

## **GRIEVANCE POLICY 2014**

### **ST ALFRED'S ANGLICAN CHURCH BLACKBURN NORTH**

The Senior Minister, Church Wardens and the Parish Council of St Alfred's Anglican Church in Blackburn North adopt the following policy.

#### **1. Name of Policy**

This policy is named *Grievance Policy 2014*.

#### **2. Commencement**

This policy commences on 10 November 2014

#### **3. Statement of Intent**

St Alfred's is committed to resolving grievances in a fair, timely, appropriate and effective manner, and wherever possible through mediation, consultation, cooperation and discussion, consistent with Christian principles.

#### **4. Definitions**

<b>Word/Term</b>	<b>Definition</b>
Bullying	Any unfair or unreasonable behaviour by an individual or group that belittles, scares, intimidates or offends to the extent that it could put someone's health, safety or welfare at risk, including their psychological or emotional health, noting that ALL violent behaviour which is not self-defence is regarded as unacceptable.
Complainant	A person who has lodged, or is considering lodging, a grievance or complaint.
Discrimination	Treating someone unfairly or differently because of – their sex, pregnancy, race (including colour, ethnicity and descent), disability, sexual preference, religion, transgender, carer's responsibilities, marital status, social origin, political belief, employee association activity, irrelevant criminal record or age. Discrimination also includes treating someone the same as someone else, but where the result of doing this unreasonably disadvantages substantially more people of that person's sex, race, disability, etc.
Grievance	A concern or complaint about unfair treatment, discrimination, harassment, vilification or bullying which are not otherwise managed under a separate resolution or complaint procedure.
Harassment	Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive, and that a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.
Investigator	A person with the delegated authority to investigate grievances.
Mediation	A process that facilitates dispute resolution in which someone who has professional mediation skills (usually called a mediator) helps the aggrieved parties reach a joint agreement that suits everyone concerned. He/she is neutral, does not influence the outcome, and

	helps parties to consider all possible solutions.
Ministry Leader	The church worker or volunteer designated within the organisational structure of St Alfred's to have oversight of a ministry or activity.
Respondent	A staff member, ministry leader, volunteer or person whose action or behaviour is complained about in a grievance.
Staff	A person employed by St Alfred's.
Victimisation	Any retaliatory action towards a complainant, witness or any other person involved in the resolution of a complaint or grievance
Vilification	Anything that happens publicly that could encourage hatred, serious contempt or severe ridicule of a person or group of people.

## 5. Relevant Legislation

Government statutory requirements are:-

1. Equal Opportunity Act 2010 (Vic).
2. Disability Act 2006 (Vic).
3. Charter of Human Rights and Responsibilities Act 2006 (Vic).
4. Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
5. Occupational Health and Safety Act 2004 (Vic).

Anglican Church of Australia within the Diocese of Melbourne in Victoria requirements are:-

1. Anglican Diocese of Melbourne – Professional Standards Act 2009.
2. Anglican Diocese of Melbourne – Professional Standards Regulations 2010.
3. Anglican Church of Australia – National Code - Faithfulness in Service.

## 6. Abbreviations

ADM – Anglican Diocese of Melbourne.

St Alfred's – St Alfred's Anglican Church Blackburn North.

## 7. Application

This policy applies to any person who attends or visits St Alfred's including the Senior Minister, Ministers, Staff, Church Wardens, Parish Council, and Ministry Leaders at St Alfred's Anglican Church in Blackburn North, Victoria, who has a grievance in relation to an incident or behaviour occurring at St Alfred's or at an activity or ministry run by St Alfred's.

Matters excluded from being dealt with under this policy are:-

- Irregularities in parish governance covered by part 8 of the ADM Parish Governance Act 2013;
- Privacy;
- Protected disclosure;
- Corrupt conduct or maladministration;
- Staff recruitment, appointment, reclassification, probation, and conditions of employment for staff;
- Workers compensation.

## **8. General Principles**

The prime objective of St Alfred's Grievance Policy is to achieve a resolution of a grievance according to the following principles:

- a) Maintaining strict confidentiality gives all parties confidence in the procedure, minimises the disruption caused by gossip and rumour, can prevent escalation of the situation and/or possible victimisation, and can minimise the risk of defamation claims. Therefore all communications, whether written or verbal, with respect to a grievance or its investigation and resolution will be kept in strict confidence.
- b) Grievances shall be handled within an appropriate time frame and will be treated sensitively and impartially having regard to procedural fairness;
- c) All parties involved are expected to approach proceedings with a desire to resolve the grievance co-operatively and in good faith;
- d) Individuals shall not victimise or harass other parties involved in the matter;
- e) Confidentiality shall be strictly observed by all participants and at all stages of the procedure;
- f) Complainants and respondents will be informed of the outcomes;
- g) Grievance relating to a serious grievance or misconduct will be treated according to ADM Professional Standards Act 2009 and associated regulations and protocols.

## **9. Grievance Procedure**

- a)
  - i) A grievance should be clearly described in writing or verbally to the Senior Minister or a Warden.
  - ii) Where the initial report is made verbally, the Senior Minister or Warden to whom the report is made will make a record of the pertinent details of the report, including the date of the report and the identity of the complainant and respondent. Before proceeding further the Senior Minister or Warden to whom the initial report is made will confirm with the complainant the accuracy of the written record. Where possible, the complainant will sign a copy of the written record or if this is not possible then the Senior Minister or Warden to whom the initial report was made will endorse the record with the date upon which they confirmed the accuracy of the record with the complainant.
  - iii) At the time the report is received the complainant will be advised that the grievance process requires that the respondent be informed of the name of the complainant.
  - iv) The complainant may withdraw the grievance at any time and this process will thereafter cease. However, any documentation produced under this procedure up until the time of withdrawal shall be kept by St Alfred's.
  - v) Except when they are the respondent in the grievance all Wardens and the Senior Minister must be informed by the person to whom the initial report was made as soon as practicable after a grievance is received. When the grievance is in relation to a Warden or the Senior Minister that person will be informed at such time as the respondent would normally be informed under this policy.

vi) Except where they are the respondent in the grievance the Senior Minister or Wardens may act as the Investigator or jointly appoint a suitable person to act as the Investigator. Where a Warden or the Senior Minister is the respondent they will have no part in the appointment of the investigator.

b) The Investigator will:

i) Inform the respondent that a grievance has been received, the general nature of the grievance and the name of the complainant.

ii) Interview the complainant to obtain such information as they consider necessary or desirable to understand the nature and circumstances of the grievance;

iii) Interview the respondent to obtain such information as they consider necessary or desirable to understand the respondent's perspective in relation to the grievance;

iv) Interview such other people as the investigator feels are necessary to determine the facts of the matter;

v) Determine as far as possible an objective account of the circumstances which gave rise to the grievance and whether there is a case to answer;

vi) If the investigator determines that there is no case to answer the complainant and respondent will be advised in writing setting out the investigator's reasons for so determining;

vi) If the investigator determines that there is a case to answer the investigator will look for positive ways to resolve the issue and negotiate with the complainant and respondent to agree upon a specific action plan with a defined timeframe. The action plan will be in writing and signed by the investigator, complainant and respondent;

vii) The investigator may seek such assistance from the diocese or external expertise as they consider desirable to reach a satisfactory conclusion to the grievance;

viii) The investigator shall maintain oversight of the action plan until such time as all actions are completed.

c) The investigator shall ensure that all steps in this process are documented and that copies of any documentation are securely stored at St Alfred's.

d) If the Wardens determine that there is a case to answer in regards to the Senior Minister, they are to take the matter to the Bishop to resolve the issue or encourage reporting to the Director of the ADM Professional Standards Council.

- e) If the grievance is not resolved within a reasonable time given the nature of the grievance then the investigator must refer the matter back to the Senior Minister and Wardens for reconsideration.

#### **10. Requirements for Confidentiality**

- a) St Alfred's will comply with its Privacy Policy in respect of any matters arising under this policy.
- b) The investigator of a grievance shall inform all parties of their responsibilities in relation to confidentiality. In particular:
  - i) Complainants should discuss issues relating to the grievance only with the grievance investigator, a support person, and with medical practitioners or counsellors who are bound by confidentiality codes. Complainants should be advised that, after lodgement of a grievance, discussion of the matter with any other person is inappropriate and not in their best interests as it may unduly complicate the matter leave as well as open them to the possibility of defamation actions. Where the complainant chooses to discuss the matter with a support person the complainant must inform the support person of the obligation of confidentiality.
  - ii) Respondents should discuss issues relating to the grievance only with the grievance investigator, a support person, and with medical practitioners or counsellors who are bound by confidentiality codes. Where the respondent chooses to discuss the matter with a support person the respondent must inform the support person of the obligation of confidentiality.
  - iii) Investigators must obtain the consent of the complainant before disclosing the complainant's identity to any person other than the respondent, unless St Alfred's duty of care or other obligations may be compromised if action is not taken. Investigators may discuss the matter in the context of getting advice from the diocese or specialist persons under the terms of this policy.
- c) St Alfred's Staff with supervisory responsibility must take steps to manage situations where confidentiality has been breached to prevent where possible further breaches of confidence, to minimise the spread of gossip and innuendo and to maintain relationships within the church. For example, where a whole ministry group is aware of the existence of a grievance between two colleagues, and/or where there is gossip and innuendo circulating in the group in relation to the matter, the Senior Minister should immediately intervene in an attempt to ensure that all discussion of the matter ceases.

#### **10. Policy Review**

This policy should be reviewed by the St Alfred's Parish Council every 12 months after the date of first approval.