



DIOCESE OF **Hexham & Newcastle**

SAFEGUARDING
SERVICE
COMPLAINTS POLICY
AND PROCEDURE

Diocese of Hexham and Newcastle

Safeguarding Service Complaints Policy and Procedure

1 Definitions

- 1.1 “A complaint” - an expression of dissatisfaction, disquiet, or a concern about how a safeguarding service has been delivered.
- 1.2 “Chief Operating Officer” – A role that is responsible for directing the implementation of the Diocesan Trustees’ Strategy.
- 1.3 “(The) Diocese” refers to the Diocese of Hexham and Newcastle including its constituent Parishes.
- 1.4 “Diocesan Bishop” – The person in pastoral charge of the Diocese.
- 1.5 “Independent Investigator” - a person who is not directly involved in a situation or dispute and who is able to investigate problems and make recommendations about what should be done. This person may be from within the Diocese or from outside the Diocese.
- 1.6 “Person concerned” – the person being complained about, or that the complainant is unhappy with, in respect of delivery of the safeguarding service.
- 1.7 “Safeguarding Service Complaint” – a complaint about the delivery of a safeguarding service.
- 1.8 “Safeguarding Lead” – the most senior lay role in the Safeguarding Department, e.g. Safeguarding Coordinator.
- 1.9 “Vicar General” – appointed by the Bishop as the highest administrative officer of the Diocese with most of the powers of the Bishop.

2. Contact Details

- 2.1 Contact details for the people named in this procedure are set out in paragraph 9.3 below.

3 Introduction

- 3.1 This Policy and Procedure are intended to be consistent with the teachings of the Catholic Church and underpinned by the Diocesan Values of Trust Service Respect, Integrity, Compassion.
- 3.2 The Diocese will listen to comments and concerns, seek to put things right for the person making the complaint and learn from them, using the experience to improve services for everyone who uses them.
- 3.3 The Diocese will aim to resolve complaints as quickly and efficiently as possible in a personalised, fair, transparent way respecting confidentiality insofar as it is able, in accordance with the principles in section 5.1.

4 Purpose of the Complaints Policy and Procedure

- 4.1 The Diocese has adopted this Complaints Policy and Procedure to:
- provide a fair process which is clear and easy to use.
 - work in a transparent and open way.
 - encourage resolution of complaints by informal means wherever possible.
 - offer recourse to somebody more senior if informal resolution cannot be achieved.
 - ensure all complaints are investigated fairly, consistently and in a timely way.
 - ensure that explanations are provided, and solutions offered, where possible.
 - ensure that wherever possible, relationships are repaired; and
 - gather, record, review and utilise information, to help us to improve service delivery.

5 Scope

5.1 This Policy covers complaints from persons in receipt of a service from the safeguarding department, persons who have received a service in the past and persons entitled to have received a service.

5.2 This Policy does not cover:

- referrals or expressions of concern about the welfare of children or adults at risk. These referrals should be directed to Safeguarding Coordinator.
- allegations about failure to follow safeguarding processes where these are already managed under the national safeguarding policy and procedure.
- issues raised by individuals who have not been directly affected by the matter being complained about.
- 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.
- grievance, capability, or disciplinary matters, which are addressed using other Diocesan policies and procedures.
- any other complaints unrelated to the provision of a safeguarding service which must be addressed via Diocesan complaints procedure.
- whistleblowing which is addressed by a separate policy and procedure.
- complaints against priests and deacons which must be addressed to the Bishop.
- complaints relating to a member of a Religious Congregation which must be addressed to the Religious Leader.
- complaints against clergy and members of a religious congregation 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.
- concerns or complaints relating to safeguarding in organisations outside the Diocese, which must be addressed to the organisation concerned and
- subject access requests.

5.3 A representative can complain on a person's behalf where that person:

- is a child.
- has requested the representative to act, as confirmed in writing to the Diocese.

- lacks mental capacity, as assessed under the Mental Capacity Act 2005¹.
 - has appointed a person as a Lasting Power of Attorney (LPA) for health and welfare.
 - has an appointed Independent Advocate or
 - has passed away.
- 5.4 Anonymous complaints may be considered but it might not be possible to fully investigate or resolve complaints where the complainant cannot be contacted for further information.
- 5.5 If a person making a complaint needs somebody to help them put their complaint to the diocese, they can ask a friend, family member or somebody else that they know to assist or support them.
- 5.6 The Diocese will not treat you less favourably than anyone else because of your:
- sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed).
 - sexual orientation.
 - colour or race: this includes ethnic or national origin or nationality.
 - Disability.
 - religious or political beliefs, or trade union affiliation and
 - any other unjustifiable factors, for example language difficulties, age, pregnancy, and maternity.
- 5.7 Complaints can be made up to 3 months after the date on which the cause for complaint occurred or came to the notice of the person wishing to complain. However, if following discussion between the Safeguarding Lead and Chief Operating Officer and the Diocese is satisfied that there is good reason for the complaint not having been made earlier and feels that it is still possible to investigate it fairly and effectively, then this time limit may be waived.
- 5.8 Where a complaint about the provision of a safeguarding service in one Diocese is submitted to a different Diocese, regardless of who is being complained about, the receiving Diocese will refer the complaint to the Chief Operating Officer for the Diocese being complained about. The Chief Operating Officer will direct the complaint to the relevant person for response.

6 Confidentiality

- 6.1 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 statutory authorities. It will be necessary to share information with people who need to know, in order that the complaint can be investigated. If this includes contacting another organisation, the complainant's written consent to share relevant information with the other organisation will be sought.
- 6.2 Details of how your personal data may be processed by the diocese, are contained in [Diocesan Privacy Notice - Diocese of Hexham & Newcastle \(diocesehn.org.uk\)](https://www.diocesehn.org.uk/privacy-notice). The privacy notice will identify who the data controller is, provide contact details for the Data Protection Officer, explain the purposes for which personal data are collected and used, how the data are used and disclosed, how long it is kept, and the controller's legal basis for processing.

¹ Lacks capacity to make a specific complaint.

7 Stages of the complaints process

7.1 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.

7.2 Complainants can refer their complaint to the Charity Commission at any stage if they consider there is serious risk of significant harm to, or abuse of the Diocese, its beneficiaries or assets. 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.²

7.1 Informal stage

7.1.1 In the first instance, expressions of dissatisfaction about the safeguarding service are to be addressed by the complainant to the person concerned, regardless of the seniority of their role, giving them the opportunity to resolve the concerns. An acknowledgement will be sent within 5 working days and a response will be made within 30 working days. The response may be made in writing or by way of a meeting or telephone discussion, and the complainant will be provided with a copy of this Safeguarding Service Complaints Policy and Procedure. The Diocese anticipates this to be the appropriate response in most instances. If an informal approach does not resolve the matter or is not an appropriate course of action, the complainant should follow the process at Stage 1 of the formal stage.

7.2 Formal Stage

7.2.1 There are three stages to the formal safeguarding service complaints procedure³.

7.3 Stage 1

7.3.1 Complaints about the Safeguarding Lead are to be sent to the Chief Operating Officer who will allocate the investigation to somebody who is suitably experienced in handling complaints, outside the safeguarding department ('other appointed person').

7.3.2 All other complaints about safeguarding services or personnel are to be sent to the Chief Operating Officer who will establish if anybody within the Diocese is already involved in addressing the issues raised, what has happened so far and will, in agreement with their line manager, allocate an appropriate person to investigate, outside the safeguarding department ('other appointed person').

7.3.3 Whoever receives the complaint will acknowledge receipt within 10 working days. The letter of acknowledgement will assure the complainant that their complaint will be taken seriously. A copy of this safeguarding service complaints policy and procedure will be included with the acknowledgement letter.

7.3.4 The person appointed to investigate the complaint will usually need to contact the complainant to clarify matters such as the nature of the complaint and what the complainant

² The Charity Commission does not act as a complaints service looking at all complaints on behalf of complainants. It assesses and identifies if there is a regulatory issue or concern that requires its involvement. The Commission may refuse to take up an issue if it judges it not to be in the public interest to use its resources investigating or resolving it.

³ Occasionally, and at any of the 3 stages, it might be necessary to appoint an independent investigator if the seriousness of the complaint means it is not appropriate for the matter to be dealt with internally. This would be decided in discussion between the Safeguarding Lead and Chief Operating Officer unless the complaint relates to the Safeguarding Lead, and then the discussion will take place between the Chief Operating Officer and the Vicar General.

feels 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.

- 7.3.5 The complainant will be assured that they will be listened to.
- 7.3.6 If the complainant's expectations are considered excessive, they will be informed of this and the reasons why.
- 7.3.7 The complainant will be given a copy of the Diocesan Privacy Notice and informed that their identity⁴ and the detail of the complaint will be shared with the subject(s) of the complaint. They will also be informed as to how the records relating to the complaint will be kept and who will see them.
- 7.3.8 The complainant will be advised who will provide them with updates or give feedback on the process as it is underway.
- 7.3.9 Details of the complaint will be shared with the person being complained about (respondent), so that they can make a response to the person investigating the complaint. A copy of the record will be provided to the respondent to allow them to confirm accuracy.
- 7.3.10 After an investigation has taken place, the appointed person will decide as to whether the complaint is upheld.
- 7.3.11 A written report will be produced using clear, comprehensible language and neutral tone. The report will:
- set out the complaint(s).
 - identify the process of enquiry or investigation.
 - summarise the facts that can be established.
 - clarify what cannot be determined and why.
 - provide an explanation as to how the complaint arose.
 - identify potential solutions (having regard to the resolution that is being sought by the complainant) and
 - recommend action to resolve the complaint and to avoid similar situations occurring in the future, again considering the resolution that is being sought by the complainant.
- 7.3.12 Regardless of whether the complaint is upheld, within 30 working days of receipt of the complaint, the report will be sent to the complainant, accompanied by a letter from the appointed person setting out the Diocese's views, actions and comments.
- 7.3.13 If it is not possible to complete the report within this timeframe, the complainant will be kept updated and informed of the reasons why not and, where possible, advised of a new timeframe for the report. The complainant's views will be considered in defining the new timeframe.

7.4 Stage 2 – Appeal

- 7.4.1 If the complainant remains dissatisfied at the end of Stage 1, complaints may be progressed to Stage 2, which is a review by the Diocesan Board of Trustees.
- 7.4.2 At this stage, any complaint will be passed to the Diocesan Bishop, in his capacity as Chair of Trustees, who may review the matter himself, or nominate another Trustee to undertake the review.
- 7.4.3 The subject of the complaint and the person who investigated at Stage 1 are to be informed (a) that a review at Stage 2 is taking place and (b) of the outcome of such review at the

⁴ unless the complainant objects and the person responding believes that, in the specific circumstances, their objection should be sustained.

completion of Stage 2. All papers from Stage 1 will be made available to the person assigned to review matters at Stage 2.

- 7.4.4 Complaints will be acknowledged by the Bishop or a nominated Trustee, within 5 working days of receipt by the Board. The acknowledgement will say who will deal with the complaint and when the complainant can expect a reply.
- 7.4.5 The Bishop or nominated Trustee will appoint a senior person who has not been involved in any aspect of service delivery and is not responsible for the line management, supervision, or discipline of those being complained about to:
- contact the complainant and agree which aspects of the original complaint remain unresolved and
 - complete a review of the papers from Stage 1 and Stage 2 and further investigate, if necessary; and produce a report for the Bishop and Board of Trustees within 30 working days of agreement with the complainant about the complaints that are unresolved.
- 7.4.6 If it is not possible to complete the report within this timeframe, the complainant will be kept updated and informed of the reasons why not and, where possible, advised of a new timeframe for the report. The complainant's views will be considered in defining the new timeframe.
- 7.4.7. If necessary,⁵ in the judgement of (specify – e.g. the Board of Trustees, or the Diocesan Bishop or the nominated Trustee), the Bishop or nominated Trustee will appoint an Independent Investigator to investigate and produce a report on a Stage 2 Complaint. This will be someone who is not a member or officer of the Diocese. Where possible, the timescale for completion will be advised to the complainant.
- 7.4.8 Where a timescale for completion has been agreed and it is not possible to complete the report within this timeframe, the complainant will be kept updated and informed of the reasons why not and, where possible, advised of a new timeframe for the report. The complainant's views will be considered in defining the new timeframe.
- 7.4.9 The report by the senior person or the Independent Investigator, written using clear, comprehensible language and neutral tone, is to:
- set out the areas of complaint that remain unresolved.
 - the process of review or further investigation.
 - set out any further facts that have been established.
 - if appropriate, provide further explanation as to how the complaint arose.
 - conclude whether the original complaint is upheld or not.
 - identify any additional potential solutions (having regard to the resolution that is being sought by the complainant) and
 - recommend any additional action to resolve the complaint and to avoid similar situations occurring in the future, again considering the resolution that is being sought by the complainant.
- 7.4.10 Within 30 days of receiving the senior person's or Independent Investigator's report, the Diocesan Bishop or Trustee will send a copy of the report to the complainant, the subject(s) of the complaint and the stage 1 and stage 2 investigator/reviewer, accompanied by a covering letter from the Bishop or Board of Trustee setting out the diocese's views, actions and comments.

⁵ For example, this may be to ensure lack of bias, or because there is nobody that can be appointed internally.

7.4.11 If it is not possible to meet this timeframe, the complainant will be kept updated and informed of the reasons why not and, where possible, advised of a new timeframe for the report. Where necessary, arrangements will also be made to keep the complainant updated

7.5 **Stage 3**

7.5.1 Complaints to Catholic Safeguarding Standards Agency(CSSA) who provide an escalation process for complainants if they are unhappy with how their complaint has been handled by the Diocese. Click [here](#) for information in relation to making a complaint to CSSA.

8 **External process**

8.1 Complainants can refer their complaint to the Charity Commission at any stage if they consider there is serious risk of significant harm to, or abuse of the Diocese, its beneficiaries or assets. 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. Information about the kind of complaints that the Commission can involve itself in can be found on their website at: <https://www.gov.uk/government/publications/complaints-about-charities>

9 **Making a complaint**

9.1 Complaints at any of the 2 stages can be made in writing (by post), by email or by telephone. Where a complaint is taken by telephone, a record of the conversation will be taken and sent to the complainant for agreement before any further steps are taken.

9.2 Where necessary, reasonable adjustments can be made to vary the way in which complaints can be made, including face to face meetings.

9.3 Stage 1 safeguarding service complaints about safeguarding employees and volunteers, are to 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

9.4 Requests to proceed to Stage 2 are to be addressed to:

Bishop of Hexham and Newcastle
Bishops' House
26 West Avenue
Gosforth
Newcastle upon Tyne
NE3 4ES
Email: bishop@diocesehn.org.uk

10 **Withdrawal of a complaint**

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

11 Managing repeated complaints

- 11.1 The Diocese will not normally limit the contact complainants have with the organisation. However, complainants are requested to try to limit their communication with the Diocese which is material to their complaint while the complaint is being progressed.
- 11.2 For complainants who are deemed to contact the Diocese excessively, and because of the frequency and nature of their complaints cause a significant level of disruption to the extent that it impedes other work, measures may be put in place such as specifying the method and frequency of any ongoing contact and ensuring that there is a single point of contact for complainants.

12 Abusive or threatening behaviour

- 12.1 The Diocese will not tolerate unacceptable behaviour and will take action to protect Clergy, employees, office holders and volunteers ('Diocesan personnel') from such behaviour, including that which is abusive or threatening.
- 12.2 In response to abusive or threatening behaviour towards 'Diocesan personnel', the Bishop or the Chief Operating Officer will write to the complainant, explaining that their behaviour is unacceptable.

13 Serious incidents of violence or aggression

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

14 Variation of this Policy and Procedure

- 14.1 The Trustees may vary the Complaints Policy and Procedure for good reason. For example, this may be necessary to avoid a conflict of interest. Reasons for varying the Complaints Policy and Procedure should be recorded in writing on the case file relating to each complaint for which the Policy and Procedure is varied.

15 Monitoring and learning from complaints

- 15.1 Complaints are reviewed annually by the Trustees, to identify any trends which may indicate a need to take further action. Anonymised data on complaints will be provided to CSSA on request.

16 Amendment of this Policy and Procedure

- 16.1 The Diocese reserves the right to amend this Policy at its discretion.

Responsible officer	Head of Safeguarding
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Next review date	
Author	M Anderson