



Grievance Procedures - Clergy

1. Introduction

- 1.1. The Synod is committed to ensuring that workplaces within the Diocese are satisfying and safe for all workers. It has adopted a Grievance Policy which sets out the principles that are to be applied to ensure that the Synod provides an avenue for the resolution of work-related complaints as they arise.
- 1.2. The Grievance Policy states that the Secretary of Synod is responsible for developing and implementing procedures that will give effect to the policy principles.
- 1.3. The Grievance Procedures – Clergy give effect to the policy principles where the complainant and the person complained about are **both members of the clergy**.

2. Clergy Grievance Procedure

2.1. Informal Grievance Procedure

2.1.1. Step One

Before making a formal complaint of unacceptable behaviour, the person making the allegation is encouraged to try to resolve the issue directly with the person concerned as early as possible.

This provides the opportunity for the other person to understand how his/her actions or behaviour have affected the **complainant** and creates the possibility of having an open informal and objective approach to addressing the issue.

It is recommended that when this meeting takes place

- it is held at a time that is convenient to both parties
- the **complainant** avoids confronting the other person when they feel angry
- it is in a quiet neutral space
- that the **complainant** prepares for the meeting by having a clear outline of the behaviours they consider unreasonable or unacceptable
- that the **complainant** puts forward an appropriate outcome that focuses on achieving a productive working relationship.

An appropriate outcome could be (but is not limited to)

- clarifying a misunderstanding
- an apology
- an agreed plan of action to avoid further incidents
- conducting education sessions about behaviour and its impact on others.

2.1.2. Step Two

If Step One does not result in resolution of the grievance, or where the **complainant** is unwilling to make a direct approach, or where a direct approach is impractical or unwise (for example because the **complainant** feels unsafe), the **complainant** is encouraged to seek the assistance of an **Archdeacon** (as per para 2.1.2.1). If the person about whom the complaint has been made is the Bishop, the **complainant** may opt to follow the process outlined in para 2.1.2.2.

- 2.1.2.1. **The Archdeacon's** role is to facilitate a discussion between the parties. It is not to investigate the issue or to form an opinion as to who or what is right or wrong.

The **Archdeacon** may

- a) meet with each party separately to ensure each party is given a chance to tell their story in private and in confidence and to work through the underlying concerns
- b) communicate to each party the process to be used during meetings
- c) hold meeting/s with all parties to work through the issues and reach agreement on a course of action to achieve an appropriate outcome
- d) follow up to check that the course of action is implemented
- e) monitor the situation periodically by checking in with the parties as to their progress and well-being.

An appropriate outcome could be (but is not limited to)

- clarifying a misunderstanding
- an apology
- an agreed plan of action to avoid further incidents
- conducting education sessions about behaviour and its impact on others.

- 2.1.2.2. If the person about whom the complaint has been made is the Bishop, the **complainant** may opt to seek the assistance of the Secretary of Synod. The Secretary of Synod may meet with each party separately to ensure each party is given a chance to tell their story in private and in confidence and will then adopt such of the procedure in para 2.1.2.1 as he or she thinks appropriate for resolution of the grievance, and/or may provide a written report on the matter to the Diocesan Council.

3. Formal Grievance Procedure

- 3.1. Where resolution of a grievance has failed or has not been achieved via informal procedure outlined above, the **complainant** can initiate a formal grievance procedure.
- 3.2. To do so, the **complainant** must provide a clear statement in writing to the Professional Standards Director (**PSD**) on the prescribed form, including
 - 3.2.1. the parties to the grievance
 - 3.2.2. details of what has occurred and when
 - 3.2.3. the names of any witnesses; and
 - 3.2.4. the outcomes sought.

- 3.3. When a formal grievance has been initiated, the Professional Standards Director will assess whether the matters alleged, if proven, would be sufficient to initiate a complaint under the Professional Standards Ordinance (a **professional standards matter**). If
 - 3.3.1. the PSD's assessment is that the matter is a **professional standards matter**, the PSD will inform the complainant of that and will encourage the complainant to proceed under the Professional Standards Ordinance;
 - 3.3.2. the PSD's assessment is that the matter is not a **professional standards matter**, the PSD will refer the matter to the Secretary of Synod, who will manage the formal grievance complaint as follows.
- 3.4. The Secretary of Synod will:
 - 3.4.1. inform the person about whom the complaint has been made of the nature of the allegation and the identity of the person making the allegation;
 - 3.4.2. provide both parties with a copy of this Grievance Policy and Procedure; and
 - 3.4.3. inform the parties that the grievance will be investigated by an independent external investigator.
- 3.5. The external investigator will, within 28 days of being appointed:
 - 3.5.1. interview each party and such other persons as they deem appropriate and seek any further information they deem necessary;
 - 3.5.2. conduct the investigation in accordance with the principles of natural justice and the principles set out in the Grievance Policy;
 - 3.5.3. determine whether the grievance has been established; and
 - 3.5.4. recommend that **the Archdeacon** (or the Secretary of Synod in the case of a complaint involving the Bishop) initiate appropriate action which may include;
 - a) counselling for both parties;
 - b) training in a particular area;
 - c) arranging for a mediator to be appointed to conciliate the grievance;
 - d) referral to the Professional Standards Committee because the subject matter appears to fall within the scope of the *Professional Standards Ordinance*;
 - e) disciplinary action; or
 - f) that no further action be taken in relation to the grievance.

4. Mediation

- 4.1. The Secretary of Synod will establish a Panel of appropriately qualified Grievance Mediators with experience in conflict resolution and familiarity with the context of faith based organisations.
- 4.2. Where a recommendation has been made under 3.5.4c), the Secretary of Synod will appoint one or more persons to act as mediator.
- 4.3. The mediator will pursue the following broad objectives—
 - a) Careful Assessment: The mediator will make a careful initial assessment of the situation through listening to each party and helping them explore their needs, values, assumptions and interests. The mediator will employ suitable tools to help the parties explore the nature of the conflict and the ways they are responding to and participating in the conflict.

- b) **Healthy respectful processes:** The mediator will work with those involved in the conflict to establish healthy and respectful processes which allow for confidentiality, effective communication and decision making. The mediator will not take sides in a disagreement but will remain impartial. The mediator will seek to bring an objective external set of eyes and ears to a situation, helping those involved to see and hear each other clearly.
 - c) **Relational Reconciliation:** Where possible the mediator will seek to provide opportunities for reconciliation where there has been misunderstanding and tension in relationships.
 - d) **Training in conflict management skills:** The mediator may explore opportunities for training of the parties even in the midst of conflict to reflect on healthy conflict management and resolution skills and principles.
- 4.4. The mediator will keep the Secretary of Synod informed of progress by written and verbal reports.
- 4.5. Where the grievance is resolved, the mediator will provide a formal written report to the Secretary of Synod who will provide written notification of the outcome to the Archbishop.
- 5. **Grievance not resolved**
 - 5.1. Where the **grievance** is not resolved the complainant may elect to make a complaint under the *Professional Standards Ordinance*, or to pursue the matter in some other forum.
 - 5.2. Written records generated in the course of attempting to resolve a **grievance** are confidential and cannot be used in any professional standards or other process.
- 6. **Confidentiality**
 - 6.1. Subject to the need to conduct appropriate investigations, to implement a recommended outcome under and to take any resulting disciplinary action, the participants in informal and formal grievance procedures will take all reasonable steps to maintain the confidentiality
 - of the identity of the person initiating the **grievance** process
 - of the identity of the person against whom the **grievance** has been made
 - of the fact of the **grievance**.
 - 6.2. Information obtained by any person in the course of an investigation into a **grievance** must not be divulged to any third party without the consent of both parties.
- 7. **Protection from detrimental behaviour**
 - 7.1. The Synod will not tolerate **detrimental behaviour** towards a person initiating a **grievance** process as a result of that person making or intending to initiate a **grievance** in good faith.
 - 7.2. Concerns about a breach of confidentiality or **detrimental behaviour** in connection with the initiation of a grievance process are to be addressed to the Diocesan Privacy Officer.
 - 7.3. The Diocesan Privacy Officer will investigate the concerns.
 - 7.4. If it is established that a breach of confidentiality or **detrimental behaviour** has occurred, the Secretary of Synod will take all reasonable steps to remedy the situation and protect the person initiating a **grievance** process. This may include disciplinary action against the person who has breached confidentiality or engaged in **detrimental behaviour**.
 - 7.5. The Secretary of Synod may take steps to protect persons from the risk of a breach of confidentiality or exposure to **detrimental behaviour**. Such steps could include granting leave of absence to the person initiating a **grievance** process or the person who is the subject of the **disclosure** for the period of the investigation.

8. False or reckless allegations

A person who initiates a **grievance** process knowing the allegations to be false or being reckless as to whether they are false is not eligible for protection under this Policy. Such action may amount to misconduct and the person who initiates a **grievance** in this way may be subject to disciplinary action.

9. Definitions

Complainant means a person who initiates an informal or formal grievance process under this Procedure.

Detrimental behaviour includes harm, intimidation, discrimination, harassment, threats of reprisals, or any other adverse action directed towards a person.

Grievance means a complaint about unacceptable behaviour made by one member of the clergy about another member of the clergy. Examples of unacceptable behaviour include where a person is in breach of

- Diocesan policy or
- Diocesan Code of Conduct or
- workplace standards or conditions or
- breach of other terms of engagement;

and may include behaviour which amounts to harassment, bullying, discrimination, micro-management or inappropriate change management processes.

Grievance Notification Form

Confidential

To initiate a formal grievance, please complete this form and forward it to the Professional Standards Director, Ms Katrina Thomas at contact@kooyoora.org.au

Personal contact details:

Name:

Contact Ph:

Your email address:

Name of Parish or ministry setting:

Grievance details

Name of person about whom the complaint is being made:

Which of the following best describes the nature of your grievance? (Please tick)

☐ Discrimination/harassment/bullying issue

☐ Deployment/promotion issue

☐ Conflict/unfair treatment

☐ Other – please specify

Please provide a detailed summary of what has occurred, including when and where it occurred.

What steps, if any, have you already taken to resolve the issues(s)? For example, have you taken steps to resolve the **grievance** informally as outlined in the Diocesan Grievance Policy?

What outcome are you seeking?

Signature

Date: / /

(Complainant)