

## **36/09 Grievance Policy and Procedure**

(A report from the Standing Committee)

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### **Background**

1. At its session in 2009, the Synod received a report on procedures and sanctions for all standards in *Faithfulness in Service* and, noting the proposed grievance policy and procedure and the Parish Relationships Amendment Ordinance 2009 attached to the report –

- (a) requested that members provide comments on the proposed grievance policy and procedure and Parish Relationships Amendment Ordinance 2009 to the Diocesan Secretary by 31 March 2010, and
- (b) requested that a form of the grievance policy and procedure and Parish Relationships Amendment Ordinance 2009 be brought to the Synod in 2010 incorporating, as appropriate, comments made by members.

2. This report is from the committee appointed by the Standing Committee in February 2009 to develop the grievance policy and procedure. The report builds on the report provided to the Synod in 2009 by summarising the comments made by members about the grievance policy and procedure and the Parish Relationships Amendment Ordinance and outlining the main changes made to those documents in response to these comments.

3. A revised form of grievance policy and procedure, incorporating these changes, is included in this report as an Attachment. A revised form of the Parish Relationships Amendment Ordinance 2010 is printed separately.

**Summary of comments made by members about the grievance policy and procedure**

4. Comments made by Synod members about the grievance policy and procedure can be broadly summarised under the following headings –

- Scope of policy and procedure
- Efficacy of local resolution process
- Potential for misuse of policy and procedure
- Dealing with anonymous allegations
- Involvement of Archbishop in the resolution process
- Implementation of policy and procedure
- Form of policy and procedure

*Scope of policy and procedure*

5. One member of the Synod suggested that the scope of the policy be expanded to deal with unacceptable behaviour by any parishioner.

6. In response, the committee noted that under the definitions of clergy and church worker in *Faithfulness in Service* (which also apply to the policy and procedure) the scope of persons covered by the policy and procedure is fairly extensive and goes well beyond those involved in paid ministry positions. However it is true that the policy and procedure does not apply to unacceptable behaviour by parishioners who are not clergy or church workers within the parish. While it may be possible to introduce codes of conduct to encourage appropriate types of behaviour by parishioners generally, such codes are entirely voluntary and therefore largely unenforceable. The policy and procedure operates on the basis that a person who accepts a ministry position within a parish is also prepared to accept the standards, responsibilities and disciplinary processes associated with such a position.

7. The committee is also working with those responsible for managing the Parish Risk Management Program with a view to developing a complementary risk module on dealing with abusive behaviour in parish workplaces. Such a module would be aimed at assisting parishes in protecting their staff and others from abusive behaviour generally.

8. Another member of the Synod asked that the committee reconsider its decision to prepare a policy and procedure which is parish focussed rather than one which could apply to both parishes and diocesan organisations.

9. In response, the committee remains of the view that because of the organisational differences between the parish network and

diocesan organisations, it is impracticable to draft a workable policy and procedure which has general application in both contexts. That said, the committee considers that the principles underlying the policy and procedure do have general application and therefore the policy and procedure is readily able to be adapted for use by diocesan organisations.

*Efficacy of local resolution process*

10. A number of Synod members commented on the efficacy of the local resolution process.

11. One member suggested that the mechanism in the previous form of policy for using an elected warden as an alternative person to resolve allegations at a local level should be expanded in the procedures. Another commented that there are many people in parishes who are not on parish councils but who could effectively deal with allegations at a local level instead of a parish councillor or elected warden. Another member indicated that it might help if a person making an allegation could find a person in the parish to discuss the matter with (ie a friend). Yet another member indicated that it is essential that women in particular have someone they can talk to before deciding whether to make an allegation.

12. In response, the committee considered at some length various options for making the local resolution process an effective means of dealing with allegations. One of the difficulties in achieving an effective local resolution process is the sheer number of people who could be asked to deal with allegations at a local level. Accordingly there are considerable cost/benefit challenges in training all such persons in effective dispute and conflict resolution techniques.

13. Having considered the comments made by Synod members, the committee settled on a mechanism whereby allegations which cannot be dealt with directly with the person concerned may be referred to the senior minister of the parish. The senior minister is required to identify the best possible person to deal with the allegation at the local level. Such a person would need to be acceptable to both parties. Such a person may (but need not) be the senior minister himself and may (but need not) be a parishioner of the relevant parish. If such a person is not able to be identified within a reasonable time, the allegation may be referred to the Regional Bishop.

14. The committee agrees that it would often be helpful for a person to speak to a friend on a confidential basis before deciding whether to make an allegation. This suggestion has been incorporated into the revised form of policy.

15. In addition, the policy and procedure also permits both parties to be accompanied by a support person to any interview undertaken as

part of the resolution process. This aspect of the policy and procedure remains unchanged from the version provided to the Synod in 2009.

*Potential for misuse of policy and procedure*

16. One member of the Synod, a senior member of the clergy, asked whether the checks and balances included in the policy and procedure are robust enough to prevent high powered and clever people exploiting the system. The particular concern was to protect rectors who are introducing major church culture reform or a theological turnaround.

17. In response, the committee remains of the view that the policy and procedure itself provides adequate protection. In this regard it is worth repeating the comments made in the report provided to Synod in 2009 (with paragraph references and terminology updated to reflect the revised document) –

“The working group understands the need not to expose clergy (and indeed lay church workers) to allegations of unacceptable behaviour simply because a person does not get their way or because the person is reacting against faithful leadership. This matter is specifically addressed in paragraph 1.7 of the policy.

One aim of the policy is to provide a clearer and therefore more effective way of dealing with frivolous, malicious or false allegations than exists under the current ad hoc arrangements. It is not possible to stop a person making such an allegation under the policy. However an allegation which, for example, is clearly aimed at damaging a member of clergy should be quickly and formally dismissed under the procedure as frivolous, malicious or false (para 2.9(d) or 3.12(d)). Any decision to do so should be informed by statements in the policy itself which, for example, make it clear that faithful Christian leadership alone is not unacceptable behaviour even if a person does not agree with or is offended by that leadership (para 1.7). The policy also states that making frivolous, malicious or false allegations will be viewed seriously and may result in formal disciplinary action being taken (para 5.10).

Although not directly covered in the policy or procedure, it would be entirely appropriate to ask a person who has clearly made a frivolous, malicious or false allegation, at least, to apologise to the member of clergy or church worker concerned. A decision to dismiss an allegation as frivolous, malicious or false may also lend support to any decision of the senior minister to remove the person

making the allegation from an office or position they hold in the parish.”

18. The committee would add that while a well drafted policy and procedure is necessary to minimise the risk of the process being misused, it is not sufficient to ensure that the process is not misused. Education and training of those involved in administering the policy and procedure, particularly those responsible for dealing with allegations, is essential to ensuring fair and effective outcomes under the procedure. This is the subject of specific recommendations at the end of this report.

*Dealing with anonymous allegations*

19. A number of Synod members commented on whether anonymous allegations should be accommodated under the policy and procedure.

20. Some members indicated that anonymous allegations should not be entertained for reasons of procedural fairness and transparency. Other members indicated that the fear associated with making any allegations about a member of clergy or church worker makes accepting anonymous allegations under the policy and procedure desirable. Other members did not want to discount the value of anonymous allegations however did not believe that the appropriate way to deal with anonymous allegations is under a formal grievance policy and procedure.

21. In response, the committee generally considered that anonymous allegations should not be accepted under the policy and procedure. The committee considered that an appropriate response to the issue of anonymous allegations would be as follows –

- (a) The policy should be amended to make it clear that anonymous allegations cannot be “dealt with under any procedure which gives effect to the policy”. This is intended to avoid a perception that anonymous allegations have no value.
- (b) There is room for educating clergy about how to respond to information that comes to them anonymously from various sources. A “wise rector” would not completely ignore anonymous allegations, particularly if they are corroborated from one or more sources.
- (c) The problem of overcoming a desire to be anonymous would be helped with the use of an appropriate support person and an appropriate “go-to” person. The committee believes that these matters are sufficiently incorporated into the revised form of policy and procedure.

*Involvement of Archbishop*

22. The committee received comments about the proposed policy and procedure from the General Synod's Professional Standards Commission. The Commission made a number of helpful comments in relation to the policy and procedure. In particular the Commission queried whether the involvement of the Archbishop in the procedure was prudent. They pointed to a situation where the Archbishop could be involved in a disciplinary matter under the Discipline Ordinance after the same matter has been the subject for consideration by the Archbishop as a final step in a grievance procedure. In these circumstances the Archbishop is potentially conflicted.

23. The committee agrees with the Commission's comments about the problems associated with involving the Archbishop as a final step in dealing with allegations under the policy and procedure. Accordingly, a step 4 which involved the Archbishop in the previous form of procedure has therefore been removed from the revised form of procedure.

*Implementation of policy and procedure*

24. The main comments made about implementing the policy and procedure related to the need for education about what abusive behaviour involves. One member suggested that there are many in our parishes who act in an abusive way without knowing this is a problem. Another member stressed that there is a need for education beyond clergy and church workers to all members of the parish concerning abusive behaviour.

25. In response, the committee considered that the primary way that education could occur is through the proposed risk module on dealing with abusive behaviour in parish workplaces, although the Safe Ministry Board and Ministry Training & Development would have an on-going role in promoting the standards in *Faithfulness in Service*.

26. In addition to education, there is also a need to ensure that an appropriate level of training in conflict resolution and conciliation is extended to those involved in dealing with allegations. As previously indicated there is a degree of impracticality in providing significant levels of training to all persons who may be involved in dealing with allegations at a local level, although diocesan training courses similar to those offered for safe ministry may be a possibility in this regard. The committee therefore considers that training should be focused at the regional level to ensure that more difficult allegations which are escalated to the Regional Bishop can be dealt with effectively by regional conciliators. The committee also considers that since Regional Bishops may be called on to deal with some allegations themselves, Regional Bishops should be encouraged to undertake any available training.

27. While appropriate education and training are essential to the effective operation of the grievance policy and procedure, in some cases it will not be possible to reach a mutually acceptable outcome under the policy and procedure. In such cases it will be necessary to consider whether there are other appropriate avenues for dealing with the matter such as under the Parish Relationships Ordinance 2001, the Discipline Ordinance 2006 or the Parish Disputes Ordinance 1999.

*Form of policy and procedure*

28. One member suggested that there is a need to include definitions for the terms church worker and other key definitions used in the policy and procedure. Another member indicated that the procedure needs to be clear and simple and that a flow diagram should be included in the policy.

29. The committee agrees with both of these suggestions and has incorporated them in the revised form of policy and procedure.

**Outline of main changes to policy and procedure in response to comments**

30. The committee has made fairly extensive changes to the initial form of grievance policy and procedure provided to Synod in 2009 in response to comments made by Synod members both during and after the 2009 session.

*Main changes to policy*

31. The main changes in the revised form of policy are as follows –

- Indicating in the scope of the policy that allegations which may involve criminal conduct should be referred to the Director of Professional Standards for possible reporting to the police (paragraph 3.3).
- Suggesting that before raising a concern under the policy, a person may first want to seek advice from a wise Christian friend (paragraph 5.1).
- Providing that the resolution process should be conducted in a manner consistent with biblical principles (paragraph 5.6).
- Making it clear that parties should participate in the resolution process without legal representation (paragraph 5.6).
- Acknowledging that in some circumstances there may be a need to modify the procedure for dealing with allegations if the person responsible for dealing with an allegation considers they have a conflict of interest in exercising this role (paragraph 6.2).

- Including in Appendix 1 definitions for all the main terms used in *Faithfulness in Service* that also apply to the policy and procedure.

*Main changes to the procedure*

32. The main changes in the revised form of procedure are as follows –

- Including a flow diagram summarising the resolution procedure as Appendix 2 to the policy.
- Providing for a new mechanism by which a senior minister appoints a local conciliator acceptable to both parties to deal with an allegation (paragraphs 2.3 to 2.4).
- Requiring the senior minister to keep the relevant employing wardens informed about progress in resolving the matter where the allegations are made about an employee in the parish (paragraph 2.3(d)).
- Providing that allegations should be dealt with locally normally within 1 month but no longer than 2 months (paragraph 2.5) and dealt with regionally normally within 2 months but no longer than 3 months (paragraph 3.9).
- Providing for a referral of conduct which may be criminal to the Director of Professional Standards for possible reporting to the police (paragraphs 2.8 and 3.11).
- Limiting the required documents to be retained at the end of a local or regional resolution process to either a copy of the mutually agreed outcome between the parties or a copy of the notice that the local or regional resolution process has been discontinued (paragraphs 2.12 and 3.15).
- Limiting to 12 months the timeframe within which a serious breach of a mutually agreed local outcome can be referred to the Regional Bishop after the outcome has been reached (paragraph 3.2).
- Providing that the Standing Committee as well as regional councils can approve members comprising a pool of regional conciliators (paragraph 3.8).
- Enabling regional conciliators to recommend that the resolution process be discontinued based on a review of papers from any local resolution process (paragraph 3.9).
- Giving either party the option to terminate the regional resolution process after 3 months (paragraph 3.13).
- Removing the involvement of the Archbishop as a final step 4 of the procedure.



### **Parish Relationships Amendment Ordinance**

33. As indicated in the report provided to the Synod in 2009, the proposed amendments to the Parish Relationships Ordinance 2001 address the situation where it becomes apparent to the Regional Bishop that an allegation received under the policy and procedure represents the “tip of the iceberg” of a more wide-spread concern involving the senior minister. To that extent, the amendments are complementary to the grievance policy and procedure and enable the Regional Bishop to take action in response to multiple expressions of concern under the mechanisms provided for in the Parish Relationships Ordinance.

34. The committee received comments from members about the proposed reduction of the moratorium for taking action under the Parish Relationships Ordinance 2001 from 4 years to 2 years. One member considered that it would be unwise to reduce the moratorium to 2 years and argued that it should be kept at 4 years. Another member commented that the proposed reduction to 2 years is still too long. It was suggested that any serious breakdown in a parish has to be dealt with earlier than 2 years.

35. On balance, the committee is still prepared to accept that a reduced 2 year moratorium period reflects an appropriate balance between the interests of a newly appointed incumbent and the need to act promptly if there is evidence of pastoral breakdown between a significant number of parishioners and the incumbent.

36. The Standing Committee also requested that the following amendments be made to the form of the Parish Relationships Amendment Ordinance 2010 to be considered by the Synod –

- a general meeting of parishioners may be convened to consider the need for a licensing review if the wardens or the regional bishop consider that a majority (as opposed to a substantial majority) of parishioners are of the view that there is a serious breakdown of pastoral relationships between the minister and the parishioners, and
- a motion of the general meeting of parishioners to support a licensing review needs to be passed by a majority (as opposed to 65%) of parishioners attending and voting at the meeting.

### **Standing Committee’s response**

37. At its meeting on 31 May 2010, the Standing Committee requested that the following motion be moved at the Synod “by request of the Standing Committee” –

“That the Grievance policy and procedure for dealing with allegations of unacceptable behaviour by clergy and church workers in parishes be approved in principle.”

38. The Standing Committee also requested that the following procedural motion be moved at Synod “by request of the Standing Committee” –

“Synod agrees, for the purposes of considering the motion appearing at item X, (the ‘In Principle Motion’), to the following arrangements –

- (a) the In Principle Motion will be taken to have been moved and seconded, and
- (b) the mover may speak up to 20 minutes about the In Principle Motion, and
- (c) the seconder may speak up to 10 minutes about the In Principle Motion, and
- (d) the procedures for the making of ordinances under Part 5 of the business rules (from and including rule 5.5(2) but excluding rules 5.7(3)(b), 5.9 and 5.10) are to apply as if the Grievance policy and procedure for dealing with allegations of unacceptable behaviour by clergy and church workers in parishes (the ‘Grievance Policy’) was an ordinance, and
- (e) if a motion that the Grievance Policy pass as a policy of the Synod is carried under business rule 5.7(1), the mover of the motion may forthwith move the following –

‘Synod –

- (a) determines that the Grievance policy and procedure is to commence on 1 July 2011,
- (b) requests the Standing Committee to approve up to 15 persons as the initial pool of regional conciliators for the purposes of the policy and procedure, being persons who have demonstrated competence in conflict resolution and conciliation or who have the capacity and willingness to

- acquire such competence,  
and
- (c) requests the Safe Ministry Board to oversee appropriate training and education in relation to the policy and procedure,
  - (d) authorises the Standing Committee to make amendments to the procedure which are consistent with the terms of the policy,
  - (e) requests the Standing Committee to undertake a review of the policy and procedure after a period of 3 years from its commencement on 1 July 2011, and
  - (f) requests that the parish risk management program address issues of abusive behaviour in the parish context, with a particular focus on responsibilities for providing a safe work place for parish staff.'

and suspends so many of the business rules which would prevent these arrangements.”

39. The Standing Committee agreed to promote the bill for the Parish Relationships Amendment Ordinance 2010 to the Synod “by request of the Standing Committee”.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

1 June 2010

Attachment

## Grievance policy and procedure for dealing with allegations of unacceptable behaviour by clergy and church workers in parishes

In the Bible, God has much to say about the requirements and responsibilities of Christian life and leadership, especially when one has a grievance against another Christian.

So prior to any discipline process, the Bible encourages Christians to speak directly with a person whom he or she believes may be sinning. For example, Matthew 18:15-17 says –

*If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses. If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, treat him as you would a pagan or a tax collector. (NIV)*

In particular, Christians are to rightly honour those God has placed in positions of authority (1 Tim 5:17-20; Hebrews 13:7, 17). For example, 1 Thessalonians 5:12-13 says –

*Now we ask you, brothers, to respect those who work hard among you, who are over you in the Lord and who admonish you. Hold them in the highest regard in love because of their work. Live in peace with each other. (NIV)*

Of course, the Bible expects high standards of Christian leaders (Mark 10:42-45; 2 Tim 2:14-26; Titus 1:5-9; James 3:1-2; 1 Peter 5:1-4). In particular, 1 Timothy 3:2-3 indicates, among other matters, that any bullying behaviour is unacceptable. It says –

*Now the overseer must be above reproach, the husband of but one wife, temperate, self-controlled, respectable, hospitable, able to teach, not given to drunkenness, not violent but gentle, not quarrelsome, not a lover of money. (NIV)*

Yet covering all this – especially in the face of a grievance – is the priority of love and forgiveness (Gal 5:22-6:4; Col 3:12-14; James 1:19-21). These priorities are well illustrated by Ephesians 4:31-32 –

*Get rid of all bitterness, rage and anger, brawling and slander, along with every form of malice. Be kind and compassionate to one another, forgiving each other, just as in Christ God forgave you. (NIV)*

### **Context of policy**

- 1.1 The Synod of the Anglican Church in the Diocese of Sydney acknowledges and gives thanks to God for the godly leadership exercised by the clergy and church workers of the Diocese
- 1.2 The Synod expects all persons who hold positions of leadership in our parishes to exercise the authority that comes with such positions in a manner which is godly and reflects best practice.
- 1.3 However the Synod recognises the potential for persons in positions of leadership to exercise authority in an unacceptable way.
- 1.4 The unacceptable exercise of authority in parishes has the potential, if not adequately addressed, to cause significant damage to relationships, undermine ministry and ultimately bring the gospel of our Lord Jesus into disrepute.
- 1.5 The Synod is therefore committed to ensuring that the potential for this unacceptable exercise of authority is acknowledged and allegations of such behaviour are dealt with properly.
- 1.6 An important part of achieving this end is to provide a process by which persons can come forward with allegations of unacceptable behaviour by clergy and church workers in parishes in the knowledge that such allegations will be treated seriously and sensitively and dealt with promptly, fairly and effectively.
- 1.7 In making provision for this process, the Synod wishes to affirm that faithful Christian leadership sometimes involves clergy and church workers making decisions and taking other action with which some people disagree and which may, on occasions, even offend some people. Such Christian leadership is a necessary part of growing our churches and fellowships and of itself should not give rise to any allegation of unacceptable behaviour under this policy.

### **Purpose of policy**

- 2.1 The purpose of this policy is to promote an opportunity for persons to deal with allegations of unacceptable behaviour in a godly manner encouraging reconciliation, repentance and the need to seek and respond to God's wisdom.

### **Scope and application of policy**

- 3.1 This policy applies to allegations of unacceptable behaviour by clergy or church workers in parishes of the Diocese of Sydney. For this purpose, unacceptable behaviour means the following conduct in relation to an adult –
- bullying
  - emotional abuse
  - harassment
  - physical abuse, or
  - spiritual abuse.
- 3.2 Allegations of sexual abuse or child abuse should be referred directly to the Director of Professional Standards (or a Contact Person appointed by the Director to receive such allegations). Such allegations will be dealt with under the Discipline Ordinance 2006.
- 3.3 Allegations which may involve criminal conduct should also be referred to the Director of Professional Standards. The Director will report such conduct to the police.

### **Understanding this policy**

- 4.1 This policy is intended to complement *Faithfulness in Service* and should be read in light of the standards and guidelines in that code.
- 4.2 The terms clergy, church worker, bullying, emotional abuse, harassment, physical abuse and spiritual abuse have the same meaning as in *Faithfulness in Service*. Any other terms which are used in this document and defined in *Faithfulness in Service* also have the same meaning as in *Faithfulness in Service*.
- 4.3 Extracts from *Faithfulness in Service* which are particularly relevant to this policy are set out in Appendix 1.

### **Policy principles**

- 5.1 A person who is concerned that a member of clergy or church worker in a parish has engaged in unacceptable behaviour should raise their concerns as early as possible. Because raising such a concern can be a difficult step to take, such a person may first want to seek advice from a wise Christian friend on a confidential basis.

- 5.2 Allegations of unacceptable behaviour should be dealt with as close as possible to their source. This may be modified due to the nature of the allegation or the identity of the person about whom the allegation is made.
- 5.3 Anonymous allegations or allegations made by a person who does not want to be identified cannot be dealt with under any procedure which gives effect to this policy.
- 5.4 Allegations of unacceptable behaviour should be treated seriously and sensitively and dealt with promptly, having due regard to procedural fairness, confidentiality and privacy. Procedural fairness includes the right to be heard, the right to be treated without bias, the right to be informed of the allegations being made and to be provided with an opportunity to respond to them. It also includes the right to find out about progress in dealing with the allegation. Requirements relating to confidentiality and privacy extend to the way in which any information or records relating to an allegation are stored and used.
- 5.5 Both parties to an allegation should receive appropriate information, support and assistance in resolving the matter. This will usually include providing both with a copy of this document and allowing both to be accompanied by a support person during any interview.
- 5.6 Wherever possible, allegations should be dealt with by a process of discussion, cooperation and conciliation consistent with biblical principles. The aim is to reach a mutually acceptable outcome that is both fair and effective and which minimises the potential for on-going damage to relationships and enables the ministry of the parish to continue effectively. Parties are to participate in this process without legal representation.
- 5.7 Sometimes an act of reparation, such as an apology, may be needed from the person about whom the allegation is made in order to resolve the matter in a meaningful way. Sometimes the person making the allegation may gain a better understanding of why certain actions were taken and, while perhaps not agreeing with the actions, accept that the actions were not unacceptable behaviour for the purposes of this policy.
- 5.8 Both parties are to participate in the resolution process in good faith. A breach of this principle will be viewed seriously and may result in disciplinary action being taken.

- 5.9 No person is to be victimised because they make an allegation or are associated with an allegation or a person making an allegation. A breach of this principle will be viewed seriously and may result in disciplinary action being taken.
- 5.10 Frivolous, malicious or false allegations are not to be made. A breach of this principle will be viewed seriously and may result in disciplinary action being taken.

### **Procedure**

- 6.1 An overview and details of the procedure that should be followed for dealing with allegations of unacceptable behaviour under this policy are set out in Appendices 2 and 3.
- 6.2 The procedure should be applied in a way which gives effect to the purpose and principles of this policy. If the person responsible for dealing with an allegation considers that, in a particular case, strict compliance with the procedure will not give effect to the purpose and principles of this policy, the procedure should be modified to achieve these ends with the agreement of both parties to the allegation. The procedure may also be modified if the person responsible for dealing with an allegation considers they have a conflict of interest in exercising this role. In other cases, while strict compliance with the procedure is encouraged, a failure to do so will not invalidate any outcome under the procedure provided the purpose and principles of this policy are substantially met.

### **Implementation**

- 7.1 In order to ensure that this policy and procedure is effectively implemented, the Synod expects that it will be made generally available.
- 7.2 The Synod also expects that, as far as possible, appropriate training will be made available to persons who are responsible for dealing with allegations under the procedure.



**Appendix 1 – Relevant extracts from *Faithfulness in Service***

**Standards**

(expectations for personal behaviour and the practice of pastoral ministry)

3.4 Failure to meet the standards of this Code will indicate an area where clergy and church workers require guidance and specialised help. Such failures may result in formal disciplinary action if the conduct infringes an applicable disciplinary rule of the Church or is a breach of an employment contract.

6.3 You are not to engage in:

- bullying;
- emotional abuse;
- harassment;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

4.6 If you have overall authority in a **church body**, you are to ensure that clergy and church workers for whom you are responsible are provided with:

- a safe working environment, including safe housing, where housing is provided;
- opportunities to maintain and enhance their ministry skills; and
- personal encouragement, support and regular feedback.

**Guidelines**

(explain and illustrate best practice and highlight practical ways to achieve it)

3.5 Clergy and church workers are encouraged to follow the guidelines of this Code. Where this is impractical, the exercise of judgement will be required to ensure the safety of those to whom they minister and themselves. Willful disregard of the guidelines may indicate an area where clergy and church workers require guidance and specialised help.

6.13 If another person indicates by their words or actions that they feel bullied or harassed by you, review your conduct. If in doubt, cease the conduct and seek advice. When teaching, admonishing or exercising discipline as part of your pastoral ministry, be sure you do it respectfully.

6.17 You should be sensitive to the effect of your language on others. Avoid using language that may be misunderstood or that bullies, threatens, belittles, humiliates or causes unnecessary offence or embarrassment. Take care when using:

- any swear word;
- language which has sexual connotations; and
- racial, religious or other group descriptions.

4.20 Look for, and take advantage of, opportunities to maintain and enhance ministry skills appropriate to the responsibilities of your role, through:

- regular ministry development;
- professional supervision / consultation;
- peer support;
- having a mentor; and
- regular feedback including an annual ministry review.

## Definitions

### **Bullying**

The repeated seeking out or targeting of a person to cause them distress and humiliation or to exploit them. It includes –

- exclusion from a peer group;
- intimidation; and
- extortion.

### **Church worker**

A lay person –

- who is licensed or authorised by the bishop of a diocese;
- who is employed by a church body in respect of whom this Code is part of their employment contract; or
- who, for payment or not, holds a position or performs a function with the actual or apparent authority of a church authority or church body, including an office, position or function:
  - of leadership in a parish, diocese or General Synod body;
  - as a member of the General Synod or a diocesan synod;
  - as a member of a body incorporated by the General Synod, a diocese or a diocesan synod;
  - as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

in respect of whom the diocesan synod, the diocesan council, the church authority or the church body has adopted this Code.

### **Clergy**

Bishops, priests and deacons of the Church

### **Emotional abuse**

Acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. It includes:

- subjecting a person to excessive and repeated personal criticism;
- ridiculing a person, including the use of insulting or derogatory terms to refer to them;
- threatening or intimidating a person;
- ignoring a person openly and pointedly; and
- behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.

### **Harassment**

Unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes –

- making unwelcome physical contact with a person;
- making gestures or using language that could reasonably give offence including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- making unwelcome communication with a person in any form (for example, phone calls, email, text messages) ; and
- stalking a person.

**Physical abuse**

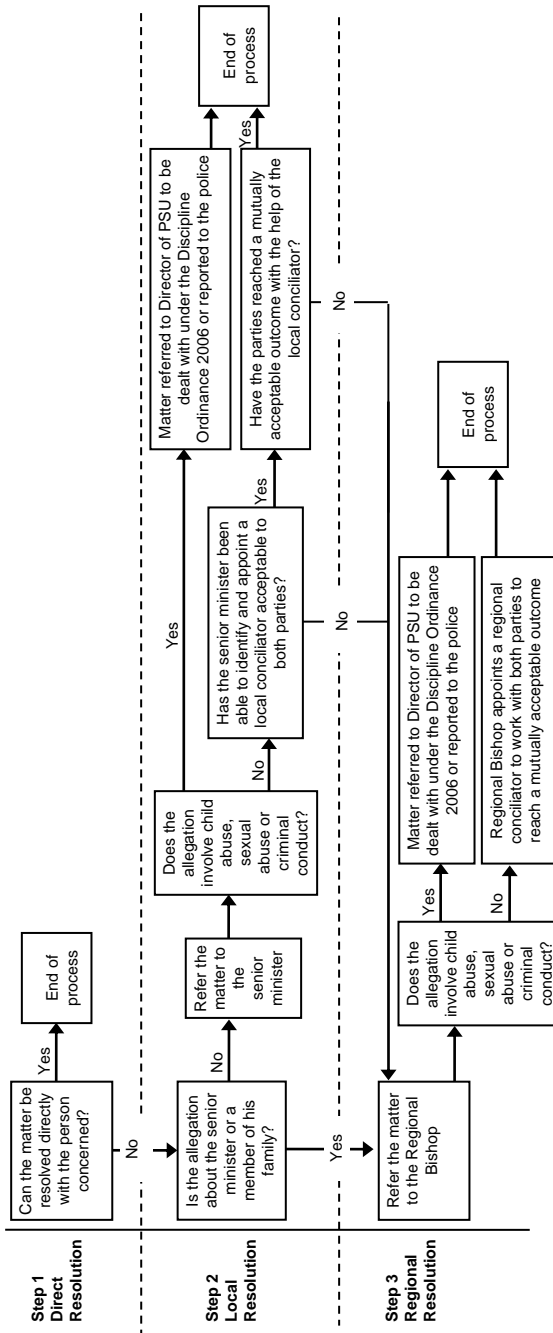
Any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures. It does not include lawful discipline by a parent or guardian.

**Spiritual abuse**

The mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes –

- using a position of spiritual authority to dominate or manipulate another person or group;
- using a position of spiritual authority to seek inappropriate deference from others;
- isolating a person from friends and family members; and
- using biblical or religious terminology to justify abuse.

**Appendix 2 – Overview of procedure for dealing with allegations of unacceptable behaviour by a member of the clergy or church worker**



### **Appendix 3 – Detail of procedure for dealing with allegations of unacceptable behaviour by clergy and church workers in parishes**

#### **Step 1 – Direct resolution**

1.1 Before making any allegation of unacceptable behaviour under this procedure in respect of a member of clergy or church worker in a parish, the person making the allegation is encouraged to try to resolve the matter directly with the person concerned. \*

\* *Unacceptable behaviour means the following conduct in relation to an adult –*

- *bullying*
- *emotional abuse*
- *harassment*
- *physical abuse, or*
- *spiritual abuse.*

*The meaning of these terms (and also the meaning of clergy and church worker) are the same as in Faithfulness in Service but for convenience are set out in Appendix 1 of the Grievance Policy.*

1.2 If it is not possible or appropriate to resolve the matter directly with the person concerned, the person making the allegation should proceed to step 2 of this procedure.



#### **Step 2 – Local resolution**

2.1 Where the person making the allegation has been unable to resolve the matter directly with the person concerned, they should refer the matter to the senior minister of the parish in which the person concerned works.

2.2 If the allegation is about the senior minister or a member of the senior minister's family, the person making the allegation should refer the matter to the Regional Bishop under paragraph 3.5.

2.3 Where the matter has been referred to the senior minister, the senior minister (unless paragraph 2.8 applies) is to –

- (a) inform the person about whom the allegation has been made of the nature of the allegation and the identity of the person making the allegation,
- (b) provide both parties with a copy of this grievance policy and procedure document, and
- (c) work with both parties to identify and appoint as expeditiously as possible a person who is best able to act as a local conciliator to deal with the allegation, and
- (d) if the person about whom the allegation is made is an employee, inform the relevant employing wardens about the allegation and keep them informed about progress in resolving the matter.

A person appointed as the local conciliator must be acceptable to both parties. The person may be (but need not be) the senior minister. The person may be (but need not be) a parishioner of the parish.

2.4 If the senior minister is unable to appoint a person acceptable to both parties as the local conciliator within 10 days of the matter being referred to him, the person making the allegation may refer the matter to the Regional Bishop under paragraph 3.6.

2.5 The local conciliator should deal with the allegation with a view to resolving it expeditiously, normally within 1 month but no longer than 2 months of being appointed.

2.6 Local resolution of an allegation should be undertaken in accordance with the grievance policy and, in particular, the principles under the policy. This will normally involve the local conciliator –

- (a) listening carefully to the concerns and desired outcomes of the person making the allegation,
- (b) informing the person about whom the allegation has been made about these concerns and desired outcomes and providing the person with an opportunity to respond,
- (c) ensuring both parties have a copy of this grievance policy and procedure document,
- (d) allowing both parties to be accompanied by a support person to any interview,
- (e) working with both parties to reach a mutually acceptable outcome,
- (f) keeping both parties informed about progress in resolving the matter,
- (g) monitoring the situation during the resolution process.

2.7 Any mutually acceptable outcome reached between the parties should be put in writing, signed by each party, the local conciliator and the senior minister and dated. A mutually acceptable outcome should usually include the local conciliator reviewing the situation at an agreed time or times after the outcome has been reached. A copy of the signed and dated mutually acceptable outcome should be provided to both parties and the local conciliator.

2.8 If, at any time during the local resolution process, the senior minister or the local conciliator forms the view that the allegation may involve –

- (a) sexual abuse or child abuse, or
- (b) criminal conduct which should be reported to the police,

he or she is to promptly refer the matter to the Director of Professional Standards and suspend resolution of the matter under this procedure. If the Director considers that the matter is properly dealt with under the Discipline Ordinance 2006 or should be reported to the police, the Director is to promptly advise both the senior minister and any local conciliator accordingly and undertake the necessary action. In this case resolution of the matter under this procedure is to be discontinued. Otherwise the Director is to promptly refer the matter back to the senior minister or the local conciliator so that he or she can continue to deal with it under this procedure.

2.9 If, at any time during the local resolution process, the local conciliator forms the view that –

- (a) the conduct alleged is not unacceptable behaviour, or
- (b) the person about whom the allegation is made is not a member of clergy or a church worker in the parish, or
- (c) there is no reasonable prospect of resolving the matter at the local level, or
- (d) the allegation is frivolous, malicious or false,

the local conciliator should inform the senior minister of this view and the senior minister may discontinue the local resolution process.

2.10 The local resolution process will also be discontinued if a mutually acceptable outcome has not been reached between the parties within the 2 month period referred to in paragraph 2.5 and either party indicates to the senior minister that they do not want to continue with the local resolution process.

2.11 The senior minister is to promptly notify the parties in writing if the local resolution process has been discontinued including reasons why the process has been discontinued. However the senior minister is to defer notifying either or both parties that the local resolution

process has been discontinued if the matter is being dealt with under the Discipline Ordinance 2006 or is being reported to the police and the Director of Professional Standards requests that the senior minister defer notifying either or both parties because of this.

2.12 At the end of the local resolution process, the senior minister should store in a separate and confidential grievance file in the parish offices either the mutually acceptable outcome referred to in paragraph 2.7 or a copy of the notice referred to in paragraph 2.11 that the local resolution process has been discontinued.



### **Step 3 – Regional resolution**

3.1 If the local resolution process has been discontinued under paragraph 2.9 or 2.10, either party may refer the matter to the Regional Bishop within 1 month of being notified that the process has been discontinued. The Regional Bishop may agree to accept a referral after this time if he considers there are good reasons for the delay in referring the matter to him.

3.2 If either party considers that a mutually acceptable outcome reached at the local level has been seriously breached by the other party, that person may refer the matter to the Regional Bishop within 12 months of the mutually acceptable outcome being reached provided they have first –

- (a) informed the local conciliator and the senior minister of the alleged breach, and
- (b) given the other party a reasonable opportunity to respond to the alleged breach.

The Regional Bishop may agree to accept a referral after this 12 month period if he considers there are special circumstances that warrant him doing so.

3.3 If the Regional Bishop considers that the allegation suggests there is a serious breakdown of pastoral relationships between the senior minister and a substantial number of parishioners, the Regional Bishop may (in addition to any other action taken under this procedure) make a request under clause 6 of the Parish Relationships Ordinance 2001 that the parish participate in a licensing review.

3.4 Where a party refers a matter to a Regional Bishop in the circumstances referred to in paragraphs 3.1 or 3.2, the Regional Bishop (unless paragraph 3.11 applies) is to –



- (a) notify the senior minister and the other party that the matter has been referred to him, providing reasons for the referral, and
- (b) appoint, as expeditiously as possible, a regional conciliator to deal with the allegation and notify the senior minister and both parties of the appointment.

3.5 Where a matter is referred to a Regional Bishop in the circumstances referred to in paragraph 2.2, the Regional Bishop (unless paragraph 3.11 applies) is to –

- (a) inform the person about whom the allegation is made of the nature of the allegation and the identity of the person making the allegation, and
- (b) provide both parties with a copy of this grievance policy and procedure document, and
- (c) appoint, as expeditiously as possible, a regional conciliator to deal with the allegation and notify both parties of the appointment.

3.6 Where the person making the allegation refers a matter to the Regional Bishop in the circumstances referred to in paragraph 2.4, the Regional Bishop (unless paragraph 3.11 applies) is to –

- (a) notify the senior minister and the person about whom the allegation is made that the matter has been referred to him because the senior minister has been unable to appoint a person acceptable to both parties as the local conciliator, and
- (b) appoint, as expeditiously as possible, a regional conciliator to deal with the allegation and notify both parties of the appointment.

3.7 In any case, the Regional Bishop or the regional conciliator may require the person making the allegation to put the allegation in writing if this has not already been done. The Regional Bishop and the regional conciliator are also entitled to be provided with all material relevant to any local resolution process undertaken in respect to the allegation.

3.8 A regional conciliator is a person appointed by the Regional Bishop from a pool of persons approved to be appointed as regional conciliators by the Regional Council or the Standing Committee. A person appointed as a regional conciliator must not be a current or former parishioner of the parish concerned and should usually demonstrate sufficient competence in conflict resolution and conciliation. However if both parties and the Regional Bishop agree that the Regional Bishop should deal with the matter personally, the

Regional Bishop may act as the regional conciliator for the purposes of this procedure.

3.9 The regional conciliator is to seek to resolve the matter normally within 2 months but no longer than 3 months of being appointed following a process similar to the one outlined in paragraph 2.6. However, if having reviewed the material relevant to any local resolution process previously undertaken, the regional conciliator forms any of the views referred to in paragraphs 3.11 and 3.12, he or she may act accordingly.

3.10 Any mutually acceptable outcome reached between the parties should be put in writing, signed by each party, the regional conciliator and the Regional Bishop and dated. A mutually acceptable outcome should usually include the regional conciliator reviewing the situation at an agreed time or times after the outcome has been reached. A copy of the signed and dated mutually acceptable outcome should be provided to both parties and the regional conciliator.

3.11 If, at any time during the regional resolution process, the Regional Bishop or the regional conciliator forms the view that the allegation may involve –

- (a) sexual abuse or child abuse, or
- (b) criminal conduct which should be reported to the police,

he or she is to promptly refer the matter to the Director of Professional Standards and suspend resolution of the matter under this procedure. If the Director considers that the matter is properly dealt with under the Discipline Ordinance 2006 or should be reported to the police, the Director is to promptly advise both the Regional Bishop and any regional conciliator accordingly and undertake the necessary action. In this case resolution of the matter under this procedure is to be discontinued. Otherwise the Director is to promptly refer the matter back to the Regional Bishop or the regional conciliator so that he or she can continue to deal with it under this procedure.

3.12 If, at any time during the regional resolution process, the regional conciliator forms the view that –

- (a) the conduct alleged is not unacceptable behaviour, or
- (b) the person about whom the allegation is made is not a member of clergy or a church worker in a parish, or
- (c) there is no reasonable prospect of resolving the matter under this procedure, or
- (d) the allegation is frivolous, malicious or false,

the regional conciliator should inform the Regional Bishop of this view and the Regional Bishop may, in consultation with the Director of Professional Standards, discontinue the regional resolution process.

3.13 The regional resolution process will also be discontinued if a mutually acceptable outcome has not been reached between the parties within the 3 month period referred to in paragraph 3.7 and either party indicates to the Regional Bishop that they do not want to continue with the regional resolution process.

3.14 If the regional resolution process has been discontinued, the Regional Bishop is to promptly notify the parties in writing of this outcome, including reasons why the process has been discontinued, and that no further action can be taken under this procedure to deal with the allegation. In doing so, the Regional Bishop may also advise the person making the allegation about other avenues for dealing with the matter. For example, if the matter involves a disagreement between the senior minister and a number of parishioners, it may be appropriate to deal with the matter under the Parish Disputes Ordinance 1999. However the Regional Bishop is to defer notifying either or both parties that the regional resolution process has been discontinued if the matter is being dealt with under the Discipline Ordinance 2006 or is being reported to the police and the Director of Professional Standards requests that the Regional Bishop defer informing either or both parties because of this.

3.15 At the end of the regional resolution process, the Regional Bishop should store in a separate and confidential grievance file in his office either the mutually acceptable outcome referred to in paragraph 3.10 or a copy of the notice referred to in paragraph 3.14 that the regional resolution process has been discontinued. A copy of this document should be lodged with the Director of Professional Standards.