

Complaints Policy

St Peter's, Colchester

Adopted by the PCC: [tbc]

Review date: [3 years]

Policy owner: The Parochial Church Council

1. Purpose

This policy explains how complaints about matters for which the PCC of St Peter's is responsible may be raised, considered and responded to.

The Parochial Church Council has responsibility for the governance and oversight of St Peter's, and PCC members serve as charity trustees. Local parish churches operate as independent charities governed by the PCC. The PCC shares with the Vicar responsibility for promoting the whole mission of the church.

As disciples of Jesus Christ, we seek to be faithful in all that we say and do. That includes listening carefully, acting justly, acknowledging mistakes, seeking reconciliation where possible, protecting the vulnerable, and learning from concerns that are raised.

This policy is intended to help complaints be handled fairly, transparently, pastorally, proportionately and in good time.

2. Scope

This policy applies to complaints about matters for which the PCC is responsible.

This may include complaints about:

- church activities, ministries or events;
- use of church buildings or premises;
- actions or decisions of PCC members, staff or volunteers acting on behalf of St Peter's;
- administrative matters;
- communication;
- application of PCC policies;
- failure to follow agreed procedures;
- conduct connected with church life, where no other more appropriate process applies.

This policy may be used by church members, regular attenders, visitors, parents or carers, hirers, volunteers, staff, neighbours, members of the public, or others affected by the life and work of St Peter's.

This policy also applies to trustees, employees and volunteers who act on behalf of St Peter's and who may receive or handle complaints.

This policy does not normally apply where another process is more appropriate. In particular:

- safeguarding concerns must be handled under safeguarding procedures;
- whistleblowing concerns should be handled under the Whistleblowing Policy;
- employment grievances or staff disciplinary matters should be handled under employment procedures;
- complaints about clergy or licensed ministers may need to be referred to the diocese or handled under the relevant Church of England process;
- concerns about data protection may need to be handled under data protection procedures;
- concerns about serious financial, legal, criminal or regulatory matters may need to be referred to the appropriate external body.

Where a complaint falls partly or wholly under another policy or process, St Peter's will explain this as far as possible and direct the person to the appropriate route.

This policy does not form part of any legal agreement or contract by or on behalf of St Peter's.

3. Christian approach to concerns and complaints

St Peter's wants to handle concerns in a way that reflects the teaching of Jesus and the character of the gospel.

Where it is safe, appropriate and proportionate to do so, ordinary concerns should normally be raised directly and graciously with the person or people involved, with the aim of understanding, repentance where needed, forgiveness, reconciliation and peace.

However, direct conversation will not always be appropriate. It should not be expected where there is a safeguarding concern, abuse, bullying, harassment, coercion, intimidation, a significant power imbalance, fear of retaliation, repeated behaviour, serious misconduct, or where the matter involves a person in authority.

A formal complaint should usually be raised after reasonable informal steps have been tried, unless the matter is serious or informal resolution would be inappropriate.

St Peter's also wants to learn from complaints. Hearing complaints can help the church identify mistakes, improve communication, strengthen safeguarding, improve governance, and serve people better.

4. What is a complaint?

A complaint is an expression of dissatisfaction, whether justified or not, about any aspect of church life for which the PCC is responsible, where the person raising it wishes to receive a response.

A complaint may concern:

- something that has happened;
- something that has failed to happen;
- the way a decision has been made;
- the behaviour of a person acting on behalf of St Peter's;
- the way a concern has previously been handled;
- an activity, group, service or ministry provided by St Peter's.
- A complaint is different from:
 - a safeguarding concern;
 - a whistleblowing concern;
 - an employment grievance;
 - a request for information;
 - a theological disagreement;
 - a general suggestion or comment;
 - a pastoral conversation;
 - a disagreement with a properly made PCC decision.

A formal complaint is not the same as raising a concern. Concerns can often be dealt with by taking the matter up with appropriate leaders at St Peter's before there is a need to raise a formal complaint.

By raising a formal complaint, a complainant is asking St Peter's to devote time and resources to considering and responding to their concerns. This may be entirely appropriate, but a formal complaint should usually be a later step rather than the first step, unless the matter is serious or informal resolution would be inappropriate.

Some matters may include more than one element. St Peter's will decide which process is most appropriate.

5. Raising a complaint

Complaints should normally be raised with one of the following:

- the Vicar;
- the churchwardens;
- the PCC Secretary;
- the Church Administrator;
- another appropriate PCC member where the usual route is unsuitable.

Complaints may be raised in writing, by email, by telephone, in person, or by another accessible method.

Complaints may be sent to:

- Church Office, c/o The Vicarage, Balkerne Close, Colchester, CO1 1NZ
- Email: office@stpeterscolchester.org

Where possible, a complaint should include:

- the complainant's name and contact details;
- the date or approximate date of the incident, decision or concern;
- what happened or what the complaint is about;
- who was involved;
- the nature of the complainant's relationship with St Peter's;
- what steps have already been taken to resolve the matter;
- what outcome or response is being sought;
- any relevant documents, messages or other information;
- whether there are any safeguarding, safety, confidentiality or urgency concerns.

Where a complaint is made verbally, the person receiving it should make a written record of the complaint. St Peter's will normally send the complainant a written record within 3 working days, asking them to confirm that the record is accurate and to provide any missing information needed for the complaint to be considered properly.

If a complaint is received by someone who is not an appropriate person to handle it, they should ask the complainant to raise it with one of the people listed above, or should pass it on appropriately with the complainant's agreement, unless there is a safeguarding, legal or urgent reason to act otherwise.

Anonymous complaints may be considered, but they can be harder to investigate. St Peter's will consider the seriousness of the issue, the information provided, the possibility of verification, and any risk to people, the church, the public or charitable assets.

6. Time limits

Complaints should be raised as soon as reasonably possible.

St Peter's may not be able to consider a complaint fully if it is raised long after the event, especially where memories have faded, records are unavailable, people have moved on, or the situation has changed.

As a general expectation, complaints should normally be raised within 28 days of the incident, decision or most recent relevant event, or within 28 days of the complainant becoming aware of it.

Where a complaint is raised later than this, the complainant should explain the reason for the delay. The PCC or nominated person will decide whether it is reasonable and appropriate to consider the complaint.

St Peter's may still consider older matters where there is a safeguarding concern, serious misconduct, continuing risk, legal obligation, governance concern, or other good reason.

7. Acknowledgement and initial review

St Peter's will normally acknowledge receipt of a complaint, or confirmation of the written record of a verbal complaint, within 5 working days.

Complainants will be informed of this policy and provided with a copy if requested.

An initial review will then be carried out to decide:

- whether the matter falls within this policy;
- whether another policy or process should be used;
- whether there is sufficient information to allow the matter to be properly reviewed or investigated;
- whether any safeguarding, safety, legal, employment, data protection or regulatory issue needs immediate attention;
- who should handle or investigate the complaint;
- whether there are any conflicts of interest or loyalty;
- what further information may be needed;
- the likely timescale for response.

St Peter's will normally aim to provide an initial response within 2 weeks of receiving the complaint or receiving any necessary clarification.

The initial response may explain:

- whether the complaint will be handled under this policy;
- if not, which other policy or process applies and what the next steps are;
- who will be responsible for handling or investigating the complaint;
- who will communicate with the complainant;
- what further information is needed;
- the likely process and timescale.

8. Managing conflicts of interest or loyalty

Complaints must be handled as impartially as reasonably possible.

Where the complaint concerns the Vicar, a churchwarden, staff member, PCC member, volunteer leader, family member, close friend or someone otherwise connected to those handling the complaint, St Peter's will take reasonable steps to manage any conflict of interest or loyalty.

This may include:

- appointing someone else to handle the complaint;
- excluding a conflicted person from discussion or decision-making;
- seeking diocesan advice;
- seeking advice from another appropriate external person;
- recording how the conflict was managed.

In a small church, it may not be possible to remove every connection or prior knowledge. The aim is to act fairly, transparently and proportionately, insofar as this is practicable in the life of the church.

9. Investigation and response

Where a complaint proceeds under this policy, St Peter's will appoint a suitable person or people to review or investigate it.

The investigator will normally be a trustee or trustees of St Peter's, or another suitable person appointed for that purpose. The investigator should be independent of any person who is the subject of the complaint, insofar as this is possible.

The investigation may include:

- speaking with the complainant;
- speaking with the person or people complained about;
- speaking with relevant witnesses;
- reviewing documents, emails, messages, minutes, policies, records or other evidence;
- seeking safeguarding, diocesan, legal, HR, charity, insurance or other advice where appropriate.

The person complained about should normally be told enough about the complaint to be able to respond fairly. This must be balanced with safeguarding, confidentiality, legal, employment, data protection and pastoral responsibilities.

If the complaint relates to a member of staff, trustee or other office-holder, St Peter's may need to handle some or all of the matter under internal employment, HR, governance or other relevant procedures. This may mean that it is not appropriate to provide the complainant with full details about the process followed or the outcome, especially where confidentiality, employment rights or data protection apply.

However, St Peter's would normally expect to be able to tell the complainant:

- that the initial investigation has been completed;
- whether another internal process is being followed;
- when that internal process has been completed, where appropriate.

St Peter's will aim to resolve complaints as promptly as possible. Some complaints may be resolved quickly. More complex complaints may take longer, especially where advice is needed or where several people need to be consulted.

St Peter's will use reasonable endeavours to keep the complainant informed of progress, any significant delay, and the expected timeframe for a response.

10. Possible outcomes

Depending on the circumstances, the outcome may include:

- explanation or clarification;
- apology;
- correction of an error;
- change to a decision, where appropriate;

- pastoral conversation;
- mediation or facilitated conversation;
- training, supervision or support;
- change to a process, policy or practice;
- safeguarding action;
- employment, volunteer, conduct or disciplinary action;
- referral to the PCC, diocese, Charity Commission, police, local authority, insurer or other appropriate body;
- no further action.

The complainant will normally be told the outcome as far as is possible and appropriate. However, confidentiality, safeguarding, employment, data protection and legal responsibilities may limit the amount of detail that can be shared.

11. Confidentiality and data protection

Complaints will be handled sensitively and with appropriate confidentiality.

However, confidentiality cannot always be guaranteed. Information may need to be shared where necessary and proportionate, including with:

- the person complained about;
- those investigating or deciding the complaint;
- PCC members or Standing Committee;
- safeguarding officers or diocesan safeguarding advisers;
- diocesan officers;
- HR or legal advisers;
- insurers;
- statutory authorities;
- the Charity Commission;
- police or local authority where required.

Where a complaint relates to a named individual, the trustees may inform that person of the nature of the complaint and seek a response from them. The identity of the complainant and sensitive information about the complainant will only be shared to the extent that it is necessary and proportionate for the complaint to be properly considered.

Information will be handled in accordance with St Peter's Data Protection Policy, Privacy Notice and Data Retention Policy.

Those involved in a complaint should respect confidentiality and should not use the process for gossip, pressure, retaliation, factional behaviour or public attack.

12. Complaints not made in good faith or inappropriate use of this policy

St Peter's may decline to consider a complaint, or may bring a complaints process to an end, where there are reasonable grounds, based on the evidence available, to conclude that the complaint:

- is malicious or knowingly false;
- is not raised in good faith;
- is being used to harass, intimidate or cause distress;
- repeats matters already considered without significant new information;
- is unreasonably persistent, abusive or disproportionate;
- concerns a matter outside the responsibility of the PCC;
- should properly be handled under another policy or external process;
- cannot be investigated because insufficient information has been provided.

Where St Peter's decides not to proceed with a complaint, the complainant will normally be told the reason.

This section should not be used to dismiss genuine concerns simply because they are difficult, uncomfortable, critical or inconvenient.

13. Closure and follow-up

Once a complaint has been resolved, the PCC or nominated person will formally close the matter and record the outcome in the complaints register or other appropriate record.

Where appropriate, St Peter's may carry out follow-up checks to consider whether the resolution remains effective or whether further action is needed.

14. Appeal

If the complainant is dissatisfied with the outcome of the complaint, or with the way the complaint has been handled, they may request an appeal.

An appeal should normally be made in writing within 3 months of being told the outcome. Where an appeal is made later, the complainant should explain the reason for the delay, and the PCC or nominated person will decide whether it is appropriate to consider it, acting in the best interests of St Peter's.

The appeal should explain:

- why the complainant believes the outcome was wrong or unreasonable;
- why the process was unfair or inadequate;
- what relevant evidence or issue was not properly considered;
- what outcome is being sought.

St Peter's will normally acknowledge receipt of the appeal within 2 weeks.

The appeal will normally be considered by someone who was not responsible for the original investigation or decision, as far as reasonably possible.

The appeal will not normally be a complete reinvestigation or open new lines of enquiry. It will consider whether the original process and outcome were reasonable, fair and proportionate in light of the information available.

The trustees will normally consider the findings of the person conducting the appeal process and will notify the complainant of the outcome. St Peter's will aim to do so within 2 months of receipt of the appeal, or will otherwise provide an update within that time, setting out the timescales that will apply.

The appeal decision will normally be final within St Peter's internal complaints process.

15. External routes

If a complainant remains dissatisfied, they may be able to raise the matter with an external body, depending on the nature of the complaint.

This may include:

- the diocese, where the matter concerns clergy, church officers, safeguarding, governance or Church of England process;
- the Charity Commission, where the matter concerns serious charity governance, trustee responsibilities or misuse of charitable assets;
- the local authority or police, where safeguarding, criminal or statutory issues arise;
- the Information Commissioner's Office, where the matter concerns data protection;
- another relevant regulator or authority.

The Charity Commission can be contacted through its website or by post at:

- Charity Commission, PO Box 211, Bootle, L20 7YX

St Peter's may also refer matters externally where required or appropriate.

16. Records and learning

St Peter's will keep appropriate records of complaints, decisions, actions and outcomes.

Records should be stored securely and retained in accordance with St Peter's Data Protection Policy, Privacy Notice and Data Retention Policy.

The PCC may review complaints, themes and learning points periodically, while respecting confidentiality, to consider whether changes are needed to policies, training, communication, safeguarding, governance, pastoral practice, staff support, volunteer support or church operations.

The trustees are committed to reviewing and improving St Peter's complaints handling process so that the church can fulfil its charitable purposes effectively and prevent future complaints where possible.

17. Related policies and documents

This policy should be read alongside, where applicable:

- Safeguarding Policy;
- Code of Conduct;
- Welcome, Dignity and Fair Treatment Policy;
- Equal Opportunities Policy;
- Volunteer Policy;
- Volunteer Agreement;
- Staff Handbook and employment policies;
- Whistleblowing Policy;
- Conflict of Interest Policy;
- Social Media Policy;
- Data Protection Policy;
- Privacy Notice;
- Data Retention Policy;
- Health and Safety Policy;
- Finance Policy and financial procedures;
- Risk Register and relevant risk assessments;
- PCC trustee responsibilities;
- relevant Church of England, diocesan and Charity Commission guidance.

18. Review

This policy will be reviewed by the PCC every three years, or sooner if required by changes in law, Church of England guidance, diocesan guidance, Charity Commission guidance, safeguarding requirements, parish practice or governance need.

The PCC is responsible for ensuring that this policy remains legally responsible, pastorally wise, practically useful, and consistent with the doctrine and discipline of the Church of England and the charitable responsibilities of St Peter's.

Complaints Policy

St Peter's seeks to handle complaints fairly, carefully and in good time.

Where it is safe and appropriate, ordinary concerns should often be raised directly and graciously with the person or people involved. However, this is not expected where there is a safeguarding concern, abuse, bullying, intimidation, serious misconduct, a significant power imbalance or fear of retaliation.

A complaint is an expression of dissatisfaction about an aspect of church life where the person raising it wants St Peter's to consider the matter and provide a response.

Complaints may be raised with the Vicar, churchwardens, PCC Secretary, Church Administrator or another appropriate person.

Safeguarding concerns must always be handled through safeguarding procedures. Whistleblowing concerns, employment grievances, clergy complaints, data protection concerns or other specialist matters may need to be handled under another policy or external process.

Where a complaint is made verbally, St Peter's will normally send the complainant a written record within 3 working days, asking them to confirm that the record is accurate.

St Peter's will normally acknowledge complaints within 5 working days, carry out an initial review, consider the matter fairly, and explain the outcome as far as possible.

Appeals should normally be made within 3 months of the outcome.

Those who raise complaints in good faith should not be victimised. Complaints should be raised truthfully, responsibly and without malice.