



Procedure for Resolving Grievances and Conflict

Version
Version 1

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This policy is available on our SharePoint Resources folder under Policies and Procedures.

Policies will be reviewed annually but remain valid until replaced

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1. Purpose

The *Procedure for Resolving Grievances and Conflict* (the **Procedure**) sets out a pastoral and restorative approach to disputes and concerns that can be adequately addressed without a formal complaint handling procedure. We seek to avoid an adversarial approach wherever appropriate.

It is important to identify that some issues cannot be resolved in this manner, and this Procedure is **not** designed to resolve complaints or concerns relating to serious breaches of the *Code of Conduct* including allegations of child sexual abuse or sexual misconduct involving a child. These issues are to be resolved in accordance with the *Procedure for Handling Complaints* and/or the *Procedure for Responding to Child Protection Concerns*

2. Scope

This Procedure applies to all staff, volunteers and other representatives of the Association and its Affiliated Ministries.

Accredited and Recognised ministers are subject to the Procedures for Handling Allegations (managed by the Ministry Standards Committee), which includes provision for mutual resolution of matters at local level.

The Procedure should be read in conjunction with the:

- a) *Code of Conduct*;
- b) *People and Culture Manual*;
- c) *Safe Ministry Policy*;
- d) *Procedure for Handling Complaints*;
- e) *Procedure for Responding to Child Protection Concerns*; and
- f) *Procedure for Performance Management*

3. Definitions

In this Procedure, the term

Association means the Baptist Union of NSW, trading as the Baptist Association of NSW & ACT and including Affiliated Ministries.

Child-related work has the meaning provided by WWCC Legislation in NSW

Complaint includes any allegation, suspicion, concern or report of a breach of the Association's *Code of Conduct* or the Baptist Churches of NSW & ACT *Code of Ethics and Conduct* (where applicable). It also includes disclosures made to an institution about any child protection concern.

Mandatory Reporting Legislation means

In NSW, the *Children and Young Persons (Care and Protection) Act 1998*
In the ACT the *Children and Young People Act 2008 (ACT)*.

Ministry/team leader refers to

- a) In the case of staff, the staff members' line manager
- b) In the case of committee members, the chair of the committee or taskforce
- c) In the case of Authorised Special Religious Education Teachers, the Association's SRE Coordinator or their delegate
- d) For all other volunteers or representatives, the person they are accountable to in the relevant organisational structure

Other representatives includes but is not limited to

- o authorised Special Religious Education Teachers;
- o nominated volunteers in Simple Churches that are affiliated with the Simple Church Network; and
- o nominated volunteers in any Newstart church plant for which the Association has agreed to provide governance oversight.

Regulated activities has the meaning provided by the WWVP Legislation in ACT

Reportable Conduct Legislation means

In NSW the *Children's Guardian Act 2019 (NSW)*
In the ACT the *Ombudsman Act 1989 (ACT)*.

Safe Ministry Team means the team appointed under section 5 of the Association's *Safe Ministry Policy*.

Volunteers include but not limited to members and attendees of Councils, committees and taskforces

4. When does this procedure apply?

This procedure applies where there is:

- a) a disagreement or conflict between two or more staff members, volunteers, or representatives;

- b) a perceived offence caused by a staff member, volunteer, or representative that is able to be resolved in a pastoral manner;
- c) a perception by one person that they have been bullied by a staff member, volunteer, or representative that is able to be resolved in a pastoral manner;
- d) a concern that a staff member or volunteer has committed a minor breach of the *Code of Conduct*.
- e) a complaint or concern raised by an individual staff member or volunteer or group of staff members and/or volunteers about a workplace issue which does not amount to a breach of the *Code of Conduct*

5. Raising an issue

Anyone may raise an issue:

- with a person directly (Pathway 1)
- with their ministry/team leader in order to seek assistance in resolving the issue (Pathway 2). If the concern relates to their ministry/team leader, they should seek assistance from the People and Culture Coordinator.

6. Key Principles

- a) In raising an issue, all parties are to be guided by the following key principles:
 - Seeking to glorify God and be Christlike in our responses to each other.
 - Extending grace to each other.
 - Focusing on forgiveness and restoration of relationships where appropriate.
 - Seeking help where needed, to address conflict and grievances.
 - It is expected that all parties involved will approach proceedings with a desire to resolve the conflict or grievance cooperatively and in good faith.
- b) The Association acknowledges that:
 - The nature of relationship breakdown means that it is necessary to respond sensitively and with care for all parties involved;
 - The assistance of a neutral third party may be necessary to help each party understand the key issues and ways forward;
 - Many issues are specific to a particular context and relationship and so any process must be responsive to this, seeking resolution of substantive issues and where possible, appropriate restoration of relationships between all parties;
 - The appropriate pathway will depend upon the nature of the issue, the positions or roles of the parties involved and the skills and capacity to address the situation.

7. Pathway 1 – Personal Approach

This approach may be useful for addressing personal disagreements and perceived offences. This pathway will not be appropriate where there are concerns about significant power imbalances.

Where an individual feels able to do so, they are to go to the other person and express their concerns with a view to resolving their differences in accordance with Matthew 18:15-17. (The person initiating the personal approach may consider seeking counsel from a support person, either within the Association or externally).

8. Pathway 2 – Internally-Assisted Approach

This approach should be followed if it relates to a conflict or grievance, if the individual does not feel able to express their concerns to the other party or parties without support or if Pathway 1 has been unsuccessful in restoring relationship.

Conflict

A conflict is where there is a dispute between at least two identifiable parties. The conflict may be in relation to a minor breach of the *Code of Conduct*.

- a) Where there is a conflict, the issue should be brought to the ministry/team leader, and
 - the ministry/team leader is to arrange support for all parties.
 - where the ministry/team leader considers the issue to be sufficiently serious, they are to appoint a suitably skilled and neutral person to assist in resolving the conflict.
- b) Where all parties involved in the matter are willing to work towards restoring relationships, the person selected to assist in resolving the conflict will:
 - i) value confidentiality at all times
 - ii) meet with each person separately to ensure they are given a chance to tell their story in private, working through their underlying concerns in moving towards resolution;
 - iii) clearly communicate the process to be used to each party during resolution meetings;
 - iv) hold a meeting with the parties together to identify common ground, work through the issues and determine the course of action; and
 - v) follow up to ensure that the solutions are being implemented.
- c) where any party is unwilling or unable to work towards restoring relationships then, the matter should be escalated to Pathway 3.

Where the conflict is interpersonal, not an identifiable breach of the *Code of Conduct* and not related to the Association roles of either of the parties, the Association may note that the conflict is external to the Association and may decline involvement. It may provide recommendations to external conflict mediation experts if considered helpful.

Grievances

A grievance is a complaint or concern raised by a staff member or volunteer about a workplace issue. Issues can relate to Workplace Health & Safety, conditions of employment, a decision, behaviour or action affecting their employment or volunteering that is perceived to be unfair or other issue.

- a) Where an individual has a grievance, they should bring the issue to their ministry/team leader
- b) The ministry/team leader may:
 - explore the issue with or on behalf of the individual;
 - consider options to address the issue (e.g. resolving a WHS issue or an environmental issue);
 - refer the issue to the People and Culture Coordinator if appropriate
- c) If the grievance is in connection with the person's ministry/team leader then they may raise the grievance with the People and Culture Coordinator. The People and Culture Coordinator will explore the issue and consider options to address the issue referring the matter to the Director of Ministries for consideration and a final decision if necessary.
- d) After consideration of the grievance by the ministry/team leader or the People and Culture Coordinator feedback will be given to the person who originally raised the grievance.

9. Pathway 3 - Escalation to *Procedure for Handling Complaints*

During the course of resolving a concern in accordance with this Procedure, it may be necessary to escalate the matter in accordance with the *Procedure for Handling Complaints*. There may be several reasons this is required, including:

- that on inquiry into the issue it is identified that the conduct complained of would more appropriately be characterized as a serious breach of the *Code of Conduct*, including a child protection concern, or
- the subject of the concern is a staff member, volunteer or representative and they are not willing to participate in this Procedure (as required under the *Code of Conduct*).