

GUIDELINES Number 5E

Procedure for Formal Complaints

1. Introduction

When a formal complaint is made by:

- i. a member of the public against a member of the Community including anyone on Leave of Absence, or living with the Community in a house, a guest, volunteer, or employee;
- ii. or when a member of the Community, including one on Leave of Absence, or living with the Community in a house, a guest, volunteer, or employees makes a formal complaint against another member of the Community including one on Leave of Absence, or one living with the Community in a house, a guest, volunteer, or employees, the following procedure is to be followed.

All formal complaints are to be dealt with by the Safeguarding Sub-committee of the Provincial Chapters. If any member of the Sub-committee is himself or herself the subject of the complaint, then he or she should withdraw from the Sub-committee until that particular matter is resolved.

2. Stage 1: Informal

- (a) Where a formal complaint has been made orally, the Minister Provincial, in consultation with the Safeguarding Sub-committee, should firstly inform the person complained against with the detail of the complaint.
- (b) At this stage all efforts should be made to resolve matters, and discussions begun within two weeks of the complaint being made.
- (c) All proceedings should be kept confidential unless for a good reason, and a written record should be made. This record will be kept by the Minister Provincial in the brother's or sister's file or in the Volunteers' file.

3. Stage 2: Formal

- (a) If stage 1 is unsuccessful, and the complainant wishes to proceed, a written document must be provided by him/her to the Minister,

setting out the precise nature and circumstances of the complaint. If no written document is received, the matter is concluded.

- (b) On receipt of the written complaint the Minister will inform the person concerned and provide them with a copy of the complaint and inform the Safeguarding Sub-committee, providing them also with a copy of the complaint.
- (c) The Bishop Protector should be informed and be available to hear any appeal.
- (d) At this point in the procedure, the Chapter should decide on whether the complaint is serious or otherwise and a realistic timetable for the completion of the procedure as soon as possible, ideally within two months of receiving the written complaint.
- (e) If the complaint is a safeguarding issue the Community's *Safeguarding Policy: Guidelines Number 5B*, must be strictly followed. If there is obvious risk of scandal the advice of the Southwark Diocesan Press Officer should be sought.
- (f) If the complaint is serious and the subject is the Minister Provincial, then he/she should be suspended from that Office until a judgement is made regarding the complaint. It should be the responsibility of the Chapter to make a judgement on the matter following a meeting of a panel formed of the Minister and Assistant Ministers not involved in the complaint and one other person nominated by the Bishop Protector.
- (g) The meetings should follow the procedure in (g) to (j) below, with the exceptions if it is a safeguarding issue see (d) above.
- (h) In other instances the complaint should be dealt with by the Safeguarding Sub-committee, chaired by an independent person appointed by the Bishop Protector.
- (i) Various meetings need to be arranged by the Safeguarding Sub-committee. These meetings need to be conducted in such a manner as to enable as fair and unbiased a hearing as possible. A Sub-committee member will meet with the complainant to listen to and note the facts of the complaint. S/he will then interview the subject of the complaint, who may also be accompanied by a friend or other supporter if they wish, to listen to their response to the complaint brought against them. Other relevant parties may be interviewed.

- (j) A written record should be kept of all these meetings.
- (k) The independent chair in consultation with the Sub-committee, will write a summary from the meetings held with the hope of furthering a resolution and promoting reconciliation, and draw conclusions. Both the complainant and the person are informed, in writing, as soon as possible, of the action to be taken and each should indicate, in writing, within one week whether the outcome is acceptable.
- (l) The Bishop Protector will be informed of the decision.

4. Stage 3

- (a) Each also has a right of appeal to any decision taken which would be directed to the Bishop Protector. It may be necessary at this point or earlier to obtain legal advice.
- (b) The decision of the Bishop Protector will be final, the result being conveyed in writing, as soon as possible, to the Minister, the complainant, and the subject of the complaint.
- (c) The pastoral care of any person concerned and wise counsel for the Minister are essential at all stages of the investigation. It is equally important that all members of the Community show both fairness and courtesy to those involved, without prejudicing the situation, and that a line of honesty and integrity is maintained.
- (d) If the matter is likely to lead to court proceedings, legal representation becomes necessary.

5. Serious Incident Report

Throughout the process those involved should continue to review whether it is necessary to report to any third party, e.g. if the Community is or has a registered charity it may be appropriate to file a Serious Incident Report with the Charity Commission.