiter.

Parties to appeal against recommendations in 28 days.

Final recommendations to be made preferably within 28 days.

### **Recording of Action on Grievances**

22. A written record of actions taken will be retained by the diocesan Bishop under this procedure and will be subject to the provision of the Data Protection Act 1998 (including the access rights of data subjects). The pattern of grievances in dioceses will be monitored annually by the Bishop.