



## COMPLAINTS POLICY AND PROCEDURE

<b>ISSUE: 08/21</b>	<b>COMPLAINTS POLICY AND PROCEDURE</b>	
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Responsible Officer	Chief Operating Officer
Date first reviewed by Staffing and Remuneration Committee	
Date first approved by Board	April 2016
First Review Date	December 2019
Latest Date approved by Board	August 2021
Next review date	September 2022
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### Detail of specific reviews and key changes made:

Reviewer(s)	Date	Review Actions	Approved by Board
Head of HR	September 2019	A general review was carried out (in conjunction with external consultants) and the Policy was updated in several sections	
Diocesan Chancellor, EV Education, COO, Deputy COO, Director Education, Head of HR	April 2021	The Policy was reviewed in accordance with Diocesan guidelines and in light of national guidance, learning and Canon Law	

1.0 DEFINITIONS

1.1 “The Diocese” refers to the Diocese of Hexham and Newcastle including its constituent Parishes and Partnerships.

1.2 The “Board” refers to the Diocesan Board of Trustees.

1.3 Diocesan Personnel means Employees or Volunteers exercising a function or delivering a service on behalf of the Diocese.

1.4 A complainant is a person or organisation raising a concern or making a complaint.

1.5 A concern is defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

1.6A complaint is a formal expression of dissatisfaction, whether justified or not, about the way in which Diocesan personnel have acted, or failed to act, in a particular situation.

1.7 Serial and unreasonable complaints are those which hinder the Diocese’s consideration of complaints because of the frequency or nature of the complainant’s contact.

2.0 INTRODUCTION.

2.1 This Policy and Procedure is underpinned by the Diocesan Values of: Trust, Service, Respect, Integrity and Compassion and is intended to be consistent with the relevant provisions of the Code of Canon Law (1983).

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2.2 The Diocese will aim to address concerns and complaints as quickly and efficiently as possible in a personalised, fair, transparent way, respecting confidentiality insofar as it is able. All concern and complaint information will be handled sensitively, telling only those who need to know, and following any relevant data protection requirements.

3.0 PURPOSE

3.1 The Diocese views concerns and complaints as an opportunity to address issues raised by a complainant as well as an opportunity to learn and improve for the future.

3.2 The Diocese has adopted this Complaints Policy and Procedure in order to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- address concerns which have been raised
- encourage resolution of complaints by informal means wherever possible
- ensure complaints are investigated fairly and a response given in a timely way and, wherever possible, that relationships are repaired
- gather information that helps us to improve what we do

#### 4.0 SCOPE

4.1 Overall responsibility for this Policy and Procedure, including its implementation, lies with the Board.

4.2 Complaints are reviewed by the Diocesan Staffing and Remuneration Committee and the Board to identify any trends or learning which may indicate a need to amend the process or take action.

4.3. This Policy and Procedure covers concerns and complaints from any complainant that has a legitimate interest in the Diocese.

4.4 This Policy and Procedure does not cover:

- Allegations or expressions of concern about the welfare of children or adults at risk which should be referred to the Diocesan Safeguarding Department
- Complaints about failure to follow those safeguarding processes which are managed under national safeguarding policy and procedure and which should be referred to the CSSA
- Complaints relating to safeguarding in organisations outside of the Diocese, which must be addressed to the organisation concerned
- Complaints about safeguarding services that are delivered via contractual arrangements or covered under a Memorandum of Understanding or canonical arrangements between the Diocese and other church bodies or organisations
- Issues raised by individuals who have not been directly affected by the matter being complained about, except where done so in accordance with paragraph 4.5
- Grievance, capability or disciplinary matters which are addressed using other Diocesan Policies and Procedures
- Whistleblowing, which is addressed by a separate Diocesan Policy and Procedure
- Diocesan Schools or Catholic Education Trusts
- Complaints relating to members of Religious Congregations who are employed by an external agency under a civil contract or who offer their services to such an agency voluntarily, against whom there is a complaint in relation to their employment or voluntary work within that agency. These complaints must be addressed to the agency concerned
- Subject Access Requests which should be referred to the Diocesan Data Protection Lead
- Complaints about members of the Clergy – see paragraph 5.3 “How to Complain”

4.5 A representative can complain on a person’s behalf where that person:

- Is 18 years of age or under
- Has requested the representative to act, as confirmed in writing to the Diocese
- Lacks mental capacity, as assessed under the Mental Capacity Act 2005; and lacks mental capacity to make a specific complaint
- Has appointed a person as a Lasting Power of Attorney for health and welfare

- Has an appointed Independent Advocate
- Is deceased

4.6 The Diocese will not investigate anonymous complaints. For Whistle Blowing submissions, please see separate Policy and Procedure. The Diocese asks that personal contact details accompany the complaint.

4.7 The Diocese will not treat anyone less favourably than anyone else because of their:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion or belief
8. Sex
9. Sexual orientation

Any other unjustifiable factors, for example language difficulties, political affiliation or Trade Union affiliation<sup>36</sup>

## 5.0 HOW TO COMPLAIN

5.1 The complaint should be made in writing or by email. If required however, in accordance with the Equality Act 2010, and to provide easy to use opportunities for individuals to register their concerns and complaints, the Diocese will make reasonable adjustments to enable complainants to access and complete the complaints procedure. If a person making a complaint needs someone to help them put their complaint to the Diocese, they can ask a friend, family member of somebody else that they know to support them.

5.2 Complaints can be made within 3 months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. If however the person who receives the complaint is satisfied that there are exceptional circumstances for the complaint not having been made earlier, and judges that it is still possible to investigate it fairly and effectively, then this time limit may be waived.

5.3 Complaints relating to Diocesan Clergy or the Chief Operating Officer should be addressed to:

Vicar General  
 Diocese of Hexham and Newcastle  
 St Cuthbert's House  
 West Road  
 Newcastle upon Tyne  
 NE15 7PY  
 Email: [vg@diocesehn.org.uk](mailto:vg@diocesehn.org.uk)

The Vicar General will liaise directly with the complainant on such matters.

- 5.4 Complaints about an employee or a volunteer of the Diocese, or about the service provided by a Diocesan Department, should be addressed to:

Chief Operating Officer  
Diocese of Hexham and Newcastle  
St Cuthbert's House  
West Road  
Newcastle upon Tyne  
NE15 7PY  
Email: [chiefoperatingofficer@diocesehn.org.uk](mailto:chiefoperatingofficer@diocesehn.org.uk)

- 5.5 Complaints relating to the Vicar General should be addressed to the Bishop:

Diocese of Hexham and Newcastle  
Bishop's House  
26 West Avenue  
Gosforth  
Newcastle upon Tyne  
NE3 4ES

*Complaints relating to the Bishop:*

*See note after clause 12.1*

- 5.6 All complaint information will be handled sensitively and in accordance with prevailing data protection legislation, subject to the need to disclose information as required by statute. It will be necessary to share information with people who need to know in order that the complaint can be investigated.

- 5.7 Details of how personal data may be processed by the Diocese are contained in the Diocesan Privacy Notice. The Privacy Notice identifies who the Data Controller is, provides contact details for the Data Protection Lead, explains the purposes for which personal data are collected and used, how the data are used and disclosed, how long it is kept, and the Diocese's legal basis for processing. The complainant is urged to respect confidentiality at all times and to refrain from publicising the details of their complaint.

#### 6.0 RESOLVING CONCERNS AND COMPLAINTS INFORMALLY

- 6.1 Resolving Concerns informally. Contact should be made with the individual to whom the concern relates and every effort made to resolve the concern.

- 6.2 Resolving Complaints informally. In the first instance, the complainant should contact the person with whom the complaint is associated. If this does not achieve the desired outcome,

the complainant may contact the person's line manager who will also try to deal with the complaint informally.

## 7.0 RESOLVING COMPLAINTS FORMALLY

7.1 The Diocese anticipates that the informal approach will be the appropriate response in most instances. If, however, an informal approach does not resolve the matter, or is not an appropriate course of action, the complainant should follow the formal process.

### 7.2 Stages of the Formal Complaints Process.

At all stages of the Complaints Process, complainants are advised to include as much information as possible about what happened, when, where, who was involved, what the outcome was and what they would like the person they are contacting to do. There is a maximum of two stages to the Diocesan Complaints Policy and Procedure.

### 7.3 Stage 1.

7.3.1 Complaints should be addressed by the complainant to the Chief Operating Officer, unless about the Chief Operating Officer in which case it should be addressed to the Vicar General. An acknowledgement will be sent within 5 working days and, ideally, a response in writing will be made within 30 working days. The complainant will be provided with a copy of this Complaints Policy and Procedure.

7.3.2 The Vicar General or Chief Operating Officer, will appoint an appropriate person(s) as Investigating Officer(s). The Investigating Officer's role will be to establish the facts relevant to the complaint, carry out a comprehensive, open, transparent and fair consideration of the complaint, and prepare a report for the Vicar General or Chief Operating Officer which presents findings and recommendations.

7.3.3 If the complaint relates to a specific person, the Diocese will share details of the complaint with this person and will disclose the name of the complainant. The person against whom the complaint is being made will be kept informed of the progress of the investigation and they will be given an opportunity to respond. A copy of the notes of the meeting at which the details were shared will be provided to the person against whom the complaint has been made to allow them to confirm accuracy.

7.3.4 Receipt of complaints will be formally acknowledged within 10 working days by the Vicar General or the Chief Operating Officer. The acknowledgement will assure the complainant that their complaint will be taken seriously and should say who is dealing with the complaint and when the person complaining can expect a reply. A copy of this Complaints Policy and Procedure should be attached.

7.3.5 The Investigating Officer will contact the complainant to clarify matters such as the nature of the complaint and what the complainant considers would put things right. A full written record will be made of the discussion or meeting. A copy of the record will be provided to the complainant to allow them to confirm accuracy.

7.3.6 The complainant will be assured by the Investigating Officer that they will be listened to.

- 7.3.7 If at any point the complainant's expectations are considered to be excessive, they will be informed of this and the reasons why.
- 7.3.8 On receipt of the investigation report, the Vicar General or Chief Operating Officer will make a decision as to whether or not the complaint is upheld based upon the findings and recommendations of the Investigating Officer. Ideally complainants should receive a definitive reply within 35 working days of lodging the complaint. If this is not possible because for example, an investigation has not been fully completed, an update should be sent to the complainant with an indication of when a full response will be given.
- 7.3.9 Whether the complaint is upheld or not, the reply to the complainant from the Vicar General or Chief Operating Officer should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint. The reply should advise the complainant that they can refer their complaint to the Charity Commission at any stage, noting that the Charity Commission expects complaints to be made to the Diocese in the first instance, or for there to be a reason why this could not be done
- 7.4 Stage 2 - Appeal
- 7.4.1 If the complainant remains dissatisfied at the end of Stage 1, their complaint may be progressed to Stage 2 which is an appeal to the Board. Such an appeal will only be considered if the Vicar General or Chief Operating Officer determines that either new and compelling information relating to the original complaint has come to light, or that the Stage 1 investigation process has not been appropriately applied.
- 7.4.2 The request for an Appeal will be acknowledged by the Vicar General or Chief Operating Officer within 10 working days of receiving it.
- 7.4.3 If the request for an Appeal is agreed, the Vicar General or Chief Operating Officer will advise the complainant accordingly and pass the matter to the Board.
- 7.4.4 The person about which Stage 2 is being invoked will be informed and given a further opportunity to respond.
- 7.4.5 The Investigating Officer for the complaint should be kept informed of what is happening.
- 7.4.6 Ideally, a complainant whose request for an Appeal has been agreed should receive a definitive reply within 35 working days. If this is not possible because, for example, an appeal investigation has not been fully completed, an update should be sent with an indication of when a full reply will be given.
- 7.4.7 Whether the Stage 2 Appeal is upheld or not, the reply to the complainant from the Board should describe the action taken to investigate the new and compelling information relating to the complaint, and/or whether or not the Stage 1 process was correctly followed, the findings of the Appeal, and any action taken as a result.
- 7.4.8 The decision taken at this stage is final.
- 8.0 Other action.

8.1 The Vicar General or Chief Operating Officer may at any stage deem it appropriate to appoint someone unconnected with the Diocese to undertake either the Stage 1 investigation into a complaint or the Stage 2 Appeal, for example, an expert in a particular area.

#### 9.0 WITHDRAWAL OF A COMPLAINT

9.1 If a complainant chooses to withdraw their complaint, they will be asked to confirm this in writing.

#### 10.0 MANAGING MULTIPLE COMPLAINTS.

10.1 Where more than one person is making the same complaint, this may be conducted by the Investigating Officer as a single investigation. Separate feedback will however be provided to each complainant.

#### 11.0 MANAGING SERIAL AND UNREASONABLE COMPLAINTS

11.1 The Diocese will not normally limit the contact complainants have with the organisation. However, in line with the Diocesan Values of integrity, respect, trust, service and compassion, the Diocese will not tolerate unacceptable behaviour and will take action to protect Clergy, employees and volunteers from such behaviour, including that which is abusive, offensive or threatening.

11.2 Examples of serial and unreasonable complaints include where the complainant:

- 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
- 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 they expect to be taken into account and commented on
- 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 previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the Diocese's Complaints Policy and Procedure has been fully and properly implemented and completed
- seeks an unrealistic outcome
- makes excessive demands on Diocesan time by frequent, lengthy and complicated contact with

staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

11.3 Complainants should limit their communication with the Diocese to that which relates to their complaint, while the complaint is being progressed.

11.4 If the behaviour continues, the Vicar General or Chief Operating Officer will write to the complainant explaining that their behaviour is unacceptable. For complainants who excessively contact the Diocese causing a significant level of disruption, methods of communication may be specified and the amount of contacts may be limited.

11.5 In response to any serious incident of aggression or violence, the Diocese will immediately inform the police and communicate our actions in writing. This may include barring an individual from any premises of the Diocese.

12.0 EXTERNAL STAGE

12.1 The complainant can refer their complaint to the Charity Commission at any stage if they consider that the Diocese, its beneficiaries, or its assets are at serious risk of significant harm or abuse. However, the Charity Commission requires complaints to be made to the Charity in the first instance or for there to be a reason why this could not be done.

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>

*Note: Complaints relating to the Bishop*

*The Diocese is awaiting clarification on the process for Complaints Against Bishops. Once this is received, the Diocesan Complaints Policy and Procedure will be updated accordingly. Until this is received, complaints against the Bishop should be addressed to the Vicar General.*