

**FOLLOWING UP CONCERNS (formal and informal)**  
**(version 2 March 2014)**

1.  **Following up concerns informally (the diocesan 6step process used as a framework for reviewing most situations informally before moving to a formal process if required)**

**Information regarding Clergy Discipline Measure  
(see also Capability Process)  
(see also Section 1 – affirmation and accountability)**

2.  **Grievance Procedure**

**FOLLOWING UP CONCERNS (formal and informal)  
(version 2 March 2014)**

**1. Introduction**

- 1.1 Under existing ecclesiastical regulations, the Clergy Discipline Measure (CDM) sets out very clear processes through which the most serious disciplinary issues will be followed up. The procedures for a formal CDM issue are set out in the Code of Practice, which is agreed by both the Archbishop's Council and the General Synod and can be accessed through the Church Commissioner's website:  
[www.churchofengland.org/about-us/structure/churchlawlegis/clergydiscipline.aspx](http://www.churchofengland.org/about-us/structure/churchlawlegis/clergydiscipline.aspx)  
(and 3 below)
- 1.2 Under Common Tenure arrangements, the Capability processes set out clear requirements to follow up concerns about potential capability (including long term sickness and ill health retirement processes).  
[www.churchofengland.org/media/1235721/capability%20final.doc](http://www.churchofengland.org/media/1235721/capability%20final.doc)
- 1.3 From time to time, 'complaints' or issues of concern about individual members of clergy are brought to the attention of the Bishop or to members of his senior staff. These issues may not result in, or warrant, any sort of formal capability or CDM-based process; but it is important that each is followed up appropriately within fair, open and informal due process, with pastoral sensitivity, and in which all parties are afforded the opportunity to share or report their concerns; and with the right to be represented, and of the right of reply.
- 1.4 The Diocese is committed to this fair process; it ensures that time is set aside to gain a clearer picture of all the issues raised; that individuals have opportunities to put their views; that, where it is possible, reconciliation is achieved; and that support and advice can be given. Decisions about any further actions are made only when there is clarity of objective information/evidence and then follow the proper formal CDM protocols and arrangements.
- 1.5 The guidelines below set out how senior staff will follow up issues or complaints brought to their attention through an **informal 6 step clear process of investigation and follow up**. They will then judge when an issue or complaint received should be followed through the formal Capability processes or referred through the CDM route with the involvement of the Diocesan Registrar where this is appropriate; or whether these are obviously more 'informal' issues which could be resolved through a local diocesan process, with Human Resources and senior staff advice and guidance.

**2. Diocesan Guidelines and Processes for following up issues, concerns and complaints received informally**

- 2.1 The six -step process is based both on the current pre-formal proposed capability procedure within the Terms of Service/Common Tenure arrangements, and also on

the new national ACAS guidelines which focus on the responsibility of organisations to work more creatively to bring about informal resolution to a situation.

2.2 What is important in this, and any process, however informal the process is to be\* is that it should be:

- ✓ based on fair and reasonable processes and clarity of judgements and decisions
- ✓ managed within a clear time frame to ensure that any subsequent formal complaint cannot be deemed out of time
- ✓ tracked carefully
- ✓ properly documented

\*It should be remembered that any informal process may, at a later date, move into a formal process. Documentary evidence, therefore, may well be a key part in any assessment of a fair legal/formal process or of its timing – especially if this is related to a later Capability or CDM process, so, at all stages of anything informal, proper paperwork, notes, records etc should be kept.

### **2.3 Diocesan principles of accountability**

2.3.1 In all processes, we will ensure that we respect the individuals involved and their individual circumstances. Whether a formal or informal process, we will offer practical and pastoral care for them and their family.

2.3.2 Where those individuals are part of a process, we will ensure that:

- ✓ They fully understand all aspects of the processes available to us and them, and the possible outcomes; and that they have the opportunity to explore these in confidence at every stage.
- ✓ They are aware of the range of pastoral and practical support available.
- ✓ They are made aware of timescales and next steps as informal processes are created and worked through and that these are managed consistently, and as quickly and fairly as possible.
- ✓ They are aware of theirs and others' roles and responsibilities, and of their right to be accompanied at any meeting if they so wish.

2.3.3 When things go awry with relationships, both personally and in local communities, the Diocese's priority will always be to do what it can to bring people together in order to help restore relationships.

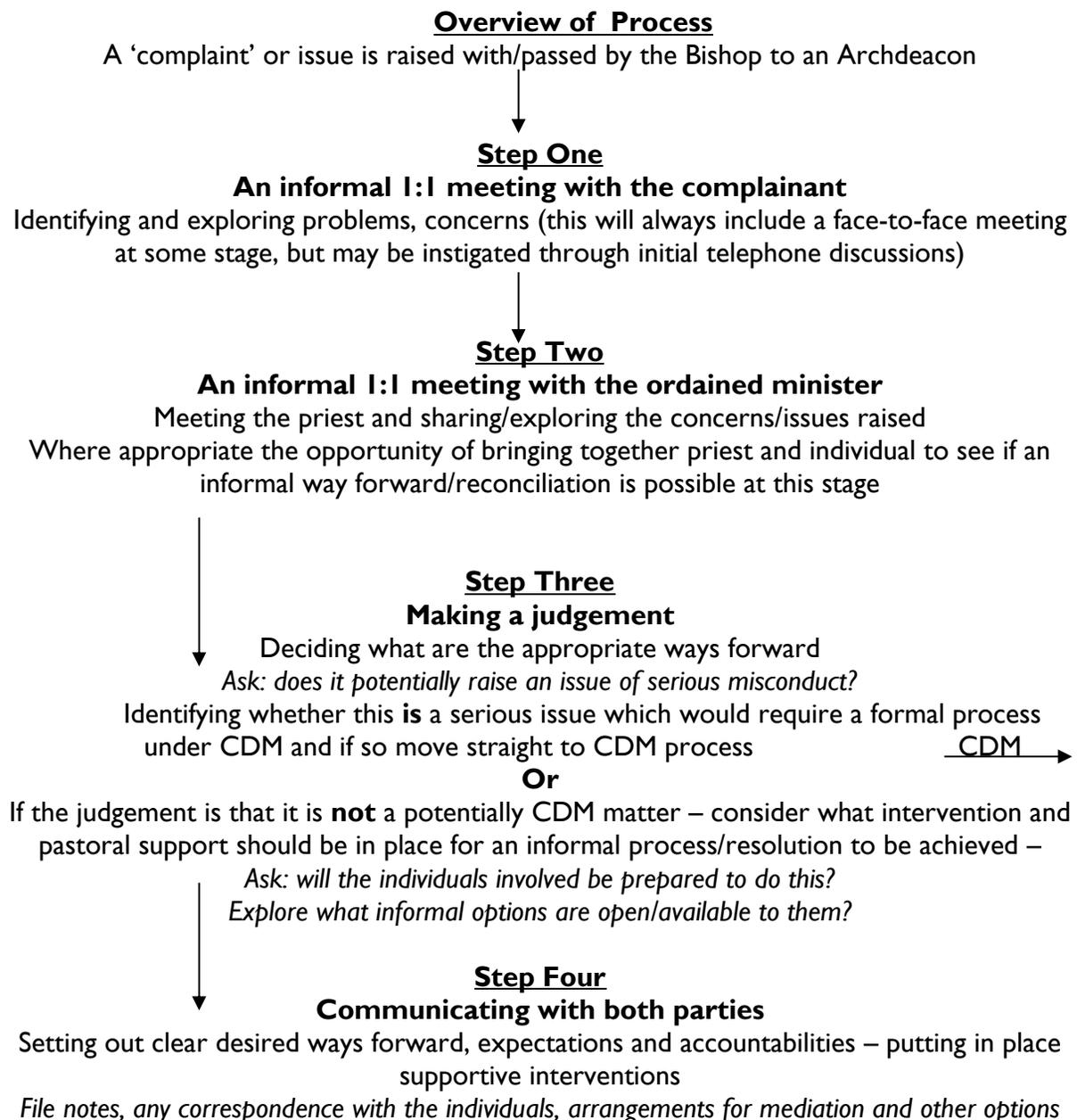
2.3.4 We will plan to do this with the individuals concerned in safe, creative and thoughtful ways, which ensure respect, fair process, the right to be heard, and the right of reply. (We will, of course, only do this in ways which are appropriate to the individual set of circumstances, and in line with the wishes of the individuals concerned).

2.3.5 Confident that clergy are determined to live out the commitments and promises they made at ordination, the Diocese has three key expectations on those who find themselves in situations of conflict:

- ✓ That they will do all that they can to bring about a local resolution.
- ✓ That where bringing about local reconciliation is a struggle (for whatever reason), where additional assistance, advice, and support may be helpful, that they actively seek this from colleagues, national bodies and the diocese.
- ✓ Where the diocese has become involved because of the nature of the difficulties, that clergy will fully co-operate with the diocese in its responsibility to seek and facilitate all opportunities for resolving issues eg clear Roles and Responsibilities, reconciliation (eg through facilitation, mediation).

## 2.4 Diocesan process and steps

2.4.1 An overview of the process, and details of each of the steps taken at each stage are set out below.



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**Step Five**

**Working for resolution**

Providing support as the individuals work to resolve the situation

*The role/responsibilities of the individuals themselves – what they are agreeing to, the role/responsibilities of the Archdeacon/Diocesan Head of Human Resources & Safeguarding – who are the others involved?*

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**Step Six**

**Final steps**

Reviewing progress, what has been achieved, summarising what has occurred, any agreements about future working/pastoral relationship, communicating with all parties, making file notes, informing the Bishop. The situation is therefore closed **OR** moves back to step three

**Process at each stage**

A complaint is passed to, or received by, an Archdeacon.

(Currently, steps one and two would normally be conducted by an Archdeacon, but Bishop's Staff may wish to consider also using the skills of an Area Dean or appropriate member of Senior Staff to undertake these steps, and to report back to the Archdeacon for a decision at Step Three, based on what has arisen from the preliminary enquiries)

**Step One An informal 1:1 meeting with the complainant(s)**

- ✓ The Archdeacon invites the complainant(s) to an informal meeting (at which they may be accompanied if they wish).
- ✓ At this meeting the complaint(s) should be explored and an informal note of what is discussed made (and, depending on the circumstances, details regarding the formal and informal processes of CDM are shared *if this seems appropriate at this time*). Nothing should be said or done at this stage that could prejudice the Diocese's freedom to act appropriately at a later stage.
- ✓ The Archdeacon, depending on the circumstances, may ask another appropriate member of Senior Staff and/or or the Diocesan Head of Human Resources & Safeguarding to be present at this meeting.
- ✓ Depending on the nature of the complaint(s) it may be appropriate at this step to explore how the complainant would want to see the situation resolved. It might, therefore, be appropriate to explore if the complainant would be willing to meet with the priest in an informal way in the spirit of reconciliation; or to ensure that, in some circumstances, they understand their recourse to a formal process in the most serious of cases.

**Step Two An informal meeting with the priest**

- ✓ The Archdeacon should contact the ordained minister and let them know that an issue has arisen, and invite them to attend an informal meeting at which the concerns can be explored.
- ✓ The ordained minister should be able to bring a colleague (not a family member) to the meeting if they wish.
- ✓ At the meeting (or shortly afterwards) the Archdeacon should make some informal notes of what was discussed – and at the meeting explore some possible ways forward.
- ✓ The Archdeacon may, depending on the circumstances, invite another appropriate member of Senior Staff and/or the Diocesan Head of Human Resources & Safeguarding, or other appropriate local senior colleague to be present at this meeting.
- ✓ It may be appropriate at this step, depending on circumstance, the nature of the issues/concerns raised, the individuals involved, and/or the necessity to follow up with further ‘investigatory’ discussions, to follow up the outcomes of discussions in Step One to bring the priest and the complainant(s) together in the spirit of reconciliation, if both parties are willing.

### **Step Three – making a judgement and ways forward**

- ✓ The Archdeacon may feel at this stage that they require some further enquiries for information or clarification that would enable them to make a better judgement about possible ways forward – and they may want to seek information from a third party, other appropriate person/people, and/or ask for some advice and/or support from the Registrar, or the Diocesan Head of Human Resources & Safeguarding.
- ✓ Each situation will be different, and the Archdeacon may make a judgement about offering a short period of special paid leave where appropriate, to enable the further investigatory discussions to take place.
- ✓ Each situation will be different, but following the meeting (step 2) and any follow up enquiries that have been made - the Archdeacon should make a judgement about the appropriate way forward. This decision should be communicated to the complainant(s) and to the priest in person/telephone call, and followed up by letter.
- ✓ If, on the evidence, the Archdeacon feels that, in their judgement, it is NOT a matter of serious professional misconduct (ie a CDM matter), they may decide that the way forward is for an informal process of resolution and reconciliation to be undertaken.
- ✓ If on the evidence the Archdeacon feels that, in their judgement, this IS a matter of potential serious professional misconduct, they may decide that the way forward is for a formal CDM complaint to be made and due process should then be followed in line with statutory requirements.

- ✓ If the Archdeacon requires some advice on help to establish whether this is a potentially serious issue or an issue possibly better suited to an informal resolution, they make ask another (eg the Area Dean, the Diocesan Secretary, or a member of senior staff) to review the situation and current evidence with them. The Diocesan Head of Human Resources & Safeguarding can advise on the process for this.

#### **Step Four – communicating with both parties**

- ✓ The letter setting out the Archdeacon’s decision (see Step Three above) and the desired next steps may include:
  - details of any training/development support that is required or available
  - a possible time frame
  - any arrangements for external support, such as mediation or facilitation
  - a date at which progress can be reviewed
  - the pastoral support that is available for all parties
  - a request that both complainant and the ordained minister reply to the letter, that they are content for this to be the way ahead, and confirming their willingness to participate in it.
- ✓ The Archdeacon may decide, depending on the circumstances, that they want to make it clear in the feedback and follow up letter to the ordained minister that, whilst a formal complaint under CDM is not taking place, that the situation does raise serious concerns and that their full co-operation is required in the way forward decided upon.
- ✓ It is very important at this stage that there is a clear file note/report detailing the issues, copies of the letters, and of the plan for the desired way forward.
- ✓ In correspondence/discussion with the complainant at this stage, the Archdeacon should make them aware of his judgement in the circumstances, but also of the complainant’s right to bring a proper complaint through the appropriate formal processes.
- ✓ The Archdeacon should explain the formal process and explore potential outcomes - so that the complainant can be aware of the Archdeacon’s judgement and the proposed way forward.

#### **Step Five - working for resolution**

- ✓ Both the complainant(s) and the priest should be given the appropriate time to work through the Archdeacon’s reporting and the agreed way forward. Where, for good reason, more time might be needed, then the progress review meeting may be rescheduled, with agreement from all parties.

#### **Step Six – final steps**

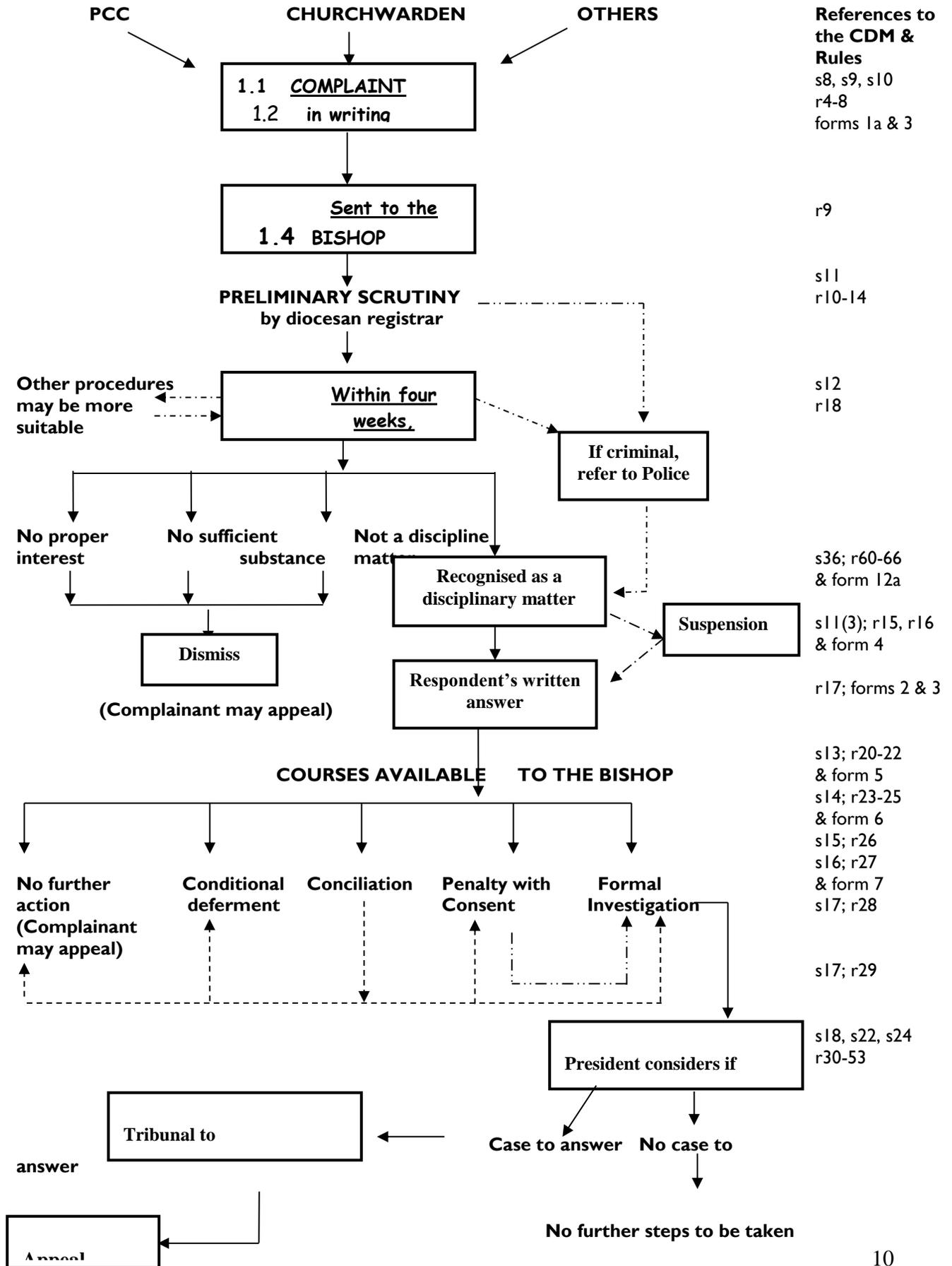
- ✓ If, at the agreed date to review and reflect on progress, both the complainant and the priest are content that there is reconciliation or resolution, the issue is closed. The Archdeacon will write a file note summing up what has occurred since the original file note was made.
- ✓ At any review/progress meeting, the ordained minister has the right to be accompanied by a colleague or union representative (but not a family member).
- ✓ At the end of a (successful) process, the Archdeacon will send a letter to all parties outlining what has occurred, giving his thanks for participation and engagement in the process, and of his hope for them in the future.
- ✓ The Archdeacon may, depending on the nature of the issue, send a copy of the summing up note to the Diocesan Bishop who may feel that an informal meeting with the priest to help him/her reflect on the situation would be appropriate.

**Possible Outcomes.**

The situation is satisfactorily resolved	No further action is necessary.  The Bishop may want to meet the ordained minister priest and/or the complainant to review what has happened.
The situation is resolved but with some potential remaining issues or the possibilities of recurrence, or with reservations on either side	A further formal meeting with either party is convened by the Archdeacon to set out a clear set of expected behaviours in moving forwards.  The Bishop may want to meet the ordained minister and/or the complainant to review what has happened.
The situation is not resolved	A further formal meeting individually with the complainant, and the ordained minister is arranged by the Archdeacon with the Diocesan Head of Human Resources & Safeguarding present to explore possible next steps.
The situation is satisfactorily resolved but recurs - depending on the circumstances either	A further formal meeting individually with the complainant, and the ordained minister is arranged by the Archdeacon with the Diocesan Head of Human Resources & Safeguarding present to explore possible next steps,  Or  A formal CDM complaint is brought – see flow

	<p>chart below</p> <p>A formal capability process is instigated (Terms of Service)</p>
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3. The CDM Process



## **GRIEVANCE PROCEDURE**

(version 2 March 2014)

### **1. Introduction**

- 1.1 The Archbishop's Council sets out a clear process to deal with grievances within dioceses and parishes and is set out in 3 below.
- 1.2 Every grievance will be treated seriously because of its significance to the person concerned.
- 1.3 Anyone dealing with a grievance raised by any person holding office under Common Tenure must have regard to the Code of Practice issued by the Archbishop's Council. A summary of the processes and this supporting code can be accessed through this link:  
[www.churchofengland.org/media/56747/grievanceprocedure%20cop.pdf](http://www.churchofengland.org/media/56747/grievanceprocedure%20cop.pdf)
- 1.4 Office holders need to feel assured that there is a way of raising their concerns that is both confidential and fair in process. The aim of the grievance procedure is to ensure things can be dealt with in timely, fair, and focused ways, where all parties have the right to be heard, and grievances pursued without the fear of inappropriate sanction.
- 1.5 The Diocese's priority will always be to deal with issues informally wherever possible. This will usually follow the process as set out in Section 8 of this handbook - Following up Concerns

### **2. Grievance – an overview**

- 2.1 Where a grievance may involve the alleged actions of a respondent, whether individual or a body, the respondent will be given every opportunity to express a view, and that view be taken into account. If informal approaches prove incapable of resolving a problem, the formal procedure may be invoked by the office holder (see 4 below).
- 2.2 The Diocese will always do what it can to bring people together, for reconciliation, and will support issues being resolved at a local level, informally, and with support and pastoral care (see Section 1 to this handbook – Affirmation and Accountability).
- 2.3 The Diocese always wants to learn from experiences, and where there are issues the Diocesan Head of Human Resources & Safeguarding will review each set of circumstances to make recommendations to Bishop's Staff on where we might be able to make improvements, and learn lessons, review any trends etc. The Bishop of Gloucester may also want to appoint appropriate people to undertake reviews at particular times.

- 2.4 Training in different aspects of grievance procedures is available to those undertaking review, support and during the formal processes from the Diocesan Head of Human Resources & Safeguarding.
- 2.5 The Diocesan Head of Human Resources & Safeguarding will advise on all stages of a grievance process.
- 2.6 Where theological tradition might be an issue, it may also be helpful to include representation of the relevant traditions within a group involved in a particular process or to seek an 'expert' panel member.
- 2.7 The Bishop of Gloucester makes appropriate independent, pastoral and confidential support available to those taking out a grievance, those who are the subject of a grievance, and those who are having to deal with a grievance.
- 2.8 During grievance processes written records will be made which will include:
- the nature of the grievance raised
  - a copy of the written statement of grievance
  - the Archdeacon's decisions and actions
  - whether the matter was taken to the further stage and, if so, what support or external interventions were put in place, and any outcomes
  - subsequent developments
- 2.7 Records will be treated as confidential and kept securely in a sealed envelope on the relevant file(s).
- 2.9 Office holders and respondents have the right to be accompanied at all meetings concerning a grievance by a trade union official, or a lay or ordained colleague.
- 2.10 Local or external support and expertise may be used where appropriate – eg through trained support colleagues, mediators, facilitators

### **3. When the grievance process may be used**

- 3.1 The process may be invoked by an office holder where informal routes may have been exhausted in resolving an issue of bullying or harassment (see also Section 1 and the six step process set out in Section 8 of this handbook).
- 3.2 The process may provide a means of addressing concerns (either informally first or moving straight to a formal process) relating to:
- ✓ The interpretation and application of terms and conditions of service
  - ✓ Housing
  - ✓ Ministerial Development Reviews
  - ✓ Continuing Ministerial Education
  - ✓ Provision of suitable training etc

3.2 The process may be invoked during a capability inquiry process, but that inquiry will not be suspended while the grievance is considered. (Where the grievance relates to the handling of the capability procedure, the appeal process there should be followed).

#### 4. When the grievance process may not be used

4.1 The process may not be used where other forms of appeal or representation are available – these include:

- ✓ against a capability or disciplinary decision
- ✓ decisions taken under faculty jurisdiction
- ✓ statutory rights of objection in respect of proposals for certain housing transactions
- ✓ for pastoral reorganisation plans
- ✓ where the individual is under a contract of employment (that organisation’s processes should be used in this instance).

#### 5. Summary flow chart and detailed overview of grievance procedure

<p><b>INFORMAL STAGE</b></p>	<p>An office holder should, in the first instance, discuss their grievance with the person responsible for the matters which have given rise to concerns. If this is not appropriate or is unsuccessful, the office holder should raise the matter with the Area/Rural Dean, the person responsible for their Ministerial Review or another suitable person to explore other ways of seeking informal resolutions.</p> <p>Following the <b>Diocesan 6-step informal follow up process</b> (set out in Section 8 of this handbook), it is hoped that the diocese can be prompt in response, review and reconciliation or other satisfactory outcome.</p> <p>It will normally be appropriate to agree any remedial arrangements and a period of time for them to take effect before the office holder pursue a more formal process (under Stage One below). However, the office holder may move directly to Stage One below if becomes evident that the other party is failing to observe their part in any agreed remedial arrangements.</p>
<p><b>FORMAL STAGE ONE</b> Putting the grievance in writing</p>	<p><b>Step I</b> - The office holder should set out their grievance in writing, include details of what steps have been taken to try and resolve the matter, and what acceptable routes to a resolution they would consider, and send their statement to the Archdeacon (unless the Archdeacon is already concerned, in which case the matter should be referred to the Diocesan Bishop).</p>
<p><b>STAGE TWO</b> Facilitated resolve  Exploring the</p>	<p><b>Step I</b> – The Bishop or Archdeacon may feel that the matter can be appropriately handled by another person (eg Suffragan Bishop, Dean etc) and may, after consulting the Office Holder, refer the matter accordingly.</p>

<p>situation by a named person, seeking views, prior to deciding how to take things forward</p>	<p><b>Step 2</b> – The Archdeacon (or other) shall make enquiries into the matters raised in the written statement and allow all parties to express their views. The Diocesan Head of Human Resources &amp; Safeguarding and Archdeacon shall convene a meeting and invite the office holder to discuss the grievance (to which their union representative or other colleague should be invited).</p> <p><b>Step 3</b> – If the grievance is directed at a respondent, that person or body should be invited to express a view, and that view must be taken into account at the meeting. Judgment will need to be made by the Archdeacon (or other) as to when parties should be seen together (if bringing them together too soon will inflame things). The respondent too has the right to be accompanied by a lay or ordained colleague.</p> <p><b>Step 4</b> – As soon as possible after the meeting, the Archdeacon (or other) shall inform the office holder in writing of their decision as to whether there is substance in the matters raised in the statement of grievance and, if so, what steps they are taking or proposes to take to resolve the matter</p>
<p><b>STAGE THREE</b> Formal grievance considered by senior clergy, prior to formal recommendations of ways forward.</p> <p>Following the suggested checklist for holding a stage three hearing as set out in the code of practice.</p>	<p><b>Step 1</b> – An office holder wishing to move to this stage of the Procedure shall inform the Archdeacon (or other) in writing, stating their reasons.</p> <p><b>Step 2</b> – The Archdeacon (or other) shall refer the matter to a senior member of clergy or to a small group of people, including a senior member of clergy. The office holder shall be invited to attend a meeting to be held as soon as possible, with their union representative or other colleague, and to discuss their grievance further.</p> <p><b>Step 3</b> – Where a grievance is directed at a respondent, that person or body should be invited to express a view, and that view must be taken into account at the meeting. Judgment will need to be made by the Archdeacon (or other) as to when parties should be seen together (if bringing them together too soon will inflame things). The respondent too has the right to be accompanied by a lay or ordained colleague.</p> <p><b>Step 4</b> –As soon as possible after the meeting the senior member of clergy (chairing the small group), shall inform the office holder in writing of their decision as to whether there is substance in the matters raised in the statement of grievance and, if so, what steps they are taking or propose to take to resolve the matter.</p>

## 6. Outcomes

- 6.1 It may be that the outcome of a grievance process may be unsatisfactory to some, or that the grievance itself may remain unresolved. Sensitive handling and pastoral care will needed for all involved.