

Complaints Policy

Guildford Diocese Board of Finance

Version	2
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Approved By:	Guildford Diocese Board of Finance / Bishop's Council
Owner:	Head of People

AMENDMENTS

Date	Section	Summary of change
Oct 2023	General	Edited for clarity
Oct 2023	5.2	Updated process to allow complainants to be interviewed to document their complaint
Oct 2023	3.3	Confirmed anonymous safeguarding complaints will be investigated
Oct 2023	3.12	Added so that the repetitions could be removed
Oct 2023	5.4	Added 3-month time limit on making complaints
Oct 2023	7, 9.14, 10.17, 13	Updated the role of Bishops Leadership Team
Oct 2023	8.4	Increase in time for complainant response for mediation
Oct 2023	9.1	Clarified appointment of investigating officer
Oct 2023	9.9 10.11	Clarified process for when a complaint is upheld
Oct 2023	12	Updated Data Protection contact point

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Complaints Policy

1 Introduction

- 1.1 The Guildford Diocesan Board of Finance (DBF) recognises that from time-to-time complaints might arise from members of the public, from parishes, from trustees and from DBF staff. Complaints might be about things that have been said or done, about behaviour, about policies and procedures, or about how a concern or issue has been dealt with.
- 1.2 DBF is committed to listening to those who express concerns and responding swiftly and appropriately.
- 1.3 The purpose of this policy is to ensure a fair and transparent complaints process that is accessible to those wishing to raise a concern or make a complaint.
- 1.4 This policy does not form part of DBF staff's employment contracts and may be changed from time to time to reflect latest legislation.

2 Scope

- 2.1 This Complaints Policy applies to complaints made about DBF. This includes DBF staff, including staff who are ordained clergy and volunteers who are working on behalf of or representing DBF in an employed or volunteer role.
- 2.2 Complaints that will not be dealt with under this policy include
 - Complaints about a member of clergy or licensed lay ministers in parishes or at the Cathedral will be managed under the [Clergy Discipline Measure 2003](#).
 - Complaints or grievances raised internally by DBF staff concerning issues associated with their employment will be dealt with under the Grievance Policy in the DBF **Employee Handbook**.
 - Complaints relating to local parish or Cathedral matters will be referred to the incumbent and the parish PCC, or the Cathedral.
 - Complaints or matters relating to safeguarding will be dealt with under the [Church of England's Safeguarding Policy and Practice Guidance](#) and should be referred to the [Diocesan Safeguarding Advisor](#) or Independent Chair of the Diocesan Safeguarding Advisory Panel.
 - Complaints relating to church schools and academies will be dealt with in line with the complaints policy and procedures of the respective school.

3 Principles

- 3.1 This policy is based on the following principles:
- 3.2 All complaints will be taken seriously, will be listened to and managed fairly and transparently. Wherever possible, complaints will be resolved in a way which addresses the complaint through a positive process of listening, understanding and dialogue.

- 3.3 A complaint should usually be made by the individual directly affected by a concern or issue, not by a third party, unless the individual affected is unable to represent themselves. We do not normally accept anonymous complaints, unless related to safeguarding.
- 3.4 Whilst all complaints will be listened to, DBF will not follow up on or investigate complaints that cannot be substantiated with appropriate evidence.
- 3.5 The complaints process should be clear and easy to follow, with clear stages which ensure a proportionate response to the concerns raised.
- 3.6 The process should ensure that complaints are resolved swiftly and informally, where possible. Informal discussion, problem solving, and mediation will be explored before formal investigation, where possible and appropriate.
- 3.7 All those who raise concerns and those who are subject to a complaint will be treated with dignity and respect, and confidentiality will be respected by all parties.
- 3.8 If the complaint is against an individual, the respondent will be made aware that a complaint has been made. The content and nature of the complaint will be shared with them once a process has been agreed with the complainant, to be determined by the Diocesan Secretary and/or the investigating officer. The complainant, the respondent and the respondent's line manager will be kept abreast of progress throughout the complaints process. If the complaint is concerning systems or procedures, or general issues, a director or head of department will act as respondent.
- 3.9 An appropriate level of support will be offered to the complainant and the respondent. The nature of the support will be determined on a case-by-case basis and may include pastoral support from line manager or other senior leaders, and/or counselling.
- 3.10 Appropriate and corrective actions will be taken to deal with and to close a complaint, where it is upheld. Where appropriate, errors of judgment or behaviour will be acknowledged, and apologies issued to those impacted.
- 3.11 A review of key lessons learnt will be carried out upon the conclusion of each complaints process.
- 3.12 If the complaint is against the Diocesan Secretary, then the complaint will be handled by the Bishop of Guildford. In such cases, in this policy where Diocesan Secretary is referenced the Bishop of Guildford would be substituted.

4 Definitions

- 4.1 A complaint is an expression of dissatisfaction about the policies, practices or procedures of the Diocese. A complaint may include an allegation that an individual has behaved in an unacceptable way.
- 4.2 A complainant is anyone who makes a complaint.
- 4.3 A respondent is the individual to whom the complaint relates or who has been assigned to respond on behalf of the Diocese with respect to a complaint about a policy, practice or procedure.

- 4.4 An informal complaint is one that is resolved with the respondent informally, without the need for an investigation. Unless the complaint is of a serious nature, it should be dealt with informally in the first instance.
- 4.5 A formal complaint is a complaint that cannot, or hasn't, been resolved informally.
- 4.6 An investigating officer is an individual appointed by the Diocesan Secretary to investigate formal complaints.

5 Submitting a Complaint

- 5.1 All written complaints should be sent to the [Diocesan Secretary](#) by email, or by post to Diocesan Secretary, Church House Guildford, 20 Alan Turing Road, Guildford, GU2 7YF.
- 5.2 If a verbal complaint is made, or where the complainant is unable to clearly articulate their complaint, the Diocesan Secretary will delegate a senior staff to interview the complainant to document and summarise their complaint.
- 5.3 Any complaints received by diocesan staff or volunteers should be documented and forwarded to the Diocesan Secretary.
- 5.4 Any complaint should ideally be raised as soon as possible, normally no more than 3 months after any incident, unless in exceptional circumstances such as bullying or harassment cases.
- 5.5 The Diocesan Secretary will acknowledge all complaints received in writing within 5 working days of their receipt and will clarify if it is to be treated as an informal or formal complaint.
- 5.6 The Diocesan Secretary will assess the seriousness of any complaint. Normally complaints will be treated as an informal complaint in the first instance, dealt with under **Stage 1 (Informal Complaint)** of the process. For complaints assessed as more serious, then it may be dealt with under either **Stage 2 (Formal Complaint and Mediation)**, or **Stage 3 (Formal Complaint and Investigation)**.

6 Stage 1: Informal Complaint

- 6.1 The Diocesan Secretary will review the complaint to evaluate how it should be dealt with informally, with advice from the Head of People where the complaint involves staff.
- 6.2 When responding to an informal complaint, the aim is always to resolve it informally, speedily and fairly through discussion or problem-solving.
- 6.3 The complaint will be raised with the staff concerned (respondent) and their line manager or director. The respondent and line manager should be willing to listen, to discuss the matter with the complainant and to seek to find a solution to the concerns through discussion and/or problem solving.
- 6.4 Any previous complaints regarding similar issues received will be considered at this stage.

- 6.5 If the issue is not resolved informally through discussion and/or problem-solving, the informal complaints process will cease. The Diocesan Secretary will assess if the seriousness of the complaint and lack of resolution warrants Stage 2 (formal complaint and mediation) being initiated. Both the complainant and respondent will be informed of the outcome of Stage 1 in writing.
- 6.6 Formal records will not be kept of informal complaints which are resolved at this stage; however, the Diocesan Secretary will keep a note of the informal complaint and to implement any learning in the interest of continual improvement.

7 Stage 2: Formal Complaint and Mediation

- 7.1 The Diocesan Secretary will review the formal complaint to ensure that it includes the following before proceeding:
- The name and contact details of the complainant.
 - The date on which the original complaint was made.
 - The context and nature of the complaint, including documented evidence to substantiate the complaint.
 - The name of the respondent.
 - The relationship of the complainant to the respondent, or to DBF more generally.
 - The complainant's desired outcome.
- 7.2 The Diocesan Secretary will confirm by letter to the complainant that Stage 2: Formal Complaint and Mediation has been initiated, except in the following circumstances where Stage 3: Formal Complaint and Investigation will be followed:
- Where allegations of discrimination, bullying or harassment have been made.
 - Where an employee is alleged to have acted in a way which breaches DBF policies, whether it would then be deemed as misconduct or gross misconduct.
 - Where it is alleged that a crime has taken place.
- 7.3 The respondent will be made aware that a complaint has been made, but the nature of the complaint will not be shared with them until either mediation or a formal stage 3 investigation has been agreed with the complainant.

8 Mediation

- 8.1 Mediation is a voluntary process and both parties should agree to participate. An independent third-party mediator will be engaged by DBF to conduct the process in an objective and impartial way. The mediator will not determine a resolution for the parties but will create a framework for the parties involved to seek a resolution.
- 8.2 The purpose of the mediation process is to bring the complainant and respondent together with a view to enabling the complainant to be heard and to reach a mutually agreeable resolution through open and honest discussion without the need for formal investigation.
- 8.3 In the letter to the complainant confirming that Stage 2: Formal Complaint and Mediation has been initiated, the Diocesan Secretary will set out the timeline and process for the stage and request that they participate in a process of mediation. A copy of the **Complaints Policy** and **Mediation Policy**

will be forwarded to the complainant with the letter. The complainant will be requested to respond in writing to the request to participate in mediation within 7 working days.

- 8.4 If the complainant does not respond within 10 working days, the Diocesan Secretary will write to the complainant requesting a response to the request to participate in mediation and asking if they have decided to withdraw their complaint. If the complainant confirms that they will not participate in mediation, the Diocesan Secretary will request them to confirm their reasons for not participating in mediation. If the complainant does not reply, the Diocesan Secretary will write to him/her confirming that, if they do not reply within a further 10 working days, the complaint will be deemed to have been withdrawn.
- 8.5 If the request to participate in mediation is agreed to, the mediation process will be initiated, as per the Mediation Policy.
- 8.6 If the complainant or respondent do not agree to participate in mediation, the formal complaints process may cease at this point. The Diocesan Secretary will assess whether the seriousness of the complaint warrants Stage 3 of the formal complaints process being initiated.

9 Stage 3: Formal Complaint and Investigation

- 9.1 If the seriousness of the complaint means that mediation is not appropriate, the Diocesan Secretary will initiate a stage 3 investigation. Appointment of an investigating officer is at the discretion of the Diocesan Secretary and will normally be a senior staff member who has not previously been involved in the complaint. In exceptional circumstances an independent investigator may be appointed.
- 9.2 The Diocesan Secretary will write to the complainant to confirm that Stage 3: Formal complaint and Investigation will be initiated unless the complainant wishes to withdraw the formal complaint. The letter will set out the terms of reference of the investigation including:
 - the name of the investigating officer
 - requesting permission to share confidential information concerning the complaint with the investigating officer
 - the timeline within which the investigation should be completed, which will normally be within one calendar month of the start of stage 3.
 - the names of witnesses or third parties who should be interviewed as part of the investigation. The complainant will be advised to not approach or influence witnesses or third parties.
 - the context and nature of the complaint, including the documented evidence that has been provided to substantiate the complaint.
 - the steps already taken to try to resolve the complaint informally or through mediation.
- 9.3 The investigating officer will determine the detail and practicalities of how the investigation will be undertaken and contact both parties regarding this, making clear the timeline of the investigation activities and the immediate next steps. Electronic recording of interviews, by any party will not be allowed. Having completed their investigation, they will provide a written report detailing their findings and conclusions to the Diocesan Secretary.
- 9.4 Following receipt of the report from the investigating officer, the Diocesan Secretary will review the findings and make a recommendation on the proposed actions to be taken and the timeline within which the actions should be completed.

- 9.5 The Diocesan Secretary will review their recommendations with the line manager or Director, and the Head of People if the complaint is related to staff.
- 9.6 The Diocesan Secretary will confirm the outcome of the investigation to the respondent. This may include one or more of the following:
- An explanation of the background to the situation or event/s.
 - A statement about whether or not the complaint was substantiated in full or in part, with a brief description of the remedial and preventative action being taken.
 - If the complaint is not upheld, an explanation, with reasons, why there was insufficient evidence to reach a conclusion, with the result that the complaint has not been upheld or an explanation, with reasons, that the evidence did not substantiate the complaint or 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.
 - If the complaint is upheld, a brief description of the remedial and preventative action being taken.
 - A recognition, if appropriate, that the situation could have been handled differently or better.
- 9.7 If the complaint is upheld, the Diocesan Secretary will confirm to the person against whom the complaint has been made if DBF **Disciplinary or Capability Policies** are to be initiated.
- 9.8 If the complaint is not upheld, this will be confirmed in writing to the respondent and any lessons learnt from the complaint will be discussed with him/her. The respondent may be offered support in terms of development, training or pastoral support, depending on the circumstances.
- 9.9 The Diocesan Secretary will write to the complainant to confirm the outcome of the investigation and the response will include one or more of the following:
- An explanation of the background to the situation or event/s.
 - A statement about whether or not the complaint was substantiated in full or in part, with a brief description of the remedial and preventative action being taken.
 - If the complaint is not upheld, an explanation, with reasons, why there was insufficient evidence to reach a conclusion, with the result that the complaint has not been upheld or an explanation, with reasons, that the evidence did not substantiate the complaint or 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.
 - If the complaint is upheld, a brief description of the remedial and preventative action being taken.
 - A recognition, if appropriate, that the situation could have been handled differently or better.
- 9.10 The response to the complainant should not include any details of any disciplinary or capability process or outcomes against a DBF staff or volunteer. If appropriate, the response should state that, "following investigation, further confidential procedures are being followed".
- 9.11 None of the above will constitute an admission of negligence or an acceptance of liability on the part of DBF.

- 9.12 The Diocesan Secretary should ensure that full records of the investigation are kept confidential and secure, including:
- A copy of the original complaint letter, email or written notes.
 - Details of how the complaint was investigated, identifying any documents that were reviewed or taken into account.
 - The names of all those who were interviewed in the investigation.
 - Written notes of any interviews undertaken.
 - Results and conclusions of the investigation.
 - Summary of key actions taken as a result of the investigation and who is responsible for following through on the actions.
- 9.13 The Diocesan Secretary will record the outcome and any response from the complainant in a complaints log, file the records securely in line with GDPR and consider what learning points should be addressed by DBF.
- 9.14 The Diocesan Secretary will share the outcome of the complaint and learning review with the Bishop's Leadership Team and the Chair of DBF.

10 Stage 4: Appeal

- 10.1 It is hoped that an acceptable resolution can be found, and any formal complaint is concluded to the complainant's satisfaction as a result of the Stage 3: Formal Complaint & Investigation procedures set out above. However, if that is not the case, the complainant can exercise their right to appeal by informing the Diocesan Secretary in writing within 10 working days of receiving the letter confirming the outcome of the Formal Complaints Procedure from the Diocesan Secretary.
- 10.2 An appeal will involve escalation to the Chair of DBF.
- 10.3 The Chair of DBF will acknowledge receipt of the appeal within 5 working days. If the Chair of DBF is not available during this period, the Diocesan Secretary will notify the complainant of the date by which the appeal will be acknowledged. The acknowledgement will set out who will deal with the appeal and the time within which a substantive response will be made, which ordinarily should be no longer than one calendar month from the date the appeal was made.
- 10.4 The Chair of DBF will decide whether to deal with the appeal personally or to delegate it to the Deputy Chair of DBF. No person dealing with the appeal will have had any previous involvement in the complaint.
- 10.5 The Chair of DBF, or Deputy, will review all documentation from the investigation, the recommendation and any actions taken to date. The Chair, or Deputy, may choose to meet with the complainant and his/her accompanier to discuss the situation from their perspective and to ascertain why the appeal has been raised. The Chair, or Deputy, may also meet with the respondent and his/her accompanier. In these meetings the role of any accompanier is to provide support to the complainant/respondent but is not entitled to represent.
- 10.6 Notes will be taken of all conversations and, a written record will be shared with those present for accuracy and transparency. Electronic recordings of meetings by any party will not be permitted. The Chair, or Deputy, may discuss the matter with any or all of the Diocesan Secretary, the Diocesan Registrar and the Head of People to consider what, within the framework of diocesan

policies and the law, could be a way forward to resolve the issue at hand, to formulate a response to the complainant and to discuss any necessary actions.

- 10.7 The Chair, or Deputy, may hold a hearing as well as or instead of any of the meetings described above. Any hearing will be conducted confidentially.
- 10.8 Upon conclusion of the appeal, the Chair of DBF, or Deputy, will inform the Diocesan Secretary of the outcome of the findings, confirm whether the complaint will be upheld and put forward recommendations on actions to close out the investigation. The decision of the Chair of DBF, or Deputy, is final.
- 10.9 The Diocesan Secretary will review the recommendations from the Chair of DBF, or Deputy, on actions to close out the investigation. The Diocesan Secretary may discuss the recommended actions required with the Diocesan Registrar and the Head of People if related to staff, communications to all those involved and what actions if any will be taken with regard to the respondent.
- 10.10 The Diocesan Secretary will inform the respondent of the outcome of the appeal and any necessary actions to be taken. This may include an apology or the commencement of disciplinary proceedings under DBF's **Disciplinary or Capability Policy**. It may also include any recommended training or development arising from the nature of the complaint.
- 10.11 The Chair of the DBF, or Deputy, will inform the complainant of the outcome of the appeal and the response will include one or more of the following:
 - A statement about whether or not the appeal was substantiated in full or in part, with a brief description of the remedial and preventative action being taken.
 - If the appeal is not upheld, an explanation, with reasons, why there was insufficient evidence to reach a conclusion, with the result that the complaint has not been upheld or an explanation, with reasons, that the evidence did not substantiate the appeal or an acknowledgement that the appeal 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.
 - If the appeal is upheld, a brief description of the remedial and preventative action being taken.
 - A recognition, if appropriate, that the situation could have been handled differently or better.
- 10.12 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.
- 10.13 The response to the complainant should not include any details of any disciplinary or other action or outcomes against a DBF staff member, volunteer or trustee.
- 10.14 None of the above will constitute an admission of negligence or an acceptance of liability on the part of the DBF.
- 10.15 The Diocesan Secretary should ensure that full records of the appeal are retained with the records of the initial complaint, including:
 - Details of how the appeal was managed, identifying any documents that were reviewed or taken into account.
 - The names of all those spoken to or involved in the appeal.

- Written records of any interviews undertaken.
- Results and conclusions of the appeal.
- Summary of key actions taken as a result of the appeal and who is responsible for following through on the actions.

10.16 The Diocesan Secretary or Head of People will identify any key lessons learnt and recommendations as a result of the appeal. This may include recommended changes to policies or procedures, where appropriate.

10.17 The Diocesan Secretary will share the outcome of the complaint and learning review with the Bishop's Leadership Team.

11 Charity Commission

11.1 Complaints can be made to the Charity Commission at any stage. Information about how to make a complaint to the Charity Commission, and the grounds on which the complaint can be made, can be found on the [Charity Commission](#) website.

12 Confidentiality

12.1 All complaint information will be handled sensitively and shared only with those who need to know as set out in this policy. Maintaining confidentiality is essential and security of data relating to individuals will be protected in accordance with **UK GDPR legislation** and the diocesan **Data Protection Policy**. No confidential information relating to complaints will be disclosed to any third party unless DBF has the individual's consent, or we are required to do so due to legal obligations.

12.2 The records will be held securely by the Diocesan Secretary. Any subject access requests should be addressed to the **Data Protection Officer** as set out in our Data Protection Policy.

13 Review and Monitoring

13.1 This policy will be reviewed periodically, in light of updated legislation.

13.2 The number, nature, outcome and recommendations arising from any complaints will be reported to the Finance and Audit Committee at least once per annum 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.

13.3 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 executive committee or panel monitoring that area of work at least once per annum to inform practice and potential improvements to policies, practices and procedures.

14 Flow Diagram of Complaints Process

