A Complaints Handling Procedure for the Diocesan Board of Finance (DBF) dealing with Safeguarding Issues

# Introduction

* 1. The aim is to offer a helpful, thorough and efficient DBF safeguarding service, but it is recognised that sometimes things can go wrong. The aim is to put mistakes right quickly and not treat anybody unfavorably if they make a complaint. Comments about services are valued because they help improve them and inform future planning.
  2. This procedure has been designed to support the Diocesan Complaints Policy with issues relating to Safeguarding complaints.

1. **Standards for handling complaints**

The Diocesan Board of Finance will:

* Treat all complaints seriously, whether they are made by letter or by email;
* Treat all complainants with courtesy and respect;
* Deal with complaints efficiently in line with the Diocesan Complaints Policy;
* Help all complainants to understand the complaints process or give advice about where to get help;
* Give an appropriate response to a complainant, within an appropriate time and tell the complainant the outcome, even if the complaint is not upheld;
* Publish information in the Diocesan Safeguarding annual report on the numbers and categories of complaints received, and the percentage of complaints upheld.

1. **What is a complaint**

A complaint is an expression of dissatisfaction about any aspect of the safeguarding service provided at a DBF level.

1. **What the Procedure covers**

The procedure covers safeguarding matters, which have been handled by the DBF Safeguarding team.

1. **What the Procedure does not cover**

This procedure does **not** cover:

1. Complaints about safeguarding matters handled by the National Safeguarding Team, Cathedral, a Religious Community or other Church body. This includes a matter that has been briefly drawn to the attention of a member of the DBF Safeguarding Team and then referred back to another Body for handling. It is expected that these Bodies will have their own complaints procedures in place. Any complaint received about another Body will be referred directly to the body in question.
2. Complaints regarding clergy including bishops. This is covered by the Clergy Discipline Measure.
3. Human Resource related issues for instance grievances, capability and disciplinary issues. These are covered by separate DBF policy and procedures.
4. Concerns or allegations of abuse. This is covered by the House of Bishops’ Safeguarding Policy and Practice Guidance.
5. Matters that have already been fully investigated through this complaints procedure or the Diocesan Complaints Policy.
6. A request for compensation only.
7. Issues that relate to the outcome of criminal or civil proceedings or that are currently going through these proceedings.
8. Disagreement with a decision that relates to an independent assessment e.g. a risk assessment.
9. Any case work matters that have been dealt with or are under consideration as part of a Lessons Learned Review. In this case, the external reviewer will review the handling of the matter and make recommendations as part of their report. If the review has already concluded, it will not be revisited.
10. Anonymous complaints.
11. Complaints about access to information where procedures and remedies are set out in legislation, e.g. Data Protection Act 1998 and GDPR 2018.
12. **Confidentiality**

All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998 and Data Protection Act 2018 and GDPR guidance 2018.

1. **Who may make a complaint?**

The following can make a complaint under the Complaints Policy:

* Any member of the clergy, including Bishops;
* Staff in a PCC, religious community, Cathedral and Theological training institution.
* Members of the public who are personally connected with a specific safeguarding case which is being handled by the DBF safeguarding team.
* The subject of a safeguarding complaint, or their representatives.

1. **Receiving a complaint**
2. On receiving a complaint, it must be discussed with the manager of the person receiving the complaint to decide:

* First, whether the issue/s can indeed be defined as a complaint to be dealt with under this complaint’s procedure. The complainant may express dissatisfaction about more than one issue. It may mean that one element is treated as a complaint, while directing the complainant to pursue another element through an alternative route;
* Record all details of the issue/s raised and any decisions made about whether the issue/s can be defined as a complaint or not and how to proceed.

1. If the issue/s **cannot** be defined as a complaint to be dealt with under this complaints procedure notify the complainant within 10 working days of receiving the issue/s.
2. If the issue/s **can** be defined as a complaint to be dealt with under this complaints procedure, to decide:

* If the complaint is suitable for Informal resolution. Some complaints will need to be fully investigated before they can give the complainant a suitable response These must be escalated immediately to the investigation stage.
* Which member of staff will handle the complaint under Stage 1;

1. **Recording complaints**

All complaints will be logged and recorded in accordance with data protection legislation. This will enable the types of complaints to be monitored, offer information on how effectively they have been dealt with and offer information to improve service delivery.

# Process for handling complaints

The complaints handling procedure aims to provide a quick, simple and streamlined process for resolving complaints.

The complaints process provides two opportunities to resolve complaints:

**1 Informal Resolution,** and

**2 Investigation**. *(In this policy, the term investigation, refers to a full and detailed analysis and examination of the practice that has resulted in a complaint).*

1. **Stage One: Informal Resolution**

Informal resolution aims to quickly resolve straightforward complaints that require minimal investigation. The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible.

In practice, Informal resolution means resolving the complaint at the first point of contact with the complainant, either by the member of staff receiving the complaint or another member of the diocesan safeguarding team.

In either case, the complaint maybe settled by explaining why the issue occurred, resolving any potential misunderstandings and/or providing an on-the-spot apology, where the complaint is justified, and, where appropriate, what will be done to stop this happening again. It can also be explained that, as the DBF safeguarding team values complaints, the information given will be used to improve the service

A complaint can be made in writing, in person, by telephone, by email or online, or by having someone complain on their behalf.

Informal resolution must always be considered, regardless of how the complaint is received.

1. **Proceeding with a complaint under stage 1**
2. The member of staff handling the complaint will commit to do the following:

* Notify the complainant that they will be handling the complaint within 5working days of receiving the complaint;
* Notify any staff members involved, if different;
* Request clear information from all involved;
* Arrange a face-to-face discussion with the complainant, if required. Agree support for the complainant as required. The support person’s role is to offer support but not to directly advocate on behalf of the individual. It cannot be a legal representative;
* Commit to respond within 10 working days;
* If it is not possible to respond to the complaint within the 10 working-day timescale – for example it is not possible to talk further with the complainant, a key member of staff is not available – notify the complainant and any staff involved of the date by when the complaint process will be completed.

Any extension should be agreed by the line manager of the person handling the complaint.

1. Where informal resolution is appropriate, consider four key questions:

> What exactly is the complaint (or complaints)?

> What does the complainant want to achieve as an outcome of the complaint?

> Can this be achieved, or explain why not?

> If it can't be resolved, is additional help required to help with frontline resolution?

1. **Closing the complaint at Stage 1**

Inform the complainant of the outcome in writing. The response must address all areas of the complaint and explains the reasons for the decision.

A full and accurate record of the decision reached and given to the complaint be kept.

Inform the complainant that if they remain dissatisfied with the outcome they can request an investigation within 20 working days.

1. **Criteria for moving to Stage Two**

If the complaint has still not been resolved to the satisfaction of all parties, then it may move to Stage Two (Investigation). The Complaints Manager and Line Manager will make the decision on whether to escalate to stage two in consultation with the HR Adviser.

However, it may only be progressed to stage two if the following criteria apply:

* Informal resolution was tried but the complainant remains dissatisfied and requests an investigation into the complaint.
* The issues raised are complex and require detailed investigation;
* The complaint relates to serious, high-risk or high-profile issues;
* If the matter under consideration could be reasonably judged to be sufficiently serious to be proportionate for the purposes of escalation;
* If the complainant has not been judged to be a vexatious or persistent complainant;
* It does not fall within the scope of the DBF Safeguarding Complaints Handling Procedure.

1. **Stage 2: Investigation**

Not all complaints are suitable for informal resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the complaints handling procedure are typically complex or require a detailed examination before a clear position can be stated. These complaints may already have been considered at the informal resolution stage, or they may have been identified from the start as needing immediate investigation.

The two key roles involved in Stage 2 are those of the C**omplaints Manager** and the I**nvestigating Officer.** Both these individuals must not have had any direct involvement in the issues that form part of the complaint. The identification of who is best placed to fulfil these roles will need to be judged on a complaint by complaint basis.

1. **Appointing a Complaints manager**

The Complaints Manager ultimately decides whether the complaint reaches the criteria for a stage 2 investigation. The outcome of this should be recorded and the complainant informed within 10 working days. If the criteria for a stage two investigation is met the role of the Complaints Manager is to:

* Appoint an investigating officer
* Oversee and direct the investigation
* Agree any necessary extensions to timescales
* Receive the final report and agree final recommendations.
* Record lesson learnt and send to the relevant manager for action
* Identify where examples of good practice have been identified and recommendations for dissemination of good practice to relevant staff/bodies.

# A Guide to who undertakes the Investigation

1. Specific Safeguarding complaints which involve diocesan safeguarding staff may be investigated by:

* The Diocesan Safeguarding Adviser.
* Or (if the complaint is against them personally) by their Line Manager or another identified person.

1. For some complaints, an independent complaints investigator may also be required to either advise the investigator officer or to be the investigator officer.
2. **Receiving a Complaint**

The member of staff investigating the complaint (Investigating Officer) will commit to do the following:

* Notify the complainant that they will be handling the complaint and timescales within 5 working days of being appointed.
* Identify what additional information will be required to investigate the complaint and who will need to be interviewed. The complainant may need to provide more evidence to help reach a decision;
* Ensure that a copy of the complaint is sent to any staff member named in it and to that person's line manager, unless to do so would prejudice the investigation of the complaint in which case the Complaints Manager should inform the relevant senior manager of this decision;
* Consider whether an Independent Person (who cannot be an employee) to the investigation is needed to advise. This will be dependent on the complexity and type of complaint received.
* Commit to conclude the investigation within 40 working days.

1. **Conducting a Complaints Investigation**

The Investigating Officer will:

* Interview the complainant, relevant staff mentioned in the original complaint and any other individuals who may assist in the investigation process;
* Ensure that the complainant and any identified witnesses are made aware that they can be accompanied to an interview by a member of their professional body (e.g. Trade Union) or work colleague who is not directly involved i.e. a team member. Their role is to offer support but not to directly advocate on behalf of the individual. It cannot be a legal representative;
* Listen to all parties, the investigation is a neutral process;
* Focus on achieving resolution for the complainant by addressing his or her clearly-defined complaints and agreed complaints and desired outcomes;
* Reach findings on each of the complaints being investigated - are they upheld, partially upheld or not upheld and provide conclusive reasons for their findings;
* Support local solutions where the opportunity for resolution between the complainant and the Diocese exists;
* Identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress;
* Recommend any service improvements for action by the Diocese;
* Produce a report making recommendations about action to be considered;
* Send a copy of the report to the Complaints Manager bearing in mind that this, needs to be sent to the complainant within45 working daysof the receipt of the complaint. If this timescale is not possible, the Investigating Officer should consult with the Complaints Manager and agree a timescale for extension. In any event, this extension must not exceed a full response to the complaint within 120 working days**;**

1. **Extension of the timeline**

Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 40 day limit. However, these would be the exception and you must always try to deliver a final response to a complainant within 45 working days

If there are clear and justifiable reasons for extending the timescale, the Complaints Manager will set time limits on any extended investigation. The complainant must be kept updated on the reason for the delay and given a revised timescale for completion.

1. **Mediation**

Some complex complaints, or complaints where complainants and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, consideration may be given to using services such as mediation or conciliation using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating further.

Mediation will help both parties to understand what has led to the complaint being made, and so is more likely to lead to mutually satisfactory solutions.

If this is agreed by all parties, revised timescales will need to be agreed.

1. **Closing stage 2 complaint**

The Complaints Manager will:

* Inform the complainant of the outcome in writing. The response must ensure that all areas of the complaint/s are addressed and explains the reasons for the decision/s.
* A copy of the full and final outcome will be kept on file.

*If following a compliant it is upheld that a member of the safeguarding team has acted contrary to their professional standards and those expected under his/her contract of employment, then the diocese might instigate its disciplinary procedure. The diocese may also make a referral to such professional bodies as the member of the safeguarding team is accredited or in membership with will also be made e.g. HCPC*

# Monitoring Complaints Annual Report

The details of complaints, numbers, outcomes, trends and actions taken should be included within the Annual Diocesan Safeguarding Report.