

## Complaints Procedure

### Introduction

All people make mistakes, and we should all treat a formal complaint as a last resort. The Association's desire is that wherever possible concerns relating to actions taken by staff members of the Association will be resolved informally rather than escalating these to a formal complaint. However, we realise that in some circumstances there will be no alternative but to resort to a formal complaint. This formal complaint should only be instigated when attempts to resolve the issue informally have failed or where, due to the nature of the complaint it is not appropriate to address it with the person concerned.

### Who can bring a complaint?

There is no restriction on who can bring a complaint. However, in some cases we may receive a few inter-related complaints. In these circumstances we may decide to consolidate the investigation into the complaints or to deal with the earliest complaint first. The approach will depend on the nature of the complaint and the timing of receipt of the complaints.

### What type of complaints will be considered?

The Association will deal with complaints about:

- The application of the Association's procedures or decisions made by the Association which directly relate to the complainant.
- The conduct of staff employed by the Association
- The conduct of Trustees and others who are appointed to serve on a voluntary basis on boards, committees and working groups of the Association.
- Data Protection Complaints

### What types of complaint will not be considered?

- Complaints about the conduct, performance or behaviour of an accredited Minister or Church Worker. Serious complaints are dealt with through the Ministerial Recognition process and all other matters are dealt with by individual churches.
- Complaints of a safeguarding nature should be reported using the route outlined within the safeguarding policy.
- Complaints about the support provided to a church or minister(s)/church workers by the Baptist Union (that is a matter for the complaints process of the Union).
- Complaints about non-accredited staff of local churches (this is a matter for the local church)
- Complaints about the application of the Association's procedures or decisions made by the Association which do not directly relate to the complainant.
- Grievances relating to employment decisions (this is a matter for the "employer's" grievance procedure).
- Complaints raised which do not comply with the requirements of this procedure will not be dealt with and the complainant will be sent a copy of this procedure.

### How to make a complaint?

#### **Complaints regarding application of procedures or decisions made**

A complaint must be made in writing and must set out the following:

- The actions you are complaining about
- When they took place
- Why you think the actions are wrong
- Details of what you have done to try and resolve your concerns

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- What you consider would resolve your concerns
- Details of who else you have reported the matter to; and a commitment that you disclose to us if you report the matter to a third party
- Any additional information
- Confirmation that you are happy for detail of your complaint and the supporting documentation to be provided to those who have made the decisions in question

Any supporting documentation that exists should be enclosed.

Your complaint will not be dealt with unless you provide all the information set out above. The complaint should be sent to the EBA Secretary who will arrange for an investigation to take place. Where your complaint relates to actions of the EBA Secretary, it should be sent to the Moderator of the Trustee Board who will arrange for an investigation to take place.

### Complaints regarding Association staff, trustees and other volunteers serving on Association committees and working groups

A complaint must be made in writing and must set out the following:

- The name of the person you are complaining about
- The events you are complaining about
- Details of when the events took place
- Details of where the events took place
- Details of any witnesses to the issues of concern
- Details of what you have done to try and resolve your concerns
- What you consider would resolve your concerns
- Details of who else you have reported the matter to; and a commitment that you disclose to us if you report the matter to a third party
- Any additional information and
- Confirmation that you are happy for detail of your complaint and the supporting documentation to be provided to the person complained about should it be necessary to do so.

Any supporting documentation that exists should also be enclosed.

Your complaint will not be dealt with unless you provide all the information set out above.

The complaint should be sent to the EBA Secretary who will arrange for an investigation to take place. Where your complaint relates to actions of the EBA Secretary it should be sent to the Moderator of the Trustee Board who will arrange for an investigation to take place.

### Complaints about data protection

Any complaint or concern about data protection should be made by contacting the association Data Protection officer who is the association secretary and can be contacted on [secretary@easternbaptist.org.uk](mailto:secretary@easternbaptist.org.uk).

### How will the complaint be dealt with?

In the first instance, the complaint will be acknowledged in writing or by email within 5 working days.

Secondly, the EBA Secretary will appoint two investigators to investigate your complaint. You will be told who

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will be appointed to investigate.

The complaint will then be reviewed by the investigators. Those investigating will seek to:

- Establish what has happened and when it happened and who else was involved
- Meet with the Complainant or contact them if there is a need for clarification regarding the complaint or further information is required
- If following the initial information and any discussions with the Complainant, the investigation is to proceed the investigators will inform those who have been complained about of the nature of the allegations made (unless in the opinion of the investigators this would prejudice the investigation interview)
- Interview those involved and those complained about where necessary to understand their account of events
- Keep notes of all investigatory interviews

### Complaints regarding application of procedures or decisions made

- Once the investigation is concluded the investigators will decide whether the complaint is well founded and send the complainant their decision. Where any aspect of the complaints is upheld, the investigators should also specify the actions suggested to remedy the situation.

### Complaints regarding Association staff conduct

- If those investigating conclude that the evidence suggests that conduct worthy of disciplinary action may have taken place, the issue will be dealt with under the Staff Disciplinary Processes. Where the person complained about is also an accredited person, they may also be dealt with under the recognition rules if the investigators conclude that the evidence suggests that conduct unbecoming or serious misconduct may have taken place. If this is the case, the matter will be dealt with under the Ministerial Recognition rules from this point onwards.
- The complainant will be informed that the matter is being dealt with in this way and will be given details of the Ministerial Recognition rules.

### Complaints regarding Association trustees and others who are appointed to serve on a voluntary basis on a board, committee or working group of the Association

- If those investigating conclude that the evidence suggests that misconduct may have taken place, the issue will be referred to the Moderator of the Association Trustee Board who will chair a panel of three trustees unconnected with the matter under investigation to consider the evidence and to come to a decision. If the complaint is against the moderator, then the EBA secretary will bring in a Moderator from another association. The panel may choose to invite the complainant, or the person complained about to address the panel, but are not required to do so. Such a decision will be communicated to the complainant and to the individual within 5 days of the panel's decision. The Moderator will also inform the Charities Commission if circumstances require.
- Where the person complained about is an accredited person, they may also be dealt with under the recognition rules if the investigator concludes that the evidence suggests that conduct unbecoming or serious misconduct may have taken place. If this is the case, the matter will be dealt with under the Ministerial Recognition rules from this point onwards.
- The complainant will be informed that the matter is being dealt with in this way, and will be given details of the Ministerial Recognition rules

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### Timescales

Following receipt of each complaint the Investigator will within 21 days give the Complainant an estimate of their expected timescale for dealing with the complaint. Where, as the investigation proceeds, it is not possible to meet those timescales, an updated timeline for dealing with the complaint will be provided.

The more complex the complaint the longer the timescale is likely to be. In some cases, it can take several months to properly investigate and respond to a complaint.

If the subject matter of the complaint has also been referred to the Police it may be that our investigation into the complaint cannot commence or be completed until the Police have completed their investigations and either decided not to proceed or a Court decision has been taken. Our approach in these cases will depend on the circumstances of the case.

### Safeguarding Issues

Where a complaint relates to safeguarding issues the investigation and follow up actions will be carried out in accordance with our safeguarding procedures in place and these may be adjusted to account for the circumstances and any guidance issued by the local authority designated officer involved in the case.

### What if you are unhappy with the outcome of the investigation?

#### **Complaints regarding application of procedures or decisions made**

You will have the right to appeal any decision on a complaint on these issues. Written notice of intention to appeal should be made within 14 days of the date the outcome of your complaint was sent to you. The appeal itself should be made within a further 14 days. The appeal should be in writing and must be sent to the Moderator who will arrange for your appeal to be considered by someone other than the person who took the initial decision (where possible).

The appeal must set out:

- Your grounds of appeal; and
- What you consider would resolve your concerns.

#### **Complaints regarding the conduct of staff, trustees and those in voluntary appointments**

There is no right for Complainants to appeal against the outcome of the investigations into Association staff, trustee and volunteer conduct. This is because we believe that individuals in these groups who are under investigation need certainty that if an investigation has concluded it will conclude the matter.

If new evidence comes to light that has not previously been submitted that should be provided to the investigator who will determine whether further investigation is necessary considering that evidence.

### Vexatious Complaints

If the investigator concludes that a complaint has been made vexatiously or in bad faith the Association reserves the right to take the following actions:

- In all cases to inform the complainant that this is how the complaints are being seen, the reasons why, and the consequences of this.
- In the case of a minister who has made a complaint - this would be treated as an issue of potential conduct unbecoming and would be dealt with under the Baptist Union's Ministerial Recognition Rules.

In the case of complaints from anyone else – further complaints and correspondence from the complainants would be ignored.

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### Contact by complainant

Once a formal complaint has been made, you should avoid any ongoing discussion or correspondence with the person you have complained about relating to your complaints without the consent of the investigator.

### Confidentiality

The fact of and content of your complaint will be kept confidential save in so far as is necessary for us to properly investigate the complaint and reach a decision relating to it unless we are aware that you have not treated the fact or content of your complaints as confidential.

Please note that we expect you to maintain reasonable confidentiality as to the nature and content of your complaint so that the investigators can work without obstruction.

Your personal data and data relating to the complaint will be stored and processed as part of the investigation.