

Grievance Policy and Procedure

St Peter's, Colchester

Adopted by the PCC: [tbc]

Review date: [annually]

Policy owner: The Parochial Church Council

1. Purpose

St Peter's seeks to be a church where people are treated with dignity, fairness, honesty and care. This includes the way we handle concerns raised by employees.

This policy explains how employees may raise a grievance about their employment, working conditions, working relationships, management, health and safety, dignity at work, or other workplace concerns.

The aim is to help concerns be raised and addressed fairly, carefully and constructively, with proper attention to truth, confidentiality, pastoral care, legal responsibilities, and the wellbeing of all those involved.

St Peter's encourages concerns to be resolved informally where this is safe, appropriate and proportionate. However, some concerns need to be raised formally and handled through a clear process.

This policy does not form part of any employee's contract of employment and may be amended by the PCC from time to time.

2. Scope

This policy applies to employees of St Peter's.

It does not apply to the Vicar in respect of his office as an office-holder under Church of England terms of service. Where the Vicar also has a separate employment relationship with the PCC, or where the Vicar has a conflict of interest in relation to a grievance, the Chair of the Human Resources and Remuneration Governance Group, or another person appointed by the PCC, may act in place of the Vicar.

Volunteers, office-holders, clergy, licensed ministers, elected PCC members and others who are not employees do not have a statutory employee grievance procedure under this policy. However, concerns raised by volunteers, office-holders or others should still be handled fairly, pastorally and in accordance with the relevant St Peter's policy or Church of England process.

3. Relationship with other policies and processes

Some concerns may need to be handled under another policy or process instead of, or as well as, this grievance procedure.

This policy should be read alongside, where applicable:

- Welcome, Dignity and Fair Treatment Policy;
- Code of Conduct;
- Equal Opportunities Policy;
- Whistleblowing Policy;
- Safeguarding Policy;
- Data Protection Policy;
- Disciplinary Policy and Procedure;
- Sickness Absence Policy;
- Flexible Working Policy;
- Staff Handbook;
- Complaints Policy;
- any relevant contract of employment or employment statement.

A concern about bullying, harassment, discrimination, victimisation, unfair treatment, misuse of power or dignity at work should be considered alongside the Welcome, Dignity and Fair Treatment Policy and the Equal Opportunities Policy.

A concern about wrongdoing, serious misconduct, financial irregularity, legal breach, safeguarding failure, danger, concealment or serious governance failure may need to be raised under the Whistleblowing Policy.

A safeguarding concern must be reported and handled under the Safeguarding Policy and should not be treated merely as an ordinary workplace grievance.

Where a concern could fall under more than one policy, St Peter's will decide the most appropriate process, taking advice where needed.

4. Principles

In handling grievances, St Peter's will seek to:

- treat employees with dignity, fairness and respect;
- listen carefully to concerns raised in good faith;
- take concerns seriously;
- encourage early and constructive resolution where possible;
- avoid unnecessary formality where informal resolution is suitable;
- use a clear formal process where this is needed;
- act without unreasonable delay;
- handle information sensitively and confidentially;
- avoid prejudging the outcome;

- consider the wellbeing of all those involved;
- make reasonable adjustments where needed;
- give clear reasons for decisions;
- protect employees from victimisation for raising concerns in good faith.

Employees are expected to raise concerns honestly, responsibly and without malice. A grievance should be based on genuine concerns and should not be used to threaten, pressure, harass or undermine others.

Raising a grievance does not remove an employee's responsibility to behave appropriately towards colleagues, line managers, volunteers, PCC members, church members and others.

5. Informal resolution

Where it is safe, appropriate and proportionate, an employee should first consider whether the concern can be resolved informally.

This may involve:

- speaking directly with the person concerned;
- speaking with the employee's line manager;
- asking for a facilitated conversation;
- seeking clarification where there may have been misunderstanding;
- agreeing practical changes to working arrangements or communication;
- asking for pastoral or management support.

Informal resolution will not always be appropriate. It may be inappropriate where the concern involves:

- safeguarding;
- bullying or harassment;
- discrimination or victimisation;
- abuse, coercion or intimidation;
- a significant power imbalance;
- serious misconduct;
- fear of retaliation;
- repeated behaviour;
- a concern about the line manager, Vicar, churchwarden, PCC member or another person in authority.

An employee is not required to attempt informal resolution where this would be unsafe, inappropriate or unreasonable.

6. Raising a formal grievance

If the matter cannot be resolved informally, or if the employee wishes to raise it formally, the employee should put the grievance in writing.

The written grievance should normally be sent to the employee's line manager.

The grievance should explain:

- what the concern is;
- the relevant facts, dates, people and events;
- what steps, if any, have already been taken to resolve the matter;
- what outcome or resolution the employee is seeking;
- whether the matter may involve safeguarding, bullying, harassment, discrimination, victimisation, whistleblowing, health and safety, disability or reasonable adjustments.

The employee should keep to the facts as far as possible and avoid language that is insulting, abusive or unnecessarily inflammatory.

If the grievance is against the employee's line manager, or if the employee feels unable to raise it with the line manager, the grievance should be sent to the Vicar or the Chair of the Human Resources and Remuneration Governance Group.

If the grievance involves the Vicar, or the Vicar has a conflict of interest, it should be sent to the Chair of the Human Resources and Remuneration Governance Group, a Churchwarden, or another person appointed by the PCC.

If the grievance involves the Chair of the Human Resources and Remuneration Governance Group, it should be sent to the Vicar, a Churchwarden, or another person appointed by the PCC.

Where there is uncertainty about who should receive the grievance, the employee may seek advice from the Vicar, a Churchwarden, the Chair of the Human Resources and Remuneration Governance Group, or another appropriate PCC officer who is not involved in the concern.

7. Acknowledging the grievance

St Peter's will normally acknowledge a formal grievance in writing within five working days.

The acknowledgement will normally confirm:

- who will handle the grievance;
- whether any further information is needed;
- whether a meeting will be arranged;
- whether any initial steps are needed to protect wellbeing, confidentiality or working relationships;
- whether another policy or process may also be relevant.

Timescales may need to be adjusted depending on availability, complexity, sickness absence, annual leave, safeguarding issues, need for investigation, or the involvement of external advice.

8. Initial assessment

The person handling the grievance will consider the most appropriate way to proceed.

This may include:

- clarifying the grievance with the employee;
- deciding whether informal resolution is still possible;
- deciding whether an investigation is needed;
- identifying who should hear the grievance;
- considering whether safeguarding, whistleblowing, disciplinary, capability, sickness absence or another process is also engaged;
- considering whether any temporary working arrangements are needed;
- considering whether reasonable adjustments are needed;
- seeking HR, legal, diocesan, safeguarding or other advice where appropriate.

Where the matter involves safeguarding, statutory authorities, diocesan safeguarding advice, clergy discipline, employment law, charity law or serious governance concerns, St Peter's will take appropriate advice before deciding how to proceed.

9. Investigation

Some grievances can be considered without a separate investigation. Others will require further fact-finding before a grievance meeting or before a decision is made.

An investigation may involve:

speaking with the employee who raised the grievance;

speaking with the person or people complained about;

speaking with witnesses;

reviewing documents, emails, messages, records or policies;

considering relevant employment, safeguarding, HR, governance or church records.

The nature and extent of any investigation will depend on the seriousness and complexity of the grievance.

Where possible, investigation should be carried out by someone who is impartial and not directly involved in the matter.

Those involved in an investigation are expected to co-operate honestly and to respect confidentiality.

10. Grievance meeting

The employee will normally be invited to a grievance meeting to discuss the concern.

The invitation will normally confirm:

the date, time and place of the meeting;

who will attend;

the purpose of the meeting;

the employee's right to be accompanied;

any documents to be considered;

whether the meeting will be in person, by video call or by telephone.

The purpose of the meeting is to allow the employee to explain the grievance, provide relevant information, respond to questions, and discuss what outcome they are seeking.

The meeting should be conducted calmly, fairly and respectfully.

The person hearing the grievance may adjourn the meeting if further information, advice or investigation is needed.

11. Right to be accompanied

An employee has the right to be accompanied at a formal grievance meeting by a work colleague or trade union representative where the statutory right applies.

St Peter's will normally allow an employee to be accompanied at a formal grievance meeting even where there is uncertainty about whether the statutory right applies, provided the request is reasonable.

The companion may address the meeting, put forward the employee's case, sum up the case, and confer with the employee during the meeting. The companion may not answer questions on behalf of the employee unless this is agreed.

The employee should tell St Peter's as soon as possible if they wish to be accompanied and who their companion will be.

If the employee's chosen companion cannot attend on the proposed date, the employee may suggest another reasonable date, normally within five working days of the original date.

12. Reasonable adjustments and support

St Peter's will consider reasonable adjustments for employees who are disabled or who have health conditions affecting their ability to participate in the grievance process.

Adjustments may include:

- changing the format, timing or location of a meeting;
- allowing breaks;
- providing documents in a different format;
- allowing additional support where appropriate;
- holding the meeting by video call or telephone;
- allowing extra time to respond.

Employees should tell the person handling the grievance as soon as possible if they need any adjustments or support.

13. Confidentiality

Grievances will be handled as confidentially as reasonably possible.

Information will normally be shared only with those who need to know in order to consider, investigate, respond to or advise on the grievance.

Absolute confidentiality cannot be promised, especially where the matter involves safeguarding, legal obligations, risk of harm, serious misconduct, disciplinary issues, governance concerns, or the need to speak with witnesses or the person complained about.

Employees, witnesses, companions and others involved in the process are expected to respect confidentiality and not discuss the matter unnecessarily.

14. Outcome

After the grievance meeting and any necessary investigation, St Peter's will provide the employee with a written outcome.

The written outcome will normally explain:

- whether the grievance is upheld, partly upheld or not upheld;
- the reasons for the decision;
- any action St Peter's intends to take;
- any recommendations or next steps;
- the employee's right of appeal.

Possible outcomes may include:

- no further action;
- an explanation or clarification;
- an apology;
- a change in working arrangements;
- a facilitated conversation or mediation;
- management guidance or instruction;
- training;
- review of policy or practice;
- pastoral or wellbeing support;
- safeguarding action;
- disciplinary action;
- referral to another process;
- another proportionate step.

Some outcomes may need to remain confidential, especially where they affect another employee or involve disciplinary, safeguarding, pastoral, medical or personal information.

15. Appeal

If the employee is not satisfied with the outcome, they may appeal.

An appeal should be made in writing within five working days of receiving the written outcome.

The appeal should explain why the employee disagrees with the outcome. This may include, for example:

- relevant evidence was not considered;
- the process was unfair;
- the decision was unreasonable;
- new information has become available;
- the proposed outcome does not properly address the grievance.

The appeal will normally be heard by someone who was not responsible for the original decision, where this is practicable. This may be the Vicar, the Chair of the Human Resources and Remuneration Governance Group, a Churchwarden, a PCC member, or another person appointed by the PCC.

The employee will normally be invited to an appeal meeting and may be accompanied by a work colleague or trade union representative.

After the appeal meeting, St Peter's will confirm the appeal outcome in writing.

The appeal decision will be final.

16. Timescales

St Peter's will seek to handle grievances without unreasonable delay.

The following timescales will normally apply where practicable:

- formal grievance acknowledged within five working days;
- grievance meeting arranged as soon as reasonably practicable;
- written outcome provided as soon as reasonably practicable after the meeting and any investigation;
- appeal submitted within five working days of the written outcome;
- appeal meeting arranged as soon as reasonably practicable;
- appeal outcome confirmed in writing as soon as reasonably practicable after the appeal meeting.

These timescales may be extended where needed, for example because of sickness absence, annual leave, complexity, need for investigation, availability of those involved, safeguarding issues, or the need for HR, legal, diocesan or other advice.

Where there is a delay, St Peter's will seek to keep the employee informed.

17. Mediation and facilitated conversations

In some cases, mediation or a facilitated conversation may help resolve a grievance or rebuild working relationships.

Mediation will normally be voluntary and will only be used where St Peter's considers it appropriate.

Mediation may not be appropriate where there is a safeguarding concern, serious misconduct, abuse, coercion, intimidation, significant power imbalance, or where a formal process is needed.

18. Grievances raised during disciplinary or other procedures

An employee may raise a grievance during a disciplinary, capability, sickness absence, redundancy or other employment process.

Where this happens, St Peter's will decide how best to handle the matters fairly. This may include:

- pausing the other process while the grievance is considered;
- dealing with both matters together;
- dealing with the grievance within the existing process;
- appointing a different person to consider the grievance.

The appropriate approach will depend on the nature of the grievance and the circumstances.

19. Malicious, vexatious or knowingly false grievances

Employees should be able to raise genuine concerns without fear of victimisation.

However, if an employee raises a grievance maliciously, vexatiously, dishonestly, or knowingly makes false allegations, this may be treated as a disciplinary matter.

A grievance will not be treated as malicious or vexatious simply because it is not upheld.

20. Protection from victimisation

An employee must not be treated unfairly, criticised, disadvantaged, threatened or victimised because they have raised a grievance in good faith, supported someone else's grievance, acted as a witness, or acted as a companion.

Any concern about victimisation should be raised promptly and may itself be treated as a grievance or disciplinary matter.

21. Records and data protection

St Peter's will keep appropriate records of grievances, meetings, investigations, evidence, outcomes, appeals and related correspondence.

Records will be handled in accordance with St Peter's Data Protection Policy, Data Retention and Records Management Policy, and Data Privacy Notice.

Records will be kept securely and shared only where necessary for proper management, HR, legal, safeguarding, governance or pastoral purposes.

22. Further information

Employees may seek further information from their line manager, the Vicar, or the Chair of the Human Resources and Remuneration Governance Group.

External guidance is available from Acas and GOV.UK.

23. Review

This policy will be reviewed annually, or sooner if required by changes in employment law, statutory guidance, Acas guidance, St Peter's staffing arrangements, PCC policy, or parish practice.