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STATUTORY INSTRUMENTS

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**2009 No. 2108**

**The Ecclesiastical Offices (Terms of Service) Regulations 2009**

**PART VII**

**CAPABILITY AND GRIEVANCE PROCEDURES**

*Capability procedures*

**Capability procedures to be conducted in accordance with Codes of Practice**

**31.**—(1) The diocesan bishop may, if he considers that the performance of an office holder affords grounds for concern, instigate an inquiry into the capability of an office holder to perform the duties of his or her office in accordance with the following provisions of this regulation.

(2) An office holder who is the subject of an inquiry under paragraph (1) above shall be entitled, before the inquiry begins, to be informed in writing of—

- (a) any matters relating to the office holder's performance which are to be taken into account in assessing his or her performance;
- (b) the procedure which is to be followed in assessing his or her performance, which shall include the opportunity of a meeting between the office holder and the person or authority which is to carry out the procedure and the appointment of a panel or other body to adjudicate on issues concerning the officer holder's capability;
- (c) the identity of the person or authority who or which is to carry out the procedure;
- (d) any action which may be taken following the completion of the procedure; and
- (e) the office holder's rights of appeal against the decision to take any action against the office holder.

(3) Any inquiry instituted under paragraph (1) above shall be conducted in accordance with a Code of Practice issued under section 8 of the Measure.

(4) Any Code of Practice issued under paragraph (3) above may provide for different procedures for different circumstances and may make provision for any other matters which the Archbishops' Council considers appropriate.

(5) When issuing any Code of Practice under paragraph (3) above the Archbishops' Council shall endeavour to ensure that an office holder who is the subject of the capability procedures under this regulation is placed in a position which is no less favourable than that in which an employee would be placed under a Code of Practice issued under Chapter III of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(1)</sup>.