

# Safeguarding complaints policy and procedure

## Introduction

The Diocese in Europe takes complaints about our work and quality of service in all aspects of safeguarding seriously. We view complaints as an opportunity to learn and improve the support that we offer to individuals and to our chaplaincies.

The Diocese in Europe aims to ensure that all safeguarding concerns are dealt with well. The Diocesan Safeguarding Team works to apply Diocesan Safeguarding Policy & Guidance and are informed by the Church of England Policy & Practice Guidance.

Within the Diocese in Europe local laws and customs can make full adherence to the Church of England processes in England impossible. This is accounted for in the Diocesan Safeguarding Policy.

This complaints procedure is not intended to provide a process for the resolution of safeguarding concerns or allegations. These should be reported to the Chaplain or Chaplaincy Safeguarding Officer or another appropriate person who will inform the Diocesan Safeguarding Team within 48 hours, and seek guidance in line with the Diocesan Safeguarding Policy.

For the purposes of this procedure, a complaint is an expression of dissatisfaction or concern about the way in which a safeguarding matter has been dealt with by the Diocesan Safeguarding Team. All information will be handled sensitively. Information will be shared on a 'need to know' basis only and with due regard to the General Data Protection Regulation.

Overall responsibility for this procedure and its implementation lies with the Diocesan Safeguarding Advisory Committee (DSAC), who will receive a bi-annual report of any concerns received, the outcomes and lessons learned. This policy will be reviewed periodically by DSAC as required.

*January 2021*

## **What constitutes a complaint?**

In this policy a complaint is defined as a formal expression of dissatisfaction, whether justified or not, about any part of the safeguarding service offered by the Diocese in Europe.

A complainant may file a complaint if they believe:

1. That diocesan officers have not followed up a Safeguarding matter OR
2. That diocesan offices have failed to follow agreed policies and procedures OR
3. That diocesan officers have failed to communicate properly to anyone legitimately involved in an investigation

## **Who can complain?**

The complainant must be the person directly affected by the issue or an interested party to the person affected (e.g. a close relative), and not an unrelated third party or wider observer. This procedure is not a substitute for the Clergy Discipline Measure. If the complaint relates to the conduct of a member of the clergy, then it may be more appropriate to use the Clergy Discipline Measure, further details of which can be found at [here](#).

## **Whistleblowing**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing e.g. an officer of the diocese or employee of the Diocesan Board of Finance breaking or proposing to break the law, acting dishonestly in any way, or otherwise seeking to cover up any wrongdoing. Such matters should be dealt with under the Diocese in Europe Whistleblowing Policy.

## **How to Make a complaint**

It is desirable that most complaints be resolved informally through a conversation between the person who would otherwise wish to complain and the person they wish to complain about. Senior staff will always encourage a complainant to consider, and if appropriate, try this informal process in the first instance.

However, we know this is not always appropriate or possible. So there is a staged process for more formal complaints. If informal contact has failed to resolve the matter then this process can be followed:

### **Stage One**

The complaint should be made to the Diocesan Head of Safeguarding (HoS) who will alert the Chief Operating Officer (COO). The Complaint will be logged by the COO who will track its progress. In the event that the complaint is against the HoS or the HoS is directly involved in the matter then the complaint should be sent directly to the COO who will investigate it. Otherwise, the HoS will conduct the stage one investigation and report the outcome to the COO.

A complaint can only be submitted in writing by letter or email and this should explicitly state that the complainant wishes the issue to be covered under this procedure. All correspondence about the matter will be held securely by the DBF and subsequent telephone conversations will be recorded in writing and shared with the complainant to ensure accuracy.

The HoS will confirm that they have received the complaint within 5 working days and that they will respond fully within 4 working weeks. A copy of this complaints procedure will be supplied. Within 4 weeks of receipt of the complaint the HoS (or COO if the matter is about the HoS) will do the following:

1. Make all necessary and appropriate enquiries to establish the substance of the complaint and any attempts already made to resolve the matter informally.
2. Initiate further discussions or meetings with the complainant, to understand their issue fully, and seek clarity on what would constitute a resolution for them.
3. Speak with any other parties such as may be required in order to ensure that they have the necessary information available to respond to the complaint.

If it is not possible to respond to concerns within four working weeks, the HoS or COO will advise the complainant of the reason and when a response can be expected. If necessary, they will determine subsequent actions and where necessary, arrange mediation between the parties concerned. It is hoped that an acceptable resolution will be found and that the complaint can be resolved to the complainant's satisfaction at this level. If the complainant is not satisfied with the resolution they may move to stage 2:

## **Stage Two**

If the complainant is not happy with the proposed resolution of their complaint at stage one, then within two working weeks of being notified of the proposed resolution they must inform the Chief Operating Officer of their decision to initiate stage two. (in the event that stage 1 has been handled by the COO then stage 2 will be conducted by the Lead Bishop for Safeguarding).

The COO will:

1. Acknowledge receipt of the stage two complaint within one working week.
2. Confirm when a response can be expected. The aim will be for complainants to receive a reply within four working weeks of acknowledgement. If this is not possible because, for example, an investigation has not been fully completed, a further letter or email will be sent indicating when a full reply will be given.
3. Review all documentation and actions taken and discuss with the complainant the situation from their perspective and why resolution could not be reached. All conversations will be recorded in writing and shared with the complainant for accuracy.
4. Discuss the matter with the HoS and the Diocesan Safeguarding Team (where appropriate) and consider what an appropriate response and resolution might
5. be, including the appointment of an independent investigator to review the complaint.
6. Inform the Chair of the Diocesan Safeguarding Advisory Panel of the complaint and seek advice from panel members as required.
7. Where necessary, take advice from the Diocesan Registrar and other legal and professional advisers.
8. The COO will reply to the complainant within four working weeks and inform them of the action taken to investigate the complaint, the conclusions from the investigation, and any action to be taken as a result of the complaint.

The COO will report the outcome to the Chair of the Diocesan Safeguarding Advisory Committee who will in turn ensure that the committee is aware of the outcome at its next meeting. If the Complainant remains dissatisfied they may move to stage 3:

### **Stage 3**

The complainant may request in writing to the COO that the matter be reviewed by the Diocesan Safeguarding Advisory Committee. Such a request must be lodged within 2 working weeks of receipt of the stage 2 outcome. The Chair of DSAC will review all the documentation and discuss the matter with the Chief Operating Officer and the Lead Bishop for Safeguarding. The Chair will then either at their sole discretion:

1. Draw a conclusion based on these conversations and the written evidence and inform the complainant accordingly. OR
2. Investigate the matter themselves following the same process as in Stage 2 OR
3. Request that an independent member of the DSAC (who has not hitherto been involved in the case) investigates the matter and reports back to the chair with recommendations.

A stage 3 investigation will normally be completed within 4 working weeks of its receipt. In the event of any delay the complainant will be contacted with an explanation and a planned completion date.

At the end of the stage 3 investigation the Chair will report his or her conclusions to the complainant and to DSAC members and will request actions to be taken by the COO or the Diocesan Bishop. This is the final stage of the complaints process.

The number, type and outcome of any complaints will be reported once a year to the DSAC so that any trends or further actions deemed necessary can be considered.

### **Vexatious Complaints**

Diocesan staff have the right to be protected against what can constitute continued harassment by frequent or aggressive complainants. Amongst other things harassment may be defined as:

1. Repeated phone calls or emails during or after the process making similar points to those already made.
2. Sending similar complaints to a range of Diocesan Staff or clergy even when the matter is being attended to in line with the policy or when the procedure has been completed.
3. Lodging a series of similar or closely related complaints with the Diocese or other Church bodies.
4. Communication that is felt to be persistent, repetitive or rude or personal.
5. Behaviour that causes undue stress to a member of staff.

In the event that a member of staff considers a complainant to be vexatious they should inform the COO and the Lead Bishop for Safeguarding in writing.

The COO and Lead Bishop will consider the evidence presented by the member of staff. The COO or Lead Bishop will make contact with the complainant and either:

1. Ask the complainant to desist and explain that further contact will be ignored or blocked. OR
  2. Ask the complainant to use the complaints policy and reassure them that the process will be followed explaining that the matter cannot be revived after stage
  3. has been completed. Incidents of actual or alleged vexatious complaint will be reported to the Chair of the Diocesan Safeguarding Advisory Committee and also the next meeting of DSAC.
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