

Complaints Policy and Procedure

1.0 Purpose of Policy

- 1.1 Newcastle Diocesan Board of Finance (the Board) is committed to providing a high quality and supportive service.
- 1.2 High standards are expected of staff and those who feel that they have not been treated fairly or that the service they have been offered is inadequate, have the right to raise the issue in line with this procedure.
- 1.3 We recognise that from time to time we may not always attain the high standards we set ourselves. The purpose of this policy is to help us, where our service has fallen short, to rectify matters as quickly as possible.
- 1.4 Complaints are viewed as an opportunity to learn and improve for the future, as well as a chance to put things right or give a satisfactory explanation to the person making the complaint.

2.0 Scope

2.1 Definition

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of the Diocese of Newcastle.

2.2 Where complaints come from

Complaints may come from:

- a person who is dissatisfied with the service they have received from a member of staff employed by the Board.
- concern relating to policies for running the diocese or decisions taken by the directors.

2.3 Complaints not covered by the policy

This policy does not cover:

- complaints from staff who should use the NDBF's grievance procedure.
- complaints relating to local parochial matters, where the matter should be referred to the PCC.
- complaints relating to diocesan church schools where the individual school's complaints process should be used.
- complaints regarding members of clergy. Please see note¹

¹ From time to time 'complaints' or issues of concern about individual members of clergy are brought to the attention of the Bishop or to members of the Bishop's Senior Team (*known as* the Bishop's Staff). These issues may not result in, or warrant, any sort of formal process; but it is important that each is followed up appropriately through due process, and that all parties are afforded the opportunity to share or report their concerns. The NDBF will ensure that time is set aside to gain a clearer picture of all the issues raised, that individuals have opportunities to put their views, that where it is possible reconciliation is achieved, and that decisions about any further actions are made only when there is clarity of objective information/evidence.

If other complaints processes apply, for example bullying and harassment or allegations of serious misconduct that may be considered under the Clergy Discipline Measure, the person complaining will be directed and helped to access them.

- complaints from members of clergy where it is a grievance relating to the exercise of the office held. The Archbishops' Council has set out a Code of Practice and supportive advice for dealing with such grievances.
- safeguarding allegations which should be referred directly to the Diocesan Safeguarding Adviser or the Assistant Diocesan Safeguarding Adviser.
- issues that relate to the outcome of criminal or civil proceedings or that are currently going through these proceedings.
- disagreement with a decision relating to an independent assessment or an external review.
- complaints about access to information where procedures and remedies are set out in legislation.
- anonymous complaints or complaints about matters which have already been fully investigated will not be covered by this policy and procedure.
- complaints from persistent and/or vexatious complainants. These are becoming an increasing problem for many public and third sector organisations. The difficulties in handling such complaints can place a considerable strain on time, resources and staff. See the **Appendix 1** for guidance on how to identify and respond to persistent and/or vexatious complainants.

3.0 Underlying Principles

3.1 Our policy is

- to provide a fair complaints procedure which is clear and easy to use.
- to publicise the complaints procedure on our website so people know how to contact us to make a complaint (www.newcastle.anglican.org);
- to treat all complaints seriously;
- to treat all complainants with courtesy and respect;
- to make sure all complaints are investigated fairly and in a timely way.
- to make sure that complaints are, wherever possible, resolved and that relationships are repaired and reconciliation explored.
- to gather information which helps us to improve what we do.

We will publish information on the numbers of complaints received, the categories of complaints and the percentage of complaints upheld.

4.0 Confidentiality

- 4.1 All complaints received will be dealt with confidentially, involving only those who need to know and in accordance with the requirements of the Data Protection Act 2018.

5.0 Complaints Procedure

- 5.1 Complaints can be made by email to s.waddle@newcastle.anglican.org or by post to:

The Diocesan Secretary
 Newcastle Diocesan Board of Finance
 Church House
 St John's Terrace
 NORTH SHIELDS NE29 6HS
 Emails should be sent to

A complaint about the Diocesan Secretary should be addressed to the Chair of the Diocesan Board of Finance.

- 5.2 Complaints may arrive through channels publicised for that purpose or through any other contact details or opportunities the complainant may have. Complaints received by telephone or in person need to be recorded. The person who receives a complaint by telephone or in person should:
- Write down the facts of the complaint
 - Take the complainant's name, address and telephone number
 - Note down the relationship of the complainant to the NDBF
 - Tell the complainant that we have a complaints procedure
 - Tell the complainant what will happen next and how long it will take
 - Where appropriate, ask the complainant to send a written account by post or by e-mail so that the complaint is recorded in the complainant's own words.

6.0 Resolving Complaints

We have a 2-stage complaints procedure. At each stage it will help us to resolve a complaint quickly if the complainant can give us as much detail as possible, including any documents and correspondence and stating why the complaint is being made.

- 6.1 All complaints will be logged and recorded by the member of staff receiving the complaint and personal information handled and stored in accordance with the Data Protection Act 2018.

Stage 1 – Informal

Frontline Resolution

- 6.2 Frontline resolution aims to quickly resolve straightforward complaints that require minimal investigation. In many cases, a complaint is best resolved by the person responsible for the issue from which the complaint has arisen. If the complaint has been received by that person, he/she may be able to resolve it swiftly and should do so if possible and appropriate. Most matters can and should be resolved locally and informally.
- 6.3 The main aim is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This means resolving the complaint at the first point of contact with the complainant, either by the member of staff receiving the complaint or their delegated authority.
- 6.4 In either case, the complaint may be 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 Diocese values complaints, the information given will be used to improve the service.
- 6.5 Complaints in writing under Stage 1 will normally be dealt with within 5 working days of receiving the complaint. The member of staff or their line manager will contact the complainant to seek informal resolution and if appropriate will write to the complainant to confirm the outcome of their complaint.
- 6.6 If the complainant is not satisfied with the response, they may request a review and escalate matters to the formal stage. This will be carried out by a senior manager nominated by the Diocesan Secretary.
- 6.7 It is anticipated that the majority of complaints will be resolved at Stage 1.

Stage 2 – Formal

Investigation

- 6.8 There are two routes by which a complaint reaches the formal stage
- If the complainant feels that the problem has not been satisfactorily resolved during the informal process, the complaint can be escalated to the formal process.
 - Not all complaints are suitable for frontline resolution. Complaints that are typically complex or require a detailed examination before a clear position can be stated will be addressed under the formal stage. These complaints may already have been considered at the frontline resolution stage, or they may be identified from the start as needing immediate investigation.
- 6.9 A request to escalate a complaint to the formal stage must be made in writing or via email and be received within 3 months of being notified of the outcome of Stage 1. The complaint should be addressed to the Head of Department or the Diocesan Secretary. If a complaint is referred directly to the formal stage, then the complainant should be requested to put it in writing if they have not already done so.
- 6.10 The two key roles involved in Stage 2 investigations are the Complaints Manager and the Investigating Officer. Both these individuals must not have any direct involvement in the issues that form part of the complaint. The identification of who is best placed to fulfil these duties will be judged on a complaint by complaint basis.
- 6.11 The Diocesan Secretary will appoint a Complaints Manager, whose responsibility it will be to:
- Ensure the complaint meets the criteria for a Stage 2 investigation, i.e. cannot be dealt with under Stage 1 – frontline resolution;
 - Appoint an Investigating Officer;
 - Agree timescales for the investigation, which should normally be less than 25 working days;
 - Receive the final report and agree final recommendations.
- 6.12 The Investigating Officer will:
- listen to the complainant identifying what the complaint is about and understanding the reason for the complaint.
 - Inform the complainant and the respondent (where the complaint involves an individual) of the anticipated timescale for the investigation and when they should be notified of the outcome.
 - conduct the investigation, interviewing the complainant and any other person involved. Employees and clergy do not have the right to be accompanied on the same basis as they would under a formal disciplinary or grievance process however they
 - should be encouraged to identify a person to accompany them for the purposes of support and record keeping. This person cannot directly advocate on behalf of an individual;
 - will listen to all parties and ensure the investigation is a neutral process;
 - focus on achieving resolution for the complainant by addressing his or her concerns and desired outcomes;
 - reach findings on each of the complaints being investigated (upheld, partially upheld or not upheld);
 - make a judgement if a complaint is unreasonable or vexatious;
 - recommend service improvements;
 - produce a report, making recommendations for future action;

- complete the investigation and report within 25 working days. If this timescale is not possible, the Investigating Officer should consult with the Complaints Manager to agree a revised timetable. All complaints must be concluded within 50 working days.
- agree the final outcome with the complaints manager.

6.13 The Complaints Manager will write to the complainant to inform them of the outcome of their complaint and any service improvements which will be implemented as a consequence. The letter should include as much detail as necessary to enable the complainant to understand how and why the outcome decision has been made.

If the complainant is not satisfied with the response, they may request a desk top review by another Senior Manager within Newcastle Diocesan Board of Finance. The outcome of this review is final.

7.0 Remedies

7.1 When our service has been unsatisfactory we will act to

- accept responsibility;
- explain what happened and why;
- seek to repair relationships and explore reconciliation;
- rectify our unsatisfactory service by making the changes required.

7.2 The action we take in response to a complaint can include any combination of the remedies set out in the list below. The general principle we follow is that a complainant should, so far as possible, be put in a position he or she would have been, had they not had a reason to complain.

7.3 The remedy chosen needs to be proportionate and appropriate to the shortcomings, and take into account what people are looking for when they complain. An apology is normally appropriate but other action may also be necessary:

- a sincere and meaningful apology (explaining what happened and/or what led to our unsatisfactory service) – an apology is not an acceptance of liability under Section 2 of the Compensation Act 2006;
- remedial action, which may include reviewing or changing a decision on the service given to an individual complainant;
- rectify things (for example a change in procedure to prevent future difficulties of a similar nature, either for the complainant or others);
- training or supervising employees and/or clergy.

8.0 Recording Complaints

8.1 We will log all complaints we receive so that we can monitor the types of problems, the best way to sort them out and how long we take to deal with them. This also helps us to take a closer look at how we can improve our own delivery.

8.2 We will handle and store personal information in accordance with the Data Protection Act 2018.

9.0 Review

9.1 This policy will be reviewed every 2 years or as necessary if there is any change of legislation.

Appendix 1 Persistent and Vexatious Complaints

1. Definition of Unreasonably Persistent and Vexatious Complainants

The descriptions 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

There is a difference between 'unreasonably persistent' and 'vexatious' complainants.

A vexatious person in this context is someone who is not seeking to resolve a dispute between themselves and the DBF but is seeking to cause unnecessary aggravation or annoyance to the DBF.

Unreasonably persistent or vexatious complainants may have justified complaints or grievances but are pursuing them in inappropriate ways. Alternatively, they may be intent on pursuing complaints which appear to have no substance, or which have already been investigated and settled. Demands on staff time need to be assessed appropriately - on occasion, a little more time up front to understand the issue may lead to less time being spent on the issue in total.

2. Actions and Behaviours

Below are some of the actions and behaviours of unreasonably persistent and vexatious complainants which the DBF may experience. One or more of these would raise concerns that the complainant is becoming unreasonably persistent or vexatious. This list is not exhaustive:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from staff;
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved. This could involve refusing to specify an outcome, not responding in a timely manner to requests, refusing to meet etc;
- An insistence on only dealing with senior staff on all occasions irrespective of the issue and the level of delegation in the DBF to deal with such matters;
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope;
- Refusing to accept that issues are not within the power of the DBF to investigate, change or influence (examples could be something that is the responsibility of another Church body or external organisation);
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking them replaced;
- Changing the basis of a complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage;
- Introducing trivial or irrelevant new information which the complainant expects to be considered and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered;
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- Persistently approaching the DBF through different routes about the same issue;

- Adopting a ‘scattergun’ approach; pursuing a complaint(s) with the DBF and at the same time with other departments, other senior officers, other church bodies and office holders, Solicitors, Professional Boards, external organisations including the media.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses;
- Submitting repeat complaints after the complaints process has been completed, essentially about the same issues, with additions/variations which the complainant insists make these ‘new’ complaints which should be put through the full complaints procedure;
- Harassing and/or verbally abusing or otherwise seeking to intimidate staff dealing with their complaint, in relation to their complaint by using foul or inappropriate language or by the use of offensive and racist language.
- Refusing to accept the decision - repeatedly arguing the point and complaining about the decision.

3. Taking Action

The precise nature of the action should be appropriate and proportionate to the nature and frequency of the complainant’s contacts with the DBF at that time.

The following is a list of possible options:

- Placing time limits on telephone conversations and personal contacts;
- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week);
- Limiting the complainant to one medium of contact (telephone, letter, email etc.) and/or requiring the complainant to communicate only with one named member of staff;
- Requiring any personal contacts to take place in the presence of a witness;
- Refusing to register and process further complaints about the same matter;
- Banning a complainant from one or more Church premises;
- Where a decision on the complaint has been made, informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence;
- Where a complaint is closed, and the complainant persists in communicating about the same issue, it may be decided to terminate contact with that complainant.

These options are not exhaustive and there may be other factors that will be relevant in deciding what might be appropriate action. For instance, any arrangements for limiting a complainant’s contact must take account of the complainant’s individual circumstances, bearing in mind such issues as age, disability, gender, race and religion or belief.

4. The Decision and Imposing Restrictions

Before making the decision about what action is appropriate to take the DBF will ensure that the complaint is being, or has been, dealt with properly according to the DBF Complaints Handling procedure for safeguarding staff.

The responsible manager, will consult with the Diocesan Safeguarding Adviser, their line manager and Human Resources, if required, to agree that the complainant is unreasonable persistent and/or vexatious, identify the manifest actions and behaviours and agree a proportionate response. This could be:

- A warning letter, asking the complainant to change their behaviour and explaining the actions that the Diocese may take if the behaviour does not change.
- A letter explaining that the behaviour is not acceptable and what actions will be taken.
- If the behaviour continues then a final letter to the complainant advising them that future contact will be restricted and for what period. In most cases restrictions will apply for 6 months but in exceptional cases may be extended.

In some cases, actions and behaviours arise during complaints processes mean that there is little prospect of achieving a satisfactory outcome. In these circumstances, there is often little purpose in following through all stages of the Complaints Handling Procedure. Where this occurs, the complainant should be informed that the DBF cannot assist further.

In making this decision the DBF should follow the principles that would be applied by an Independent Ombudsman. That is that it can evidence that its policy has been operated properly and fairly and applied the test of reasonableness to the DBF response, as would be deemed good practice in the public and third sector.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the DBF will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the DBF may not give the complainant prior warning of that action.