

WORK CONCERNS PROCEDURE



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1 PURPOSE

- 1.1 To provide a process when there are concerns about the work 'performance' of a church worker in the Diocese of North West Australia ("the Diocese").

2 SCOPE

- 2.1 This procedure applies to all church workers, paid or unpaid, clerical or lay; with the exception of the Bishop.
- 2.2 Work concerns include, but are not limited to, the following issues identified by a church worker's supervisor:
- Failure to fulfil elements of a job description or other clearly-defined and accepted task;
 - Concerns about the relationship to the church worker's subordinates, team members or others; and
 - The general functioning of a church worker, including physical and mental health concerns.
- 2.3 This procedure does not apply where there is a:
- grievance (i.e. a misunderstanding and/or conflict) between two or more members of the Diocese. This situation should be addressed through the Grievance Procedure; or
 - possible breach of a relevant code of conduct by a worker. This situation should be addressed through the Reporting a Concern Procedure.
- 2.4 Effective supervision will reduce the frequency of work concerns. This includes, but is not limited to:
- Clarity about expectations and accountability within supervisory relationships, e.g. a written job or office description.
 - Regular meetings to reflect on mutual expectations, work practices and church worker wellbeing;
 - Encouragement to conduct self-care (e.g. appropriate boundaries, limiting work hours, taking annual leave) as outlined in the Worker Support Procedure and, where appropriate, to access the Diocese's Worker Assistance Program.

3 PROCEDURE

- 3.1 If the supervisor has a work concern, he or she should complete the Test for Assessing the Validity of a Work Concern Form, located at Appendix 1.
- 3.2 If there is a valid work concern, the supervisor shall raise it calmly but clearly with the church worker, ideally in the context of a regular meeting. The supervisor shall give the church worker opportunity to explain any legitimate reasons for the concern (e.g. extra undocumented responsibilities) and resolve these if possible.
- 3.3 If a church worker's supervisor has raised a work concern in three separate meetings and is unsatisfied with the church worker's response to the concern, a Work Concern Review may be initiated as follows:
- The supervisor may request assistance in dealing with the concern from the Bishop or the Registrar, who may then assume the supervisor's role in the following elements of the procedure.
 - The supervisor shall outline their concerns in a letter to the worker, attaching the church worker's office or job description and any other documentation that may relate to the concern. This will include a proposed strategy to address the concern in partnership with the church worker.
 - The letter will be provided to the church worker. The supervisor is encouraged to keep a copy of this on file.
 - A copy of this letter will be lodged with the Diocesan Office, whether or not the Bishop or the Registrar are assisting in dealing with the concern.
 - The church worker shall be given 30 days to respond, also in writing. Ideally, the main substance of this response will be agreement with, or amendment to, the proposed strategy to address the concern in the letter from the supervisor.
 - A copy of this letter will be provided to the supervisor. The church worker is encouraged to keep a copy of this.
 - A copy of this letter will be lodged with the Diocesan Office, whether or not the Bishop or the Registrar are assisting in dealing with the concern.
 - If, at this point, the concern has not been resolved to the supervisor's satisfaction, the matter may be referred to the Diocesan Disciplinary Tribunal. In consultation with this group, the Bishop will determine how to resolve the concern, which resolution may include the termination of the church worker's position with appropriate notice. Refer to sections 65-87 of the *Professional Standards Statute 2016*.
 - A letter reviewing the concern, explaining the deliberations of the Tribunal and expressing the Bishop's decision will be sent to the church worker. This letter shall be co-signed by the Bishop and the Chancellor, or in the event that one or both parties are unwilling to sign it, that unwillingness shall be noted.
 - A copy of this letter shall be sent to the supervisor, where the supervisor is someone other than the Bishop. The supervisor is encouraged to keep a copy of this letter on file.
 - A copy of this letter shall be lodged with the Diocesan Office.

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 The Diocesan Registrar is responsible for ensuring compliance of this policy

Reporting

- 4.2 Compliance with this policy is reported to Diocesan Council by the Diocesan Registrar.

Records management

- 4.3 The Registry maintains all records relevant to administering this policy using its recordkeeping system.

5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the Diocesan Glossary.
- 5.2 A **church worker** is a Worker who is or who at any relevant time was:
- a) a member of the clergy; or

- b) a Worker employed by, or contracted to, a ministry centre; or
- c) a Worker holding a position or performing a function with the actual or apparent authority of the Diocese; including:
 - a Worker holding an office in this Diocese;
 - a member of Synod;
 - a churchwarden of a Parish;
 - a member of any other board, council or committee constituted by statute or resolution of the Synod or Diocesan Council or Parish;
 - a Worker employed by a Diocesan agency or by an organisation with a secondment agreement with the Diocese;
 - a member of a body corporate incorporated in this Diocese;
 - a Worker in a position of trust in a Diocesan agency or ministry centre including worship leaders, lay pastors, youth workers and others engaged in worship, caring for parishioners and carrying on the work of this Diocese; and
 - a Worker in any other position of leadership within the Diocese.

6 RELATED LEGISLATION AND DOCUMENTS

Professional Standards Statute 2016

Responding to Concerns Policy

Grievance Procedure

Worker Support Procedure

7 QUESTIONS & FEEDBACK

- 7.1 Church members who have any questions about this regulation or who wish to provide feedback about this document should contact the Diocesan Registrar at registrar@anglicandnwa.org.

8 APPROVAL AND REVIEW DETAILS

Certifications and Assent	Details	Signature	Date
Chair of Committees	Certified as printed in accordance with the regulation as reported		
Registrar	Certified as passed by the Synod or Diocesan Council or Diocesan Council Executive		
Bishop	Assented		
Approval and Amendment History	Details		
Original Approval Authority and Date	24/06/2020		
Next Review Date	24/06/2023		

9 APPENDIX

1. Test for Assessing the Validity of Work Concern Form

TEST FOR ASSESSING THE VALIDITY OF A WORK CONCERN

Aspects to consider in assessing validity of work concerns	Yes	No
Is the work concern linked to a breach of the Code of Conduct ?		
Is the work concern linked to a breach of safety regulations ?		
Has anyone's physical, emotional or spiritual safety and well-being been harmed by the behaviour identified in the work concern? NOTE: <i>This does not apply to a situation where a worker's preference is not being met.</i>		
Is the behaviour identified causing or like to cause harm to the ministry centre or the Diocese ?		
Where a role description exists, is the worker fulfilling their role as described in the role description?		
Is the worker who is the subject of the work concern demonstrating behaviours that would call into question their emotional well-being ?		
Is there any evidence that the worker who is the subject of the work concern has lost the confidence of their colleagues and/or their supervisors ?		

Where a **YES** response is indicated in relation to a question, it may be indicative of a **valid** work concern.