

# Paper P1

**Law and Polity Advisory Group**

**Complaints Policy**

United Church 2017  
Church 2017  
**Reformed**  
Church 2017  
**Church**

# Paper P1

## Law and Polity Advisory Group

### Complaints Policy

#### Basic Information

<b>Contact name and email address</b>	Michael Hopkins <a href="mailto:clerk@urc.org.uk">clerk@urc.org.uk</a>
<b>Action required</b>	Advice on which direction Mission Council might wish to go.
<b>Draft resolution(s)</b>	n/a

#### Summary of Content

<b>Subject and aim(s)</b>	Possible consistent denomination-wide policy for dealing with complaints.
<b>Main points</b>	After consultation, a proposed policy is suggested, along with possible ways Mission Council might wish to implement it.
<b>Previous relevant documents</b>	None
<b>Consultation has taken place with...</b>	Legal Advisor, synods, General Secretary.

#### Summary of Impact

<b>Financial</b>	May reduce staff time by having a clear process.
<b>External (e.g. ecumenical)</b>	A clear and consistent process is the best way to be fair to everyone.

# Complaints Policy

1. This matter was drawn to the attention of the Clerk by a Church Secretary, who felt that no guidance was provided as to how his local church might respond to a complaint, and that there was a danger of people investigating complaints against themselves.
2. The Law and Polity Advisory Group initiated a consultation with synods. One synod shared a policy they had written, one shared a Trust Company policy, and a third shared some advice offered by the Deputy General Secretary (Admin and Resources). All who responded said that they would welcome a denomination-wide policy.
3. In response to the consultation, LPAG approved the draft of a possible policy. It should be noted that the proposed policy has a long pre-amble, but the steps to be followed are relatively modest.
4. LPAG now offer this to Mission Council, and would like Mission Council to do one of the following:
  - a) Reject the principle of a denominational complaints policy
  - b) Accept the principle of a denominational complaints policy, but require further work on the proposed draft.
  - c) Accept the principle of a denominational complaints policy, and accept the proposed draft policy on behalf of General Assembly, and commend it for consideration and possible adoption by synods, local churches, and Trust bodies.
  - d) Accept the principle of a denominational complaints policy, and accept the proposed draft policy on behalf of General Assembly and synods, and commend it for consideration and possible adoption by local churches, and Trust bodies.
  - e) Accept the principle of a denominational complaints policy, and accept the proposed draft policy on behalf of General Assembly, synods, and local churches, and commend it for consideration and possible adoption by Trust bodies.<sup>1</sup>
5. Once Mission Council has indicated a preference, the Clerk will present appropriate resolution(s).

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<sup>1</sup> Mission Council will remember that Trust bodies are not subject to the councils of the church, and so the most that can be done in this regard is to offer something to them for their consideration.

# The United Reformed Church Draft Complaints Procedure

## Part One: Preamble

### Why a Complaints Procedure?

The United Reformed Church needs a complaints process because humans are imperfect. The Church is made up of people, and so is a fallible community, and its members on occasion behave in ways which are damaging to themselves and others, and which undermine the credibility of the Church's witness. A complaints process is one of the means by which the Church recognises that all humans are made in the image of God, and are entitled to be treated as such, and by which it maintains its witness to the new life in which we are called through Christ.

In the absence of a policy directing otherwise, people or councils of the Church may find themselves expected to investigate and decide upon complaints about themselves, which is unfair to all concerned. Further, the horrific history of child sexual abuses in churches and other organisations is littered with cases where a complaint was made, but not properly investigated. No doubt in many cases it was thought better not to "stir things up", or that we could assume because the complainant had not repeated the complaint it had been dropped. This seems to go against all best practice in all kinds of ways. This is why a Complaints Procedure is essential.

Through the Complaints Procedure members of the United Reformed Church are accountable to the Church in matters of faith and behaviour. The Church seeks to enable healing and reconciliation to take place through that accountability whenever possible. The Church also responds to the call through Christ for justice, openness, and honesty, and to the need for each of us to accept responsibility for our own acts.

The Complaints Procedure therefore seeks to embody the following principles:

- the initiation of complaints should not be limited to members of the Church
- there should be no difference in principle between ordained and lay people in the way in which complaints against them are dealt with
- help and support should be offered both to the person making the complaint and to the person complained against at every stage during the process
- the process should be fair, and seen to be fair
- the person or body making the decision at each stage should be competent to do so
- there should be a means of correcting any errors which may be made
- there should be a means of ensuring compliance with any decision
- there should be appropriate requirements relating to confidentiality and record-keeping
- the possibility of reconciliation should be explored carefully in every case in which that is appropriate.

As the Body of Christ the Church seeks to embody justice, and to challenge injustice, the Complaints Procedure is one means of searching for truth. Justice involves loving, honouring, and respecting others, and ensuring that processes and procedures are accessible, consistent, fair, and transparent. Justice is also dynamic, implying an active concern for those who are vulnerable, marginalised, or oppressed.

## Information about making complaints

The United Reformed Church seeks to ensure that the Church is a safe, responsible, and caring environment for all. To achieve that, rules and procedures have been put in place to enable the Church to deal with any acts of inappropriate or unethical behaviour by any Church minister, elder, or office bearer.

These rules differentiate between serious issues of conduct, and other acts of inappropriate behaviour. For serious issues, the Church has internal disciplinary procedures. In some circumstances, it may be appropriate to refer the matter to the police, if the complainant has not already done so.

For less serious matters, the Church has a Complaints Procedure. The aim of this Procedure is neither to trivialise serious matters, nor on the other hand to treat minor matters with undue weight. In this Procedure, the Church wishes to prioritise the use of mediation and conciliation, as experience suggests that this is the best way to ensure an outcome where everyone involved feels that their concerns have been appropriately heard and dealt with.

In framing its Complaints Procedure, the Church is strongly of the belief that a person with a legitimate grievance must be listened to, and that their complaint should be properly and fairly addressed.

If you have a complaint to make against a minister, elder, or other member of the United Reformed Church, then there are various ways in which the Church may determine that should be addressed:

- a) If the allegation is a serious one about a Minister, it will immediately be referred to Ministerial Disciplinary or Incapacity Procedures. In some circumstances, it may be appropriate also to refer the matter to the police, if the complainant has not already done so. This will be where criminal behaviour is alleged, in particular where there are allegations of a serious sexual nature, where vulnerable groups are involved, or where allegedly there has been financial impropriety. Anyone who becomes aware of offending of this nature is urged to contact the police immediately, as well as also informing the church.
- b) In some cases it might be determined at an early stage that the allegations do not require further consideration or investigation. A conversation with the appropriate officer, may well have been enough to allay your concerns or to establish that the matter does not require further investigation. However, normally the matter will be referred to the Church's Complaints Procedure.
- c) A matter which does not justify being referred to disciplinary procedures, nor to the police, and which has not been resolved at an early stage, will be referred to the Church's Complaints Procedure.

## What is and what is not a complaint?

*Examples of complaints.*

A complaint might be:

- An allegation about the conduct of a minister, elder, other member, or a volunteer serving the United Reformed Church or about the way in which they have performed their duties.
- An expression of dissatisfaction about the way in which you have been treated by a minister, elder, other member, or a volunteer serving the United Reformed Church or about their attitude to you.
- An allegation that a minister, elder, other member, or a volunteer serving the United Reformed Church failed to do something in the way that should reasonably be expected.

- An allegation that there has been unreasonable delay by a minister, elder, other member, or a volunteer serving the United Reformed Church in responding to an enquiry or request.
- A breach of confidentiality by a minister, elder, other member, or a volunteer serving the United Reformed Church.

#### *What is not a complaint?*

A complaint is not:

- a routine request for information, or for an explanation of the way in which something is done
- an allegation that a council of the Church has acted beyond its powers (that is a Constitutional Review), or made a decision that you cannot accept (that is an Appeal)
- an objection to an individual, or a group of people, implementing decisions that have been correctly reached.

#### *What doesn't the Church's Complaints Procedure deal with?*

The Church's Complaints Procedure is generally for allegations made against either situations or individual persons within the Church. Some things which the Church's Complaints Procedure doesn't cover are:

- An issue about selection or training of a minister: this goes to the Ministries Committee
- an issue about synod decisions on scoping or deployment: this would be an Appeal or a Constitutional Review
- an issue about insurance, sale, or purchase of property: this would be dealt with by the trustees of the building or the relevant officers of the synod
- an issue about buildings maintenance: this would be dealt with by the trustees of the building or the relevant officers of the synod
- insurance claims: these go to the insurance company
- an attempt to reopen a previously concluded complaint, or to have a complaint reconsidered where a final outcome has already been reached
- an issue which involves vulnerable people: this will go straight to Safeguarding procedures
- also, while you can complain about a matter which is already being dealt within the civil or criminal courts, such a matter will not normally be dealt with by the Church until the civil or criminal process has been concluded
- decisions of Trustee bodies, which are not subject to the councils of the Church.

Where the complaint should be dealt with under a different process, e.g. grievance procedure, as mentioned above, your Synod Clerk or the General Secretary will be able to supply you with the appropriate information about who to contact.

## **Making a complaint**

### ***Step 1: Who to contact about a complaint – informal notification***

For complaints relating to a local church, you should contact the Church Secretary. If the complaint is about the Church Secretary, you should contact the Minister or Interim Moderator. Where a local church cannot find a suitable person independent of the complaint, or feels it requires greater scrutiny, they may immediately pass the complaint to the synod. Normally complaints about Ministers should be referred to the synod, as ministers serve under the oversight of the synod not the local church.

For complaints relating to a synod, you should contact the Synod Clerk. If the complaint is about the Synod Clerk, you should contact the Synod Moderator. Where a synod cannot find



a suitable person independent of the complaint, or feels it requires greater scrutiny, they may immediately pass the complaint to the General Assembly.

For complaints relating to the General Assembly, you should contact the General Secretary. If the complaint is about the General Secretary, you should contact the Clerk of the General Assembly. The General Secretary and Clerk are empowered to consult with any other officer of the Assembly, or staff member, that they deem appropriate.

The Church hopes that wherever possible, initial discussion with the appropriate church official may well have been enough to allay your concerns or to establish that the matter does not require further investigation.

### ***Step 2: Progressing a complaint – formal notification***

If the matter is to be taken further, then the appropriate church official named in step one must have some details from you in order for a complaint to be properly investigated. This means that you need to write to them or email them, setting out:

- who you are, plus your contact details,
- whether you are a church member, and any office you hold,
- exactly what the nature of your complaint is,
- exactly which persons – minister, elder, other member, or a volunteer serving the United Reformed Church – or situations you are complaining about, and
- specific details of the circumstances (including, where possible, names of individuals, places, dates etc.)

Details need to be given as quickly as possible and as fully as possible. The United Reformed Church cannot accept complaints where there is unreasonable delay in giving details after a complaint is made, or where details are withheld and an attempt made to add further matters as the complaint progresses.

The appropriate church official named in step one can assist you with this. Upon receipt of your written complaint, the appropriate church official named in step one will acknowledge this in writing within twenty days. All information which you supply in connection with your complaint will be treated sensitively. So far as is possible while still enabling your complaint to be properly dealt with, the information which you give will be treated confidentially.

### ***Step 3: Dealing with a complaint***

On receipt of your written complaint, the appropriate church official named in step one will ask an independent person or persons to consider the complaint.

The independent investigator(s) will contact you to discuss your complaint and if appropriate, to arrange to meet with you. They will also forward a copy of the complaint to the respondent (the subject of the complaint).

They may similarly meet with the respondent. They shall make such enquiries as they consider appropriate and may hold more than one meeting separately with you, the complainant, and with the respondent. If they consider this to be appropriate and both parties consent, they may facilitate a mediated meeting between you and the respondent.

On any occasion where the independent investigator(s) meets with you, you are entitled to have present another person; where there is more than one meeting, it is helpful if this is the same person.

On any occasion when the independent investigator(s) meets with the respondent, the respondent shall be entitled to have present another person; again where there is more than one meeting, it is helpful if this is the same person.

Summary notes will be kept of all meetings throughout the process.

The independent investigator(s) will endeavour to provide you with an initial response on your complaint within a period of thirty working days from when they first considered the complaint, however some complaints may require longer.

**Step 4: The outcome**

Upon completion of their enquiries, the independent investigator(s) will hope to have achieved one of the following possible outcomes (although this list is not exhaustive):

- You as complainant are satisfied that the matters raised in the complaint have been resolved
- You as complainant and the respondent have reached a mutual agreement that the matter need go no further
- The independent investigator(s) will offer advice to the respondent(s) as to their future conduct
- The complaint has been withdrawn
- The complaint has been dismissed, or
- The complaint having been dealt with, the matter is, despite no agreement having been reached, nonetheless concluded.

A local church complaint which remains unresolved may be referred to the synod for investigation using the steps above. A synod complaint which remains unresolved may be referred to the General Assembly for investigation using the steps above.