

Diocese of Middlesbrough

Complaints Policy and Procedure

Dated 5 July 2022

1. Purpose

- 1.1 The purpose of the Complaints Policy and Procedure of the Diocese of Middlesbrough is:
 - 1.1.1 To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint;
 - 1.1.2 To publicise the existence of our complaints procedure on the diocesan website so that people know how to contact us to make a complaint;
 - 1.1.3 To make sure everyone working within the Diocese knows what to do if a complaint is received;
 - 1.1.4 To make sure all complaints are investigated fairly and in a timely way;
 - 1.1.5 To make sure that all complaints are, wherever possible, resolved and that relationships are repaired and reconciliation explored; and
 - 1.1.6 To gather information which helps us to improve what we do.
- 1.2 This Policy and Procedure is underpinned by the Diocesan values of trust, service, respect, integrity and compassion and is intended to be consistent with the relevant provisions of the Code of Canon Law.
- 1.3 The Diocese will aim to address concerns and complaints as quickly and efficiently as possible in a personalised, fair, transparent way, respecting confidentiality insofar as it is able. All concern and complaint information will be handled sensitively, telling only those who need to know, and following any relevant data protection requirements.

2. Definitions

- 2.1 “The Diocese” refers to the Diocese of Middlesbrough including its constituent parishes.
- 2.2 The “Board” refers to the Diocesan Board of Trustees.
- 2.3 Diocesan Personnel means employees or volunteers exercising a function or delivering a service on behalf of the Diocese.
- 2.4 A complainant is a person or organisation raising a concern or making a complaint.
- 2.5 A concern is defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- 2.6 A complaint is a formal expression of dissatisfaction, whether justified or not, about the way in which Diocesan Personnel have acted, or failed to act, in a particular situation.
- 2.7 Serial and unreasonable complaints are those which hinder the Diocese’s consideration of complaints because of the frequency or nature of the complainant’s contact.

3. Scope

- 3.1 Overall responsibility for this Policy and Procedure, including its implementation, lies with the Board.
- 3.2 This Policy and Procedure covers concerns and complaints from any complainant that has a legitimate interest in the Diocese.
- 3.3 This Policy and Procedure does not cover:
 - 3.3.1 Allegations or expressions of concern about the welfare of children or adults at risk which should be referred to the Diocesan Safeguarding Department;
 - 3.3.2 Complaints about safeguarding processes which are managed under national safeguarding policy and procedure and which should be referred to the Catholic Safeguarding Standards Authority (CSSA);
 - 3.3.3 Complaints relating to safeguarding in organisations outside of the Diocese, which must be addressed to the organisation concerned;
 - 3.3.4 Issues raised by individuals who have not been directly affected by the matter being complained about, except where done so in accordance with paragraph 3.4;
 - 3.3.5 Grievance, capability or disciplinary matters which are addressed using other Diocesan Policies and Procedures in the Staff Handbook;
 - 3.3.6 Whistleblowing, which is addressed by a separate Diocesan Policy and Procedure in the Staff handbook;
 - 3.3.7 Diocesan Schools or Catholic Education Trusts;
 - 3.3.8 Complaints relating to members of the clergy and Diocesan Personnel who are employed by an external agency under a civil contract or who offer their services to such an agency voluntarily, against whom there is a complaint in relation to their employment or voluntary work within that agency. These complaints must be addressed to the agency concerned;
 - 3.3.9 Subject Access Requests which should be referred to the Diocesan Data Protection Officer.
- 3.4 A representative can complain on a person's behalf where that person:
 - 3.4.1 Is 18 years of age or under;
 - 3.4.2 Has requested the representative to act, as confirmed in writing to the Diocese; or
 - 3.4.3 Lacks mental capacity, as assessed under the Mental Capacity Act 2005; and lacks mental capacity to make a specific complaint;
 - 3.4.4 Has appointed a person as a Lasting Power of Attorney for health and welfare;
 - 3.4.5 Has an appointed Independent Advocate; or
 - 3.4.6 Is deceased.
- 3.5 The Diocese will not investigate anonymous complaints. The Diocese asks that personal contact details accompany the complaint.
- 3.6 The Diocese will not treat anyone less favourably than anyone else because of their sex, age, disability, gender reassignment, race, religion or belief or sexual orientation.

4. How to complain

- 4.1 The complaint should be made in writing or by email. Where possible, it is preferable that the complaint is submitted on the 'Complaint Form' attached to this policy. Additional information may be attached to the Complaint Form where appropriate. If required however, in accordance with the Equality Act 2010, and to provide easy to use opportunities for individuals to register their concerns and complaints, the Diocese will make reasonable adjustments to enable complainants to access and complete the complaints procedure. If a person making a complaint needs someone to help them put their complaint to the Diocese, they can ask a friend, family member or somebody else that they know to support them.
- 4.2 Complaints can be made within 3 months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. If, however, the person who receives the complaint is satisfied that there are exceptional circumstances for the complaint not having been made earlier, and judges that it is still possible to investigate it fairly and effectively, then this time limit may be waived.
- 4.3 Complaints relating to Diocesan Clergy should be addressed to:
- Address: The Vicar General, Diocese of Middlesbrough, 50a The Avenue, Linthorpe, Middlesbrough TS5 6QT
Email: vicargeneral@rcdmidd.org.uk
- 4.4 Complaints about an employee or a volunteer of the Diocese, or about the service provided by a Diocesan Department, should be addressed to:
- Address: The Chief Operating Officer, Diocese of Middlesbrough, 50a The Avenue, Linthorpe, Middlesbrough TS5 6QT
Email: coo@rcdmidd.org.uk
- 4.5 Complaints about the Vicar General should be addressed to:
- Address: The Bishop of Middlesbrough, Diocese of Middlesbrough, 50a The Avenue, Linthorpe, Middlesbrough TS5 6QT
Email: bishop@rcdmidd.org.uk
- 4.6 All complaint information will be handled sensitively and in accordance with prevailing data protection legislation, subject to the need to disclose information as required by statute. It will be necessary to share information with people who need to know in order that the complaint can be properly investigated.
- 4.7 Details of how personal data may be processed by the Diocese are contained in the Diocesan Privacy Notice. The Privacy Notice identifies who the Data Controller is, provides contact details for the Data Protection Officer, explains the purposes for which personal data is collected and used, how the data is used and disclosed, how long it is kept, and the Diocese's legal basis for processing.
- 4.8 The complainant is urged to respect confidentiality at all times and to refrain from

publicising the details of their complaint.

5. Resolving complaints informally

- 5.1 In many cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate. Most matters can and should be resolved informally and locally.
- 5.2 In the first instance, all complaints should, therefore, be addressed to the person responsible for the issue being complained about. The Diocese would not normally investigate a complaint until this informal approach has been exhausted unless there is good reason why the complaint cannot be raised informally.
- 5.3 If, following this informal process, the complainant remains dissatisfied, or the informal route is inappropriate, then the formal procedure should be followed.

6. Resolving complaints formally

- 6.1 At all stages of the complaints process, complainants are advised to include as much information as possible about what happened, when, where, who was involved, what the outcome was and what they would like the person they are contacting to do. There is a maximum of two stages to the Diocesan Complaints Policy and Procedure.

Stage 1

- 6.2 Complaints should be addressed by the complainant to the relevant Investigating Officer identified in clauses 4.3 – 4.5. An acknowledgement will be sent to the complainant as soon as reasonably possible but in any event within 10 working days. The Diocese will aim to provide a response in writing to the complainant within 30 working days. The complainant will be provided with a copy of this Complaints Policy and Procedure.
- 6.3 The Investigating Officer will, depending on the nature of the complaint, either investigate the complaint themselves or appoint an appropriate person(s) as Investigating Officer(s). The Investigating Officer's role will be to establish the facts relevant to the complaint, carry out a comprehensive, open, transparent and fair consideration of the complaint, if an external Investigating Officer(s) has been appointed, prepare a report for the Bishop, Vicar General or Chief Operating Officer (as appropriate) which presents findings and recommendations.
- 6.4 If the complaint relates to a specific person, the Diocese will share details of the complaint with this person and, unless there are exceptional circumstances where it would be inappropriate to do so, will disclose the name of the complainant. The person against whom the complaint is being made will be kept informed of the progress of the investigation and they will be given an opportunity to respond. A copy of the notes of the meeting at which the details were shared will be provided to the person against whom the complaint has been made to allow them to confirm accuracy.
- 6.5 The Investigating Officer will contact the complainant to clarify matters such as the nature of the complaint and what the complainant considers would put things right. A full

written record will be made of the discussion or meeting. A copy of the record will be provided to the complainant to allow them to confirm accuracy.

- 6.6 If at any point the complainant's expectations are considered to be excessive, they will be informed of this and the reasons why.
- 6.7 On receipt of the investigation report from an external Investigating Officer, the Bishop, Vicar General or Chief Operating Officer (as appropriate) will make a decision as to whether or not the complaint is upheld based upon the findings and recommendations of the Investigating Officer. Ideally complainants should receive a definitive reply within 30 working days of lodging the complaint. If this is not possible because for example, an investigation has not been fully completed, an update should be sent to the complainant with an indication of when a full response will be given.
- 6.8 Whether the complaint is upheld or not, the reply to the complainant from the Bishop, Vicar General or Chief Operating Officer (as appropriate) should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint. The reply should advise the complainant that they can refer their complaint to the Charity Commission at any stage, noting that the Charity Commission expects complaints to be made to the Diocese in the first instance, or for there to be a reason why this could not be done.

Stage 2

- 6.9 If the complainant remains dissatisfied at the end of Stage 1, their complaint may be progressed to Stage 2 which is an appeal to the Board. Such an appeal will only be considered if the Bishop, Vicar General or Chief Operating Officer (as appropriate) determines that either new and compelling information relating to the original complaint has come to light, or that the Stage 1 investigation process has not been appropriately applied.
- 6.10 The request for an Appeal will be acknowledged by the Bishop, Vicar General or Chief Operating Officer within 10 working days of receiving it.
- 6.11 If the request for an Appeal is agreed, the Bishop, Vicar General or Chief Operating Officer will advise the complainant accordingly and pass the matter to the Board.
- 6.12 The person about which Stage 2 is being invoked will be informed and given a further opportunity to respond.
- 6.13 Ideally, a complainant whose request for an Appeal has been agreed should receive a definitive reply within 30 working days. If this is not possible because, for example, an appeal investigation has not been fully completed, an update should be sent with an indication of when a full reply will be given.
- 6.14 Whether the Stage 2 Appeal is upheld or not, the reply to the complainant from the Board should describe the action taken to investigate the new and compelling information relating to the complaint, and/or whether or not the Stage 1 process was correctly followed, the findings of the Appeal, and any action taken as a result.
- 6.15 The decision taken at this stage is final.

7. Other action

- 7.1 The Bishop, Vicar General or Chief Operating Officer may at any stage deem it appropriate to appoint someone unconnected with the Diocese to undertake either the Stage 1 investigation into a complaint or the Stage 2 Appeal, for example, an expert in a particular area.
- 7.2 It should be recognised that in some instances people will take positions where the matter cannot be satisfactorily resolved by the formal process. In such cases the Bishop, Vicar General or Chief Operating Officer (as appropriate) may at any stage propose that the parties enter into a mediation process.

8. Withdrawal of a complaint

- 8.1 If a complainant chooses to withdraw their complaint, they will be asked to confirm this in writing.

9. Managing multiple complaints

- 9.1 Where more than one person is making the same complaint, this may be conducted by the Investigating Officer as a single investigation. Separate feedback will however be provided to each complainant.

10. Managing serial and/or unreasonable complaints

- 10.1 The Diocese will not normally limit the contact complainants have with the organisation. However, in line with the Diocesan values of integrity, respect, trust, service and compassion, the Diocese will not tolerate unacceptable behaviour and will take action to protect Clergy, employees and volunteers from such behaviour, including that which is abusive, offensive or threatening.
- 10.2 Examples of serial and unreasonable complaints include where the complainant:
- 10.2.1 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - 10.2.2 refuses to co-operate with the complaints investigation process;
 - 10.2.3 refuses to accept that certain issues are not within the scope of the complaints procedure;
 - 10.2.4 insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
 - 10.2.5 introduces trivial or irrelevant information which they expect to be taken into account and commented on;
 - 10.2.6 raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
 - 10.2.7 makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - 10.2.8 changes the basis of the complaint as the investigation proceeds;
 - 10.2.9 repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been

- addressed);
- 10.2.10 refuses to accept the findings of the investigation into that complaint where the Diocese’s Complaints Policy and Procedure has been fully and properly implemented and completed;
 - 10.2.11 seeks an unrealistic outcome;
 - 10.2.12 makes excessive demands on Diocesan time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
 - 10.2.13 uses threats to intimidate;
 - 10.2.14 uses abusive, offensive or discriminatory language or violence;
 - 10.2.15 knowingly provides falsified information;
 - 10.2.16 publishes unacceptable information on social media or other public forums.
- 10.3 Complainants should limit their communication with the Diocese to that which relates to their complaint, while the complaint is being progressed.
- 10.4 If the behaviour continues, the Bishop, Vicar General or Chief Operating Officer will write to the complainant explaining that their behaviour is unacceptable. For complainants who excessively contact the Diocese causing a significant level of disruption, methods of communication may be specified and the amount of contacts may be limited.
- 10.5 In response to any serious incident of aggression or violence, the Diocese will immediately inform the police and may cease communication with the complainant.

11. External Stage

- 11.1 The complainant can refer their complaint to the Charity Commission at any stage. The Commission’s involvement in looking at complaints is limited to issues that pose a serious risk of significant harm to a charity’s beneficiaries, assets, services or reputation. However, the Charity Commission requires complaints to be made to the Charity in the first instance or for there to be a reason why this could not be done.
- 11.2 Further information about the kind of complaints the Commission can involve itself in can be found on their website at:
<https://www.gov.uk/government/publications/complaints-about-charities>

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| Policy approved by the Trustee Board | 5 July 2022 |
| Next review date | 5 July 2024 |
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DIOCESE OF MIDDLESBROUGH

COMPLAINT FORM

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| Name | |
| Address | |
| Telephone Number | |
| Mobile Telephone Number | |
| E-mail | |
| Parish (if appropriate) | |
| Date of the event giving rise to the complaint (if appropriate) | |
| Describe the nature of your complaint | |
| To whom did you first address your complaint? | |
| What was the outcome of your initial complaint? | |
| Why are you not satisfied with the outcome of the initial complaint? | |
| Describe what outcome you would like from your complaint | |
| Signature | |
| Date | |