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## POLICIES, PROCEDURES, PROFESSIONAL CONDUCT & SAFEGUARDING

### When Things Go Wrong

In 2001, the House of Bishops stated that “The Church is required by God to foster relationships of the utmost integrity, truthfulness and trustworthiness”. However, sometimes relationships in the parish become strained. There may, for example, be tension between the incumbent and a curate, between a long established Licensed Lay Minister (LLM) and a newly arrived clergyperson, or indeed between any two individuals in the leadership team.

Recognising that problems can sometimes arise does not undermine or debase the value of the community; it simply acknowledges our human frailty and is a first step in tackling and reducing problems no matter how rare they are.

Acknowledging the fact that the assistant curates in training and their training incumbents are developing new relationships in the context of learning, we have developed a document that may help when things go wrong in the training context. [‘When things go Wrong’ Document](#).

Before using the formal stages of the grievance and disciplinary procedures as described below, **please use all informal stages** to resolve conflict and address any misunderstanding that arises. To facilitate this, the Diocese has trained mediators available to help in such circumstances.

**Mediation** - mediation is a structured approach of face to face dialogue to enable people to address their conflicts with each other in a safe environment with an experienced 3rd party - the mediator(s) - present. In the Diocese of Oxford, we follow the Bridge Builders model where two mediators are involved. For more information on this model, please visit the [Bridge Builders’ website](#). It is voluntary - people only take part if they want to, and to be successful participants must want it to work. Some costs will be incurred which, depending on the circumstances, may be borne by the individuals, the parish or the diocese.

### Useful Contacts

For further information, please refer to the sources for support section (pages 16 to 22) within the [Flourishing in Ministry booklet](#). Alternatively, we would encourage you to go to your Parish Development Adviser (PDA) or Archdeacon.

### Grievance Procedure

Office holders have the right to seek redress if they have concerns that cannot be resolved during the normal course of their duties. Those in Common Tenure appointments have this right formally recognised in the Ecclesiastical Offices (Terms of Service) Measure 2009.

The **objective** of the grievance procedure, as detailed in the Grievance Code of Practice issued by the Archbishops' Council, is to deal with such complaints promptly, fairly, and consistently, with a focus on informal resolution such as mediation and conciliation wherever possible. However, there may be situations where a formal grievance is necessary.

The **underlying principles** of the procedure are as follows:

- ❖ All grievances will be taken seriously and responded to fairly and quickly;
- ❖ Grievances will be dealt with informally wherever possible;
- ❖ Awareness of confidentiality at all times;
- ❖ The focus will be on issues, not personalities;
- ❖ Account will be taken of the legitimate interests of all concerned;
- ❖ Office holders will have the right of representation by a colleague or trade union representative at any meeting;
- ❖ Grievances may be pursued without fear of sanction.

This grievance procedure is available to all office holders under common tenure and is intended to provide a means of addressing grievances relating to the exercise of the office held, which may include issues relating to:

- ❖ The interpretation and application of terms and conditions of service;
- ❖ Housing;
- ❖ Ministerial development reviews;
- ❖ Continuing ministerial development;
- ❖ (in the case of training posts) provision of suitable training and experience or the result of an assessment at the end of the training.

Please note that in the case of bullying and/ harassment, the diocesan 'Dignity at Work' policy and procedure will be initially used to set out the informal steps you may want to take before making a formal complaint under this procedure.

The key stages of the grievance procedure are summarised below:

- ❖ **Informal stage** – wherever possible attempts should be made to address the person or body responsible for the matter directly and attempt to resolve the grievance informally including the possibility of mediation.
- ❖ **Formal stage** – if the grievance has not been resolved informally, within a reasonable time period or it is not appropriate to proceed down this route, the office holder may choose to proceed to the formal stage which is comprised of:
  - **Stage one** – the grievance needs to be set out in writing, describing what attempts have been made to resolve the matter informally and what the desired remedy is.
  - **Stage two** – the person handling the grievance will investigate the matter and then hold a meeting to discuss the issues. This will be followed by a letter detailing the decisions made regarding appropriate resolution.

- **Stage three** – if the matter is not resolved satisfactorily then the office holder may appeal in writing. They will then be invited to attend a meeting to discuss the issues. The decision of the appeal body will be given in writing. There is no further right of appeal.

The Diocese of Oxford will adhere to the Code of Practice issued by The Archbishops' Council at all times. Full information on the procedure and guidelines are available by following the links below:

[Grievance Procedure Code of Practice](#)

[Grievance Procedure: supporting advice](#)

Clergy, other than those in Common Tenure appointments, may refer to: '[A grievance procedure for Licensed Ministers](#)' produced by the national church when they have concerns that cannot be resolved informally.

## Disciplinary Procedures

The Clergy Discipline Measure (CDM) 2003 (that came into effect in 2006) applies to all clergy office holders and provides a structure for dealing efficiently and fairly with formal complaints of misconduct against any member of the clergy.

All admitted to holy orders in the Church of England are covered by the Measure, whether in licensed ministry.

A disciplinary process can only be started by a formal written complaint of misconduct, which is made to the Bishop.

There are four grounds on which misconduct may be alleged, namely: acting in breach of ecclesiastical law; failing to do something which should have been done under ecclesiastical law; neglecting to perform or being inefficient in performing the duties of office, or engaging in conduct that is unbecoming or inappropriate to the office and work of the clergy.

- ❖ The complainant must produce written evidence in support of the complaint and verify the complaint by a statement of truth.
- ❖ The complaint and evidence in support are referred by the Bishop to the diocesan registrar for advice.
- ❖ Having received the registrar's advice, the Bishop may decide that the complaint should be dismissed, in which case it will proceed no further under the Measure.
- ❖ If on the other hand, the bishop considers that the complainant has a proper interest in complaining and that the complaint deserves further consideration, he will invite the Priest or Deacon about whom the complaint is made to send a written answer verified by a statement of truth, together with evidence in support.
- ❖ The Bishop will then decide which of five possible courses of action available to him under the Measure is the appropriate one to pursue. He can:
  - a. Take no further action;

- b. Record the complaint conditionally for a period of up to five years, such that if another complaint is made within that time and is dealt with under paragraphs c, d or e below, the two complaints may then be dealt with together;
- c. Refer the complaint to a conciliator in an attempt to obtain agreement between the complainant and the respondent as to how the complaint should be resolved;
- d. Impose a disciplinary penalty (but only with the consent of the respondent); or
- e. Require the complaint to be formally investigated by the Designated Officer, a barrister employed in the Church of England Legal Office.

Full details on the Disciplinary Measure including the process can be found [here](#).

## Bullying and Harassment - Dignity at Work

As indicated above, formal procedures do exist in the Church for dealing with grievances and complaints about behaviours. However, it is felt that a complaint of bullying and harassment is a particularly sensitive matter.

The Diocese aims to provide a working environment that is free from bullying and harassment. The Dignity at Work policy explains the standards expected and the procedure for those who feel that they have been the subject of bullying or harassing behaviour.

In our diocese, we believe that the Church is required by God to foster relationships of the utmost integrity, truthfulness and trustworthiness. Abuse, harassment and bullying – however rare - will not be tolerated in the Diocese. All complaints of abuse, harassment and bullying will be taken seriously and thoroughly investigated.

The Diocese of Oxford adhere to the national 'Dignity at Work' guidance. You can access the national Church of England's '[Dignity at Work](#)' guidance (currently under review).

## Capability Procedure

The Capability Procedure is a right and responsibility associated with Common Tenure. However, with mutual consent, the Diocese may permit its use more widely.

The Capability procedure code of practice is primarily designed to support the office holder in achieving the required standards of performance where it has fallen below the required standard. It is designed to be supportive and developmental. Any concern will be treated seriously, but it will first be examined to see if there are any grounds to the concern. Most concerns should be resolved informally. Formal action under the code of practice should only be implemented when all other avenues of help and support have been exhausted.

Diocese of Oxford will always adhere to the Code of Practice issued by The Archbishops' Council. Full information on the procedure and guidelines are available:

[Capability Procedure Code of Practice](#)

## Relationship between MDR and capability procedure

While the MDR and the capability procedure are two separate and self-contained procedures as described above and supporting documentation, it is also true that they need to be consistent.

The capability procedure aims to develop and improve the performance of the individual concerned, a shared goal with MDR, however, the MDR must not be used as a substitute for the capability procedure or its informal stages.

If there is an issue of capability, this will be dealt with using the initial stages of the capability procedure and will be made clear to the office holder that their performance is not of an acceptable standard, and that the formal procedure will be activated unless their performance improves.

That said, it would be open to question whether the capability procedure had been properly followed if the written record of the MDR did not provide evidence that issues about performance and the need to improve had been raised with the office holder.

## Respondent in Employment Tribunal Proceedings

It is hoped that any dispute or grievance will be resolved internally before an office holder makes an application to an Employment Tribunal.

If an issue cannot be resolved any other way, information on how to make a claim and how the process works can be obtained [here](#).

The body to be treated for the purposes of the Ecclesiastical Offices (Terms of Service) Regulations 2009 as the respondent in any proceedings brought before an Employment Tribunal will be detailed clearly in the office holder's Statement of Particulars.

## Guidelines for the Professional Conduct of the Clergy

The guidelines for the Professional Conduct of the Clergy are provided as a source of counsel, advice and comfort whose primary aims are:

- ❖ to encourage the clergy – deacons, priests and bishops – to aspire to the highest possible standards of conduct throughout a lifetime of ministry;
- ❖ to identify certain basic minimum standards of behaviour;
- ❖ to seek to ensure the welfare and the protection of individuals and groups with whom the clergy work, and of the clergy and their families;
- ❖ to provide safe and effective boundaries for clerical ministry;
- ❖ to encourage personal and corporate ministerial development.

Further information can be obtained from the Church of England's [website](#).

## Safeguarding Arrangements

The Church of England is committed to making the Church a safe place for children and young people, and to nurturing their growth and development. It takes this issue extremely seriously and continues to seek to enhance all procedures through the House of Bishops' commitment to diocesan and national guidelines for safeguarding children and adults and improving the care for survivors of abuse.

The Diocese of Oxford accepts the House of Bishops Policy on Child Protection and has taken steps to implement good practice locally.

For full details on the safeguarding policy and procedure in the Diocese of Oxford, who is who and how to go about reporting abuse, please [visit](#).