

# COMPLAINTS POLICY & PROCEDURE

## CONTENTS

### Page

1	<b>Introduction</b>
2	<b>What counts as a complaint?</b>
2	<b>What complaints are not dealt with under this policy, and how should they be dealt with?</b>
3	<b>Who has overall responsibility?</b>
3	<b>Informal procedure for complaints: Problem-solving</b>
4	<b>Formal procedure for complaints against clergy</b>
7	<b>Formal procedure for complaints other than complaints against clergy</b>
11	<b>Delayed and unreasonable complaints</b>
12	<b>External complaint mechanism</b>
12	<b>Confidentiality</b>
12	<b>Review and Monitoring</b>
15	<b>APPENDIX 1: CONDUCT OF STAGE 2 HEARINGS</b>
16	<b>APPENDIX 2: UNREASONABLE COMPLAINTS</b>
18	<b>ANNEX 1: ROLES AND RESPONSIBILITIES</b>
21	<b>ANNEX 2: COMPLAINTS PROCEDURE</b>

## 1.0 Introduction

1.1 The Chichester Diocesan Fund and Board of Finance (Incorporated) (the “DBF”) aims to provide a fair and professional service in all it does. However, it is recognised that sometimes people will have problems or concerns they wish to raise. This policy and procedure has been developed as a fair, quick and consistent mechanism for dealing with such problems or concerns, and to enable the DBF to learn and improve the service it offers.

1.2 Our aims are:

- To provide a fair complaints procedure which is clear and easy to use
- To be open about how we will deal with complaints and to publicise the existence of this policy so that people know how to make a complaint
- To ensure everyone within the DBF, including staff and committee members, know what to do if a complaint is received
- To ensure that all complaints are investigated fairly and in a timely way
- To resolve complaints and repair relationships wherever possible, and to do so as near to the point of service delivery as possible
- To gather information to help us improve what we do and how we do it
- To acknowledge mistakes we have made, sincerely apologise for them, and try to prevent them from happening again in the future

## COMPLAINTS POLICY & PROCEDURE

### 2.0 What counts as a complaint?

- 2.1 A complaint is a written or verbal expression of dissatisfaction about an action, or lack of action, by a person or committee acting on behalf of the diocese, or about the policies, practices or procedures of the diocese. A complaint may include an allegation that a person has behaved in an unacceptable way.
- 2.2 When the complaint is made by someone who is deployed within the diocese, whether paid (for instance an employee of the DBF or an incumbent) or holding unremunerated office (for instance a licensed self-supporting minister), it is usually referred to as a grievance. How to raise a grievance is explained in section 3.0.
- 2.3 Complaints must be made by the person directly affected by the issue, not a third party, although a third party may make an initial approach.
- 2.4 Complaints must be made by a named person who provides contact details. It is not diocesan policy to investigate anonymous complaints, although the diocese may do so if it is considered appropriate.
- 2.5 Complaints should be made within three months of the matter complained of.

### 3.0 What complaints are not dealt with under this policy, and how should they be dealt with?

- 3.1 If a complaint relates to or includes an allegation that a child had been harmed or is at risk of harm, priority must be given **above all else** to ensuring that the child is safe. If the child is at imminent risk of serious harm, an immediate call to the police via 999 should be placed. If the suspected harm is not imminent but concerns remain, a referral should be made to the Children's Services departments in the local authority area in which that child lives (details can be found on the websites for East Sussex County Council, West Sussex County Council, and Brighton & Hove Council). Once a referral has been made to the statutory services, the Diocesan Safeguarding Team should also be informed. In the event that it concerns a school, the Diocesan Director of Education should also be informed.
- 3.2 If a complaint relates to or includes an allegation that an adult has been harmed or is at risk of harm, priority must be given to immediate safety issues, but issues of consent and ensuring that the adult in question is in control of what happens to information about them must also be considered. If the adult is in immediate danger or there is suspicion that a crime has been committed, contact the emergency services via 999. If the danger is not imminent but concerns remain, speak to the adult in question about their desired outcomes, and take advice from the local authority Adult Social Care teams (details can be found on the websites for East Sussex County Council, West Sussex County Council, and Brighton & Hove Council). If the adult in question is unable to protect themselves because of care and support needs, the local authority has a legal duty to make enquiries or to ask others to do so. Once a referral has been made to the statutory services, the Diocesan Safeguarding Team should also be informed.

## COMPLAINTS POLICY & PROCEDURE

- 3.3 Grievances by clergy who hold office under Common Tenure are handled through the Church of England's Grievance Policy (or, if they involve a formal complaint against other clergy, under the Clergy Discipline Measure). The DBF also follows this policy in respect of grievances by clergy who hold freehold office. Further information can be found at <https://churchofengland.org/clergy-office-holders/common-tenure.aspx>
- 3.4 Grievances by DBF employees are handled through the DBF's Grievance Policy.
- 3.5 Complaints or grievances about individual parishes, including the conduct of parish employees and volunteers, should be made in accordance with the parish's complaints or grievance procedures or by contacting the vicar, churchwardens or archdeacon.
- 3.6 Complaints about the Diocese of Chichester Academy Trust should be made in accordance with the Trust's complaints or grievance procedures, which can be found at [www.dcat.academy](http://www.dcat.academy) under "policies".
- 3.7 Complaints or grievances about individual schools should be made in accordance with the school's complaints or grievance procedures, which can be found on the school's website.
- 3.8 Where a specific statutory procedure applies to a complaint, the DBF will follow that procedure.
- 3.9 This policy deals with all other complaints, including complaints by clergy with permission to officiate, clergy families, parish officers, committee members and other volunteers, and members of the public.
- 4.0 Who has overall responsibility?**
- 4.1 Overall responsibility for this policy and its implementation lies with the Bishop's Council.
- 4.2 Day to day oversight of the process is delegated to the Governance and Information Manager under the supervision of the Diocesan Secretary.
- 5.0 Informal procedure for complaints: Problem-solving**
- 5.1 When responding to complaints, the aim is always to enable them to be resolved informally, speedily and fairly by discussion, problem-solving, mediation and negotiation. Problems should therefore be brought direct to the person(s) responsible for the area of dissatisfaction or disquiet, with the goal of resolving them in this way. The person responsible should be willing to listen, to discuss the matter with the complainant, and to seek to satisfy the concerns where justified.

## COMPLAINTS POLICY & PROCEDURE

5.2 Formal records will not be kept of informal complaints which are resolved at this stage but employees are expected to note and implement learning points as part of their continuous improvement and to communicate them to their manager and to other employees who could benefit.

5.3 If the person with the complaint is not satisfied with the outcome at the problem-solving stage, s/he may then invoke the formal procedure set out below.

### 6.0 Formal procedure for complaints against clergy

#### 6.1 Stage 1

6.1.1 This section applies to clergy, except for the situation in which a complaint is made in respect of a priest or deacon's work as an employee of the DBF. In that situation, section 8 below applies instead.

6.1.2 A complaint should be submitted to the Chief of Staff to the Bishop of Chichester or, in the case of a complaint against an Archdeacon or Suffragan Bishop, to the Diocesan Bishop or, in the case of a complaint against the Diocesan Bishop, to the Chair of the Finance Committee. Contact details can be found at <http://www.chichester.anglican.org/whos-who/>. It must make clear that it is intended to be a formal complaint and include the complainant's name and contact details. Verbal complaints may be recorded following notification to the complainant, and in any event, a written note will be made and shared with the complainant to ensure accuracy and transparency.

6.1.3 The complainant may wish to proceed directly to stage 2, set out at 6.2 below, but complainants are encouraged to pursue the more conciliatory approach of stage 1 first.

6.1.4 Any complaints which are plainly intended to be formal complaints received by any other diocesan personnel shall be forwarded to the Chief of Staff to the Bishop of Chichester/Bishop/Chair as appropriate.

6.1.5 On receiving a complaint, the Chief of Staff to the Bishop of Chichester/Bishop/Chair will arrange for it to be recorded in the clergy complaints log held by the Chief of Staff to the Bishop of Chichester. The following information should be recorded:

- Name and contact details of complainant
- Date on which the complaint was made
- The nature of the complaint
- The complainant's desired outcome

6.1.6 The complaint will be acknowledged within one working week (i.e 5 working days) and a copy of this complaints procedure will be supplied. The acknowledgement will set out the time within which a substantive response will be made, which should not ordinarily be longer than a calendar month.

## **COMPLAINTS POLICY & PROCEDURE**

- 6.1.7 The Chief of Staff to the Bishop of Chichester/Bishop/Chair receiving the complaint will first decide who the best person to respond to the complaint is. Where the complaint is received by the Chief of Staff to the Bishop of Chichester, they should consult the Diocesan Bishop. The appropriate person to respond will ordinarily be the relevant Archdeacon.
- 6.1.8 The person responding to the complaint will ensure that all appropriate enquiries are made to establish the substance of the complaint and any attempts already made to resolve the matter informally. Those enquiries may include further discussions or meetings with the complainant to fully understand the issue, seek clarity and be clear on what would constitute a resolution for them. The complainant may be accompanied at any meeting by a friend or other supporter if they wish. Similarly, any person who is the subject of a complaint may be accompanied by a work colleague or trade union representative at any meeting with the person responding to the complaint to discuss the facts of the complaint and their response to it.
- 6.1.9 The person responding to the complaint will arrange any appropriate mediation between the parties and any appropriate subsequent actions, which may include an apology and/or commencing disciplinary proceedings in accordance with the Clergy Disciplinary Measure.
- 6.1.10 The person responding to the complaint will inform the complainant, the subject of the complaint, and the Chief of Staff to the Bishop of Chichester of the action taken to investigate the complaint, the conclusions from the investigation, any action taken as a result of the complaint, and, if the complaint is not upheld, the reason(s) why not. No details of any disciplinary procedures should be given. This should be done in writing by the date stated in the initial acknowledgement. If that is not possible, the complainant should be advised of the reason for the delay and the revised date by which they can expect a response.
- 6.1.11 The response to the complaint may include one or more of the following:
- An explanation of events
  - A recognition that the situation could have been handled differently or better
  - An explanation of the steps that have been taken to try to ensure that it will not happen again
  - An undertaking to review policies in light of the complaint
  - An explanation, with reasons, that there was insufficient evidence to reach a conclusion, with the result that the complaint has not been upheld
  - An explanation, with reasons, that the evidence did not substantiate the complaint, with the result that the complaint has not been upheld
  - An acknowledgement that the complaint was substantiated in part, with a brief description of the remedial and preventative action being taken and reasons why the remainder of the complaint was not substantiated
  - An acknowledgement that the complaint was substantiated in full, with a brief description of the remedial and preventative action being taken.

## COMPLAINTS POLICY & PROCEDURE

It should not include any details of any disciplinary or other action, procedures or outcomes against a priest. If necessary, the response should state that following investigation, further confidential procedures are being followed.

None of the above will constitute an admission of negligence or an acceptance of liability on the part of the DBF.

6.1.12 The person responding to the complaint should ensure that full records of the investigation are kept together with the records of the initial complaint. These should include:

- A copy of the original complaint letter, email or written note
- Details of how the complaint was investigated, identifying any documents or classes of documents read
- Written records of any interviews undertaken
- Results and conclusions of investigations
- Any action taken

The records should be passed to the Chief of Staff to the Bishop of Chichester at the conclusion of the investigation.

6.1.13 The Chief of Staff to the Bishop of Chichester will arrange for the outcome and any response from the complainant to be recorded in the complaints log, and for the records to be filed in the priest's blue file, and will consider what learning points should be addressed by the Bishop's Staff or other appropriate body.

### 6.2 Stage 2

6.2.1 It is hoped that an acceptable resolution can be found and the complaint concluded to the complainant's satisfaction at stage 1. However, if that is not the case the Clergy Discipline Measure may be invoked<sup>1</sup>. The complaint should be addressed to the Diocesan Bishop. Further information can be found at <https://churchofengland.org/about-us/structure/churchlawlegis/clergydiscipline.aspx> In the event that the complainant has proceeded directly to the CDM and the complaint is not substantively investigated, for example because it is made out of time, the complainant may subsequently invoke Stage 1 but in this event, the investigation may be constrained, the response in accordance with paragraph 6.1.10 will be final, and no formal disciplinary sanctions will be imposed.

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<sup>1</sup> Complaints concerning matters of doctrine, ritual or ceremonial cannot be dealt with under the Clergy Discipline Measure, but are instead dealt with under the Ecclesiastical Jurisdiction Measure 1963. The Archdeacon's advice should be sought regarding the making of such complaints.

## COMPLAINTS POLICY & PROCEDURE

### 7.0 Formal procedure for complaints other than complaints against clergy

#### 7.1 Stage 1

- 7.1.1 A complaint should be submitted to the Governance and Information Manager or the Diocesan Secretary, or, in the case of a complaint against the Diocesan Secretary, to the Diocesan Bishop, making clear that it is intended to be a formal complaint and including the complainant's name and contact details.
- Written complaints should be sent to Diocesan Church House, 211 New Church Road, Hove BN3 4ED.
  - Emailed complaints should be sent to [anna.quick@chichester.anglican.org](mailto:anna.quick@chichester.anglican.org) or [gabrielle.higgins@chichester.anglican.org](mailto:gabrielle.higgins@chichester.anglican.org) or [bishop@chichester.anglican.org](mailto:bishop@chichester.anglican.org)
  - Verbal complaints may be made in person or by telephoning 01273 421021 and asking to speak to or meet with the Governance and Information Manager or the Diocesan Secretary. Verbal complaints may be recorded following notification to the complainant, and in any event, a written note will be made and shared with the complainant to ensure accuracy and transparency.
- 7.1.2 Any complaints which are plainly intended to be formal complaints received by any other diocesan personnel shall be forwarded to Governance and Information Manager/Diocesan Secretary/Diocesan Bishop as appropriate.
- 7.1.3 On receiving a complaint, the Governance and Information Manager/Diocesan Secretary/Diocesan Bishop will arrange for it to be recorded in the complaints log held by the Governance and Information Manager. The following information should be recorded:
- Name and contact details of complainant
  - Date on which the complaint was made
  - The nature of the complaint
  - The complainant's desired outcome
- 7.1.4 The complaint will be acknowledged within one working week (i.e 5 working days) and a copy of this complaints procedure will be supplied. The acknowledgement will set out the time within which a substantive response will be made, which should not ordinarily be longer than a calendar month.
- 7.1.5 The Governance and Information Manager/Diocesan Secretary/Diocesan Bishop receiving the complaint will first decide who the best person to respond to the complaint is. This should be done in consultation with the appropriate head of department or, in the case of a complaint about a head of department, with the Chair of the relevant committee overseeing that department's work. In the case of a complaint about an employee's actions, the appropriate person to respond will ordinarily be that employee's line manager. In the case of a complaint about a particular area of work, the appropriate person will ordinarily be the relevant head of department.

## **COMPLAINTS POLICY & PROCEDURE**

- 7.1.6 The person responding to the complaint will ensure that all appropriate enquiries are made to establish the substance of the complaint and any attempts already made to resolve the matter informally. Those enquiries may include further discussions or meetings with the complainant to fully understand the issue, seek clarity and be clear on what would constitute a resolution for them. The complainant may be accompanied at any meeting by a friend or other supporter if they wish. Similarly, any person who is the subject of a complaint may be accompanied by a work colleague or trade union representative at any meeting with the person responding to the complaint to discuss the facts of the complaint and their response to it.
- 7.1.7 The person responding to the complaint will arrange any appropriate mediation between the parties and any appropriate subsequent actions, which may include an apology and/or commencing disciplinary proceedings in accordance with the DBF's disciplinary policy.
- 7.1.8 The person responding to the complaint will inform the complainant, the subject of the complaint (if any), the relevant head of department, and the Governance and Information Manager or Diocesan Secretary of the action taken to investigate the complaint, the conclusions from the investigation, any action taken as a result of the complaint, and, if the complaint is not upheld, the reason(s) why not. This should be done in writing by the date stated in the initial acknowledgement. If that is not possible, the complainant should be advised of the reason for the delay and the revised date by which they can expect a response.
- 7.1.9 The response to the complaint may include one or more of the following:
- An explanation of events
  - A recognition that the situation could have been handled differently or better
  - An explanation of the steps that have been taken to try to ensure that it will not happen again
  - An undertaking to review policies in light of the complaint
  - An explanation, with reasons, that there was insufficient evidence to reach a conclusion, with the result that the complaint has not been upheld
  - An explanation, with reasons, that the evidence did not substantiate the complaint, with the result that the complaint has not been upheld
  - An acknowledgement that the complaint was substantiated in part, with a brief description of the remedial and preventative action being taken and reasons why the remainder of the complaint was not substantiated
  - An acknowledgement that the complaint was substantiated in full, with a brief description of the remedial and preventative action being taken.

It should not include any details of any disciplinary or other action, procedures or outcomes against a member of staff. If necessary, the response should state that following investigation, further confidential procedures are being followed.

None of the above will constitute an admission of negligence or an acceptance of liability on the part of the DBF.



## COMPLAINTS POLICY & PROCEDURE

7.1.10 The person responding to the complaint should ensure that full records of the investigation are kept together with the records of the initial complaint. These should include:

- A copy of the original complaint letter, email or written note
- Details of how the complaint was investigated, identifying any documents or classes of documents read
- Written records of any interviews undertaken
- Results and conclusions of investigations
- Any action taken

The records should be passed to the Executive Assistant or Diocesan Secretary at the conclusion of the investigation.

7.1.11 The Governance and Information Manager or Diocesan Secretary will record the outcome and any response from the complainant in the complaints log, file the records securely, and consider what learning points should be addressed by the Management Team or other appropriate body.

### **7.2 Stage 2**

7.2.1 It is hoped that an acceptable resolution can be found and the complaint concluded to the complainant's satisfaction at stage 1. However, if that is not the case, the complainant should inform the Governance and Information Manager or Diocesan Secretary in writing within three working weeks (i.e. 15 working days) of the sending of the Stage 1 response that they wish to initiate stage 2.

7.2.2 Stage 2 will involve consideration at a higher level which will vary according to the subject of the complaint.

- Complaints against Readers will be considered by the Diocesan Bishop under Canon E6(3).
- Complaints in respect of the diocesan safeguarding service will be referred to the Chair of the Bishop's Safeguarding Advisory Panel.
- Complaints in respect of the diocesan education service will be referred to the Chair of the Diocesan Board of Education
- All other complaints, and complaints which span two or more areas, will be referred to the Chair of the Operating Committee unless they relate to that Committee, in which case they will be referred to the Chair of the Bishop's Council.

7.2.3 The Bishop or Chair of the Panel or Committee will ordinarily acknowledge receipt of the stage 2 complaint within one working week (i.e. five working days). If this will not be possible, the Governance and Information Manager or Diocesan Secretary will notify the complainant of the date by which the complaint will be acknowledged. The acknowledgement will set out who will deal with the complaint, and the time within which a substantive response will be made, which should not ordinarily be longer than a calendar month.

## **COMPLAINTS POLICY & PROCEDURE**

- 7.2.4 The Chair will decide whether to deal with the complaint personally, delegate it to a suitably senior committee member or employee, or convene a panel of three committee members or other persons. No person dealing with the complaint at this Stage will have had any previous involvement in the case beyond being consulted on who should respond to the complaint at Stage 1.
- 7.2.5 The investigating person or panel will review all documentation from the previous investigation at Stage 1 and the actions taken so far. The person or panel may meet with the complainant and his/her supporter, to discuss the situation from their perspective and why resolution could not be reached. The person or panel may also meet with the subject of the complaint (if any) and his/her work colleague or trade union representative, the person who responded to the complaint at Stage 1, and any other relevant person. All conversations will be recorded where possible and in any event a written record will be shared with those present for accuracy and transparency.
- 7.2.6 The investigating person or panel may discuss the matter with any or all of the Diocesan Secretary, Diocesan Registrar, HR Manager and relevant Head of Department in order to consider what, within the framework of diocesan policies and the law, could be a way forward to resolve the issue at hand and to formulate a response to the complainant and any necessary action, which may include an apology and/or commencing disciplinary proceedings in accordance with the DBF's disciplinary policy.
- 7.2.7 The investigating person or panel may hold a hearing as well as or instead of any of the meetings described above. Any hearing will be conducted in accordance with Appendix 1.
- 7.2.8 On conclusion of the investigation, the investigating person or panel will inform the complainant, the subject of the complaint (if any), the relevant head of department, and the Governance and Information Manager or Diocesan Secretary of the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint. This should be done in writing by the date stated in the initial acknowledgement. If that is not possible, the complainant should be advised of the reason for the delay and the revised date by which they can expect a response.
- 7.2.9 The response to the complaint may include one or more of the following:
- An explanation of events
  - A recognition that the situation could have been handled differently or better
  - An explanation of the steps that have been taken to try to ensure that it will not happen again
  - An undertaking to review policies in light of the complaint
  - An explanation, with reasons, that there was insufficient evidence to reach a conclusion, with the result that the complaint has not been upheld

## COMPLAINTS POLICY & PROCEDURE

- An explanation, with reasons, that the evidence did not substantiate the complaint, with the result that the complaint has not been upheld
- An acknowledgement that the complaint was substantiated in part, with a brief description of the remedial and preventative action being taken and reasons why the remainder of the complaint was not substantiated
- An acknowledgement that the complaint was substantiated in full, with a brief description of the remedial and preventative action being taken

It should not include any details of any disciplinary or other action, procedures or outcomes against a member of staff. If necessary, the response should state that following investigation, further confidential procedures are being followed.

None of the above will constitute an admission of negligence or an acceptance of liability on the part of the DBF.

7.2.10 The investigating person or panel should ensure that full records of the investigation are kept together with the records of the initial complaint. These should include:

- A copy of the original complaint letter, email or written note
- Details of how the complaint was investigated, identifying any documents or classes of documents read
- Written records of any interviews undertaken
- Results and conclusions of investigations
- Any action taken

The records should be passed to the Governance and Information Manager or Diocesan Secretary at the conclusion of the investigation.

7.2.11 The Governance and Information Manager or Diocesan Secretary will record the outcome in the complaints log, file the records securely, and consider what learning points should be addressed by the Management Team or other appropriate body.

7.2.12 The Stage 2 decision will be final.

### 8.0 Delayed and unreasonable complaints

8.1.1 If the complaint relates to an incident or event which occurred more than three months before the complaint is made (or, where the complaint relates to a series of incidents or events, if more than three months have elapsed from the date of the latest incident or complaint), the person receiving the complaint may notify the complainant that it will not be investigated for that reason. The notification should be given within 10 working days of the complaint being received. The person who received the complaint will arrange for this to be recorded in the complaints log.

8.1.2 If the person receiving the complaint or the person investigating the complaint considers that the complaint is vexatious, frivolous, a repeat of a previous complaint or otherwise unreasonable, he or she may notify the complainant and, if relevant, the person who received the complaint, that the complaint will not be investigated or

## **COMPLAINTS POLICY & PROCEDURE**

the investigation will be terminated for that reason. Further details of complaints that will be considered unreasonable are at Appendix 2. The notification should be given within 10 working days of the last instance of unreasonable behaviour, and wherever possible will be discussed informally with the complainant first. The person who received the complaint will arrange for this to be recorded in the complaints log.

- 8.1.3 If the complainant is dissatisfied with the decision not to investigate the complaint, he or she may write to or email the Diocesan Secretary asking for the decision to be reviewed. If the decision was made by the Diocesan Secretary, the complainant should write to or email the Diocesan Bishop instead. The Diocesan Secretary/Bishop will be provided with all documentation relating to the complaint, including the letter notifying the decision not to investigate, and will review the decision made. He or she should write to the complainant, the decision-maker and the Governance and Information Manager within 10 working days of receipt of the request for a review. If he or she concludes that the complaint should be investigated, he or she will nominate a person to respond to the complaint, who should not be the person who decided not to investigate it. The Governance and Information Manager will record the conclusion in the complaints log.
- 8.1.4 If unreasonable behaviour continues the Diocesan Secretary may write to the complainant to explain that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the diocese, causing significant levels of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
- 8.1.5 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed.

### **9.0 External complaint mechanism**

- 9.1 The complainant can complain to the Charity Commission at any stage. The Commission's involvement in looking at complaints is limited to issues that pose a serious risk of significant harm to a charity's beneficiaries, assets, services or reputation. Further information about the kind of complaints the Commission can involve itself in can be found on their website at <https://www.gov.uk/government/publications/complaints-about-charities/complaints-about-charities>

### **10.0 Confidentiality**

- 10.1 All complaint information will be handled sensitively, shared only with those who need to know. Maintaining confidentiality is essential and security of data relating to individuals will be protected in accordance with the Data Protection Act 1998 and the diocesan data protection policies. No confidential information relating to complaints will be disclosed to any third party unless the DBF has the individual's consent or some other lawful authority.

## **COMPLAINTS POLICY & PROCEDURE**

10.2 The records will be held securely by the Bishop's Senior Chaplain for clergy and the Executive Assistant for others, and requests to inspect should be addressed to them. They will seek the advice of the Bishop or Diocesan Secretary where necessary.

### **11.0 Review and Monitoring**

11.1 This Policy and Procedure will be reviewed on a regular basis according to the DBF policy renewal schedule.

11.2 The number, nature, and outcome of any complaints will be reported to the Audit Committee at least once a year to identify any trends which indicate a need to take further action. The Audit Committee will include its conclusions in its annual report to the Bishop's Council.

11.3 The number, nature, and outcome of any complaints relating to specific areas of work such as education or safeguarding will also be reported to the relevant committee or panel monitoring that area of work at least once a year to inform practice and potential improvements to policies and procedures.

## COMPLAINTS POLICY & PROCEDURE

### Revision History

Revision No.	Date Issued	Prepared By	Approved	Comments
1	20.12.16	GH	BC 15.12.16	New policy
2	25.4.17	GH	BC 6.4.17	Extensive redraft
3	12.05.23	AQ	N/A minor changes	Changes to job titles mentioned

## **COMPLAINTS POLICY & PROCEDURE**

### **APPENDIX 1: CONDUCT OF STAGE 2 HEARINGS**

1. Although the panel will follow formal procedures, the hearing should be conducted in private and as informally as possible.
2. The Chair of the panel will arrange for the hearing to be fixed for a date, time and venue as convenient to all parties as reasonably practicable.
3. The complainant and the relevant DBF member of staff will be invited into the hearing room at the same time. Any witnesses or representatives are only required to attend to give their supporting information and should leave once they have done so.
4. The Chair of the panel will introduce everyone and set out that the remit of the panel is to investigate the complaint.
5. The complainant will be given the opportunity to state their case, without undue interruption. The panel and the DBF member of staff will have the opportunity to ask questions.
6. The DBF member of staff will be given the opportunity to respond, without undue interruption. The panel and the complainant will have the opportunity to ask any questions.
7. The complainant will invited to sum up their complaint without interruption.
8. The DBF member of staff will be invited to sum up the diocese's actions and response to the complaint without interruption.
9. The Chair will let both parties know when and how they will be notified of the panel's findings. The Chair will then draw the meeting to a close.
10. Both parties will leave at the same time and the panel will remain to discuss their findings.
11. The Chair must ensure that a response is sent in accordance with section 7.2.8 and 7.2.9 of the policy.

## **COMPLAINTS POLICY & PROCEDURE**

### **APPENDIX 2: UNREASONABLE COMPLAINTS**

1. The DBF is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the diocese. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect our staff from that behaviour, including that which is abusive, offensive or threatening.
2. The DBF defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the diocese, significantly hinder our consideration of their or other people’s complaints or performance of our other duties’.
3. A complaint may be regarded as unreasonable when the person making the complaint:
  - Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
  - Refuses to accept that certain issues are not within the scope of the complaints procedure;
  - Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
  - Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
  - Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - Changes the basis of the complaint as the investigation proceeds;
  - Repeatedly makes the same complaint (despite one or more previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - Refuses to accept the finding of the investigation into their complaint where the DBF’s complaint procedure has been fully and properly implemented and completed;
  - Seeks an unrealistic outcome;
  - Makes excessive demands on diocesan time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with.

These examples are not exhaustive.

4. A complaint may also be considered unreasonable if the person making the complaint does so either face to face, by telephone or in writing or electronically:
  - Maliciously;
  - Aggressively;
  - Using threats, intimidation or violence;
  - Using abusive, offensive or discriminatory language;
  - Knowing it to be false;



## COMPLAINTS POLICY & PROCEDURE

- Using falsified information;
  - By publishing unacceptable information in a variety of media such as in social media websites and newspapers.
5. Complainants should limit the number of communications with the DBF while a complaint is being processed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email or text) as it could delay the outcome being reached.

## **COMPLAINTS POLICY & PROCEDURE**

### **ANNEX 1: ROLES AND RESPONSIBILITIES**

#### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- Co-operates with the diocese in seeking a solution to the complaint;
- Expresses the complaint in full as early as possible and no later than 3 months after the issue;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed;
- Treats all those involved in the complaint with respect.

#### **The Governance and Information Manager, acting as Complaints Co-ordinator**

The Complaints Co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure;
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- Liaise with staff members, clergy and committee members to ensure the smooth running of the complaints procedure;
- Keep records;
- Be aware of issues regarding:
  - o Sharing third-party information;
  - o Additional support which may be needed by complainants when making a complaint, such as interpretation support.

The Complaints Co-ordinator will also act as the contact point for the complainant for any meeting or hearing which takes place and is expected to:

- Set the date, time and venue, ensuring as far as practicable that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance;
- Meet and welcome parties and show them into the hearing or meeting room;
- Record the proceedings;
- Circulate minutes of the meeting or hearing;
- Notify all parties of the panel's decision.

#### **The Investigator**

The Investigator is the person responding to the complaint at Stage 1 or the person dealing with the complaint at Stage 2 of the procedure. The Investigator's role can include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:

## COMPLAINTS POLICY & PROCEDURE

- o Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- o Consideration of records and other relevant information;
- o Interviewing staff and other people relevant to the complaint;
- o Analysing information;
- Effectively liaising with the complainant and the Complaints Co-ordinator as appropriate to clarify what the complainant feels would put things right;
- Identifying solutions and recommending courses of action to resolve problems;
- Being mindful of the timescales to respond; and
- Responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- Conduct interviews with an open mind and be prepared to persist in the questioning;
- Keep notes of interviews, record them following notification to the complainant, or arrange for an independent note taker to record minutes of the meeting.

### The Panel Chair

The Panel Chair, supported by the Complaints Co-ordinator, has a key role in ensuring that:

- The meeting is minuted;
- The remit of the panel is explained to the complainant;
- The issues are addressed;
- Key findings of fact are made;
- Those who are not used to speaking at such a hearing are put at ease;
- The proceedings are as welcoming as possible, bearing in mind that many complainants will feel nervous and inhibited;
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room sets an appropriate tone, taking care to ensure the setting is informal and not adversarial;
- The panel is open-minded and acts independently;
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Both the complainant and the relevant DBF member of staff are given the opportunity to state their case without undue interruption and seek clarity;
- Written material is seen by everyone in attendance; and
- Everyone is given an appropriate opportunity to consider and comment on any new issues arising or material produced, including where appropriate adjourning the hearing for a short time, or refusing to allow new issues or material to be considered.

### Panel Member

Panel members will need to be aware that:

## **COMPLAINTS POLICY & PROCEDURE**

- It is important that the panel is independent and impartial, and that it is seen to be so;
- Nobody may sit on the panel if they have had a prior involvement in the complaint or the circumstances surrounding it.
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the diocese and its representatives and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

### **HR Manager, the Diocesan Registrar and the Diocesan Secretary**

The HR Manager, the Diocesan Registrar and the Diocesan Secretary will all be available to give advice and assistance to both staff and external investigators and panel members on request.

## COMPLAINTS POLICY & PROCEDURE

### ANNEX 2: COMPLAINTS PROCEDURE FLOWCHART

