
STATUTORY INSTRUMENTS

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⁽¹⁾.

Grievance procedures

Archbishops' Council to issue Codes of Practice concerning grievance procedures

32.—(1) The Archbishops' Council shall issue a Code of Practice under section 8 of the Measure containing procedures for enabling an office holder to seek redress for grievances.

(2) Any Code of Practice issued under paragraph (1) above shall make provision for—

- (a) the office holder to state his or her grievance in writing;
- (b) informing the office holder of the person or authority to whom or to which the office holder is to address the grievance;
- (c) informing the office holder of the procedures to be followed in discussing the grievance and for taking any action to redress it, including the opportunity for a meeting between the office holder and the person or authority to whom or to which the grievance is to be addressed;
- (d) rights of appeal against the decision relating to the grievance and informing the office holder of such rights; and
- (e) informing the office holder of any action which may be taken following the completion of the procedure.

(3) Any Code of Practice issued under paragraph (1) above may provide for different procedures for different circumstances and may make provision for any other matters which the Archbishops' Council considers appropriate.

(4) When issuing a Code of Practice under paragraph (1) above the Archbishops' Council shall endeavour to ensure that an office holder who seeks redress 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 (2).