

A Complaints Handling Procedure for NCI staff dealing with Safeguarding issues¹

1. Introduction

- 1.1. The aim is to offer a helpful and efficient national 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 plans for the future.
- 1.2. This procedure has been designed to have a similar level of rigour to those applicable to the statutory and third sector², but they are also intended to take account of legislative and other processes and procedures within the Church, most notably the Clergy Discipline Measure and the Human Resource processes that exist within the NCIs and other Church Bodies.

2. Standards for handling complaints

The Archbishops' Council will:

- Make information available to the public about how to complain;
- 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 procedure;
- Help all complainants to understand the complaints procedure 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;
- Tell the complainant how to take a complaint further if they are still not satisfied;
- Publish information in the National Safeguarding annual report on the numbers and categories of complaints received, and the percentage of complaints upheld.

3. What is a complaint

A complaint is an expression of dissatisfaction, whether justified or not about:

- The standard of service provided;
- The behaviour of staff;
- Any action or lack of action by staff affecting an individual or group.

4. What the Procedure covers

¹ This covers the National Safeguarding Team, as part of the Archbishops Council and the safeguarding functions at Lambeth Palace and Bishopthorpe Palace.

² In line with Section 11 Children's Act 2004. That is that organisations have effective complaints procedures that are in accordance with guidance from the local authority and locally agreed inter-agency procedures.

A Safeguarding Complaints Handling Procedure for NCI staff

The procedure covers safeguarding matters, which have been extensively, handled at national level by NCI staff, including the National Safeguarding Team.

5. What the Procedure does not cover

This procedure does **not** cover:

- 5.1. Complaints about safeguarding matters handled within a Diocese, Cathedral, Religious Community or other Church body.³ This includes a matter that has been briefly drawn to the attention of a member of the National Safeguarding Team or other NCI staff and then referred back to a Church Body for handling. It is expected that these Church Bodies will have their own complaints procedures in place in line with House of Bishops safeguarding policy and guidance. **Any complaint received about a Church Body will be referred directly to the church body in question.**
- 5.2. Complaints regarding clergy including bishops. This is covered by the Clergy Discipline Measure⁴.
- 5.3. Human Resource related issues for instance grievances, capability and disciplinary issues. These are covered by separate NCI policy and procedures.
- 5.4. Concerns or allegations of abuse. This is covered by the House of Bishops' Safeguarding Policy and Practice Guidance.
- 5.5. Matters that have already been fully investigated through this complaints procedure.
- 5.6. A request for compensation only.
- 5.7. Issues that relate to the outcome of criminal or civil proceedings or that are currently going through these proceedings.
- 5.8. Disagreement with a decision that relates to an independent assessment e.g. a risk assessment.
- 5.9. 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.
- 5.10. Anonymous complaints.
- 5.11. Complaints about access to information where procedures and remedies are set out in legislation, e.g. Data Protection Act.

6. 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. Please see the 'Appendix 1' for guidance on how to identify and respond to persistent and/or vexatious complainants.

7. Confidentiality

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

³ Church Bodies includes PCCs, diocesan bodies, cathedrals, religious communities, and theological training institutions.

⁴ [CDM LINK](#)

A Safeguarding Complaints Handling Procedure for NCI staff

8. Who may make a complaint?

The following can make a complaint under this procedure:

- Any member of the clergy, including Bishops;
- Staff in a Church Body;
- Members of the public who are personally connected with a specific safeguarding case which is being handled nationally.

9. 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.

10. Process for handling internal complaints

The complaints handling procedure aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff.

The complaints process provides two opportunities to resolve complaints:

- 1 Frontline Resolution,** and
- 2 Investigation.**

11. Stage One: Frontline Resolution

Frontline 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, frontline 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 national 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 national 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.

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

11.1. Receiving a complaint

- a) On receiving a complaint, it must be discussed with the person receiving the complaint line manager to decide:

A Safeguarding Complaints Handling Procedure for NCI staff

- First, whether the issue/s can indeed be defined as a complaint to be dealt with under this complaints procedure (see section 5). 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 (see section 5);
 - If the complainant has not been judged to be a vexatious or persistent complainant (see Appendix 1);
 - 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 (see section 5) and how to proceed.
- b) If the issue/s **cannot** be defined as a complaint to be dealt with under this complaints procedure notify the complainant within **3 working days** of receiving the issue/s.
- c) 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 frontline resolution. Some complaints will need to be fully investigated before they can give the complainant a suitable response (see 11.4) These must be escalated immediately to the investigation stage (see section 12). If this is the case the line manager needs to advise their senior manager;
 - Which member of staff will handle the complaint under Stage 1;
 - Notify the complainant within **3 working days** of receiving the issues.

11.2. Proceeding with a complaint under stage 1

- a) The member of staff handling the complaint will commit to do the following:
- Notify the complainant that they will be handling the complaint within **3 working 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 person handling the complaint.
- b) Where frontline resolution is appropriate, consider four key questions:
- > What exactly is the complaint (or complaints)?
 - > What does the complainant want to achieve by complaining?
 - > Can this be achieved, or explain why not?

A Safeguarding Complaints Handling Procedure for NCI staff

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

11.3. Closing the complaint at Stage 1

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

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

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

11.4. 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). However, it may only do so only if the following criteria apply:

- Frontline resolution was tried but the complainant remains dissatisfied and requests an investigation into the complaint. This needs to be received within 20 days from when the stage one was concluded;
- 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 (see Appendix 1);
- It does not fall within the scope of the National Complaints Procedure (see section 5).

12. Stage 2: Investigation

Not all complaints are suitable for frontline 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 frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

The two key roles involved in Stage 2 are the **complaints manager** and the **investigating 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.

12.1. Appointing a Complaints manager

The complaints manager decides whether the complaint reaches the criteria for a stage 2 investigation. The outcome of this should be recorded and the complainant informed if it does or does not within **3 working days**. If the criteria for a stage two investigation is accepted the role is to:

- Appoint an investigating officer

A Safeguarding Complaints Handling Procedure for NCI staff

- Oversee any investigation
- Agree timescales extensions
- Receive the final report and agree final recommendations.
- Record lesson learnt and send to the relevant manager for action

12.2. A Guide to who undertakes the Investigation

- a) Specific Safeguarding complaints against national staff may be investigated by:
- The National Safeguarding Adviser or Deputy National Safeguarding Adviser
 - Or (if the complaint is against them personally) by his line manager (Director of Central Secretariat) or another identified person
 - Or (if the complaint is made against them) by the Secretary General of the Archbishops' Council or other identified person
 - For complaints against the Secretary General, this matter would be referred to another Chief Officer of the NCIs.
- b) For some complaints, an independent complaints investigator may also be required to either shadow the main investigator or to be the main investigator (see 12.3).

12.3. 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 **3 working days** of receiving the complaint
- Clarify from the start of the investigation stage exactly what the focus of the investigating is, and to ensure that both the complainant and the service understand the investigation's scope. Discuss and confirm these points with the complainant at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint, consider key questions:
 - What exactly is the complaint (or complaints)?
 - What does the complainant want to achieve?
 - Are the complainant's expectations realistic and achievable? If not, explain why not.

It may be that the complainant expects more than can be provided. If so, this must be made clear to the complainant as soon as possible. **It may be still possible to resolve the complaint at this stage.**

- 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 to also appoint an Independent Person (who cannot be an employee) to the investigation. This will be dependent on the complexity and type of

A Safeguarding Complaints Handling Procedure for NCI staff

complaint received. The Independent Person is appointed to shadow the main Investigating Officer (IO) or be the main IO. They will be experienced complaints investigator from the safeguarding sector. Under the arrangement, the Independent Person accompanies the Investigating Officer throughout the investigation;

- Commit to conclude the investigation within **25 working days**.

12.4. Conducting a Complaints Investigation

The Investigating Officer will:

- Conduct an investigation, interviewing the complainant and staff as appropriate;
- Ensure that the complainant and staff know that they can bring a support person to any interview. This is someone 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 desired outcomes;
- Reach findings on each of the complaints being reviewed—are they upheld, partially upheld or not upheld;
- Support local solutions where the opportunity for resolution between the complainant and the Church exists;
- If appropriate, make a judgment if a complaint or complainant is unreasonable persistent and/or vexatious and advise no further action;
- Keep a record of the investigation;
- Identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress;
- Recommend any service improvements for action by the Church;
- 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, together with the response, needs to be sent to the complainant within **25 working days** of 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 **65 working days**;
- Agree the final outcome with the complaints manager.

12.5. 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 **25-day** limit. However, these would be the exception and you must always try to deliver a final response to a complainant within 25 working days

If there are clear and justifiable reasons for extending the timescale, senior management 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. If the complainant does not agree to an extension but it is unavoidable and

A Safeguarding Complaints Handling Procedure for NCI staff

reasonable, then senior management must consider and confirm the extension. The reasons for an extension might include the following:

- Essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, complaint or others but they are not available due sickness or leave.
- The further essential information cannot be obtained within normal timescales.
- Operations are disrupted by unforeseen or unavoidable operational circumstances, for example serious safeguarding case or severe weather conditions.
- The complainant has agreed to mediation as a potential route for resolution.

These are only a few examples, and the matter must be judged in relation to each complaint.

12.6. 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 caused the complaint, 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.

12.7. 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 and desired outcomes are addressed and explains the reasons for the decision/s.
- A full and accurate record of the decision reached and given to the complainant is kept.
- If the complainant has been judged to be a persistent and/or vexatious this may lead to the curtailment of the investigation and closure of the complaint. The complainant will be informed of this and reasons for the decision (see Appendix 1).

13. Monitoring Complaints Annual Report

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

A Safeguarding Complaints Handling Procedure for NCI staff

This Procedure was agreed at the meeting of the National Safeguarding Steering Group on 24th November 2017.

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 NCI but is seeking to cause unnecessary aggravation or annoyance to the NCI.

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 actually 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 NCI 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 NCI 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 NCI 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 to have 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 taken into account 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 NCI through different routes about the same issue;

A Safeguarding Complaints Handling Procedure for NCI staff

- Adopting a 'scattergun' approach; pursuing a complaint(s) with the NCI 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 (please see Appendix 2) 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 NCI 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 NCI will ensure that the complaint is being, or has been, dealt with properly according to the NCI's Complaints Handling procedure.

The responsible manager, will consult with the National Safeguarding Adviser or Deputy, their line manager and Human Resources, if required, to agree that the complainant is

A Safeguarding Complaints Handling Procedure for NCI staff

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 NCI 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 NCI cannot assist further.

In making this decision the Church 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 NCI's 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 NCI will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the NCI may not give the complainant prior warning of that action.

Please see the Persistent and Vexatious Complainants Policy

A Safeguarding Complaints Handling Procedure for NCI staff

Appendix 2: Harassment

Harassment - according to ACAS (bullying and harassment at work, a guide for managers and employers), 'Harassment is something that has happened to them that is unwelcome, unwarranted and causes a detrimental effect'. In the Equality Act 2010 – harassment is defined as: 'Unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Examples of unacceptable behaviour may include:

- Spreading malicious rumours, or insulting someone by word or behaviour;
- Copying emails that are critical about someone to others who do not need to know;
- Victimisation;
- Deliberately undermining a competent worker by overloading and constant criticism.

An employee can make a complaint against their employer where they are harassed by someone who does not work for that employer, such as a compliant. Reasonable and proportionate action should be taken by the employer to address the issue.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of staff and/or
- b) cause ongoing distress to individual member(s) of staff and/or
- c) have a significant adverse effect on the whole/parts of the team and/or
- d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

Harassment is not necessarily face-to-face. It may occur through written communications, visual images, email and phone.