



CLERGY - GRIEVANCE PROCEDURE

Approved by Diocesan Council
Review Due

9 July 2015
9 July 2018

INTRODUCTION

The purpose is to provide a procedure where clergy can have their grievances and disputes concerning ministry issues, such as conflict and breakdown in pastoral relationships, raised and dealt with through a flexible process aimed at reconciliation and enabling an independent assessment as soon as possible.

It is intended to apply to issues raised by licensed clergy rather than relate to the appointment or non-appointment or grant of a permission to officiate or a licence or the nomination process.

It is not to apply retrospectively.

The procedure is not intended to include matters dealt with by another body or process such as disciplinary matters and issues dealing with sexual harassment. It is not intended to deal with matters determined by Diocesan Council such as levels of clergy remuneration etc as those are matters that can be raised and questioned at that level. It is intended, however, that the procedure will enable clergy to raise grievances and disputes concerning or involving discrimination, exploitation or abuse.

The procedure is intended to encourage clergy to attempt to resolve grievances and disputes themselves by discussion with the other persons affected, and by involving their superiors in appropriate cases, before utilising this process.

The procedure is voluntary and does not purport to require any member of the Church to participate in the process established.

MATTERS WHICH MAY BE RAISED

1 A grievance or dispute in relation to a ministry issue may be raised for consideration by a Hearing Panel by a licensed member of the clergy. Such grievances or disputes include –

- (a) Disagreements between clergy as to inter-parish or ministry matters.
- (b) Directions by the Archbishop, a Bishop or an Archdeacon to a member of the clergy.
- (c) The termination of an appointment or the withdrawal or revocation of a licence, except where that termination withdrawal or revocation occurs pursuant to the Clergy Discipline Statute or any other statutory process.
- (d) Alleged discrimination, exploitation or abuse by another member of the clergy, e.g., less favourable treatment because of sex, marital status, age or race.

2 Notwithstanding paragraph 1, a grievance or dispute may not be raised for consideration by a Hearing Panel in relation to the following:

- (a) A complaint against a member of the clergy alleging sexual misconduct.
- (b) Any procedural step or other action pursuant to the Clergy Discipline Statute or any other statutory process.
- (c) The failure to appoint the member of the clergy to, or nominate the member of the clergy for, a position, or the refusal to grant the member of the clergy a licence or a permission to officiate.

DIOCESAN COUNCIL POLICY 10.10



- (d) The minimum or other stipends, other conditions and benefits, recommended by the Provincial Stipends Committee or approved by Diocesan Council.
- (e) Other matters determined by Diocesan Council or the Perth Diocesan Trustees.

3 A grievance or dispute may also be raised for consideration by a Hearing Panel by a member of the clergy who does not hold a licence insofar as it relates to the revocation of a licence formerly held by that member of the clergy.

ACCESS TO THE PROCEDURE

4 This procedure shall only apply to a grievance or dispute in respect of a matter which arose after 1 July 2003 and shall not apply retrospectively.

5 A grievance or dispute may not be raised for consideration by a Hearing Panel more than 6 months after the relevant events, unless the Hearing Panel determines to extend that period on the basis that the delay has not been unreasonable in the circumstances, or, that there are circumstances which make it appropriate for the procedure to be utilised notwithstanding the delay.

INITIATING THE PROCEDURE

6 A member of the clergy who wishes to raise a grievance or dispute for consideration by a Hearing Panel shall write to the Diocesan Secretary setting out clearly the nature of the grievance or dispute, when the relevant events occurred, and what steps if any have been taken by the member to resolve the issue. The Diocesan Secretary shall keep a record of the letter and shall refer it to the Chairperson of the Ministry Issues Panel.

7 Before writing to the Diocesan Secretary pursuant to paragraph 6 the member of the clergy shall endeavour to resolve the grievance or dispute without resorting to this procedure. To this end the member of the clergy should discuss the grievance or dispute with the person or persons whose conduct has given rise to the grievance or dispute and should take such other reasonable steps as appear open in the circumstances to affect a resolution.

MINISTRY ISSUES PANEL

8 A panel of members, which shall be known as the Ministry Issues Panel shall be appointed by the Diocesan Council for a 2-year term. The Diocesan Council shall also appoint a Chairperson to chair the Panel.

- (a) When a letter is referred to the Chairperson of the Ministry Issues Panel by the Diocesan Secretary pursuant to paragraph 6, the Chairperson shall constitute a Hearing Panel by selecting from the Ministry Issues Panel 3 members, who may but need not include the in the letter.
- (b) Of the 3 members selected for a Hearing Panel, at least one shall be a lay person and one a member of the clergy, and there shall be at least one male and one female member. To the extent that it is practicable, having regard among other things to time and cost, the members of a Hearing Panel shall be from a different Region from the person raising the grievance or dispute.
- (c) A Hearing Panel may act and may make a decision or recommendation if at least any two of its members concur in that course.
- (d) The one Hearing Panel may consider more than one related grievance or dispute at the one time.
- (e) More than one Hearing Panel may be constituted and conduct its proceedings at the same time.



PROCEEDINGS OF HEARING PANELS

10 A Hearing Panel shall consider a grievance or dispute and give its recommendation as soon as practicable.

11 Notwithstanding paragraph 10, a Hearing Panel may decline to consider a matter raised as a grievance or dispute if it is not satisfied that:

- it does raise a grievance or dispute that may be considered by a Hearing Panel pursuant to paragraphs 1, 2 and 3;
- reasonable steps have been taken to resolve the grievance or dispute before it was raised under this procedure; or
- the grievance or dispute was raised within the times provided or allowed under paragraphs 5 and 6.

12 Where a Hearing Panel declines to consider a grievance or dispute it shall inform the member of the clergy and the Diocesan Secretary of its decision, and reason. The Diocesan Secretary shall keep a record of the decision.

13 When a Hearing Panel has considered a grievance or dispute it shall recommend any course of action it considers appropriate to resolve the grievance or dispute and shall advise the member of the clergy, any person directly affected by the recommendation and the Diocesan Secretary of its recommendation. The Diocesan Secretary shall keep a record of the recommendation.

CONFIDENTIALITY

13 It shall be the obligation of all parties involved in any aspect of this procedure to maintain strict confidentiality in respect of the subject matter of the grievance or dispute, to refrain from disclosing any information concerning it and the processes of the Hearing Panel and its recommendations, to anyone.

14 Notwithstanding paragraph 13, the Hearing Panel may make public, or make known to a particular individual or body, any recommendation it has made. Further, a Hearing Panel may disclose information concerning a grievance or dispute to the extent it considers necessary to give effect to this procedure. For this purpose, and notwithstanding paragraph 13 the Chairperson and members of the Ministry Issues Panel may report to the Diocesan Council on the operation of this procedure generally or in respect of a particular grievance or dispute.

RIDER

15 The raising of a grievance or dispute for consideration by a Hearing Panel by a member of the clergy does not affect or limit the normal obligations and responsibilities of that member of the clergy during the course of this procedure.

REVIEW OF PROCEDURE

16 This procedure may be amended by Diocesan Council from time to time and will be reviewed after two years and if appropriate modified in light of experience.