



Diocese of Bristol

FOLLOWING UP COMPLAINTS

(August 2019)

**The investigation and follow-up of complaints
through a Six Step Process**

Information regarding Clergy Discipline Measure

FOLLOWING UP CONCERNS (April 2019)

I. Introduction

- I.1 Under existing ecclesiastical regulations the Clergy Discipline Measure (CDM) sets out very clear processes through which the most serious disciplinary issues will be followed up. The procedures for a formal CDM issue are set out in the Code of Practice which is agreed by both the Archbishop's Council and the General Synod and can be accessed through the Church Commissioner's website: <https://www.churchofengland.org/about/leadership-and-governance/legal-services/clergy-discipline> (and 3 below)
- I.2 From time to time complaints or issues of concern about individual members of the clergy are brought to the attention of the Bishop or to members of her senior staff. These issues may not result in, or warrant, any sort of formal CDM-based process; but it is important that each is followed up appropriately within a fair and open process, with pastoral sensitivity, and in which all parties are afforded the opportunity to share or report their concerns, with the right to be represented, and the right of reply.
- I.3 The Diocese is committed to this fair process, it ensures that time is set aside to gain a clearer picture of all the issues raised, that individuals have opportunities to put their views, that where it is possible reconciliation is achieved, and that support and advice can be given. Decisions about any further actions are made only when there is clarity of objective information/evidence. Should it be necessary, we will then follow the CDM process.
- I.4 The guidelines below set out how senior staff will follow up issues or complaints brought to their attention through a **6 step clear process of investigation and follow up**. They will then judge when an issue or complaint received should be followed through the CDM route where this is appropriate; or whether these are obviously issues which could be resolved through the Diocesan process.
- I.5 The guidelines do not cover safeguarding concerns or allegations involving children, young persons or vulnerable adults. The procedures for dealing with safeguarding concerns are set out in the Church of England's Practice Guidance: "Responding to, assessing and managing safeguarding concerns or allegations against church officers", which can be found at: <https://www.churchofengland.org/sites/default/files/2017-12/Responding%20PG%20V2.pdf>.

2. Diocesan Guidelines and Processes for following up issues, concerns and complaints received

2.1 The six-step process is based both on the current pre-formal proposed capability procedure within the Terms of Service/Common Tenure arrangements, and also on the new national ACAS guidelines which focus on the responsibility of organisations to work more creatively to bring about informal resolution to a situation.

2.2 What is important in this, and any process* is that it should be:

- ✓ based on fair and reasonable processes and clarity of judgements and decisions
- ✓ managed within a clear time frame to ensure that any subsequent CDM complaint cannot be deemed out of time
- ✓ tracked carefully
- ✓ properly documented

*It should be remembered that this process may at a later date move into the CDM process. Documentary evidence therefore may well be a key part in any assessment of a fair legal/formal process or of its timing – especially if this is related to a later CDM process, so at all stages of anything informal proper paperwork, notes, records etc should be kept.

2.3 Diocesan principles of accountability

2.3.1 In all processes we will ensure that we respect the individuals involved and their individual circumstances. Anyone involved in his process will have access to Diocesan Pastoral Support.

2.3.2 Where those individuals are part of a process we will ensure that:

- ✓ They fully understand all aspects of the processes available to us and them, and the potential outcomes; and that they have the opportunity to explore these in confidence at every stage.
- ✓ They are aware of the range of pastoral and practical support available.
- ✓ They are made aware of timescales and next steps as informal processes are created and worked through and that these are managed consistently, and as quickly and fairly as possible.
- ✓ To this end, all involved are expected to meet with those investigating without unreasonable delay.
- ✓ They are aware of theirs and others' roles and responsibilities, and of their right to be accompanied at any meeting if they so wish.
- ✓ The complaint will be dealt with in a timely manner.

2.3.3 When things go awry with relationships both personally, in churches and in local communities, the Diocese's priority will always be to do what it can to bring people together as quickly as is possible in each individual circumstance, in order to help restore relationships.

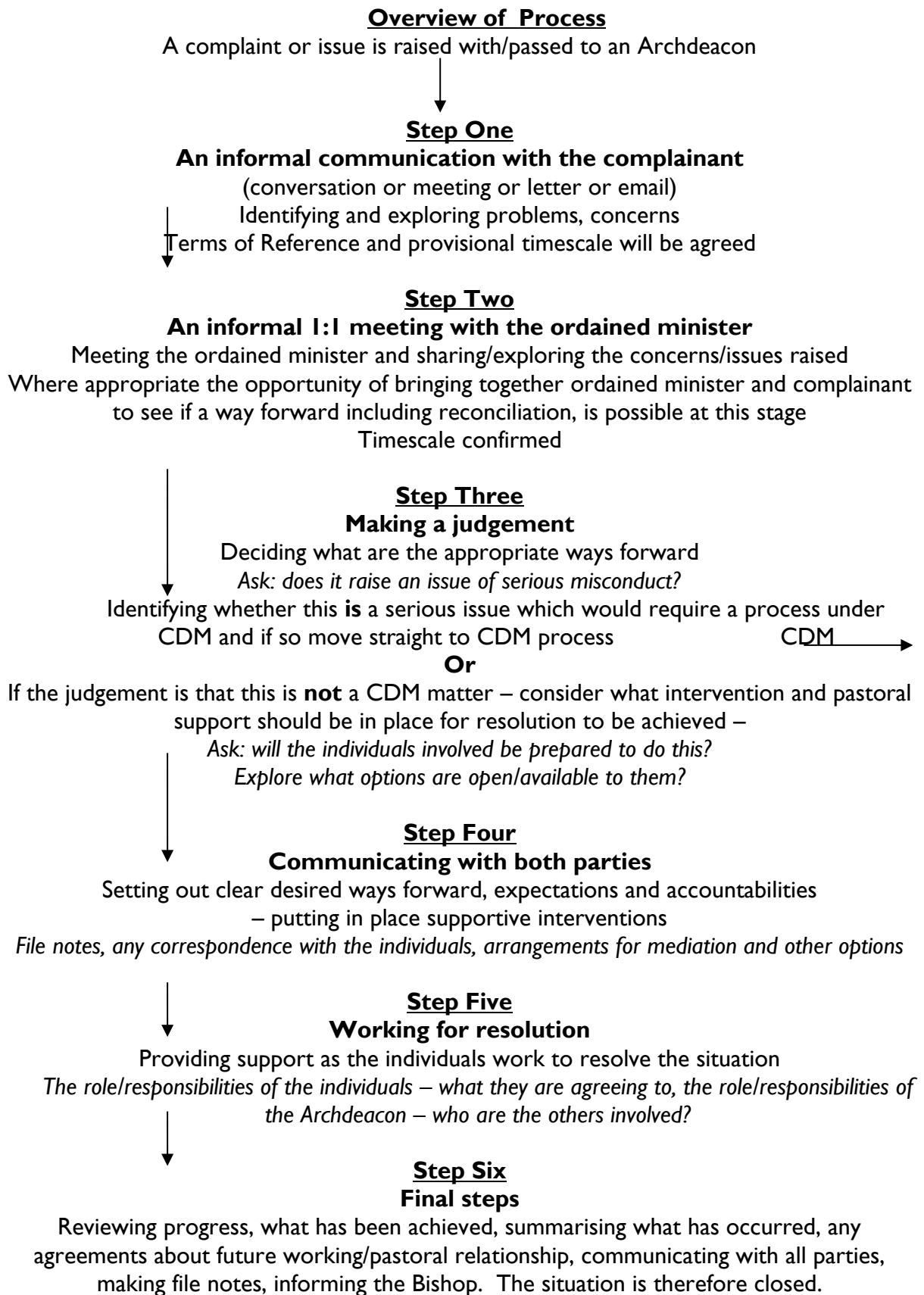
2.3.4 We will plan to do this with the individuals concerned in safe, creative and thoughtful ways which ensure respect, fair process, the right to be heard, and the right of reply.

2.3.5 Confident that clergy are determined to live out the commitments and promises they made at ordination, the Diocese has three key expectations on those who find themselves in situations of conflict:

- ✓ That they will do all that they can to bring about a local resolution.
- ✓ That where bringing about local reconciliation is a struggle and where additional assistance, advice, and support may be helpful, that they actively seek this from colleagues, national bodies, and the diocese.
- ✓ That clergy will fully co-operate with the diocese in its responsibility to seek and facilitate all opportunities for reconciliation (eg through mediation).

2.4 Diocesan process and steps

- 2.4.1 An overview of the process, and details of each of the steps taken at each stage are set out below.



Process at each stage

A complaint is passed to, or received by, an Archdeacon.

(Steps one and two would normally be conducted by an Archdeacon, but Bishop's Staff may wish to consider also using the skills of another person nominated by them and to report back to the Archdeacon for a decision at Step Three based on what has arisen from the preliminary enquiries).

Step One An informal 1:1 conversation with the complainant(s)

- ✓ At Step 1 the informal conversation may take place in person, by telephone conversation, email or other method/combination of methods.
- ✓ The Archdeacon invites the complainant(s) to an informal conversation (at which they may be accompanied if they wish).
- ✓ At this conversation the complaint(s) should be explored and a note of what is discussed made (and depending on the circumstances, details of this process and CDM are shared). Nothing should be said or done at this stage that could prejudice the Diocese's freedom to act appropriately at a later stage.
- ✓ The Archdeacon may ask another person to be present at this conversation.
- ✓ Depending on the nature of the complaint(s) it may be appropriate at this step to explore how the complainant would want to see the situation resolved. It might be appropriate to explore if the complainant would be willing to meet with the ordained minister in the spirit of reconciliation and what information may be shared; or to ensure that in the most serious of cases they understand their ability to instigate the CDM process.

Possible next steps may include (but are not limited to):

- moving to stage 2 in the process
- a supported conversation/mediation with the minister
- an investigation by the Archdeacon
- advice/training offered to the clergy person
- recording information on file in case a pattern of repeating behaviour becomes evident

Sometimes a complainant may not wish to be identified. This may limit the options for the next step and the archdeacon will be able to advise on what is possible

- ✓ Terms of Reference and a provisional timescale will be agreed

Step Two An informal meeting with the ordained minister

The Archdeacon should contact the ordained minister and let them know that an issue has arisen, and invite them to attend an informal meeting at which the concerns can be explored. The Archdeacon should issue the minister with a written outline of the substance of the issue at least 48 hours ahead of the meeting.

- ✓ The ordained minister should be able to bring a supportive friend (not normally a family member), colleague or union representative to the meeting if they wish. The Archdeacon should be told the identity of the supportive friend 48 hours before the meeting.
- ✓ At the meeting (or shortly afterwards) the Archdeacon should make some notes of what was discussed – and at the meeting explore possible ways forward.
- ✓ The Archdeacon may ask another person to be present at this meeting.
- ✓ It may be appropriate at this step, depending on circumstance, the nature of the issues/concerns raised, the individuals involved, and/or the necessity to follow up with further investigatory discussions, to follow up the outcomes of discussions in Step One to bring the ordained minister and the complainant(s) together in the spirit of reconciliation.
- ✓ Timescale to be confirmed to both parties

Step Three – making a judgement and ways forward

- ✓ The Archdeacon may feel at this stage that they require some further enquiries for information or clarification that would enable them to make a better judgement about possible ways forward – and they may want to seek information from a third party, and/or ask for some advice and/or support from Diocesan professional advisers.
- ✓ Each situation will be different, and the Archdeacon may make a judgement about offering a short period of special leave, to enable the further investigatory discussions to take place.
- ✓ Each situation will be different, but following the meeting (step 2) and any follow up enquiries that have been made - the Archdeacon should make a judgement about the appropriate way forward. This decision should be communicated to the complainant(s) and to the ordained minister in person/telephone call, and followed up by emailed letter.
- ✓ If, on the evidence, the Archdeacon feels that in their judgement it is NOT a matter of serious professional misconduct (ie a CDM matter) they may decide that the way forward is through a process of resolution and reconciliation.
- ✓ If on the evidence the Archdeacon feels that in their judgement this IS a matter of potential serious professional misconduct they may decide that the way forward is for a formal CDM complaint to be made and due process will then be followed in line with statutory requirements.
- ✓ If the Archdeacon requires some advice on help to establish whether this is a potentially serious issue (CDM) or an issue better suited to local resolution - they may ask the HR Manager, the Diocesan Safeguarding Adviser or other appropriate person to advise on the process.

Step Four – communicating with both parties

- ✓ The letter setting out the Archdeacon’s decision (see Step Three above) and the desired next steps may include;
 - details of any training/development support that is required or available
 - a possible timeframe
 - any arrangements for external support such as mediation or facilitation
 - a date at which progress can be reviewed
 - the pastoral support that is available for all parties
 - a request that both complainant and the ordained minister reply to the letter that they are content for this to be the way ahead, and confirming their willingness to participate in it.

- ✓ The Archdeacon may decide, depending on the circumstances, that they want to make it clear in the feedback and follow up letter to the ordained minister that whilst a formal complaint under CDM is not taking place, that the situation does raise serious concerns and that their full co-operation is required in the way forward.

- ✓ It is very important at this stage that there is a clear file note/report summarising the issues, copies of the letters, and of the plan for the desired way forward.

- ✓ In correspondence/discussion with the complainant, at this stage, the Archdeacon should make them aware of his/her assessment and the actions needed (if any), but also of the complainant’s right to bring a complaint through the CDM process.

- ✓ The Archdeacon should explain the CDM process and explore potential outcomes - so that the complainant can be aware of the Archdeacon’s judgement and the proposed way forward.

Step Five - working for resolution

- ✓ Both the complainant(s) and the ordained minister should be given the appropriate time to work through the Archdeacon’s reporting and the agreed way forward. This would normally be no more than three weeks.

- ✓ Where, for good reason, more time is needed, the progress review meeting may be rescheduled, with agreement from all parties.

Step Six – final steps

- ✓ If at the agreed date to review and reflect on progress both the complainant and the ordained minister are content that there is reconciliation or resolution – the issue is closed. The Archdeacon will write a file note summing up what has occurred since the original file note was made.

- ✓ At any review/progress meeting the ordained minister has the right to be accompanied by a supportive friend, colleague or union representative (but not normally a family member).

- ✓ At the end of the process the Archdeacon will send a report to all parties outlining what has occurred, giving his/her thanks for participation and engagement in the process, and of his/her hope for them in the future. This report may be written by the person appointed by the Archdeacon to investigate, but approved by the Archdeacon.
- ✓ The Archdeacon may, depending on the nature of the issue, send a copy of the summing up note to the Diocesan Bishop who may ask for a meeting with the ordained minister to help him/her reflect on the situation, would be appropriate.

If a note is to be made in the ordained minister's Blue File the Bishop should give a draft copy to the minister who has ten days to comment. If the note is changed the minister should receive the final copy.

Possible Outcomes.

The situation is satisfactorily resolved	No further action is necessary. The Bishop may want to meet the ordained minister and/or the complainant to review what has happened.
The situation is resolved but with some potential remaining issues or the possibilities of recurrence, or with reservations on either side	A further formal meeting with either party is convened by the Archdeacon to set out a clear set of expected behaviours in moving forwards. The Bishop may want to meet the ordained minister and/or the complainant to review what has happened.
The situation is not resolved	A further meeting individually with the complainant, and the ordained minister is arranged by the Archdeacon to explore possible next steps.
The situation is satisfactorily resolved but recurs - depending on the circumstances either	A further meeting individually with the complainant, and the ordained minister is arranged by the Archdeacon with the Diocesan HR Manager and/or Safeguarding present to explore possible next steps, Or A formal CDM complaint is brought – see flow chart below Or A formal capability process is instigated (Terms of Service)

*We wish to acknowledge the work of the Diocese of Gloucester in compiling this complaints process.
This document is based on that work and has been adapted for use in the Diocese of Bristol*

3. The CDM Process

