



GRIEVANCE PROCESS

Purpose

The Grievance Protocol describes the process to be followed when there is a grievance or conflict between two or more members of the Anglican Diocese of Newcastle.

It has been approved by the Diocesan Council and forms part of the Parish Safety Policy.

1 Introduction

The Anglican Diocese of Newcastle recognises that from time to time there may be a grievance or conflict between two or more members of the Diocese.

The Diocese has established a process to assist those members of the church move towards reconciliation with one another at the earliest opportunity and finds ways to resolve their dispute or find ways of sustainably living with an ongoing disagreement.

The process provides for the involvement of other Christian leaders including the Bishop when the conflict cannot be resolved. Where the Bishop is required to make a formal determination, that decision is final.

The protocol builds on the principles in the Code of Good Behaviour called *Being Together* where every member of the church undertakes to accept responsibility for their part in a conflict and to play their part in resolving a conflict.

A grievance may be categorised as a conflict and/or misunderstanding and or theological disagreement or a complaint about poor performance.

An alleged crime and/or significant professional misconduct and/or breaches of the Standards in *Faithfulness in Service* which result in a person experiencing harm are not grievances under this protocol. Those behaviours if admitted to or proven would lead to the Bishop or other authority taking formal disciplinary or protective measures under the Professional Standards Ordinance 2012 or the Clergy Discipline Ordinance 1966. Any grievance of these kinds should be reported to the Director of Professional Standards.

Where possible, grievances should be resolved with the least escalation possible, which has the maximum opportunity for restoring relationships and draws the least number of people possible into the conflict.

2 Theological Framework

Many people carry with them a presumption that there will be no disputes within a church community, yet the Christian scriptures are filled with stories with deep disagreement. So, rather than a presumption of no conflict, we are called to recognise that it takes a lifetime of grace to discover and live the way of unity found in Jesus prayer, 'that they may all be one' [John 17:21]



There are some very significant biblical principles for agreeing and disagreeing in love which should characterise our common life –

- Reconciliation is at the heart of the gospel – Through Christ we are reconciled to God, who gives us the ministry of reconciliation. Romans 5:1-11; 2 Corinthians 5:17-20
- Reconciliation with others in the church is a prelude to genuine worship - Matthew 5:23-24
- Jesus describes a process for addressing conflict and restoring relationships in the church - Matthew 18:15-22
- Groups in the early church came together to talk about their differences, to seek the Spirit's leading as they worked for consensus - Acts 6:1-6; Acts 15:1-3
- The church needs each person's gifts and perspectives; no one has a corner on truth - 1 Corinthians 12-14
- God's chosen ones are to bear with one another, to forgive each other and to clothe themselves "with love, which binds everything together in perfect harmony" - Colossians 3:12-17
- We are to grow in unity and maturity by speaking the truth in love - Ephesians 4:1-16
- God calls us to act and speak with respect for each other despite differences of culture or conviction - Romans 14:1-7; James 1:19; John 7:51; Ephesians 4:25-32; Matthew 7:1-5; 1 Peter 3:8, 16
- God's people do not seek the absence of conflict but the presence of shalom, a peace based on justice. Amos 5:21-24; Micah 6:6-8; Isaiah 58; Matthew 23:23-24; Luke 4:18-191

3 Scope

The protocol applies to all members and church workers (ordained and non-ordained, paid and voluntary, licensed and unlicensed) who are associated with the ministry of the Anglican Church in the Diocese of Newcastle.

It does not involve grievances with the Diocesan Bishop which must be in the form of a complaint and which are handled by the Episcopal Standards Commission.

This protocol assumes the members involved in the dispute are aged eighteen years or older and not classified by law as a vulnerable person.

4 Pathways to resolving a grievance

The Diocese commits to a case-by-case approach to the resolution of substantive issues in a grievance and, where possible, the appropriate restoration of relationships between all parties.

The pathway employed will depend upon:

- a) the nature of the conflict situation and/ or grievance
- b) the positions/ roles of the parties involved
- c) the skills and/or capacity of the local church leader to address the situation.



The pathway employed does not prevent the parties to the grievance seeking independent advice at any time, should they choose to do so.

A grievance has potential to escalate, causing significant relational wounds. For this reason, the person who is managing the grievance is responsible not only to communicate clearly with involved parties, but also to provide appropriate communication to all persons affected directly by the dispute.

Members not directly involved in the resolution of a dispute are advised not to discuss the matter except with the person who is managing the grievance.

In the case of a significant conflict, the Bishop may arrange for independent support to be available to the parish to assist those indirectly impacted persons to heal relationships and prevent ongoing division and mistrust within the parish.

All parties to a grievance/complaint and all involved in seeking the resolution of the grievance/complaint must act as expeditiously as possible in undertaking their roles in relation to ensure that the time taken to undertake this process does not contribute unreasonably to escalation of the conflict and possible harm to those involved.

The process allows for an escalation of a grievance if it remains unresolved.

The final stage involves an agreement to be bound by the decision of the Bishop who, on the advice of an independent arbiter, will make a final and binding determination. The process envisages that everyone will take the earliest opportunity to reach agreement around resolution and, where possible and appropriate, reconciliation.

PROCESS

1. *Can the parties agree to resolve the conflict themselves?*

In the first instance, where conflict arises between people and they feel able to express their concern safely, they are to go to one another and express their concern with a view to resolving their differences directly. Where people go in gentleness, patience and humility, with the resolve not to ascribe fault and take responsibility for their part in a conflict and its resolution, they often find that a dispute is resolved quickly, and a relationship restored.

2. *Local Resolution*

1. If any person feels for any reason that they require help in resolving the situation they may speak privately to their Incumbent (Parish Priest or Chaplain), provided he or she is not a stakeholder in the grievance or conflict, to request assistance in addressing it. In most cases, the leader to guide the resolution of the conflict will be the Incumbent. However, a suitably skilled person may fulfil this role with the agreement of the Incumbent (or with the agreement of the Bishop if there is no Incumbent, or if the Incumbent is a stakeholder in the conflict) [**The Incumbent or other person is known in this process as “the assisting person”**].



2. Provided that the assisting person feels comfortable in assisting those impacted, and:
 - all parties involved in the conflict or grievance are willing to work towards restoring relationships
 - the conflict is still at a low level (e.g. all parties are still amicable and able to talk calmly together) and all parties want to restore their relationship, then the assisting person will:
 - i. meet with each party separately
 - During private meetings the assisting person is to ensure that all parties are given a chance to tell their side of the story in private, and to work through the underlying concerns in moving towards resolution. In this process, this is called resolution facilitation.
 - ii. clearly communicate to each party the process to be used during resolution meetings and keep records of meetings and agreements
 - iii. hold resolution meetings with all the parties to work through the issues and determine the course of action and desired outcomes, bearing in mind all material (substantive) issues, including relational issues
 - iv. follow up the parties with a view to ensuring that the solutions are implemented
 - v. monitor the situation.
 - vi. Over time check with the parties to ensure the resolution is continuing to work well for all.
 - vii. The assisting person, with the agreement of the Incumbent or their Assistant Bishop or Archdeacon, may communicate something of the resolution to indirectly affected parties.
3. At any stage throughout the process, the assisting person, or any party may contact their Assistant Bishop (or the Archdeacon of Newcastle for Newcastle City parishes and Archdeacon for Justice Ministries for the Chaplains) for assistance or resourcing without being deemed as breaking confidentiality.
4. The relevant Assistant Bishop or Archdeacon and assisting person shall provide a brief written summary report to the Bishop at the end of the resolution meeting.

3. *Diocesan Resolution*

A grievance or complaint may be referred to the Bishop to seek Diocesan intervention and resolution.

It can be referred by the Incumbent, an assisting person, the relevant Assistant Bishop (or the Archdeacon) or any party to the conflict.

A grievance or conflict should be referred, when the grievance or conflict:

- is with the Incumbent or local church leader
- has escalated beyond the capacity of an assisting person (or Incumbent) to resolve the substantive and or relational issues
- requires the input and assistance of an independent advisor

The Bishop will determine the best person(s) to assist the parties towards resolution.



The parties involved need to be advised that, as the process progresses, they remain free to seek help from outside the Diocese if they feel the conflict is not being resolved.

The Diocese commits to a prayerful case-by-case approach to each matter.

3.1 Assessment

Upon receiving a request to assist with addressing a grievance or a conflict, the Bishop or a person appointed by the Bishop² will make an initial assessment of the situation. This may include a review of correspondence, and holding briefing meetings with the parties to:

- understand the history and status of the conflict/grievance
- ascertain their willingness to address the grievance or conflict
- determine each person's conflict resolution style and preferences regarding an ideal pathway for resolution
- make judgements as to the intensity level of conflict
- determine the substantive issues.

The Bishop or the person appointed by the Bishop may also seek advice, including consulting with a relevant professional as part of this assessment.

The Bishop or the person appointed by the Bishop must refer any professional standards matter to the Director of Professional Standards.

3.2 Options Report

The Bishop or a person appointed by the Bishop will arrange for an Options Report to be prepared. This Report must include an outline of key issues, the type of conflict, the options for resolution and the preferred pathway. The report will contain a recommended course of action.

The recommendation must also give due consideration to the resources required for the recommended pathway. Possible pathways that may be recommended include, but are not limited to:

- dismissal of the complaint/grievance
- resolution facilitation.
- counselling
- conciliation
- mediation
- arbitration
- use of the Ministry Issues Procedures in the Clerical Ministry Ordinance 2009.

3.3 Consideration by the Bishop

The report will be referred to the Bishop for consideration together with any other advice or submissions made by key stakeholders.



The Bishop shall determine the resolution pathway that will be employed for this grievance/complaint.

Unless the Bishop determines otherwise, the cost for preparing any report and the cost of implementing the resolution pathway must be met by the parish in which the grievance/complaint is raised.

3.4 Implementation

The resolution pathway is implemented.

During the implementation, the Bishop may make, amend or modify decisions. Any decision by the Bishop will be communicated to all parties.

3.5 Ongoing monitoring

The Bishop, or a person appointed by the Bishop, in negotiation with the parties, is to check on the wellbeing of all parties to the grievance/complaint until the Bishop is satisfied that the solutions that have been employed are working.

This may include communication to indirectly affected persons if appropriate.

4: External Resolution

When the Bishop determines that the grievance/complaint should be resolved by arbitration then the Bishop will appoint an arbiter.

The parties to a grievance must indicate in writing their agreement to abide by the final decision of the Bishop made on the recommendation of the arbiter.

All parties to the conflict are then to assist the arbiter understand the grievance/complaint in such manner as the arbiter determines. Depending on the type of conflict and issues involved, this step may take several meetings and some time to work through.

The arbiter will advise the Bishop of her/his decision.

The Bishop may accept or refer the decision of the arbiter back to the arbiter for further consideration.

Once the Bishop has accepted the arbiter's decision it will be communicated to all parties and regarded as final. The Bishop shall authorise the implementing of the arbiter's determination.

Where the parties do not agree to abide by the final decision of the Bishop made on the recommendation of the arbiter, the Bishop shall make such decisions as he believes will assist the



wellbeing of as many people as possible who are parties to the grievance/conflict. Such decisions shall be final.

5 Protocol Administration

6.1 Protocol Communication

This protocol will be communicated in February each year to clergy and church workers in the Diocese of Newcastle by email.

6.2 Protocol Review

This protocol will be reviewed in October each year by the Diocesan Council and the Bishop.

6.3 Related documents

The Diocesan Safe Ministry Policy

The Diocesan Code of Conduct: Faithfulness in Service

The Professional Standards Ordinance

The Clerical Ministry Ordinance 2009

Diocesan Faithfulness in Service Investigations Protocol

Diocesan Protocol for Responding to Allegations of Sexual Misconduct

“Being Together”